



**AMENDED AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF OCTOBER 2, 2014, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE**

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

1. Minutes from the Meeting held September 18, 2014.

DECISION REQUEST

2. Official Community Plan Amendment (OCP) - Rezoning Application # 00453 and Development Permit Application # 000374 for 1521 and 1531 Elford Street
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Fernwood Recommendation: Forward to Public Hearing

Late Item - Correspondence

[Addenda]
 3. Official Community Plan Amendment (OCP) - Rezoning Application # 00446 and Development Permit Application # 000365 for 2328 Richmond Road
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: North Jubilee Recommendation: Decline
 4. 353 Tyee Road - Request to Maintain Occupancy of a Building During 103 - 111

Development Permit Approval Process

--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Victoria-West Recommendation: Waive the Clean Hands Policy

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| 5. | Harbour Vitality Principles
<i>--D. Day, Director of Sustainable Planning and Community Development</i> | 113 - 225 |
| | | |
| 6. | Delegation of Development Permits and Heritage Alteration Permits
<i>--D. Day, Director of Sustainable Planning and Community Development</i> | 227 - 305 |

ADJOURNMENT



Planning and Land Use Committee Report

For the Meeting of October 2, 2014

Date: September 18, 2014 **From:** Helen Cain, Senior Planner
Subject: *Official Community Plan* Amendment, Rezoning Application #00453 and
 Development Permit Application #000374 for 1521 and 1531 Elford Street

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding a request for an *Official Community Plan 2012* (OCP) amendment, a Rezoning Application and a Development Permit Application for the properties located at 1521-1531 Elford Street. The proposal is for a new four-storey, 32-unit apartment building with a floor space ratio (FSR) of 1.45:1.

The following points were considered in assessing these applications:

- The OCP designates the properties as Traditional Residential. However, the subject site is located along the Pandora Avenue transit corridor and within walking distance (200 m) of Stadacona Village, where the OCP envisions density up to 1.2:1 FSR with potential bonus density up to a total of approximately 2:1 FSR.
- The proposed design is subject to Development Permit Area 16 General Form and Character (DPA 16) and adequately meets the majority of the applicable guidelines. However, staff have outstanding concerns related to providing a transition to the adjacent house and Stadacona Park and the street appearance of the apartment building.
- The proposal would result in the loss of three Garry Oak trees in Stadacona Park; staff recommend that the proponent cover the cost of the tree replacement.

Staff recommend that Council amend the OCP to designate the subject properties as Urban Residential and advance these applications to a Public Hearing, subject to referral to Advisory Design Panel and the completion of a Third-Party Land Lift Analysis for the requested bonus density.

Recommendations

1. That Council direct staff to prepare the *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00453 for 1521-1531 Elford Street, subject to:
 - a. referral to Advisory Design Panel with direction for attention to the transition to the adjacent house and park and overall street appearance;
 - b. completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 FSR for that portion

of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development;

- c. registration of the following:
 - i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development,
 - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
 - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
- 2. That Council direct staff to prepare the necessary *Official Community Plan* Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council gives first reading to the *Official Community Plan* Amendment Bylaw;
 - b. That Council consider the *Official Community Plan* Bylaw, Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan* Amendment Bylaw;
 - c. That Council consider consultation under section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the *Official Community Plan* Amendment Bylaw;
 - e. That Council refer the *Official Community Plan* Amendment Bylaw for consideration at a Public Hearing.
- 3. Following consideration of the *Official Community Plan* Amendment Bylaw and Rezoning Application #00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:
 - a. plans for Rezoning Application #00453 and Development Permit Application #000374, stamped July 30, 2014;

- b. development meeting all Zoning Regulation Bylaw requirements;
- c. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
- d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Respectfully submitted,




Helen Cain
Senior Planner
Development Services Division



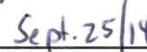


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____


Jason Johnson

Date: _____



HC:lw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an OCP Amendment, a Rezoning Application and a Development Permit Application for the properties located at 1521 and 1531 Elford Street.

2.0 Background

2.1 Description of Proposal

The subject site is two lots located at the corner of Pandora Avenue and Elford Street. The property at 1521 Elford Street is in the R3-2 Zone (Multiple Dwelling District) and the property at 1531 Elford Street is in the R1-B Zone (Single Family Dwelling District). The proposal is to rezone the properties to allow a four-storey, 32-unit apartment building with a density of 1.45:1 floor space ratio (FSR). It should be noted that the portion of the development on the south lot (1531 Elford Street) would be 1.63:1 FSR, and on the north lot (1521 Elford Street) would be 1.3:1 FSR. As the proposed density and apartments are not permitted in Traditional Residential, an OCP amendment is required to change the designation of both parcels to Urban Residential.

The proposed site plan, architecture and landscape design include:

- apartment building form with four storeys on the south portion and three storeys on the north portion and a massing that is stepped back from the street wall on the third, or fourth, storey
- visible entrances on both street frontages, and access to the underground parking from Elford Street
- balconies on all elevations with metal railings and metal or glazed inset panels
- stucco siding (white, grey) mixed with horizontal wood panels for accent details
- individual patios surfaced in non-permeable pavers and concrete driveway along the north side of the building to the parkade
- on the subject site, removal of three Garry Oak trees at the construction phase, balanced with new trees, shrubs and groundcover introduced around the patios
- on public lands, retention of a Garry Oak tree on Elford Street, five new boulevard trees on Pandora Avenue, and the removal of three Garry Oak trees in Stadacona Park that would be lost in the construction of the underground parking.

2.2 Green Building Features

The applicant has submitted a "Sustainability Statement" (attached) that offers to provide two years of transit passes for the strata owners, and to use materials with recycled content and low toxicity. At the Building Permit phase, the applicant indicates that the interior would address water and energy conservation and that construction waste would be diverted from landfill.

2.3 Existing Site Development and Development Potential

There is an existing triplex on the property at 1521 Elford Street and a vacant house in poor condition at 1531 Elford Street. Development potential under current zoning would allow a multiple dwelling, such as an apartment building, of six storeys or more, with densities up to 1.6:1 FSR on the lot at 1521 Elford Street, and a single family dwelling at 1531 Elford Street.

2.4 Data Table

The data table (below) compares the proposal with the existing R3-2 Zone (Multiple Dwelling District) and R1-B Zone (Single Family Dwelling District). The proposal is less stringent than the existing zones in criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	Zone Standard R3-2	Zone Standard R1-B
Site area (m ²) – minimum	1910.00	920.00	460.00
Total floor area (m ²) – maximum	2774.82*	2292.00	300.00
Density (Floor Space Ratio) – maximum	1.45:1	1.6:1	n/a
Height (m) – maximum	16.13	18.50	7.60
Site coverage (%) – maximum	47.30*	40	40.00
Open site space (%) – minimum	47.80*	60	N/A
Storeys – maximum	4	6 or more (depending on consistency with other regulations)	2
Setbacks (m) – minimum			
North (Rear)	5.00* (building) 0.00* (parkade)*	8.07	3.05 (side)
South (Front: Pandora Avenue)	5.43* (building)*	10.50	N/A
East (Side: Stadacona Park)	5.00* (building) 0.00* (parkade)	8.07	8.38 (rear)
West (Side: Elford Street)	4.23* (building) 0.00* (parkade)	0.00	7.50 (front)
Parking stalls – minimum	40*	45	1
Visitor parking stalls – minimum	3*	5	N/A
Bicycle storage – minimum	32	32	N/A
Bicycle rack – minimum	12 (2 racks)	12 (2 racks)	N/A

2.5 Land Use Context

The immediately adjacent land uses include:

- to the north, a house converted to a multiple dwelling in the R1-B Zone (Single Family Dwelling District)
- to the south, a four-storey apartment building in the R3-2 Zone (Multiple Dwelling District)
- to the east, Stadacona Park
- to the west, six-storey apartment building in the R3-2 Zone (Multiple Dwelling District)

2.6 Legal Description

Lots 8 and 9, Section 75, Victoria District, Plan 2307.

2.7 Relevant History

At the meeting on January 23, 2014 (Minutes attached) the Planning and Land Use Committee considered a Development Permit Application for the property located at 1521 Elford Street. As stated in the applicant's letter, the property owner has since purchased the adjacent property, 1531 Elford Street, and is proposing a larger building with a different design than originally proposed. However, the previous application has not been withdrawn, pending a Council decision on the current Rezoning and Development Permit Application.

2.8 Consistency with City Policy

2.8.1 Official Community Plan, 2012

The proposal is aligned with OCP objectives and policies related to land use management. OCP Objective 6(a) targets housing growth in close walking distance (200 m) of Large Urban Villages and supports densities up to 1.2:1 FSR in such locations with eligibility for bonus density up to a total of 2:1 FSR, if a proposal contributes to Citywide goals, e.g. amenities. However, the proposal would require an OCP amendment because the subject properties are designated Traditional Residential. As the subject site is situated within 200 m of Stadacona Village, staff recommend that Council change the designation of the properties located at 1521-1531 Elford Street to Urban Residential.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to change the Urban Place Designation as this matter can be considered under policies in the OCP Bylaw.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

2.8.2 Fernwood Neighbourhood Plan, 1994

Fernwood Neighbourhood Plan, 1994, includes a "summary map" that identifies the policy direction for the subject properties as "retention of Single Family Dwelling and consideration of Small Lot Infill Housing". Although an apartment building is not envisioned in the local area plan, the properties are situated in close proximity to Stadacona Village (approximately 68 m and 105 m for 1521 and 1531 Elford Street, respectively), which the OCP identifies as a strategic location for housing growth. As the immediate land use context is primarily three- to six-storey apartment buildings, staff are recommending support for the proposed use. However, it is also recommended that the proposal be refined to further address the transition to the park setting and low-scale residential area to the north, as discussed in "Section 4 – Issues" of this report.

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Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to change the Urban Place Designation as this matter can be considered under policies in the OCP Bylaw.

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4.2 Logical Assembly of Parcels

OCP Policy 6.8 provides direction for the logical assembly of sites to enable the best realization of permitted development for an area. The proposal is consistent with this planning principle as lot consolidation would contribute to growth near to Stadacona Village rather than creating an “orphan lot” at 1531 Elford Street, which would decrease the development potential of the site.

4.3 Design Review and Analysis

The proposed design has been reviewed in relation to DPA 16 General Form and Character. Staff analysis of the proposal is summarized below, in relation to outstanding design issues.

4.3.1 Context and Transition

In DPA 16, new infill should be sensitive to its context. One relevant guideline (Policy 1.2) is that “where new development is directly abutting lands in a different OCP Urban Place Designation, or it directly abuts a different Development Permit Area, the design should provide a transition between areas in ways that respond to established form and character, and that anticipate any future development”. While the siting of the building would provide adequate setbacks for “breathing room” in relation to the adjacent house to the north and the park to the east, the transition in height and massing could be improved. Specifically, refinements to the north and east elevations should be considered with respect to stepping back the building wall on the third or fourth storeys, and removing or reducing the extent of the balcony projections into the east setback.

4.3.2 Street Appearance

Policy 2.1.3 of the applicable design guidelines states that “new development that is located on a corner site should be designed to contribute to both streetscapes”. The proposed design has features to provide visual interest such as building wall articulation and projecting balconies. However, refinements to the west, south and east elevations are recommended to increase the prominence of the main entrances to the building, and bring cohesion to the overall design.

The visual impact of the large size and scale of the new building, relative to the adjacent house and park, should also be mitigated. While the street walls would be broken into human-scaled proportions, the building lacks a “base”. One way to address this issue would be to reconsider the placement of colour in exterior finishes to mark the lower and upper portions of the building.

4.4 Loss of Garry Oak Trees

With respect to plan details related to the Tree Protection Bylaw, three (3) Garry Oaks on the subject site would be removed. Staff support their removal because one tree, near the west property line, is in poor condition and two additional trees, near the north property line, would be affected during the construction of the underground parking. These trees would be replaced with five proposed street trees on Pandora Avenue.

Additionally, three Garry Oak trees in Stadacona Park would be lost as the result of excavation and construction on the subject properties. Staff are recommending that the applicant commit to covering the cost of removing the existing trees and planting six new trees in the park. This obligation would be secured through a Section 219 Covenant.

4.5 Encroachment into Right-of-Way and Park

If it is determined that excavation for the underground parking in this proposal will result in anchor pins remaining in the public Right-of-Way along Elford Street or in Stadacona Park, Council approval to authorize an encroachment agreement, or agreements, would be required before any excavation and construction can begin. Staff recommend that Council approve any necessary encroachments agreements to be secured prior to the issuance of a Building Permit.

4.6 Multi-Modal Transportation Planning

To enable the future improvement of sidewalks along Pandora Avenue, staff are requesting a Statutory Right-of-Way (SRW) of 2.40 m along that frontage to be registered on property title, prior to a Public Hearing. The applicant has agreed and the plans identify the requested SRW.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

This proposal for a four-storey apartment building within walking distance of Stadacona Village is aligned with OCP policies for strategic growth locations and fits with the general massing and scale of the adjacent three to six-storey apartment buildings. The proposed design adequately complies with most of the DPA 16 guidelines, but there are outstanding concerns with respect to the transition to the adjacent house and park and street appearance. Staff are recommending that these applications be referred to Advisory Design Panel for comment, and that a Third-Party Land Lift Analysis be completed, prior to advancing to a Public Hearing.

7.0 Recommendations

7.1 Staff Recommendations

1. That Council direct staff to prepare the *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00453 for 1521-1531 Elford Street, subject to:
 - a. referral to Advisory Design Panel with direction for attention to the transition to the adjacent house and park and overall street appearance;
 - b. completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 FSR for that portion of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development;
 - c. registration of the following:

- i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development,
 - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
 - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
- 2. That Council direct staff to prepare the necessary *Official Community Plan* Bylaw, Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council gives first reading to the *Official Community Plan* Amendment Bylaw;
 - b. That Council consider the *Official Community Plan* Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan* Amendment Bylaw;
 - c. That Council consider consultation under section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the *Official Community Plan* Amendment Bylaw;
 - e. That Council refer the *Official Community Plan* Amendment Bylaw for consideration at a Public Hearing.
- 3. Following consideration of the *Official Community Plan* Amendment Bylaw and Rezoning Application #00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:
 - a. plans for Rezoning Application #00453 and Development Permit Application #000374, stamped July 30, 2014;
 - b. development meeting all Zoning Regulation Bylaw requirements;

- c. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
- d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

7.2 Alternate Recommendation

That Council decline Rezoning Application #00453 and Development Permit Application #000374 for the properties located at 1521-1531 Elford Street.

8.0 List of Attachments

- Aerial map
- Zoning map
- Letters from Alan Lowe, stamped July 30, 2014 and June 5, 2014
- Sustainability Statement, from Alan Lowe, stamped July 30, 2014
- Plans for Rezoning Application #00453 and Development Permit Application #00374, stamped July 30, 2014
- Arborist Report, from Gye + Associates, dated August 10, 2014
- Planning and Land Use Committee Minutes for January 23, 2014 meeting
- Letter from Fernwood Community Association Land Use Committee, stamped June 16, 2014.

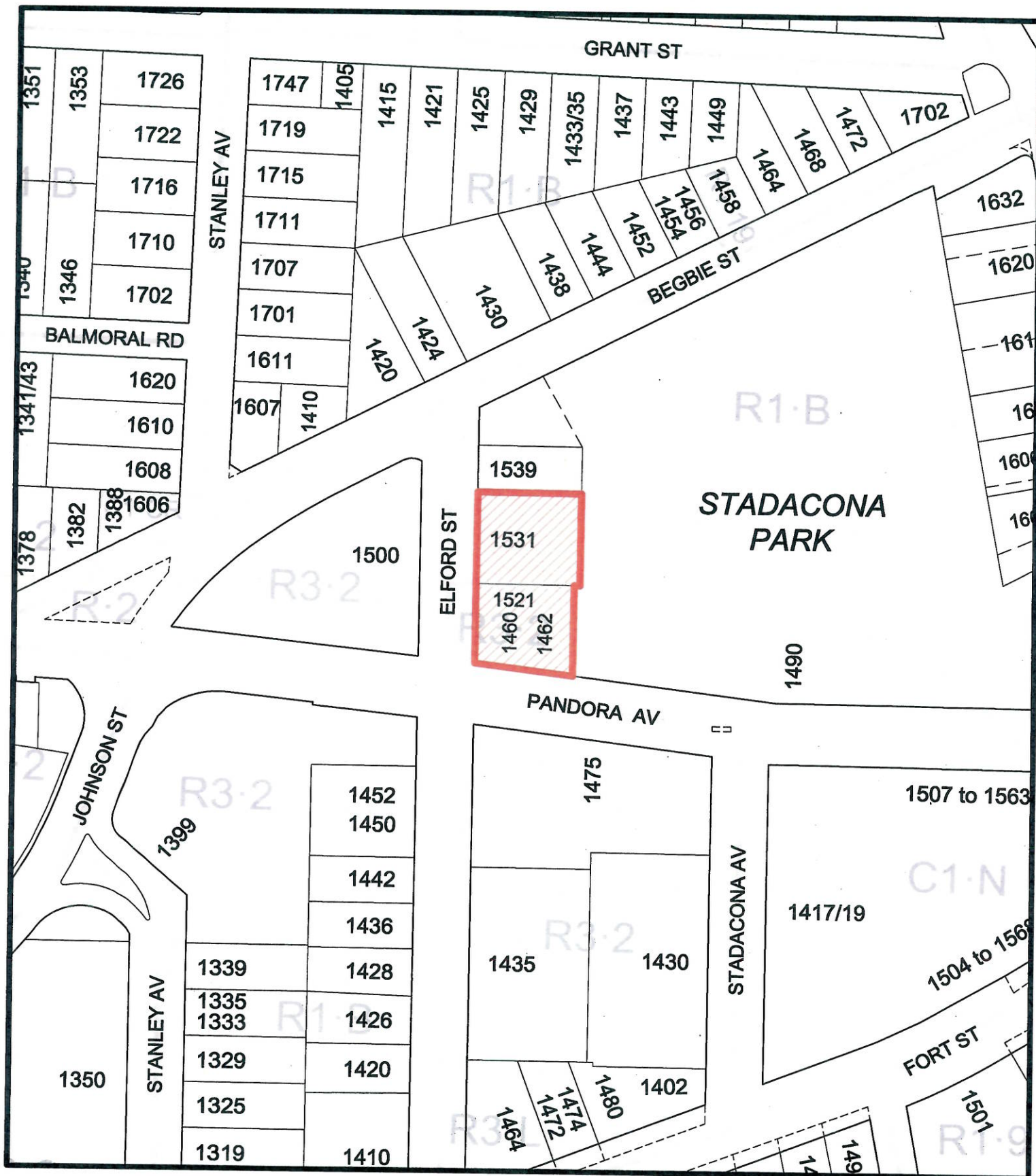


1521 & 1531 Elford Street

Rezoning #00453

Bylaw #





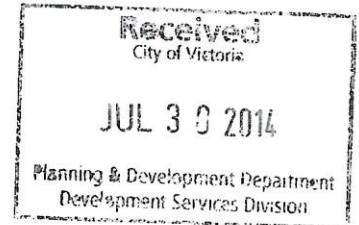
1521 & 1531 Elford Street
Rezoning #00453
Bylaw #





28 July 2014 (revised)

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6



Attention: Mayor and Council

Re: 1521 and 1531 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this rezoning application for a 32 unit residential condominium project in the Fernwood neighbourhood. The property at 1521 Elford Street is presently zoned R3-2 Multiple Dwelling District and the property at 1531 Elford street is presently zoned R1-B Single Family Dwelling District. We are proposing to consolidate the two lots and create a new zone for this proposed development.

We were in the process of applying for a development permit with variances on the property at 1521 Elford when the neighbouring property came on the market. Our development permit was reviewed at a Planning and Land Use Committee meeting in January 2014 but we have since put that application on hold to pursue this rezoning application.

We feel this rezoning application is consistent with the 2012 Official Community Plan and advances the plans objectives. The subject properties however are designated as Traditional Residential in the OCP and we would need to request an Official Community Plan amendment to Urban Residential. The property at 1521 Elford Street already has a R3-2 zone which allows up to 6 storeys and a FSR of 1.6 to 1.0. The R3-2 zone and the characteristics of that zone is better suited with the Urban Residential designation than the Traditional Residential designation. The property at 1531 Elford would be a logical land assembly that will further advance the plan objectives of being located within 400 metres of a large urban village, located along transit routes, and located along secondary arterials.

Except for the heritage conversion to the north, the remainder of the adjacent properties to the south west of Stadacona Park are all within the Urban Residential designation. We intend to use the property at 1531 Elford as a transition down towards the heritage conversion by keeping the density of this portion of the property down to 1.3 to 1.0. The overall combined FSR that we are seeking for the development will be 1.45 to 1.0. The OCP states that increased densities of up to 2.0 to 1.0 may be considered in strategic locations for the advancement of plan objectives.

The plan states that urban residential areas should generally:

- be located within 400 metres of a large urban village (Stadacona Centre)
- be located along frequent transit routes (Begbie Street and Pandora Avenue)
- be located along secondary arterial routes (Begbie Street and Pandora Avenue)

The general development guidelines of the Official Community Plan also states the following:

- Encourage logical land assembly (the two properties are within 150 metres of Stadacona Centre and have mixed zoning)
- Consider site specific amendments of the plan that are consistent with the intent of the plan (intent is to create higher residential densities around urban villages)
- Encourage residential densities within 400 meters of an urban village

Given the new OCP is focusing on our population growth within walking distance (400 metres) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use. This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

The R3-2 zone allows buildings up to 6 storeys in height. Our initial proposal to develop 1521 Elford Street was for a 6 storey building but planning staff encouraged our client to redesign the project for a 4 storey building. The R1-B zone allows for building that have a minimum side yard setback of 1.5 metres and a height of 7.6 metres (2.5 to 3 storeys). Our proposal is to blend the zones together so that building is set back at least 5.0 metres from all property lines except for a small section at the corner where the setback is 4.23 metres. We have pulled the buildings away from Stadacona Park so the setback is at least 6.08 metres with the majority of the setback at 7.0 metres. The section of the building closest to the heritage house on Elford Street will have the second floor set back an additional 1.8 metres from the property line. The site slopes down considerably from Pandora Avenue to Begbie Street so our building form will also step down towards Begbie Street and the heritage house.

Through our community meetings, we heard that doors on the street were important so we have also created doors to the two ground floor units off Elford Street. We feel that the stepping down of the building towards the heritage building, the doors along Elford Street, the stepping back of the building on the upper floors, the variety of materials proposed for the building, and the larger setbacks create a more human scale to this building, creates a good streetscape and relation to the street, as well as fits the context of the area and creates a transition to the heritage house to the north. This building also creates a transition to the enclave of more traditional homes along Begbie Street starting with the heritage house to the north.

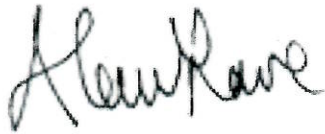
We have been through the CALUC process in Fernwood twice and feel that the majority of the comments have been positive. There were some concerns about the design of the building and how a preference for pitched roofs would be a better fit. We feel however, the contrast in design from the traditional pitched roofs on the houses to the north and along Begbie Street, accentuates the heritage nature of the homes and allows for the rich variety of building forms that makes this city.

Parking was also an issue that the community had some concerns about. We are requesting a minor variance for parking, but we will still have at least one parking stall per unit plus visitors parking on site. One of the members of the community commented that this new development will not be creating any parking problems as it will be providing at least one parking stall per unit plus visitors parking, but it has been the conversions in the neighbourhood that have created the parking problems. There is the 3 unit house to the north that only has one parking space, and many 4-6 unit conversions along Belmont that only have 1 or 2 parking spaces.

The project provides bicycle parking in the underground parking area as well as visitor parking stalls. As the building is located adjacent to transit routes and bike lanes, we feel the variance requested is reasonable.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is fluid and cursive, with the first name "Alan" and last name "Lowe" clearly distinguishable.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client

alan  architect inc.



05 June 2014

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 1521 and 1531 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this rezoning application for a 33 unit residential condominium project in the Fernwood neighbourhood. The property at 1521 Elford Street is presently zoned R3-2 Multiple Dwelling District and the property at 1531 Elford street is presently zoned R1-B Single Family Dwelling District. We are proposing to consolidate the two lots and create a new zone this proposed development.

We were in the process of applying for a development permit with variances on the property at 1521 Elford when the neighbouring property came on the market. Our development permit was reviewed at a Planning and Land Use Committee meeting in January 2014 but we have since put that application on hold to pursue this rezoning application.

We feel this rezoning application is consistent with the 2012 Official Community Plan and advances the plans objectives. The plan states that urban residential areas should generally:

- be located within 400 metres of a large urban village (Stadacona Centre)
- be located along frequent transit routes (Begbie Street and Pandora Avenue)
- be located along secondary arterial routes (Begbie Street and Pandora Avenue)

The general development guidelines of the Official Community Plan also states the following:

- Encourage logical land assembly (the two properties are within 150 metres of Stadacona Centre and have mixed zoning)
- Consider site specific amendments of the plan that are consistent with the intent of the plan (intent is to create higher residential densities around urban villages)
- Encourage residential densities within 400 meters of an urban village

Given the new OCP is focusing on our population growth within walking distance (400 metres) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use. This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

The R3-2 zone allows buildings up to 6 storeys in height. Our initial proposal to develop 1521 Elford Street was for a 6 storey building but planning staff encouraged our client to redesign the project for a 4 storey building. The R1-B zone allows for building that have a minimum side yard setback of 1.5 metres and a height of 7.6 metres (2.5 to 3 storeys). Our proposal is to blend the zones together so that building is set back at least 5 metres from all property lines, and the front section closest to the heritage house on Elford Street will have the third floor set back an additional 2 metres from the property line. The site slopes down considerably from Pandora Avenue to Begbie Street so our building form will also step down towards Begbie Street and the heritage house. Through our community meetings, we heard that doors on the street were important so we have also created doors to the two ground floor units off Elford Street.

We feel that the stepping down of the building towards the heritage building, the doors along Elford Street, the stepping back of the building on the upper floors, the variety of materials proposed for the building, and the larger setbacks create a more human scale to this building, creates a good streetscape and relation to the street, as well as fits the context of the area and creates a transition to the heritage house to the north. This building also creates a transition to the enclave of more traditional homes along Begbie Street starting with the heritage house to the north.

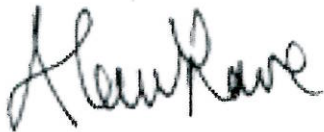
We have been through the CALUC process in Fernwood twice and feel that the majority of the comments have been positive. There were some concerns about the design of the building and how a preference for pitched roofs would be a better fit. We feel however, the contrast in design from the traditional pitched roofs on the houses to the north and along Begbie Street, accentuates the heritage nature of the homes and allows for the rich variety of building forms that makes this city.

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Yours truly,

A handwritten signature in dark ink, appearing to read 'Alan Lowe', written in a cursive style.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client


 alan lowe architect inc.


1521 AND 1531 ELFORD STREET - SUSTAINABILITY STATEMENT

Parcel Address: 1521/1531 Elford Street

Environmental Indicators

The project is located at the corner of Elford Street and Pandora Avenue and is within walking distance to Stadacona Centre. This project is a consolidation of two sites, one zoned R3-2 Multiple Dwelling District and the other zoned R1-B Single Family. The R3-2 zoned property is a legal triplex and the R1-B zoned property contains a boarded up house that has been used by squatters for many years. The site is located adjacent to a triplex conversion to the north, a six storey condominium across the Elford Street to the west and a four storey apartment building across Pandora Avenue to the south. The site is strategically located along a bike route and convenient to bus routes along Pandora Avenue and Begbie Street. As the site has been developed in the past, the site does not support ecologically sensitive areas.

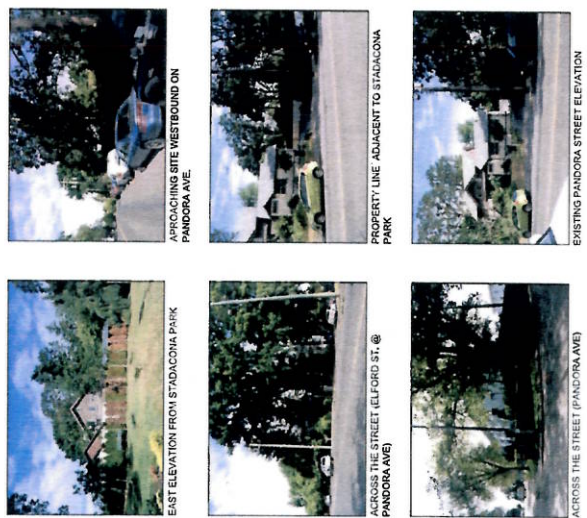
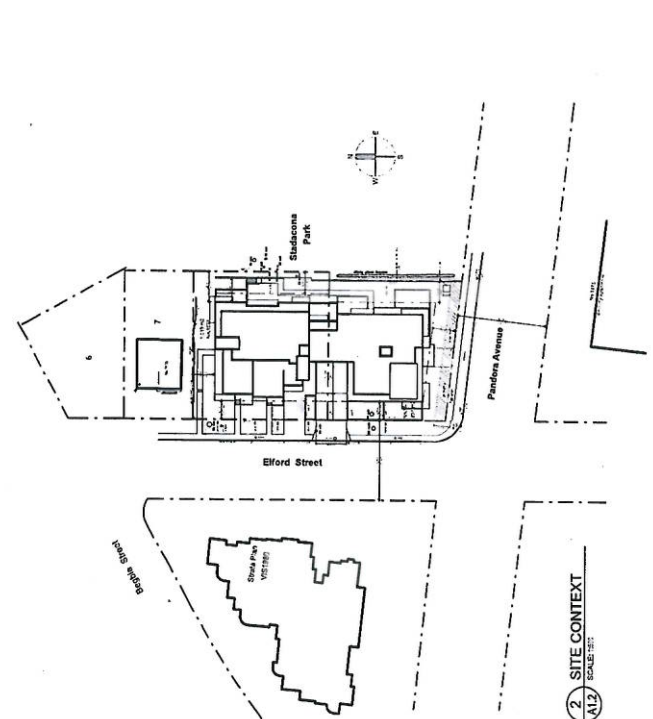
The project will see the construction of a new 32 unit, four storey multi-family residential building with one level of underground parking. The majority of the building mass will be situated on the R3-2 zoned property with the building stepping down towards the north.

General building sustainable initiatives proposed are as follows:

- Redevelop an existing site with higher density to minimize urban sprawl
- Reduction in required parking stalls/ increase in bicycle parking (32 secured / 12 at entrance) to encourage alternate modes of transportation and walking
- BC Transit passes provided to purchasers for first two years
- Deconstruction of existing buildings
- Water conservation – low-flow plumbing fixtures, dual flush toilets
- Energy efficient appliances and light fixtures
- Operable windows for natural ventilation
- Use of recycled content in materials
- Use of non-toxic materials
- Diversion of construction waste from landfill

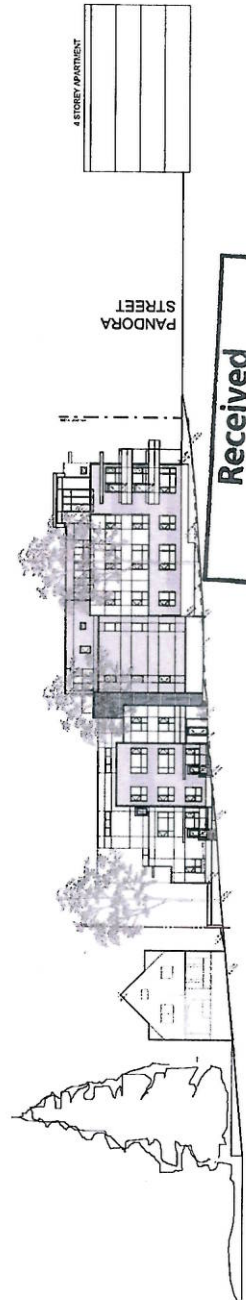
#203-1110 Government Street, Victoria, B.C.
t: 250.360.2888

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2 REZONING APPLICATION 23 JULY 14
1 REZONING APPLICATION 9 AUG 14
No. 10007-14
Date:
alan lowe architect inc.
222-1118 Richmond St.
Vancouver, British Columbia V6C 2R8
Tel: 604.278.2308

RESIDENTIAL DEVELOPMENT
1001 & 1031 ELFORD STREET
SITE CONTEXT
Project No.: 13-378
Date: 9 AUG 2014
Author: JLP
Checked: JLP
Scale: 1:200
A1.2

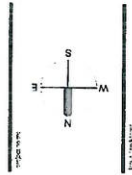


Received
City of Victoria
JUL 30 2014
Planning & Development Department
Development Services Division

3 PHOTOS
A1.2 SCALE: 1:200

1 STREETSCAPE - ELFORD STREET
A1.2 SCALE: 1:200

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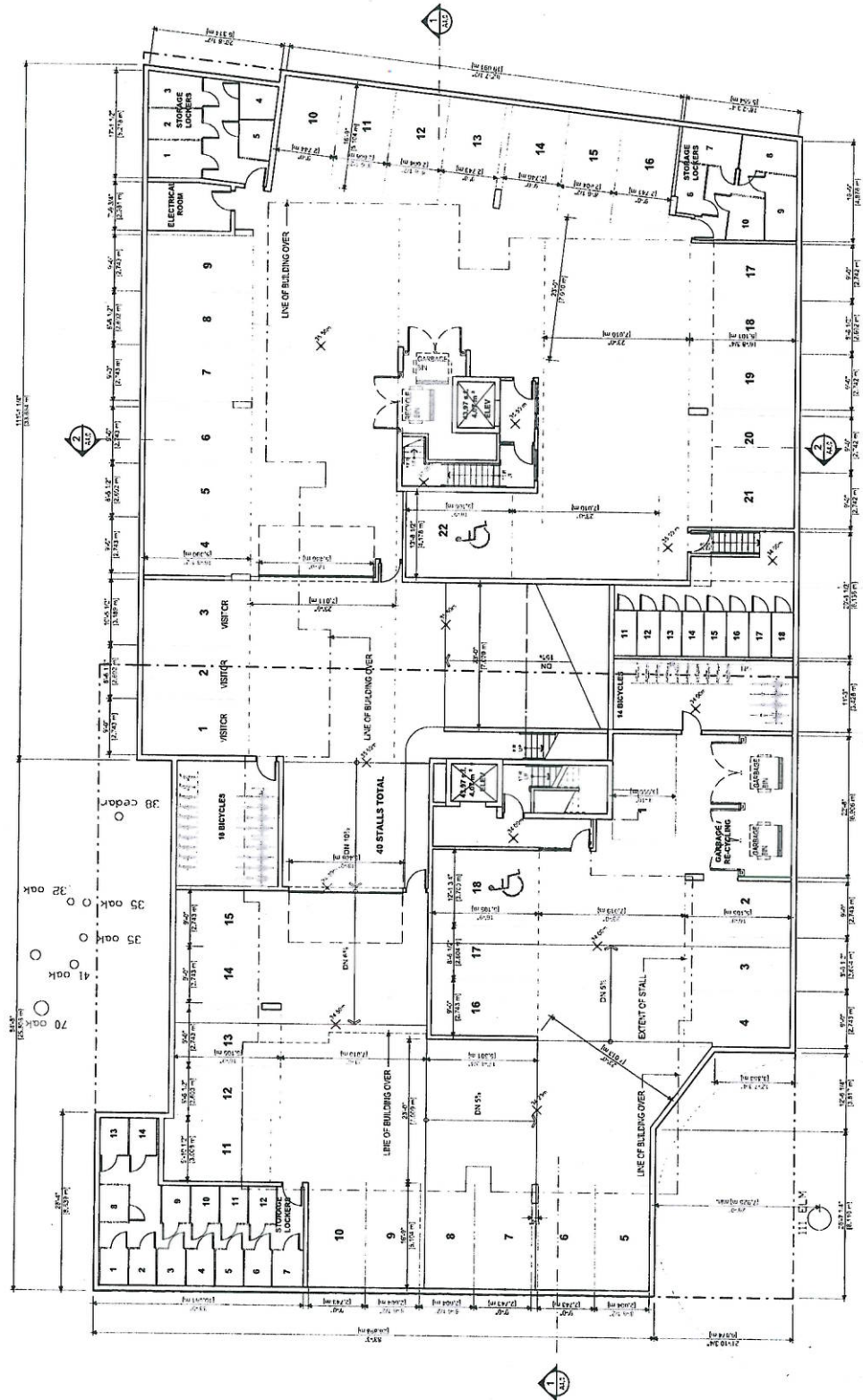


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RESIDENTIAL DEVELOPMENT
 1231 & 1233 ELFORD STREET
 UNDERGROUND PARKING

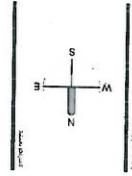
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 Drawing: E001 (P1) (1/1)
 Author: JLS
 Date: 10/01/2014

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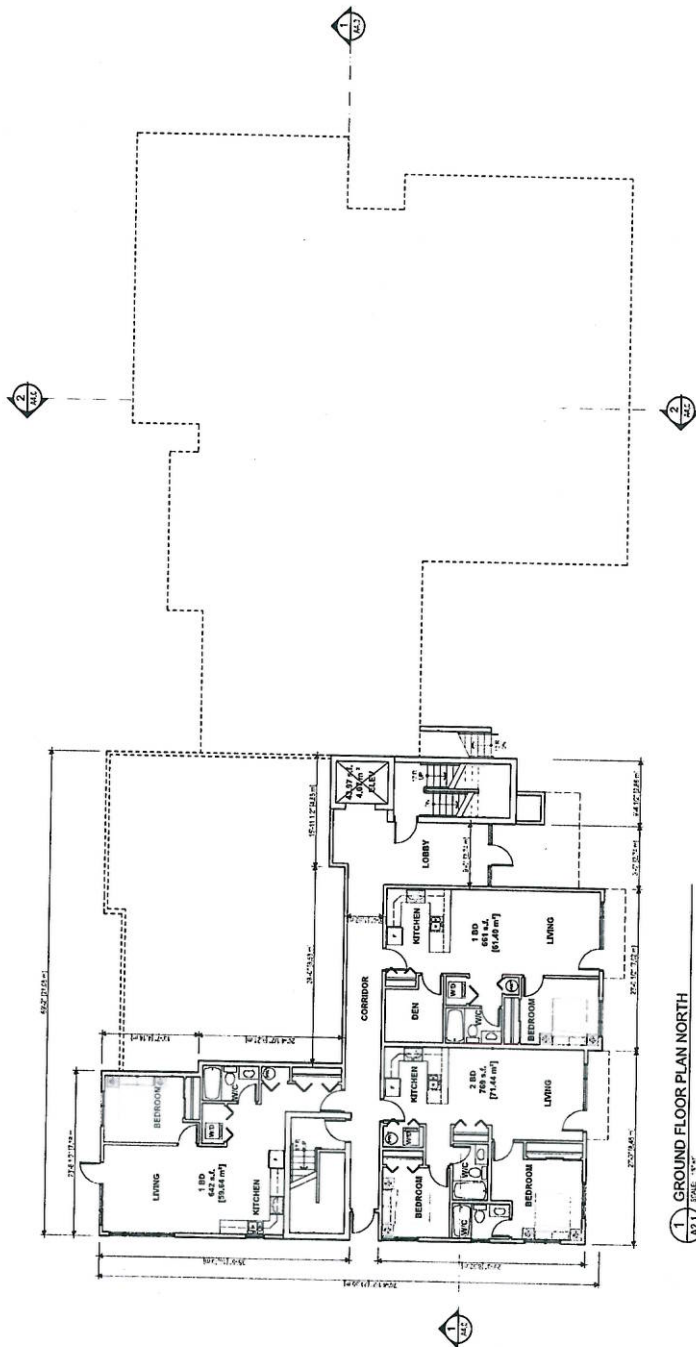
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 3. REFERENCE APPLICATION: 24 JULY 14
 No. Revised: 01
 alan lowe architect inc.
 102-1118 Government St. 1 20-20-20-20
 Victoria, B.C. V8T 1A1

RESIDENTIAL DEVELOPMENT
 1521 & 1531 ELFORD STREET
 FLOOR PLAN
 GROUND FLOOR NORTH

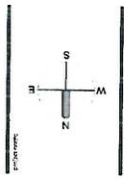
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 Date: 24 JULY 2014
 Drawn by: JLD
 Checked by: JLD
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1 GROUND FLOOR PLAN NORTH
 SCALE: 1/8" = 1'-0"

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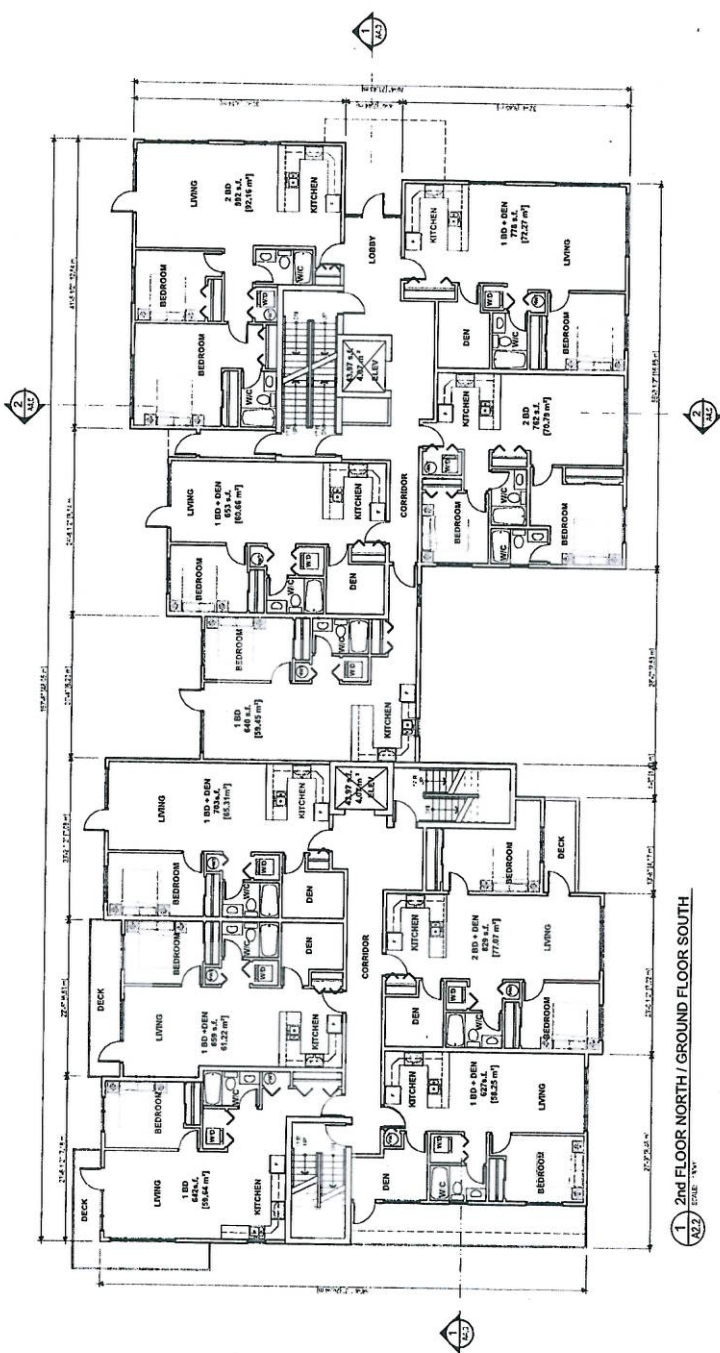
2. REZONING APPLICATION: 20 JULY 14
3. REZONING APPLICATION: 2 JULY 14
No. Revised / Revisions: 0 / 0

alan lowe architect inc.
325 - 11th Street West
Victoria, British Columbia
V8Z 2P8
1 250.262.2558

RESIDENTIAL DEVELOPMENT
1521 & 1531 ELMFORD STREET
VICTORIA, B.C.
FLOOR PLAN
2ND FLOOR NORTH
GROUND FLOOR SOUTH

Project No.:	15-378
Drawn by:	A. NIELSEN
Checked by:	LOUISE P. HARRIS
Scale:	1/8" = 1'-0"

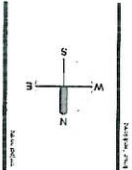
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1 2nd FLOOR NORTH / GROUND FLOOR SOUTH
A2.2 SCALE: 1/8" = 1'-0"

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JUL 30 2014
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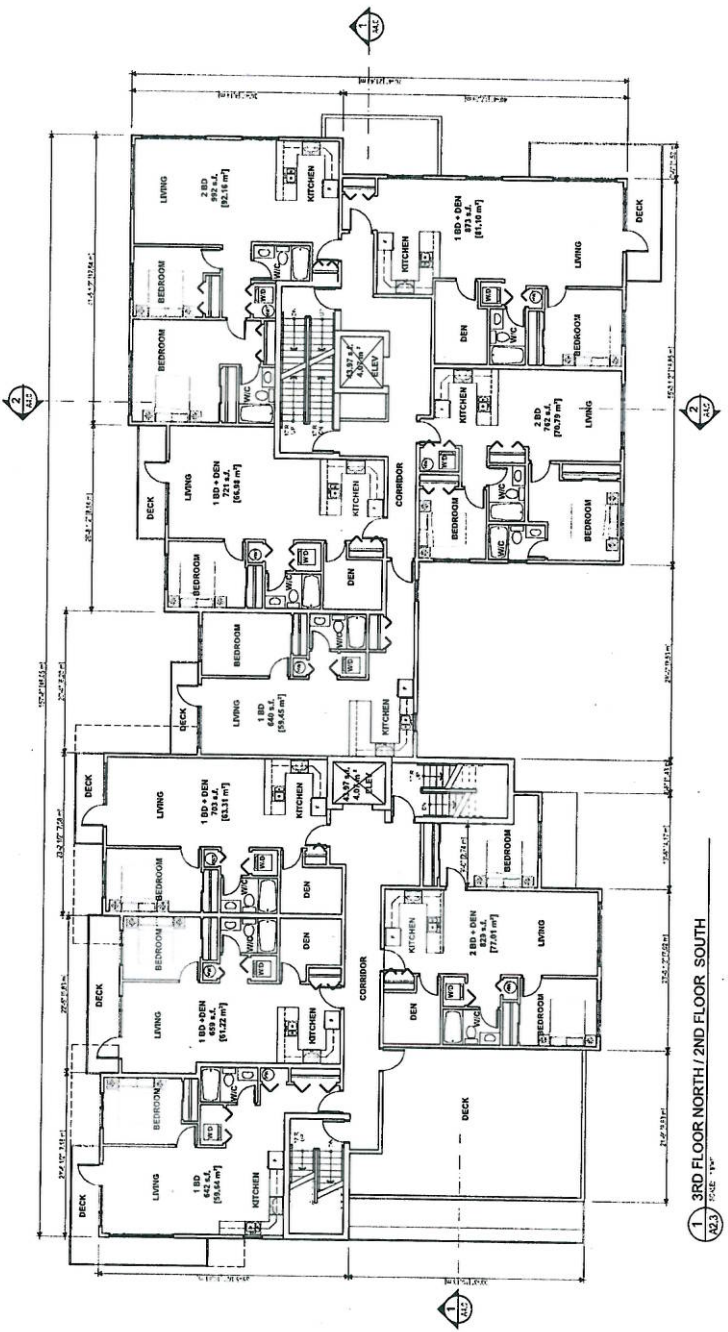
2. REZONING APPLICATION	23.13.14
1. REZONING APPLICATION	23.13.14
Mr. Ronald Macdonald	DATE

alan lowe architect inc.
204-11100 Macdonald Ave.
Vancouver, British Columbia
V6C 2R8
Tel: 604-272-2288
Fax: 604-272-2288

RESIDENTIAL DEVELOPMENT
1551 & 1553 ELFRORD STREET
Vancouver, BC
FLOOR PLAN
3rd FLOOR NORTH
2nd FLOOR SOUTH

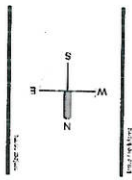
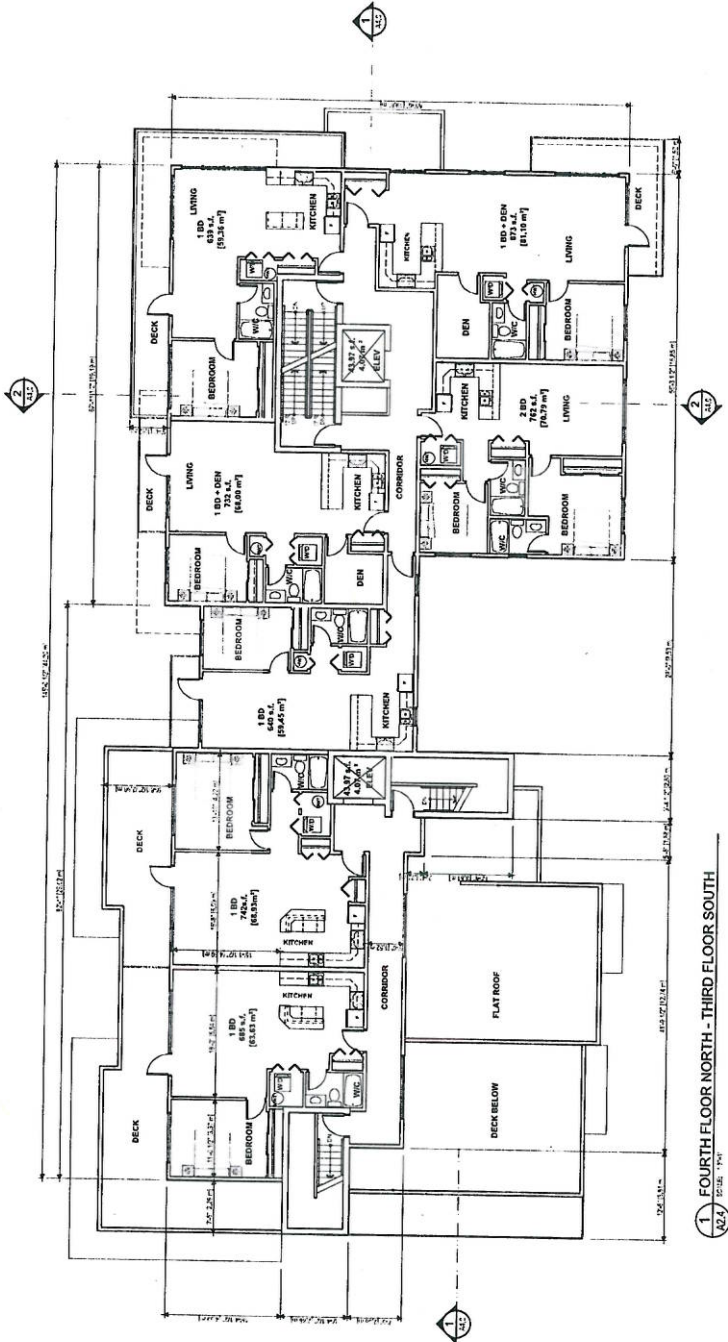
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Project Name	1551 & 1553 ELFRORD STREET

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City of Victoria
JUL 30 2014
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Development Services Division

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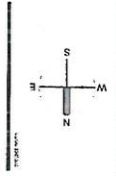
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RESIDENTIAL DEVELOPMENT
1531 & 1531 ELMFORD STREET
FLOOR PLAN
4th FLOOR NORTH
3RD FLOOR SOUTH

Project No.	13-378
Site	1531 & 1531 ELMFORD STREET
Owner	1531 & 1531 ELMFORD STREET
Architect	alan iowe architect inc.
Scale	1:100
Date	24 JULY 14

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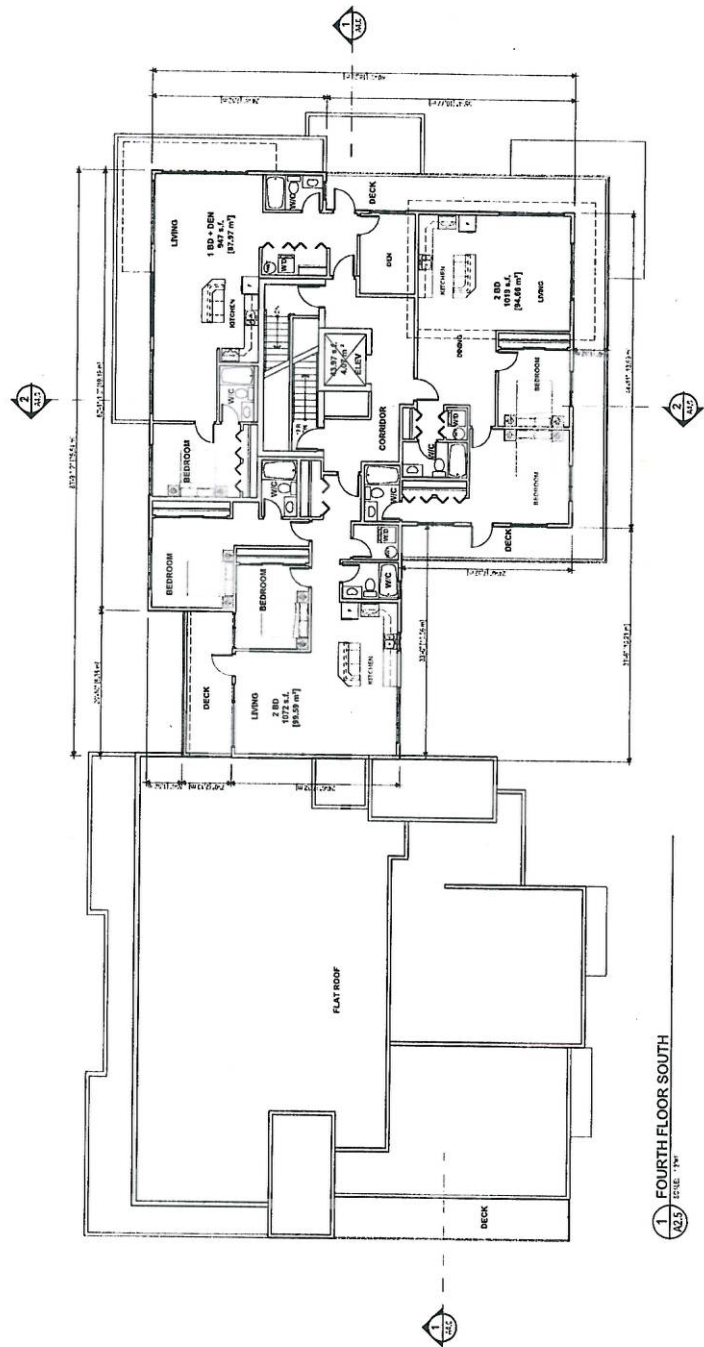
2. RECORDING APPLICATION 22.01.14
1. RECORDING APPLICATION 22.01.14
No. Record No. Date

alan lowe architect inc.
302 - 11110 101 Avenue SW
Suite 1000
Edmonton, Alberta T6E 0A6
Tel: 780.443.8888
Fax: 780.443.8889

RESIDENTIAL DEVELOPMENT
152 & 151 ELMOR STREET
FLOOR PLAN
4th FLOOR SOUTH

Project No.:	13-378
Site:	5.0000000000000000
Project:	EDUCATION
Phase:	EDUCATION

A2.5



1 FOURTH FLOOR SOUTH
A2.5 SCALE: 1/8" = 1'-0"

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JUL 30 2014
Planning & Development Department
Development Services Division



Protect the
**RESIDENTIAL
DEVELOPMENT**
1521 & 1531 ELFORD STREET
VICTORIA, BC
ELEVATIONS

project no.: 13-378	
date: 5 JUL 2014	scale: 1:250000
created by: LOUIS	drawn by: JLS
sheet no.: 1	

A3.0

(1)	CONCRETE ANCHORS
(2)	5" DIA. WHITE
(3)	5" DIA. GREY
(4)	PREPARED METAL PANELS
(5)	NOT USED
(6)	PREPARED METAL PANELS
(7)	PREPARED METAL PANELS
(8)	GLASS DOOR
(9)	GLASS PANEL, GLASS DOOR

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City of Victoria

JUL 30 2014

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Development Services Division



16	REPAIRS TO THE ROOF
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project site
**RESIDENTIAL
DEVELOPMENT**
1521 & 1531 ELFORD STREET
PORTLAND, OR
CREATING LLC
ELEVATIONS

project no.:	13-378
date:	8 JUL 1974
time of day:	1055
station:	332000
operator:	JH

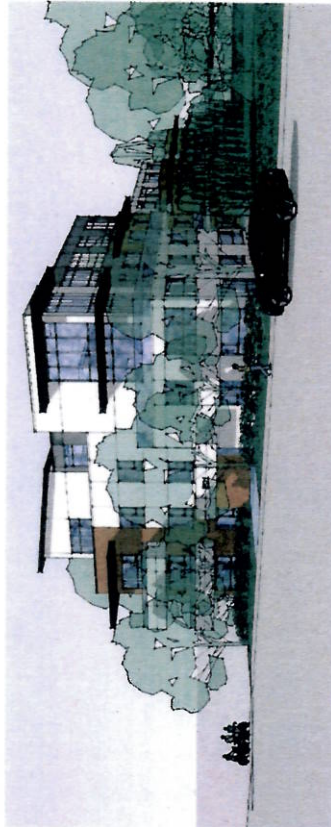
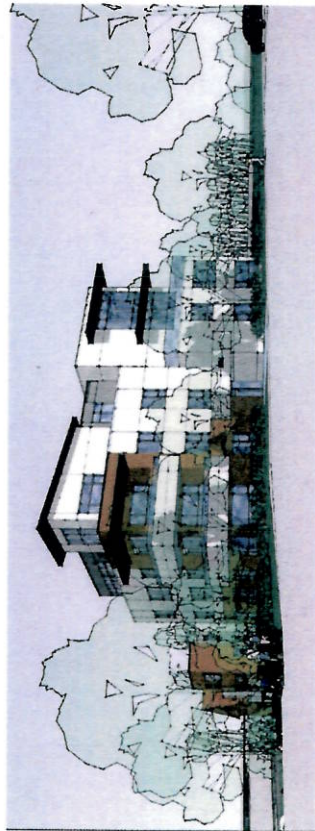
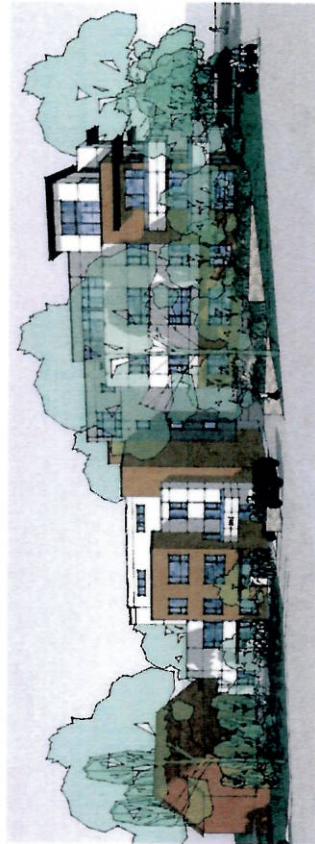
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City of Victoria

JUL 30 2014

Planning & Development Department
Development Services Division

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2. REZONING APPLICATION 23 JULY 14
1. REZONING APPLICATION 23 JULY 14
No. 10000 / 10000 Date

alan lowe architect inc.
202-1110 Richmond St.
Victoria, British Columbia
V8M 1K2

RESIDENTIAL DEVELOPMENT
1027 & 1031 ELFORD STREET
RENDERINGS

project no.: 13-078
date: 23 JULY 14
client: LODE / 10000
drawing: 202

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Received
City of Victoria
JUL 30 2014
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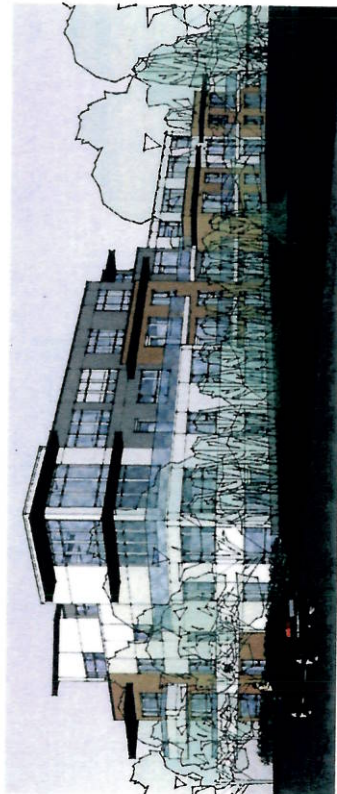
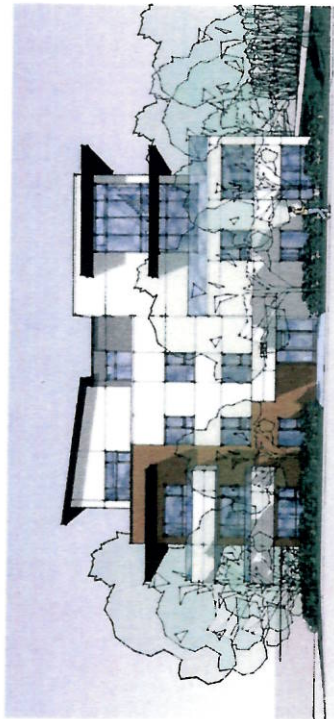
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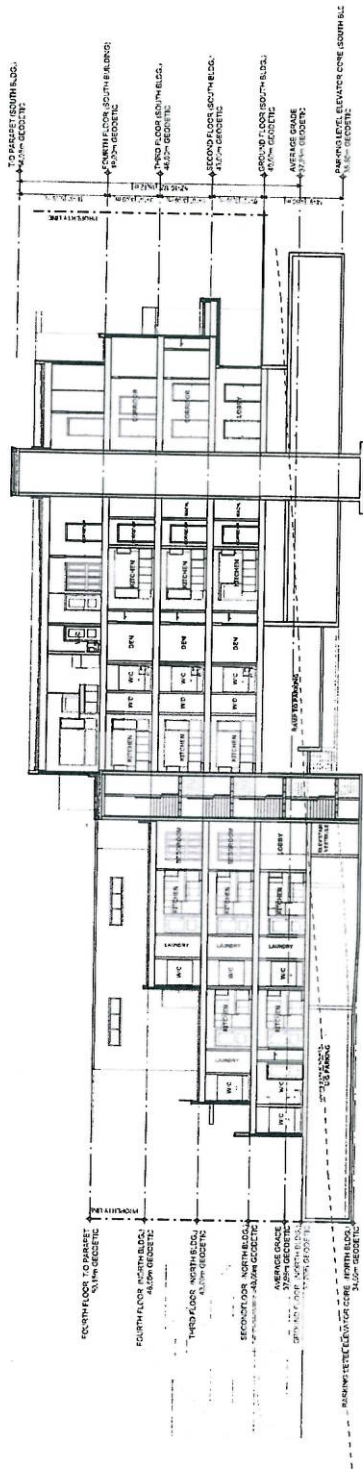
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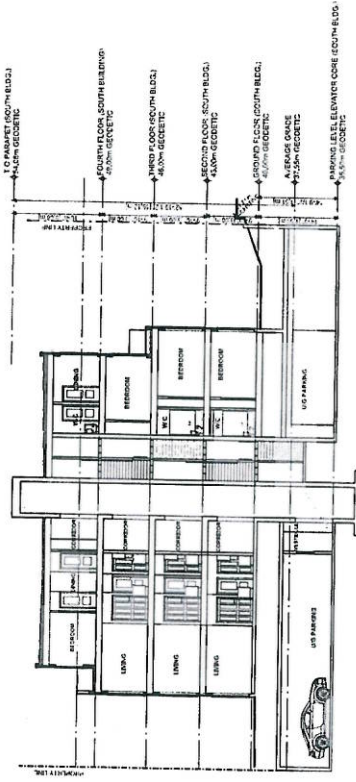


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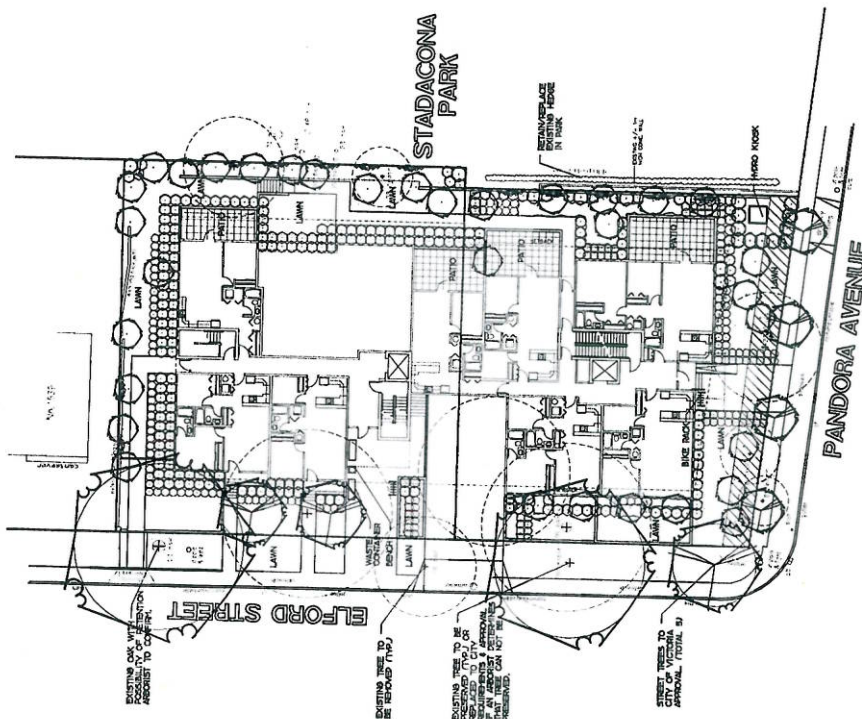
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RESIDENTIAL DEVELOPMENT
1551 & 451 ELDFORD STREET
SECTIONS

Project No.: 15078
Date: 15 JULY 2014
Scale: 1/8" = 1'-0"
Sheet: A4.0
A4.0

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LEGEND



MEDIUM DECIDUOUS TREE TO BE A SELECTION OF:
RED MAPLE, KAUFMANN, HEDGE MAPLE, HONEY
LOUST, LITTLE LEAF LINDEN, TREBILING ASPEN
SIZE 5 CH. CAL., APPROXIMATE NO. 100

WANT TO SEE A SELECTION OF STAR MANOJA (REC),
STATION 5 MAC (REC), HOLLY (REC),
CAMELLIA (REC),
AND MORE?

LARGE SEEDS TO ME A SELECTION OF: NOOTKA
ROSE (DEC), PIRI'S (NL), SHODDERS GROWN (NL),
MEXICAN COYOTE (NL), DECIDUOUS AZALEA (DEC),
COTONEASTER (NL), PORTULACA LATER (NL)

MEDIUM SUGAR TO BE A SELECTION OF: HAWAIIAN (ML),
 IN-COCONUT (ML), JAPANESE AZULEA (ML), PINK
 ESCALONIA (ML), BERRY (ML), BULBS (ML), PENS (ML),
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WANT TO BE A SELECTION OF DWIFF
PRODUCTION (U) EDWARD GOLDER AZELA (NL),
LAVERNE (NL) GOLD LANE SPINER (DEC), DWIFF
JAPANESE AZELA (NL) NEWPORT DWIFF ESCALLONIA (NL),
LONG LEAF MONIA (NL) FERN (NL)

ONES TO BE A SELECTION OF HONEYMOON DEC.
SHELWYN IW DEC, CLHATIS DEC,
SIZE 21 CH POT, APPROXIMATE NO. - 13

ANTHONY J. BURNETT, JR.
1001 10TH ST., PLANT 45 OT O.C.

NOTES

- LANDSCAPE AREAS ARE TO BE IRRIGATED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- THIS DRAWING IS CONCEPTUAL ONLY AND NOT INTENDED FOR CONSTRUCTION PURPOSES.
- THIS DRAWING IS FOR SOFT LANDSCAPE ONLY.

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LANDSCAPE PLAN | P1

ELFORD STREET CONDOMINIUMS
VICTORIA, B.C.



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August 10, 2014

1521 On The Park Properties Ltd.
1933 Keating X Rd, Victoria, BC V8M 2A4

Attention: Dave Vidalin

Dear Mr. Vidalin:

Re: 1521 & 1531 Elford Street, Victoria, BC

Purpose of Report

This report has been prepared in support of your rezoning and development permit application for the above properties. The report, which includes a Tree Plan drawing, has the following objectives:

1. Provide a comprehensive and accurate description of the tree resource, both on the subject properties and adjacent public lands.
2. Provide accurate biometrics of all protected trees and an assessment of their condition;
3. Indicate the critical root zone required to sustain trees recommended for preservation;
4. Provide recommendations for tree removal and retention.
5. In order to preserve selected trees, provide guidelines to assist with modifications to the site plan and design of the proposed building, including underground parking;
6. Provide protection measures for the preservation of selected trees.



Figure-1: Context Photo



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W www.gyeandassociates.ca



Site Description, including adjacent lands

The site is currently comprised of two partially treed traditional residential lots, bounded by Elford Street to the west, Stadacona Park to the east, Pandora Street to the south and another residential lot to the north.

The Trees

The northerly-most lot (1531 Elford) supports one large Deodar Cedar tree (#2) and a moderately-sized Douglas Fir (#15)—both in good condition (see Table-1 below). The south lot supports two large Garry Oak trees. The oak located closest to Elford Street (Tree # 5) exhibits large conks around the base of the trunk from the fungal pathogen *Inonotus dryadeus*. This decay fungus attacks the roots and bole (or root crown) of the tree. Visible conks are an indicator of advanced decay.



Figure-2: Fungal conks at base of Oak # 5

Three large boulevard trees are located on Elford Street, adjacent to the two properties: a very large English Oak, a moderately-sized Garry Oak and a large Sycamore maple. The English Oak appears in good health and exhibits no structural defects. The Garry Oak is in poor health. The Sycamore maple appears in good health, but has a pronounced lean across the street and is likely structurally dependant upon Oak # 5 for its anchorage (see Figure-5 below).

There are no trees of significance located on Pandora Street to the south of 1521 Elford St. A significant copse of nine mature Garry Oaks is located within Stadacona Park immediately adjacent to 1531 Elford Street. These oaks are generally in good health, although three 12" diameter oaks closest to the property boundary have pronounced (phototropic) leans into the site.

The residential lot located to the north of the site has no significant trees located within 5m of the shared property line.



Figure-3: Stadacona Park Oaks



Figure-4: Boulevard English Oak # 1
(adjacent 1531 Elford St.)



Figure-5: Boulevard Garry Oak #3
(adjacent 1531 Elford St.)

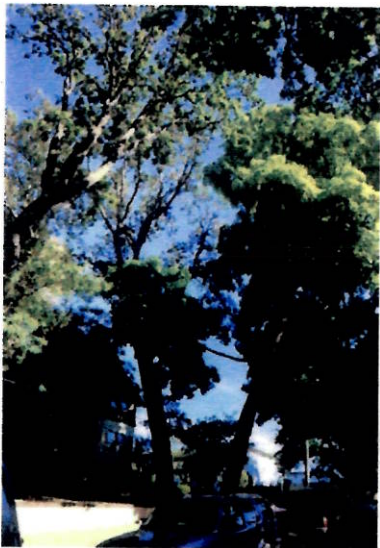


Figure-6: Boulevard Sycamore # 4 & private
Garry Oak #5 (adjacent 1521 Elford St.)

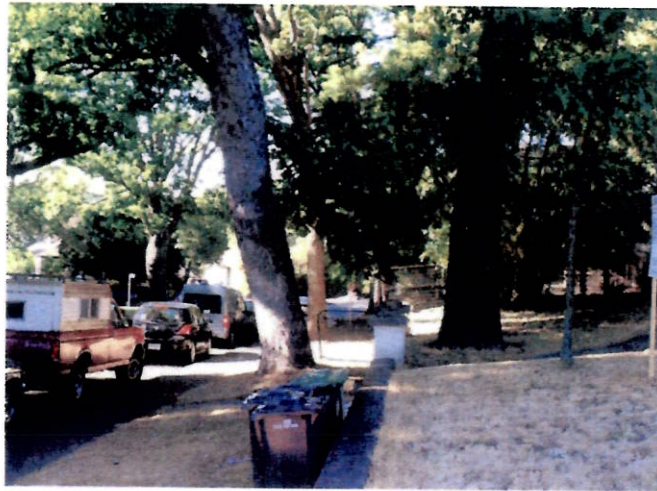


Figure-7: Base of Tree #s 4 and 5, looking north

Proposed Land Use

Rezoning will create one building lot from the two existing residential properties for the purpose of constructing a large multifamily residential building with underground parking.

Anticipated Tree Impacts

The underground parking footprint will take up most of the site and will impact to a greater or lesser extent all of the trees discussed thus far.

- Any trees within the interior of the site will be forfeit. This includes Tree #s 2, 5, 6 and 15.
- The boulevard Oak # 3 will be significantly impacted by the entrance to the underground parkade. Given its poor condition, it is recommended that the tree be removed and replaced.
- The boulevard Sycamore Maple # 4 will be impacted both by the parkade excavation and by the removal of its companion tree, Oak # 5. It is recommended that this boulevard tree be removed and replaced.
- The three park oaks noted above lean well into the building footprint. The critical root zones of these trees, as well as portions of the root zone of the six other oaks, also extend into the parkade footprint.

Summary Tree Removal and Compensation Recommendations:

1. Remove Tree #s 2 – 6, as well as Park Oaks 10, 11 and 12. The rationale for these removals has been reviewed on site with the City Parks Development Officer.
2. Provide replacement tree compensation to the City at a ratio of 1:1 for the removal of the two boulevard trees and a ratio of 2:1 for the removal of the three park oaks.



GYE + ASSOCIATES
Consultants in Urban Forestry and Arboriculture

Tag #	Common Name	DBH (cm)	Protected Root Zone radius (m) (12x)	Health	Structural Condition	Recommendations	Rationale/Comments
1	English Oak	112	13	Good	Good	RETAIN	
2	Deodar Cedar	95	11	Good	Fair	REMOVE	Inside building footprint
3	Garry Oak	50	6	Poor	Fair	REMOVE	Poor condition; impacted by entranceway
4	Sycamore	80	10	Fair	Poor	REMOVE	Poor structural condition; heavy impacts from underground parkade excavation. 20 degree phototropic lean to west. Co-dependant with Tree 5
5	Garry Oak	90	11	Poor	Poor	REMOVE	Inside building footprint. Large Innotus Draedus conks at base of tree (see photos)
6	Garry Oak	80	10	Fair	Fair	REMOVE	Inside building footprint
7	Garry Oak	54	6	Good	Fair	RETAIN	
8	Garry Oak	61	7	Good	Fair	RETAIN	
9	Garry Oak	30	4	Good	Fair	RETAIN	
10	Garry Oak	33	4	Fair	Fair	REMOVE	Poor structural condition; heavy impacts from underground parkade excavation.
11	Garry Oak	33	4	Fair	Fair	REMOVE	Poor structural condition; heavy impacts from underground parkade excavation.
12	Garry Oak	36	4	Fair	Fair	REMOVE	Poor structural condition; heavy impacts from underground parkade excavation.
13	Garry Oak	46	6	Good	Fair	RETAIN	
14	Garry Oak	57	7	Good	Fair	RETAIN	
15	Douglas Fir	51	6	Fair	Fair	REMOVE	Inside building footprint
16	Garry Oak	53	6	Good	Fair	RETAIN	

Table-1: Detailed Tree Inventory



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Tree Preservation

The trees with the highest potential for preservation are the very large boulevard English Oak (located at the north-west corner of the site) and six of the nine park oaks.

Boulevard Tree # 1 (112cm diameter English Oak)

This tree is one of the largest English Oaks in the City and is remarkable for its condition and form. This tree is one of many large shade trees of similar age that extend south along the 1100 and 1200 blocks of Elford street, forming an allée of overarching canopy. The appraised value of this tree is conservatively estimated to be \$35,000.¹

The biggest challenge with preserving this oak is its sheer size. Using the City's default multiplier of 18x the stem diameter for calculating critical root area, this 1.12m diameter oak would require a protected root zone 40 metres across! The City multiplier is applied as a rough guide, independent of soil conditions, species resilience to disturbance or tree condition. The authoritative guide for managing trees and development is Matheny and Clark's Trees and Development – A Technical Guide to the Preservation of Trees during Land Development, which does take these factors into account in recommending an appropriate multiplier.² The multiplier recommended for a mature tree that is moderately resilient to disturbance and in good condition is 12, which gives a protected root zone radius of 13.4m (44'). As can be seen on the attached Tree Plan drawing, even this reduced set-back represents a significant encroachment into the potential parking footprint and so must come at the expense of parking spaces that are all ready below that required by the City (and therefore currently the subject of an application for a variance).

The use of multipliers, even when calculated in a more nuanced manner as recommended by Matheny and Clark, is at best a rough "rule-of-thumb" for gauging the amount of area required to sustain a tree in the long-term. Tree roots grow opportunistically and their actual distribution, extent, density and soil depth can vary widely depending upon site conditions.

In light of this fact and given the conflict between tree habitat and parking requirements, Gye and Associates Ltd (G&A) undertook to try and empirically assess the spatial extent of the tree's root system. A mini-excavator was contracted, under supervision of the arborist, to explore for roots on the east side of the tree. A narrow trench was established 12m from the base of the tree and gently extended toward the base of the tree to a depth of 2m. Few roots were encountered and the results of the root exploration were judged inconclusive.³

¹ Trunk Formula Method, Guide for Plant Appraisal, 9th Edition, Council of Tree and Landscape Appraisers (International Society of Arboriculture, Champlain IL. USA. 2000)

² Copyright © 1998 by International Society of Arboriculture, Exponent Publishers, Hagerstown, IN, USA

³ Few roots were encountered until the trench reached a point approximately 5m distant from the tree. At a depth of 1.1m, a 65mm diameter oak root was encountered. The root was oriented in line with the tree and rose as it extended away from the tree, suggesting larger structural roots further down. At this point, the trench was continued for 2 more metres at a reduced depth of 1m in order not to damage large woody roots. Further roots ranging in size from 30 – 50mm were encountered. On a tree of this size, structural roots 200mm in diameter and greater would be expected at this distance (3m) from the tree. As none were found, it is surmised that these roots are located below the elevation reached by the excavator.



Figure-8. Root exploration trench
(Note root debris along right-hand edge of trench)

It should be noted that the ambient grade of the site inside the property line is approximately 1.2m higher than the street grade where the tree is located and is supported by a retaining wall at the property boundary. The 2m depth of our trench represented the safest practical depth the machine could dig to, given the size of the machine and WorkSafe BC regulations. It is entirely possible that much larger structural roots are located further down than we could dig. In well-drained soils, the roots of vigorous broadleaved species, such as English Oak, are often found hugging the surface of bedrock or other root-limiting strata, such as glacial til. At these vertical boundaries, rainwater that has infiltrated through porous soils above is intercepted and begins to travel along the impervious lens of rock or til. Tree roots, being opportunistic, will gravitate to these strata in order to harvest the more abundant moisture and nutrients to be found there.

Given the uncertainty of the results of our exploration, I have recommended that a minimum 10m radial area be left undisturbed around the tree. This offset is also indicated on the attached Tree Plan. While more aggressive than the offset recommended by Methany and Clark, the 10m offset recommendation takes account of the fact that only one quadrant of the tree's critical root area is affected by the parkade.

The architect has modified the building plan in an effort to provide as much area for the tree as possible. Given current parking constraints, however, the best that can be achieved is 7 – 8m of undisturbed soil. An additional metre of clearance is required between the outside edge of the parkade wall and the face of the excavation in order to construct forms for the wall footing. This gap has been minimized in order to preserve as much area as possible for the tree roots. Such a small gap will require an excavated face that is vertical, rather than sloped back toward the tree. Vertical cuts of this depth must be retained with special procedures and materials such as soil nails and shotcrete.

These relationships between the tree's estimated root system, recommended offsets, key soil elevations and the proposed location of the parkade wall and its associated excavation are illustrated in Figure-8 below.



Figure-9. X-section (west to east) through Tree # 1 (1.12 English Oak)



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It should also be noted that the broader excavation for the parkade will interrupt the seasonal rainwater interflows that the tree has grown to depend upon. Permanent supplemental irrigation during the wetted shoulder seasons when the tree is in leaf, and to a lesser extent, during the summer months, will be a necessary measure to sustain the health of the tree.

While nothing is completely certain, it is my best judgement that this change in hydrology and the reduction in the recommended protection area will not kill the tree in the short-medium term; however it is likely to have a deleterious effect upon its health, vigour and longevity in the longer term, even with the application of supplemental measures (such as mulching and irrigation) to optimize the residual growing environment. This being said, large mature boulevard trees are often unavoidably subjected to worse impacts as part of public works, despite the application of best practices. As a community, while we do what we can to minimize such impacts, we accept this as a necessary consequence of having large trees in the built environment where they must compete for space with other infrastructure and services. The best practical scenario in this particular case would be if the parking requirements could be relaxed in order to afford this significant tree the minimum recommended offset of 10m of undisturbed soil.

Park Oaks

Of the nine oaks within Stadacona Park that are located adjacent to the east boundary of the site, three are problematic and cannot be accommodated in the site plan. Oak #s 10, 11 and 12 are located hard up against the property line and, as indicated above, both their root systems and their entire canopies extend well into the subject property. Portions of the root systems of other oaks within this group also encroach into the site, but not to such a large extent. This is illustrated on the attached tree plan. After reviewing the protected root zone and canopies of the oaks in this copse, the architect has modified the parkade footprint to accommodate all but Oak #s 10, 11 and 12. We request permission from the City to remove these oaks, which will be compensated for to the City calculated at a 2:1 ratio.



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Figure-10. Park Oak #s 10, 11 & 12
(Note aerial encroachment of 7.5m into site)

Summary Recommendations:

1. Negotiate a parking variance that will allow a reduction in the parkade footprint to accommodate the recommended minimum 10m setback of undisturbed soils.
2. Erect tree protection fencing as indicated on the attached Tree Plan drawing and tree fencing detail. Large-format all-weather signs must be affixed on all aspects of the tree fencing identifying the area within as a 'PROTECTED TREE HABITAT—KEEP OUT'.
3. The project arborist must be present during the excavation of soils adjacent to the tree protection area.
4. Excavated cuts along the tree protection boundary must be covered to prevent soil dessication and erosion.
5. 100mm of complete tree chip mulch, free of cedar or disease, will be distributed throughout the fenced tree protection area.
6. Any oak roots greater than 30mm in diameter damaged during excavation will be pruned cleanly back to undamaged tissue.
7. All blasting activity within a 30m radius of protected trees must submit a blasting plan for approval by the project arborist. The project arborist will monitor all blasting within this perimeter.
8. Sensors are required to be positioned at the edge of the tree protection areas to record peak particle velocity, which must not exceed 25mm per second. A record of the measurements will be forwarded to the project arborist on a daily basis.



9. To support the large boulevard English Oak, incorporate supplemental irrigation, maintenance and monitoring procedures into the Landscape Plan and Strata agreement.



Figure-11. Stadacona Park's future oak cohort

Certification:

This report and the opinions expressed within it have been prepared in good faith and to accepted arboricultural standards within the scope afforded by its terms of reference and the resources made available to the consultant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeremy Gye'.

Jeremy Gye - President
Gye and Associates, Urban Forestry Consultants Ltd.

Consulting Arborist (Diploma, American Society of Consulting Arborists, 1997)
ISA Certified Arborist (Certification No. PN-0144A)
ISA Municipal Specialist (Certification No. PN-0144AM)
Certified Tree Risk Assessor (TRACE No. 0016)
Certified Master Woodland Manager (Small Woodlands Program of BC)

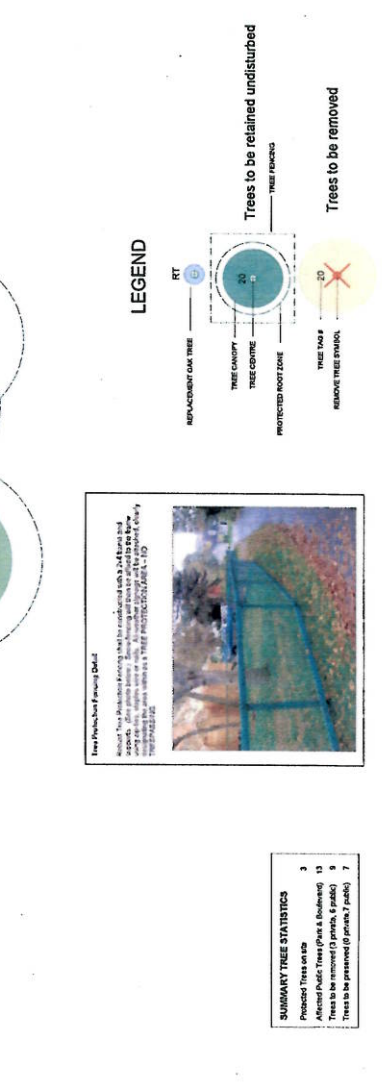
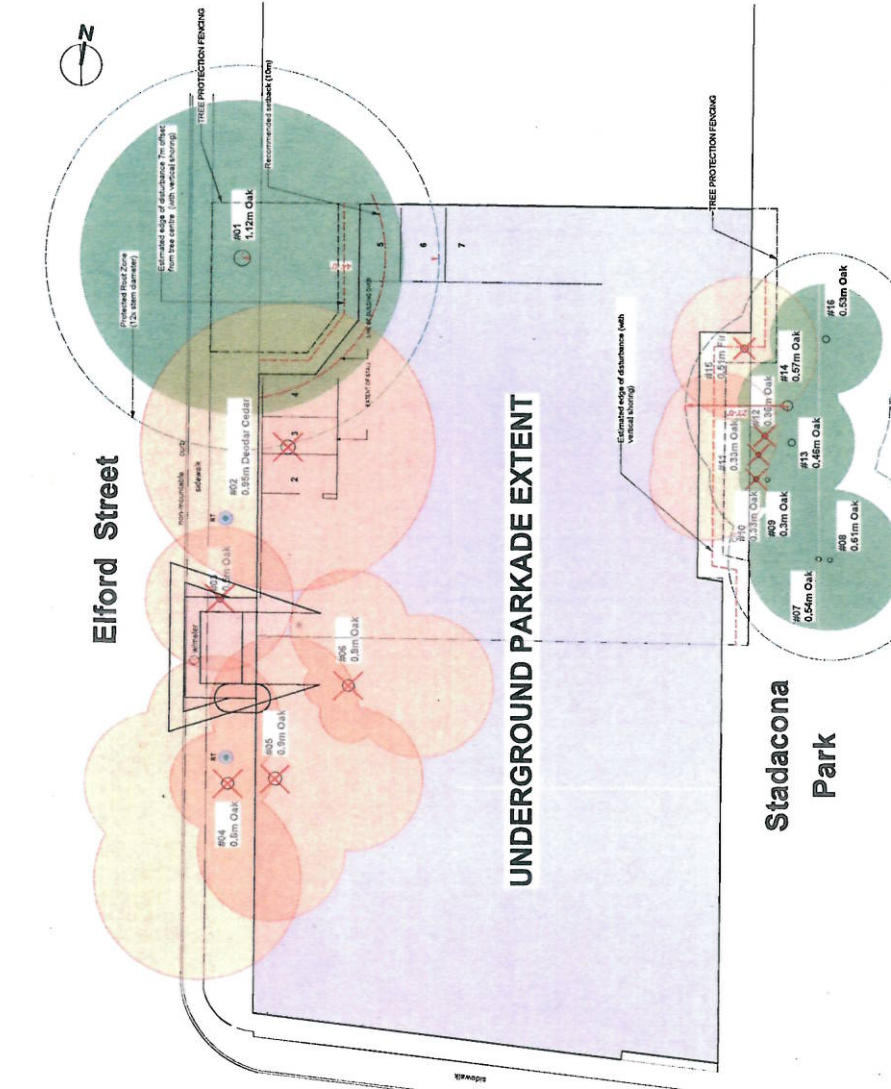
- TREE PRESERVATION MEASURES**
1. Grubbing: Tree Removal and Stump Pulling must be carried out under the supervision of a qualified person. Stump pullers must be approved by the City of Victoria. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
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 4. Any excavation adjacent to the tree must be supervised by the Arborist. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 5. No dumping of materials or debris within the tree protection zone. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 6. Landed cargo of materials must be removed from the tree protection zone. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 7. Exposed excavated soils within the tree protection zone must be covered with permeable fabric to prevent erosion of soils and roots. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 8. Temporary impingement and obstruction of the tree protection zone must be removed as soon as possible. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 9. Compensation will be provided for the removal of the tree. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 10. Compensation will be provided for the removal of the tree. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 11. Compensation will be provided for the removal of the tree. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
 12. Compensation will be provided for the removal of the tree. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.
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 15. Compensation will be provided for the removal of the tree. The removal of the tree must be carried out in a manner that does not damage the surrounding area. The removal of the tree must be carried out in a manner that does not damage the surrounding area.

elab architects inc.

1531 Elford St
Victoria, BC

Project
Tree Plan

REVNO	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	14 OCT 2014
2	ISSUED FOR PERMIT	14 OCT 2014
3	ISSUED FOR PERMIT	14 OCT 2014
4	ISSUED FOR PERMIT	14 OCT 2014
5	ISSUED FOR PERMIT	14 OCT 2014
6	ISSUED FOR PERMIT	14 OCT 2014
7	ISSUED FOR PERMIT	14 OCT 2014
8	ISSUED FOR PERMIT	14 OCT 2014
9	ISSUED FOR PERMIT	14 OCT 2014
10	ISSUED FOR PERMIT	14 OCT 2014
11	ISSUED FOR PERMIT	14 OCT 2014
12	ISSUED FOR PERMIT	14 OCT 2014
13	ISSUED FOR PERMIT	14 OCT 2014
14	ISSUED FOR PERMIT	14 OCT 2014
15	ISSUED FOR PERMIT	14 OCT 2014



Tree #	Common Name	Tree Age (Yrs)	Estimated Root Zone Radius (m)	Health	Recommendation	Reason/Comments
1	English Oak	112	13	Good	RETAIN	Inside building footprint
2	Decid. Cedar	95	11	Good	REMOVE	Inside building footprint
3	Garry Oak	95	6	Poor	REMOVE	Poor condition, impacted by infrastructure
4	Spencer	82	10	Poor	REMOVE	Poor structural condition, heavy impacts from underground parking structure, 20 degree lean, 100% canopy loss, 100% canopy loss
5	Garry Oak	90	11	Poor	REMOVE	Inside building footprint - Large American tree
6	Garry Oak	85	10	Poor	REMOVE	Inside building footprint
7	Garry Oak	84	6	Good	RETAIN	Inside building footprint
8	Garry Oak	81	7	Good	RETAIN	Inside building footprint
9	Garry Oak	30	4	Good	RETAIN	Inside building footprint
10	Garry Oak	33	4	Good	RETAIN	Inside building footprint
11	Garry Oak	31	4	Good	RETAIN	Inside building footprint
12	Garry Oak	35	4	Good	RETAIN	Inside building footprint
13	Garry Oak	45	7	Good	RETAIN	Inside building footprint
14	Garry Oak	51	6	Good	RETAIN	Inside building footprint
15	Garry Oak	53	6	Good	RETAIN	Inside building footprint

3.1 Development Permit # 000321 with Variances for 1521 Elford Street

Committee received a report dated January 9, 2014, regarding Development Permit #000321 with Variances for 1521 Elford Street. The application is to permit the construction of a four-storey, 17-unit apartment building in the R3-2 Zone, Multiple Dwelling District. The proposal has a total of seven variances from the *Zoning Regulation Bylaw* for site area, site coverage, open space, setback and parking.

- Action:** Councillor Madoff moved that Committee recommends that Council authorize:
1. That Development Permit # 000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - a. Referral to staff for further consideration of revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features and the application to return to the Planning and Land Use Committee for further consideration.

Committee discussed the motion:

- Committee should consider referring this proposal back to staff and not the Advisory Design Panel. There is a long list of refinements that are too many. The list of concerns for review is much more than would typically be asked of the Advisory Design Panel. The application would be best served by the Planning and Land Use Committee sending it back to the applicant for further work.
- The application will have a significant impact on Stadacona Park. There is an opportunity on this site but staff concerns are significant. There are currently multi-family buildings in the immediate area are not suitable architectural expressions..
- Elford is considered a pedestrian connector between two very busy streets.
- Committee must ask the applicant to go back and address the items raised; Committee is supportive but there are too many items that need to be reconsidered.

Mayor Fortin proposed the following amendment:

That Council authorize:

1. That Development Permit # 000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - ~~a. Referral to staff for further consideration with revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features and the application to return to the Planning and Land Use Committee for further consideration.~~
 - a. Plan revisions and refinement to the design to address the matters that are identified below in 1(b), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.

- c. **Preparation, execution and registration of a Statutory Right-of-Way of 2.4m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.**

Committee discussed the amendment:

- Committee is looking for the potential of a successful outcome and trying to avoid a reapplication process that will slow it down.
- It is unclear what the plan is for the adjacent property; if we are looking at Phase 1 and if more is forthcoming, this application could be looked at differently. Committee cannot move forward in a blind fashion.
 - Staff advised that if in the course of revisions any variances are changed; it will need to come back to PLUC regardless.
- If it moves forward and concerns have been addressed; Committee would receive a memo. If the revisions do not satisfy to the Director it would come back in a report to this Committee.

Councillor Helps left the meeting at 10:38 a.m. and returned at 10:41 a.m.

Councillor Isitt proposed the following amendment to the amendment:

1. That Development Permit # 000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - a. Plan revisions and refinement to the design to address the matters that are identified below in 1(b), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
 - c. Preparation, execution and registration of a Statutory Right-of-Way of 2.4m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
 - d. **Consideration of Revised plans to come to the Planning and Land Use Committee.**

Committee discussed the amended amendment:

- There is so much unknown in this application. Committee needs to be certain regarding what we are advancing.
- There are a lot of major concerns with the detailed design.
- Do not want to be seen as pulling all applications back to this table.
- There is so much unknown in this application, the issues need to be addressed and determination will be based on that. This is Phase 1 of a 2 Phase project.

On the amendment to the amendment:
FAILED 14/PLUC020

For: Councillor Isitt

Against: Mayor Fortin, Councillors Alto, Coleman, Helps, Gudgeon, Madoff and Thornton-Joe

On the amendment:
CARRIED 14/PLUC021

For: Mayor Fortin, Councillors Alto, Coleman, Helps, Thornton-Joe
Against: Councillors Gudgeon, Madoff and Isitt

On the main motion as amended:
CARRIED 14/PLUC022

For: Mayor Fortin, Councillors Alto, Coleman, Madoff, and Thornton-Joe
Against: Councillors Gudgeon, Helps and Isitt

PLUC meeting
January 23, 2014



Fernwood Community Association

1923 Fernwood Road,
Victoria, B.C., V8T 2Y6
(250) 384-7441
Email: landuse@fernwoodvic.ca
Web: www.fernwoodvic.ca



June 12, 2014

Planning Department
City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

Re: 1521-1531 Elford

The Land Use Committee held two Official Community meetings for this proposal one on the May 7, 2014 and another on June 4, 2014 due to a mail-out radius error. 13 people were in attendance at the May 7 meeting and 15 people in attendance at the June 4 meeting.

At the May 7 meeting the proponents architect articulated the history of the project through City of Victoria planning and the acquisition of the second property and presented the current 4 Storey building. This building incorporated comments from citizens who attended previous unofficial community meetings including 'doors on the street' in a townhouse style for a portion of the building on Elford Street. On the positive side some citizens were pleased with the stepped back and stepped down roof lines so the building would not present any large faces. Some owners in the area appreciated that only a minor parking variance was requested and that there was only one driveway requested for the project so the street parking on Elford would not be reduced. The owner of the heritage house was concerned that the height of the building and modern architecture of the building would take away from the character of his house. It was pointed out that under R1-B a new multi-unit building could be built 1.5 metres from his property line at a height of 7.5 metres and this building would be 5 metres from the property line and 9 metres high at the closest face. A resident commented that maybe the heritage house would stand out more as it would be the only heritage house on the street making it unique. A comment was made that some neighbours would prefer a more heritage pitch style roof. Traffic concerns were raised about the traffic entering Pandora Street from Elford with the City's new bike lanes and traffic backing up to the intersection of Begbie and Pandora. A question was raised about parking for construction in this neighbourhood.

At the June 4 meeting comments were again made with regard to preferring pitch roofs as opposed to flat roofs. The proponent's architect indicated that the flat roof kept the overall building height much lower. Again another resident indicated they liked the doors on the street. Some residents queried the impact of the building on Stadacona Park. The architect indicated they had softened the building's appearance with multiple exterior treatments in organic colours for the portion of the building that is not screened by existing park trees. A question was raised whether the developer could provide any amenities for the park such as planting new trees. The issue of parking generated significant discussion the owner of the heritage house questioned granting any variances for parking. Owners at the Lord Elford were sympathetic that every unit had a parking stall and 6 guest parking spots were being provided. A resident from Belmont was pleased with the development and felt that it was an appropriate location and density for the neighbourhood and also appreciated the parking provided considering that most of the converted heritage homes in the area provided only one parking stall for three to four units each. Another resident from Stanley was also pleased with the consultative effort and final product of the development.

The general tone of the meeting was accepting to the development with the replacement of the dilapidated house and the compliance with the local area plan.

Sincerely,

Stephanie Hill
Acting Chair - Land Use Committee
Fernwood Community Association

July 9, 2014

City of Victoria
Planning Department
#1 Centennial Square
Victoria, BC, V8W 1R6

RE: 1521 and 1531 Elford Street, Victoria, BC

Dear Mayor and Council,

I am the owner of 1539 Elford Street, the heritage house on the corner of Elford and Begbie streets. I am contacting you as I am deeply concerned about the proposed rezoning and development at 1521 and 1531 Elford Street, which is adjacent to my property. Elford Street enjoys significant pedestrian traffic and has a high-profile location next to Stadacona Park.

I believe the proposed four-storey, 32-unit condo building is wholly inappropriate for this location. In the new OCP, the 1500 block of Elford Street is designated Traditional Residential. If the adjacent property is rezoned and the development approved, my house would be the only one left on the block, creating a very disjointed aesthetic. I believe that a large condo building spanning three-quarters of a short block with a heritage house orphaned at the end lacks creativity, foresight and smart urban planning.

Stadacona Park is a special urban oasis surrounded by heritage houses that allows people to enjoy the green space with minimal views of buildings. The proposed development would forever destroy that, putting a large concrete condo building visible from within the park. This would be very unfortunate for the city and the many citizens who use the park.

There is an opportunity here for smart, human-scale development that would both increase density and enhance the street and park vistas. Individual heritage-style strata buildings or townhouses are two examples of better choices that would provide a graceful transition from the large buildings on the south and west sides to the heritage houses and park on the north and east sides. A very attractive, coherent look and feel on the block could be achieved.

These lots fall within DPA 16 guidelines. As stated in the OCP, the objectives that justify this designation include:

- To support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three

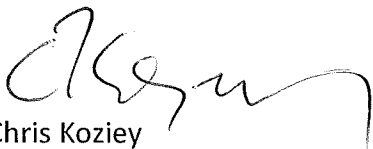
storeys, or lower. – *This proposal is four storeys and is an abrupt transition to both my house and Stadacona Park.*

- To integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including its heritage character. – *This proposal is not at all complementary to the established heritage character of the area.*
- To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions. – *The proposed building does not enhance the place character of the area or streetscape, nor respond to the heritage and park location with sensitivity and innovation.*
- To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility. – *This proposal is not human-scaled, infringes on the privacy and quality of the open space in Stadacona Park, and the privacy of my house.*

Currently Elford, Begbie and Belmont streets surrounding the park represent intact streets of original heritage houses. I believe any development in this area needs to be sensitive to this, as well as to setting a precedent for future development around Stadacona Park – development that is forward thinking while respecting the urban oasis of the park and the heritage character of the neighbourhood.

Please consider my concerns when reviewing this proposal.

Sincerely,



Chris Koziy
250-588-2710
ckoziy@gmail.com

alan lowe architect inc.

30 September 2014

City of Victoria
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 1521 and 1531 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to have our project come before you at the October 2, 2014 PLUSC meeting. We have been working on this project since early 2013, and have made various changes to the project to meet the expectations of planning department.

We have met with the Fernwood Community Association Land Use Committee on 4 occasions, once with their executive in April 2013, a preliminary meeting on March 5, 2014 and two CALUC meetings on May 7, 2014 and June 4, 2014. On each and every occasion, we feel we have made changes to the project to create a better fit within the neighbourhood. The general feedback received at the meetings have been positive as noted in the Fernwood Community Association letter of June 12, 2014.

The major opposition has come from the owner of the heritage house adjacent to our property. His comments and concerns are noted in a letter to Council dated July 9, 2014.

We believe we have made revisions to our project to address some of his concerns but there is still have a huge difference in what he would like to see built on this property and what we are proposing. We have essentially dropped our building down to one storey closest to the front of the heritage house (5 metres from the property line) and we step up to a two storey building 7 metres from the property line. We feel that this respects the heritage house and will not overwhelm it. The typology of the more modern multi-family condominium building with flat rooflines will also allow the heritage home to stand out and be a focal point at the end of the street. Contrasting styles along a street will generally accentuate the characteristics of the different styles.

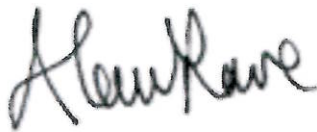
The existing site adjacent to the heritage house is actually the size of two legal single family lots. A single family lot would allow a building to be built 1.5 metres away from the property line and to a height of 7.5 metres to the mid-point of the roof line. With our proposal, we are proposing a building with a one storey section 5.0 metres away from the property line closest to the heritage house.

Our proposal meets the intent of the Official Community Plan where Council wishes to create density around villages and urban centres. Our site meets all the requirements for higher densities such as being located within 400 metres of a large urban centre, located along frequent transit routes, and located along secondary arterial routes.

Another concern that was mentioned was that of the parking variance. It was noted that we are providing one space for every residential unit and we have 8 additional stalls for visitors. As this building is adjacent to bus routes and bike routes, we feel the parking provided is adequate to service our building. There are many residential conversions within the neighbourhood that have 3 to 6 units within their buildings with only one parking space. By consolidating our underground parking access to one entry and exit point, we have also tried to retain as much on street parking as possible.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Alan Lowe', written in a cursive style.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client



Planning and Land Use Committee Report

For the meeting of October 2, 2014

To: Planning and Land Use Committee **Date:** September 18, 2014
From: Lucina Baryluk, Senior Process Planner
Subject: **Official Community Plan Amendment, Rezoning Application #00446 and Development Permit Application #000365 for 2328 Richmond Road** - Application to change the Urban Place Designation within the *Official Community Plan* and to rezone the subject property to permit a 12-unit residential development

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding an *Official Community Plan* Amendment, Rezoning Application and Development Permit Application for the property located at 2328 Richmond Road. The proposal is to allow a 12 unit residential development.

The following factors were considered in reviewing this application:

- The proposal, with a 1.15:1 FSR, exceeds the maximum density (1:1 FSR) anticipated within the *Official Community Plan* (OCP) policies relating to Traditional Residential Urban Place Designation.
- In order to achieve a higher density, a change in the Urban Place Designation from Traditional Residential to another designation (Large Urban Village or Urban Residential) is required. The site is approximately 400 m from Jubilee Village, which is designated as a Large Urban Village in the OCP. To change the Urban Place designation for one isolated property is not consistent with the OCP, which considers land use patterns on a more comprehensive basis for orderly development.
- The relatively large building mass does not fit well with the immediate context of lower density housing.
- Development of this parcel alone isolates the corner parcel to the north so a more comprehensive redevelopment of this strategic corner would be precluded.
- The proposal includes only one short-term parking stall. This lack of on-site parking does not support the functionality of this building for the potential residents and will further contribute to the overspill parking issues within the Jubilee neighbourhood.

Staff recommend that Committee decline this application. Should the Committee wish to advance this application, an alternative recommendation is provided in the final section of this report.

Recommendation

That Council consider declining this *Official Community Plan* Amendment and Rezoning Application #00446 for 2328 Richmond Road.

Respectfully submitted,

Lucina Baryluk
Senior Process Planner
Development Services

Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____

Jason Johnson

Date: _____

LB:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00446\PLUC 2328 RICHMOND.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an *Official Community Plan* Amendment, Rezoning Application and Development Permit Application for the property located at 2328 Richmond Road. The proposal is to allow a 12 unit residential development.

2.0 Background

2.1 Description of Proposal

The proposal is for a three-storey building with 12 one-bedroom units. Each unit would have direct access to the exterior, with six units facing Richmond Road and six units facing the rear property line.

Two parking stalls, in a stacked layout, are proposed for short-term parking. Schedule C requirements do not allow stacked or tandem parking stalls; therefore, only one parking stall meets the requirements of Schedule C. Bicycle parking would be provided in compliance with the Schedule C requirements of the *Zoning Regulation Bylaw*.

2.2 Sustainability Features

With respect to green features, the developer has indicated that no specific rating system will be used; however, best practices with respect to durability of materials, energy efficiency, water conservation, construction waste management and low toxic materials will be applied.

2.3 Existing Site Development and Development Potential

A single family dwelling, constructed in 1955, currently occupies the property. This dwelling would be removed.

The current zoning of the subject property is R1-B, Single Family Dwelling District, and would allow construction of a dwelling unit with a secondary suite, with a combined total floor area of 300 m².

2.4 Improvements to the Transportation Network

The subject property is located near a critical intersection. Both Richmond Road and Bay Street are classified as secondary arterials. Richmond Road is substandard in width which creates a challenge in terms of accommodating future transportation needs for improvements to bus lanes, bike lanes, sidewalks and boulevard placement. To accommodate these needs, the City would secure a 3.41 m Statutory Right-of-Way on Richmond Road as a condition of rezoning.

2.5 Land Use Context

The Royal Jubilee Hospital is directly across Richmond Road from the subject parcel. The west side of Richmond Road, between Bay Street and Denman Street, is generally comprised of single family dwellings. Further south along Richmond Road, there is a transition to multiple dwelling units and office use.

2.6 Data Table

The following data table compares the proposal to a five-unit residential development located at 2116 Richmond Road. This multi-unit residential development has been chosen as comparable since it is a similar size of lot to that on Richmond Road. An asterisk is used to identify where the proposal is less stringent from the comparative zone.

Zoning Criteria	Proposal	Richmond Apartment District (R1-10)
Site area (m ²) - minimum	502.51*	560.00
Total floor area (m ²) - maximum	581.01	n/a
Density (Floor Space Ratio) - maximum	1.15:1*	0.65:1
Storeys - maximum	3	3
Height (m) - maximum	9.80*	9.00
Site coverage (%) - maximum	49*	25
Open site space (%) - minimum	42	40
Setbacks (m) - minimum		
Front - Richmond	3.41*	6.00
Rear	1.73*	13.00
Side - South	3.80	1.5
Side - North	1.20*	3.6
Bicycle storage (Class 1) - minimum	12	12
Bicycle rack (Class 2) - minimum	6 space bike rack	6 space bike rack
Vehicular parking – minimum	None* Schedule C requires 17 spaces	5 provided Schedule C requires 7 spaces
Visitor parking /short term parking stalls – 10 % of total number of parking stalls	1* (tandem stall providing 2 short-term visitor parking stalls; however, stall layout does not meet Schedule C requirements and only qualifies as 1 stall)	1 (in compliance with Schedule C for number of parking stalls provided)

2.7 City Policy

2.7.1 Official Community Plan, 2012

The *Official Community Plan* (OCP) sets out a vision for the Jubilee Neighbourhood in the City-wide context. The OCP identifies the subject lands within the Traditional Residential

designation which envisions a maximum density of up to 1:1 FSR, with the corresponding Built Form consisting of multi-unit buildings up to three storeys, including attached residential and apartments on arterial and secondary arterial roads.

The applicant is indicating that the Development Permit guidelines applicable to a Large Urban Village would be applicable to the project. However, the design guidelines cited within the Large Urban Village do not provide sufficient guidance for a multi-unit residential development, and as such, staff is recommending that the Design Guidelines for Multi-Unit Residential, Commercial and Industrial (2012) would provide more specific guidance. If Council wishes to advance this application, a more comprehensive review of the design would be undertaken and a report on the Development Permit Application would be presented to Council.

2.7.2 Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* (1996) places the subject property in a category of maintaining the current zoning.

2.8 Community Consultation

The North Jubilee Neighbourhood Association (CALUC) hosted a Community Meeting regarding this application on March 26, 2014. The attached record provides details of this discussion. Since that time, the applicant has refined the development, the details of which are captured in the applicant's letter. Consistent with the normal process, updated plans have been sent to the CALUC and the CALUC has provided updated comments on the proposal (attached).

3.0 Issues

The following are the key issues associated with this application:

- *Official Community Plan* Amendment, density and context
- land assembly
- parking variance.

4.0 Analysis

4.1 *Official Community Plan* Amendment, Density and Context

The OCP, which was informed by community input, provides comprehensive long-term guidance on land management and development. The Urban Place Guidelines set out designations as well as descriptions related to built form, place character features, uses and density (Figure 8). As noted, the subject property is within the Traditional Residential designation. The upper limit for density considered within the OCP for properties within a Traditional Residential designation is an FSR of 1:1. The built form outlined in the Traditional Residential is detailed as "multi-unit buildings up to three storeys, including attached residential and apartments on arterial and secondary arterial roads". While the built form of the project is within the scope of the Traditional Residential designation, the proposed density of 1.15:1 FSR exceeds the density provision.

The applicant's letter suggests that the subject property is adjacent to a Large Urban Village. For clarity, for development permit purposes only, the adjacent property (the Royal Jubilee Hospital) has been included in Development Permit Area 5, Large Urban Villages. However, the designation (which sets out use and density) for the Royal Jubilee Hospital is General Employment (Map 2 – Urban Place Designations). The applicant's request is to include the property in the Jubilee Large Urban Village Designation, which is actually 400 m to the south, and would create a parcel that is isolated from the Village area. Should this application proceed, it would be more appropriate to consider a change to an Urban Residential Designation, which allows densities up to 1.2:1 FSR, and the uses are limited to residential uses or mixed-use along arterials; however, this designation would be somewhat more suited to the local context, but still not in consistent with policy for the area. The policies for a Large Urban Village would provide for a higher density of up to 1.5:1 FSR and also a broader range of uses, including commercial. However, the actual zone may include more restrictive provisions.

The OCP does provide direction for the consideration of increasing density within the Traditional Residential designation. The OCP states the following:

For areas designated Traditional Residential, consider new development, infill, and redevelopment consistent with the density and use ranges established in this plan, permitting their increase only as this plan provides or following the completion of a new local area plan for the area and the subsequent amendment of this plan to give it effect. (Policy 6.22)

While changes to the OCP designation to allow for a type of development or density not anticipated by the OCP are possible, to contemplate changes on a parcel-by-parcel basis is contrary to the principles of the OCP that considers land use patterns on a more comprehensive basis for orderly development. Without the benefit of an updated local area plan that would examine options for change along Richmond Road or changes to the boundaries of the Jubilee Village, the change to the Urban Place Designation to capture higher density is not recommended by staff. In this context, the Traditional Residential designation provides adequate latitude for redevelopment of the subject parcel in a manner that is in keeping with the anticipated land use patterns for the neighbourhood.

It is noted that if an *Official Community Plan* amendment is required, there are certain administrative requirements, which are captured in the Alternative Recommendation.

4.2 Land Assembly

In Section 6, *Land Development and Management*, the OCP encourages the logical assembly of development sites that enable the best realization of permitted development potential for the area (Policy 6.8). A significant concern is "orphaning" the property located at 2330 Richmond Road. Due to the issues with access on this property, redevelopment may be challenging. By consolidating 2330 and 2328 Richmond Road, a more logical redevelopment can occur with a comprehensive approach to access and parking.

4.3 Parking Variance

The required parking for a 12-unit multiple residential development would be 17 stalls at 1.4 stalls per unit (Schedule C requirement). Generally, a parking ratio of one stall per unit is acceptable for a one-bedroom unit. It is anticipated that further reductions in the parking ratio would need to be justified with a Transportation Demand Management Study; however, in this case, the applicant did not provide this additional information. In any event, it would be difficult for staff to recommend that Council support a parking variance of this magnitude.

There are two main issues related to the shortfall in parking:

- In order to support the functionality of a residential development, some off-street parking is necessary for residents who own cars, for visitors and for deliveries. By not providing any parking, the alternative is for residents to use on-street parking. On-street parking on this block of Richmond is not available due to transit and bike lanes. The occupiers of this project could not use "resident parking only" located in other areas, as these are restricted to residents of a specified block.
- The Jubilee neighbourhood is sensitive to the parking demands generated by the Royal Jubilee Hospital. Developers are strongly encouraged to meet their parking demands on-site in this neighbourhood. The Jubilee Neighbourhood Plan contains the following Housing Objective: Ensure new residential developments provide sufficient parking to meet their needs.

Given the degree of the parking shortfall proposed, the scarcity of on-street parking in the area and the relevant policy, staff do not recommend Council consider the requested variance. The applicant is indicating that each unit will be provided a share in the Victoria Car Share Co-op. If this application advances, this will be a requirement. While this measure was not seen as resolving the shortfall in parking, staff recommend that Council direct the applicant to enter into a Car Share agreement.

5.0 Resource Impacts

Resource impacts may include an increase to the number of parking infractions within the "Resident Parking Only" areas of the Jubilee Neighbourhood.

6.0 Conclusions

The 12 unit residential building represents a building form and unit type that would add to the diversity of housing within the City of Victoria. While the project has merits, the amount of building for the site and the lack of functionality for the potential residents as well as the impact on the neighbourhood outweigh the positive aspects. The proposed density is above the density anticipated within the Traditional Residential designation. To change the Urban Place designation for one isolated property is not in keeping with the spirit of the *Official Community Plan*, which considers land use patterns on a more comprehensive basis for orderly development.

7.0 Alternative Recommendation

7.1 Alternative Recommendation (advance the application)

1.
 - a. That Council instruct City Staff to prepare the necessary *Official Community Plan* amendment bylaw to remove the property located at 2328 Richmond Road from the Traditional Residential Urban Place Designation and place the subject property within the Urban Residential Urban Place Designation and subject to the requirements of Development Permit Area 16: General Form and Character;
 - b. That Council consider giving first reading to the *Official Community Plan* amendment bylaw.
2. That Council consider the *Official Community Plan* amendment bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
 - a. That Council consider consultation under section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies because of the nature of the proposed amendments.
 - b. That Council consider giving second reading to the *Official Community Plan* amendment bylaw.
3. That Council refer the *Official Community Plan* amendment bylaw for consideration at a Public Hearing.
4. That Council instruct City Staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00446 for 2328 Richmond Road and advance it to a Public Hearing, subject to:
 - a. Registration of a Statutory Right-of-Way of 3.41 m on Richmond Road to the satisfaction of the Director of Engineering and Public Works;
 - b. The applicant providing confirmation of participation in Victoria Car Share to the satisfaction of the City Solicitor;
 - c. If the sewage discharge rates determine that some form of sewage attenuation is required, the registration of a Section 219 covenant will be necessary to secure the commitment to attenuate sewage;
 - d. Review of the development permit application for compliance with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial and a report provided to Council.

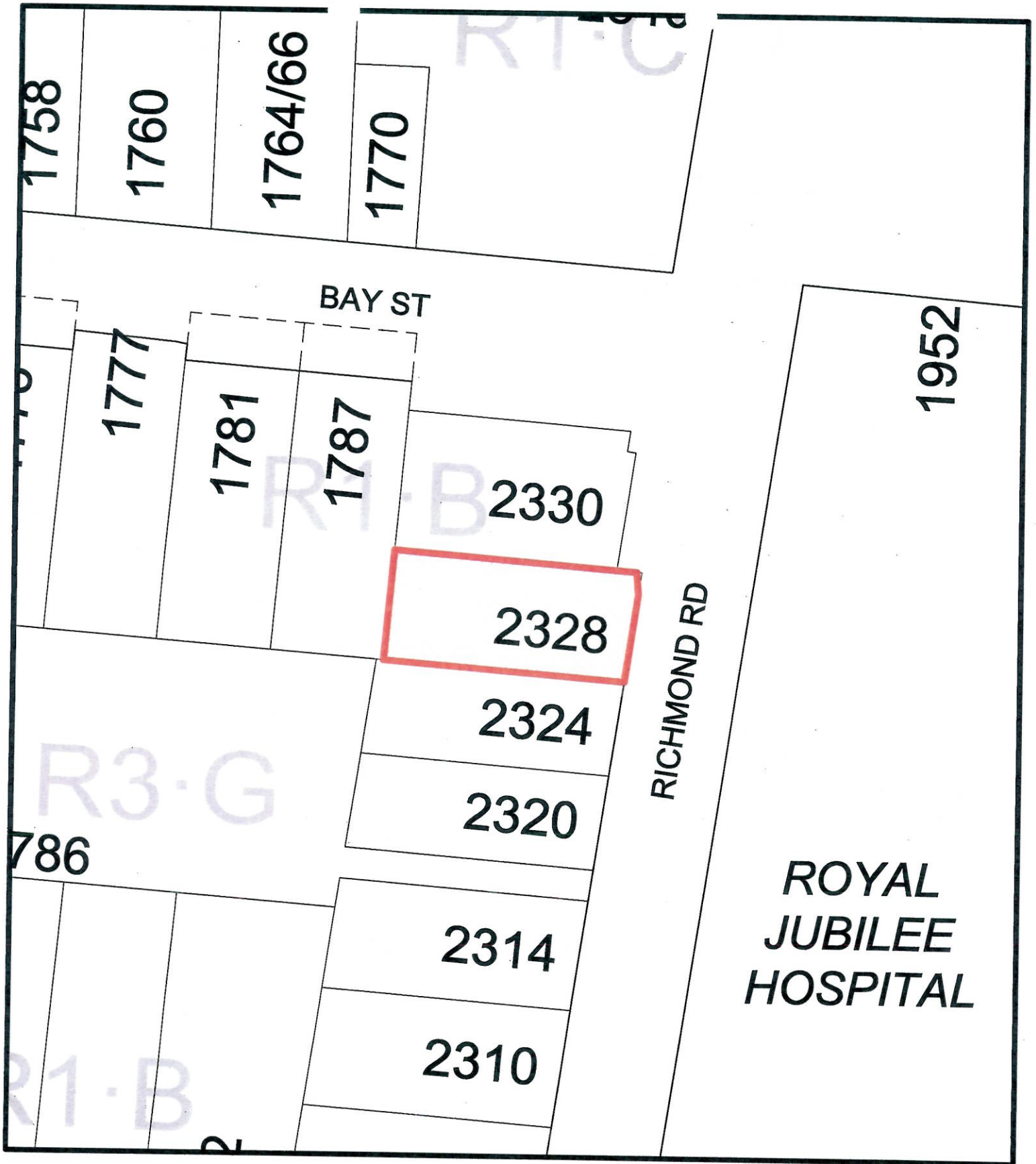
8.0 List of Attachments

- Aerial Map
- Zoning Map
- *Official Community Plan*, Map 27, Jubilee Strategic Directions
- Plans dated August 20, 2014
- Letter from applicant dated April 17, 2014 and August 20, 2014
- North Jubilee Neighbourhood Association, letter dated April 17, 2014 and May 23, 2014 (in response to plan changes).



2328 Richmond Road
Rezoning #00446
Bylaw #





2328 Richmond Road

Rezoning #00446

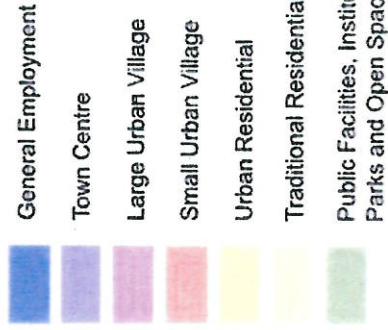
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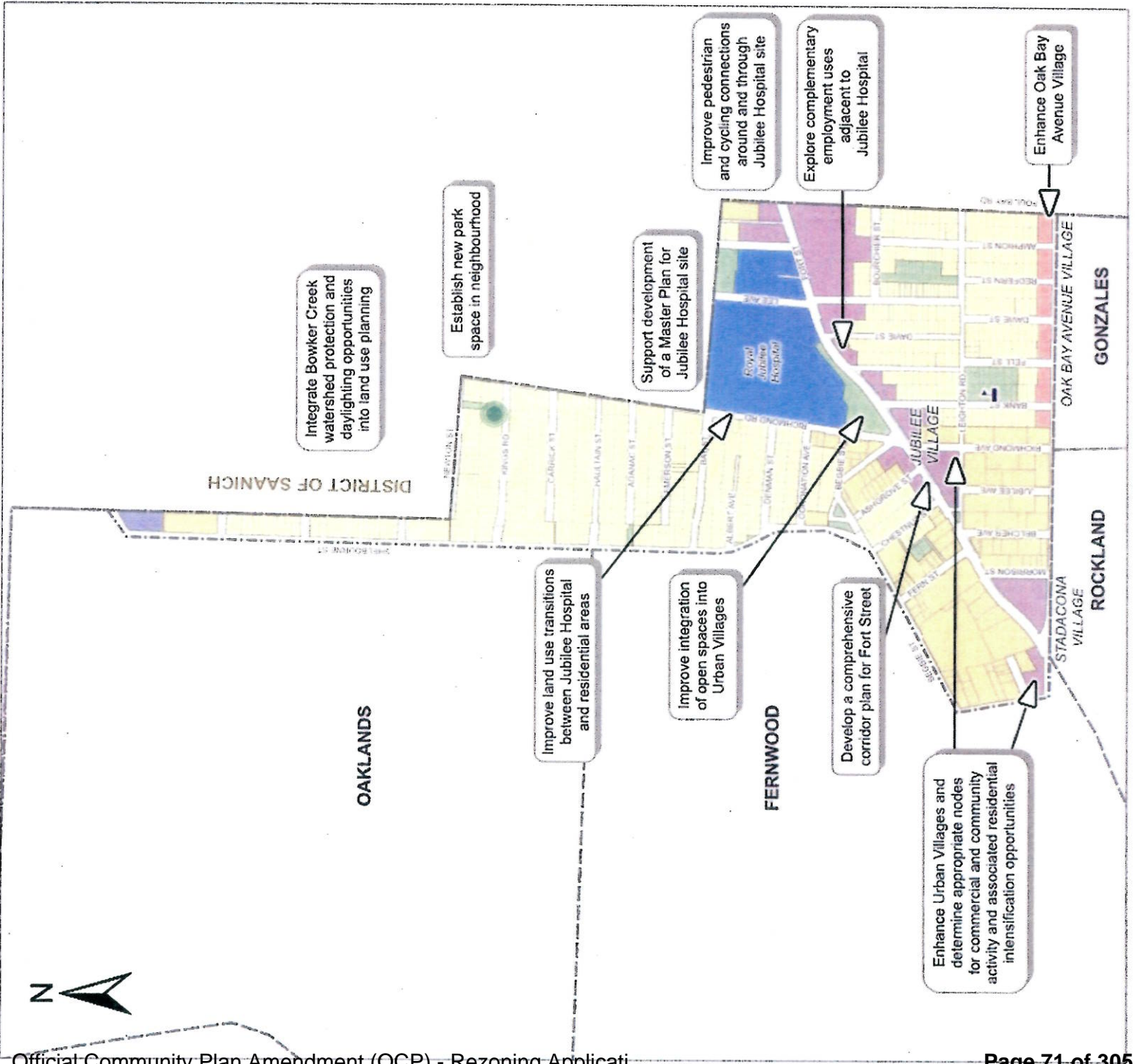
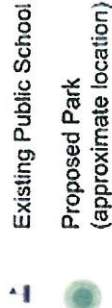
MAP 27

Jubilee Strategic Directions

Urban Place Designations*



Public Facilities



*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

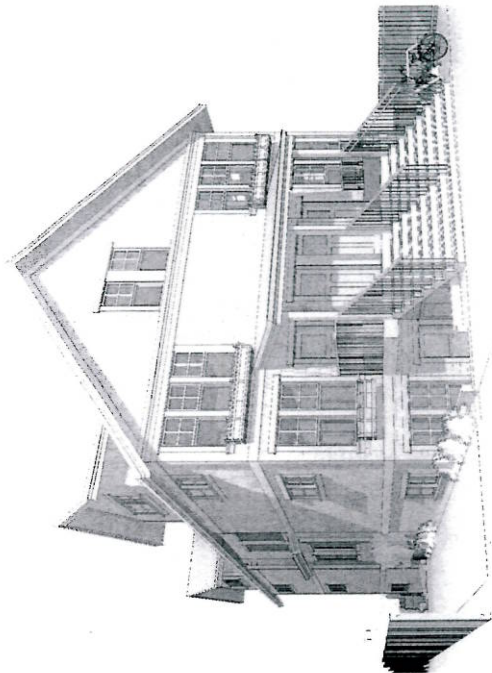
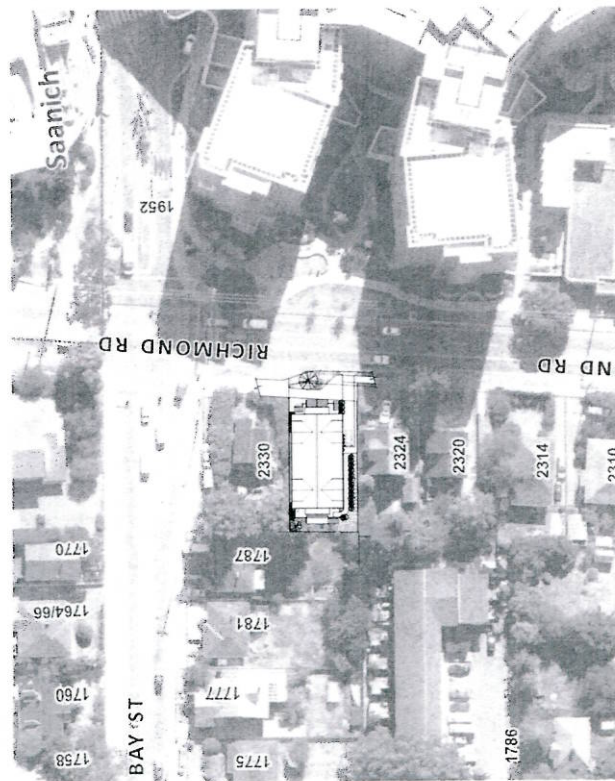
Application for Official Community Plan Amendment, Rezoning & Development Permit

2328 Richmond Road

LEGAL DESCRIPTION: LOT 1, SECTION 7E, PLAN V911133
LAND DISTRICT 57, RD # 407-872-865

CONTACTS

APPLICANT & CONSTRUCTION MANAGER	ARCHITECT	CIVIL ENGINEER
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1 View From South East

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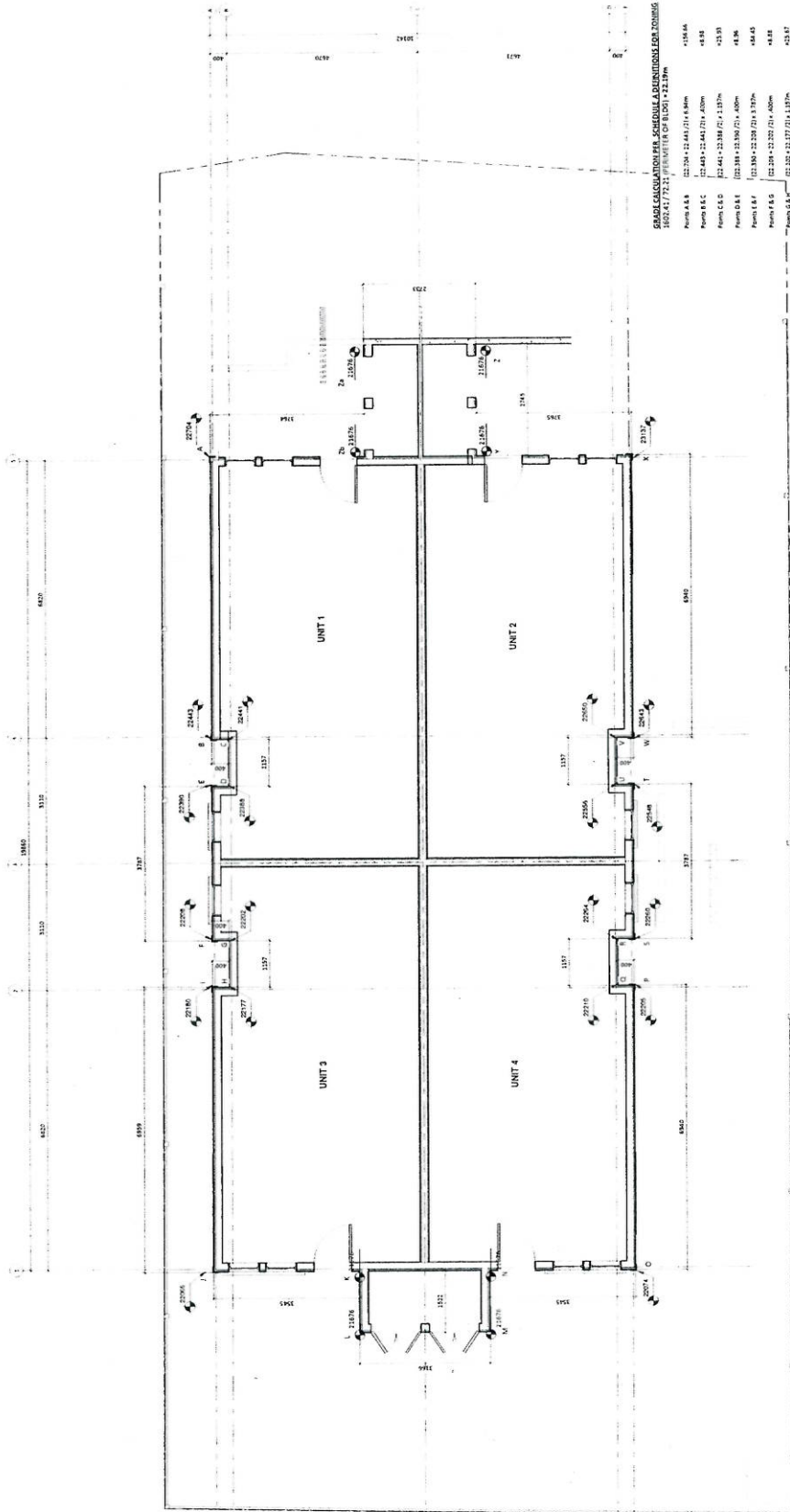
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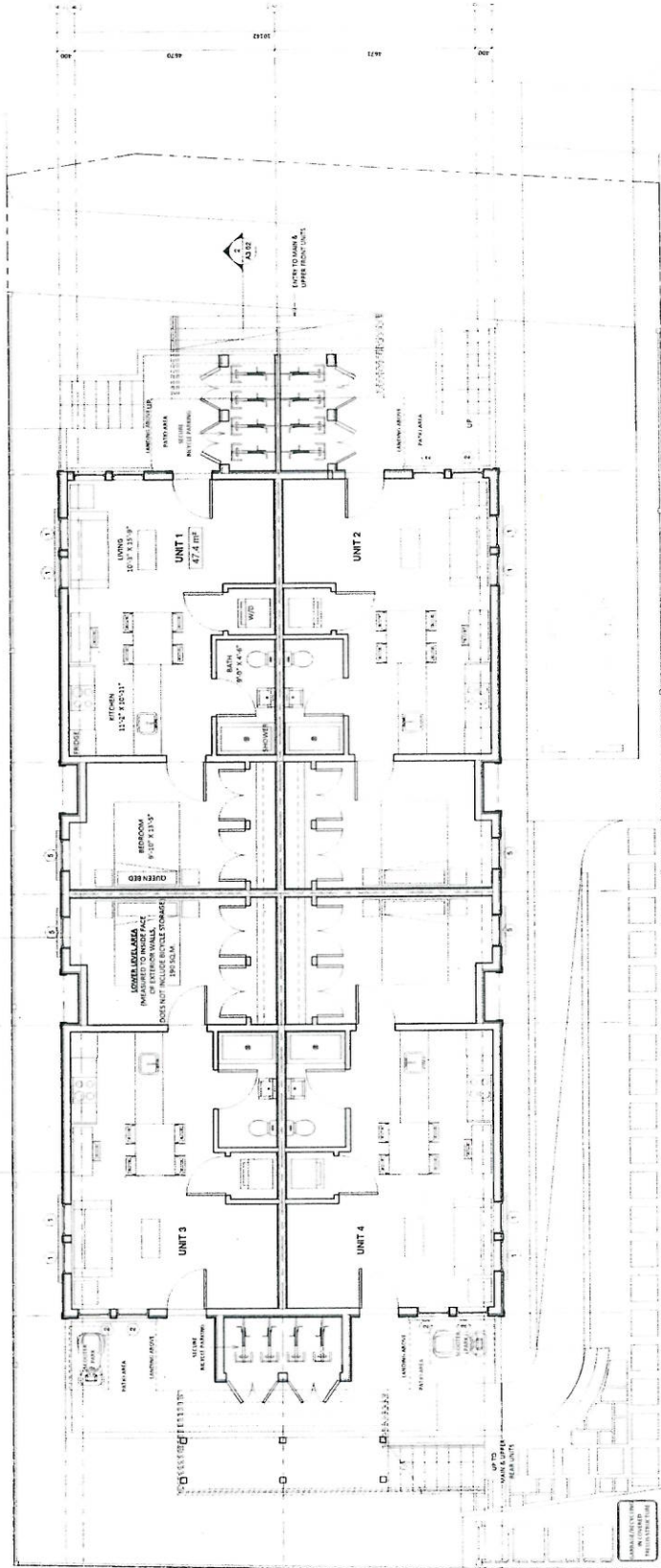
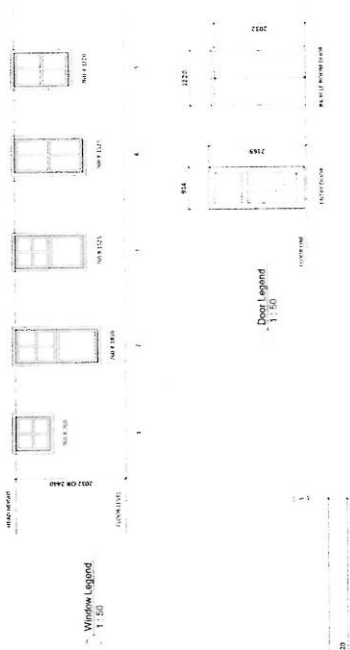
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Lower Level Plan

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1 Lower Level Floor Plan
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Upper Level Plan

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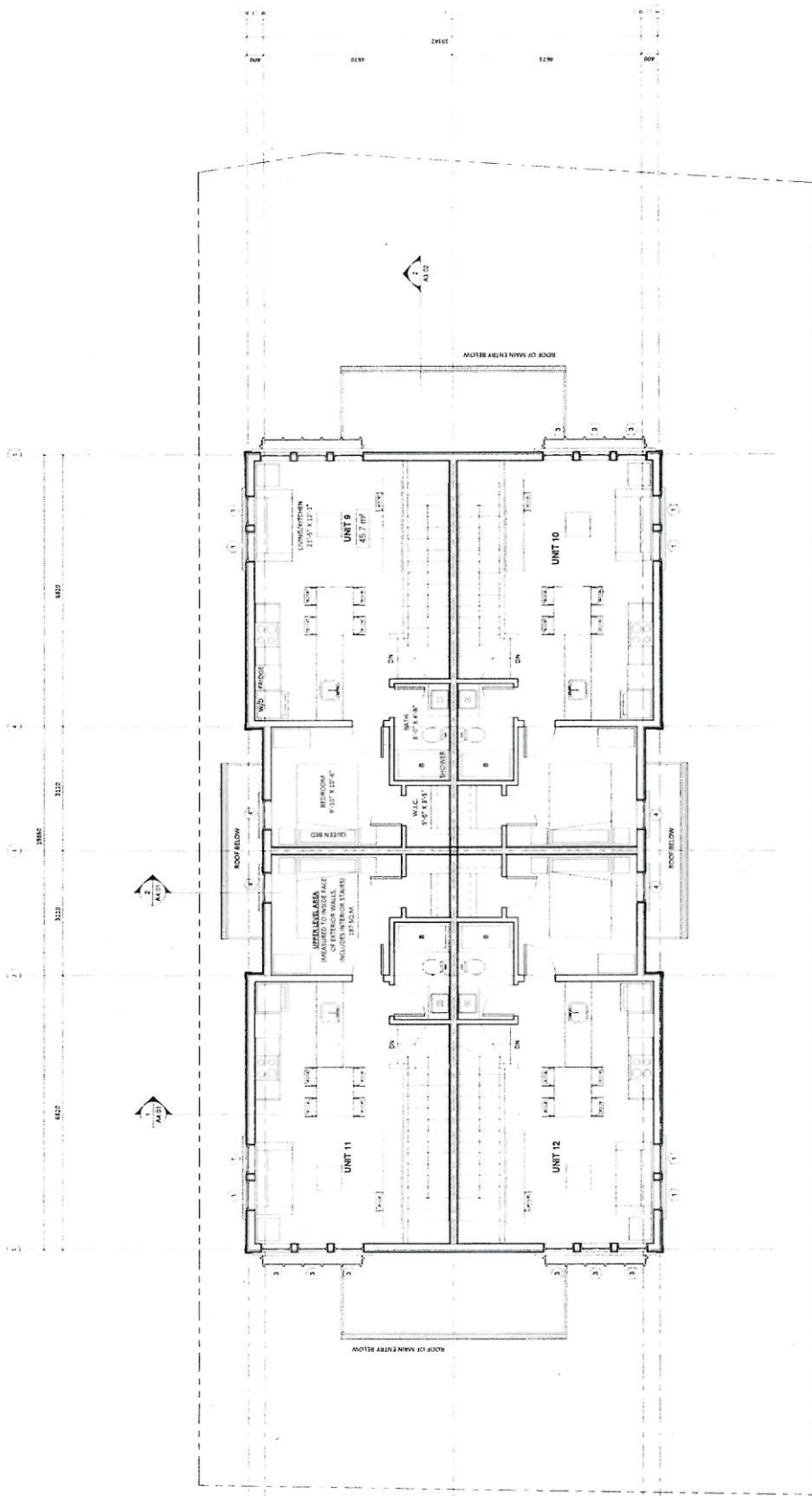
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Upper Level Floor Plan
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Date:
August 23, 2014

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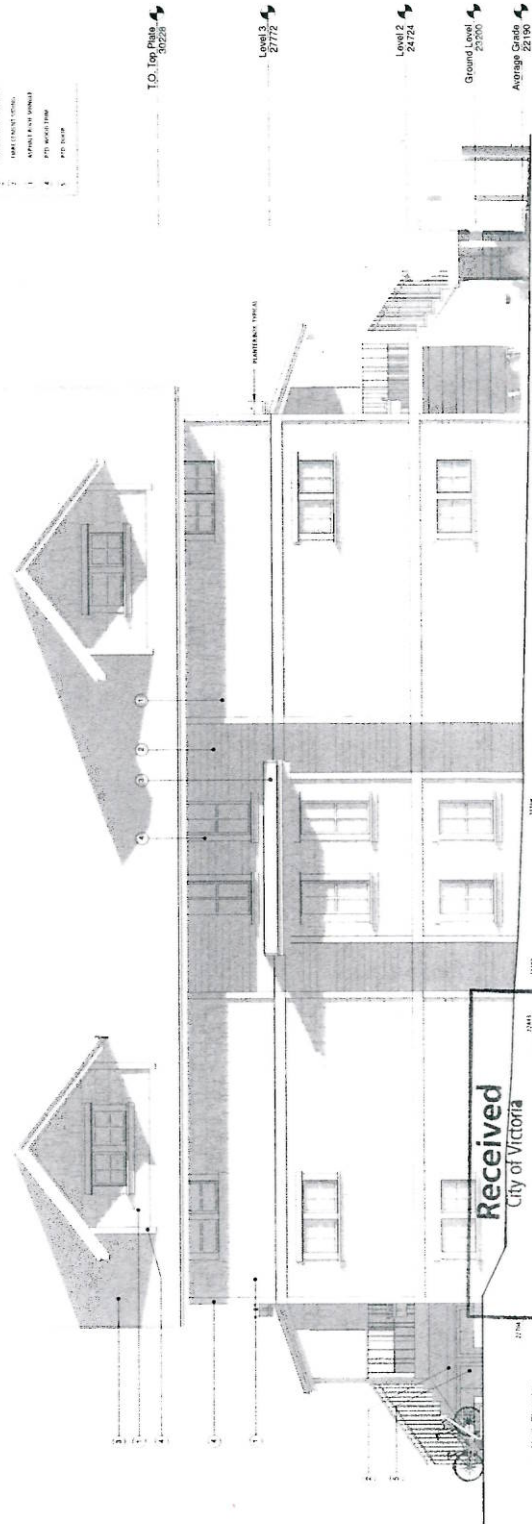
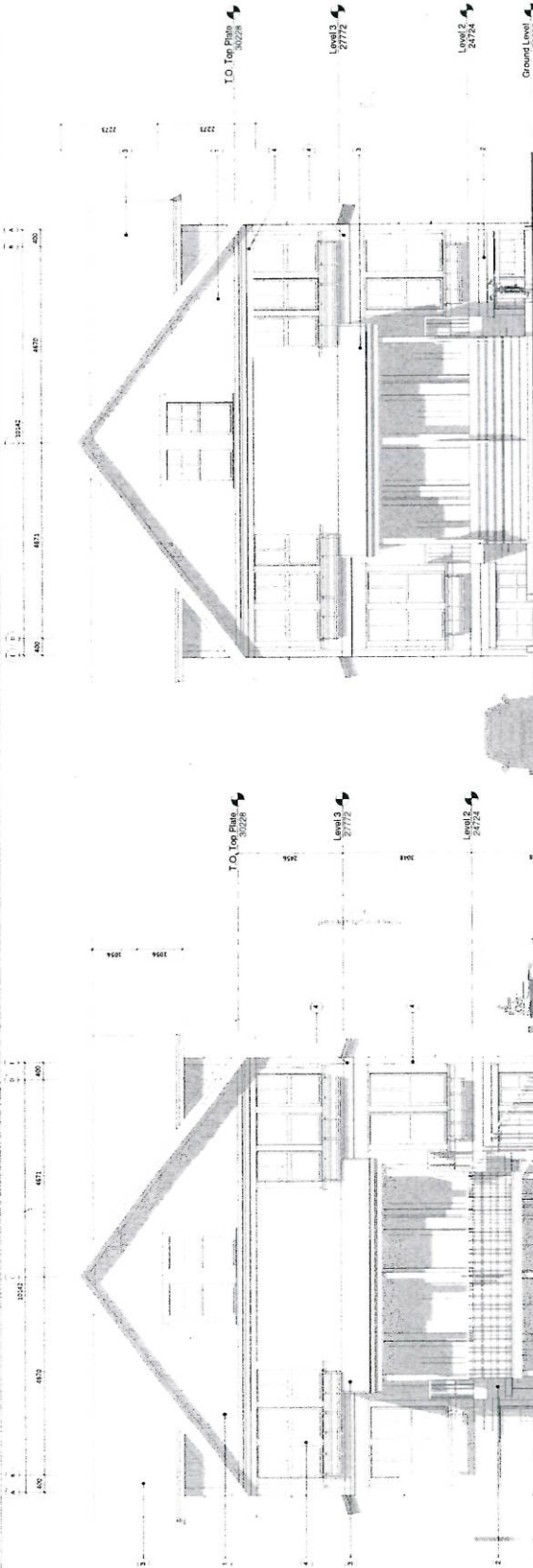
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Exterior Elevations

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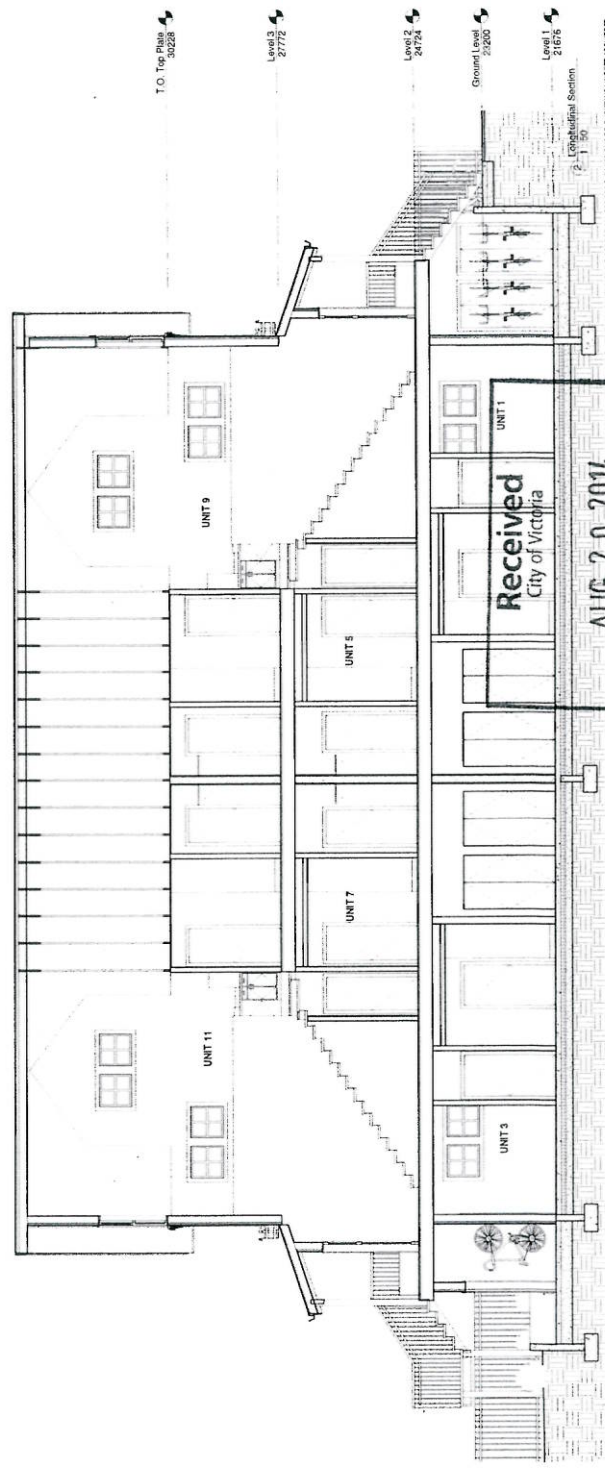
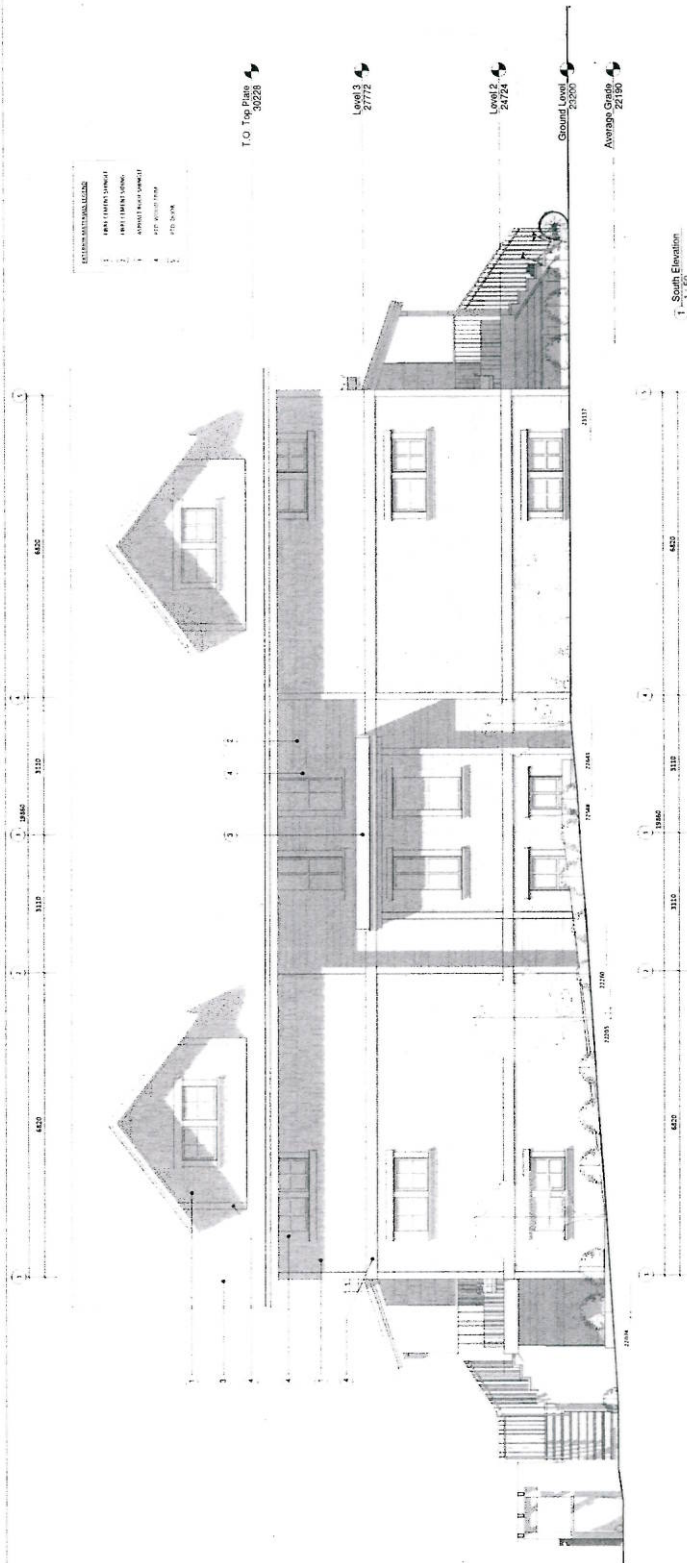
Revision: Date:
Revised Resolution: August 20, 2014

2328 Richmond Road
Victoria, BC

Exterior Elevation & Building
Sections

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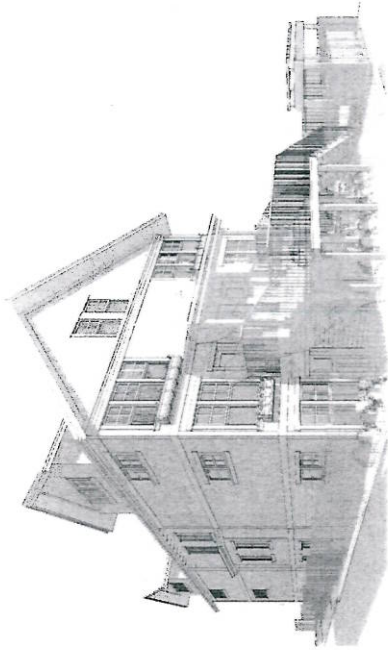
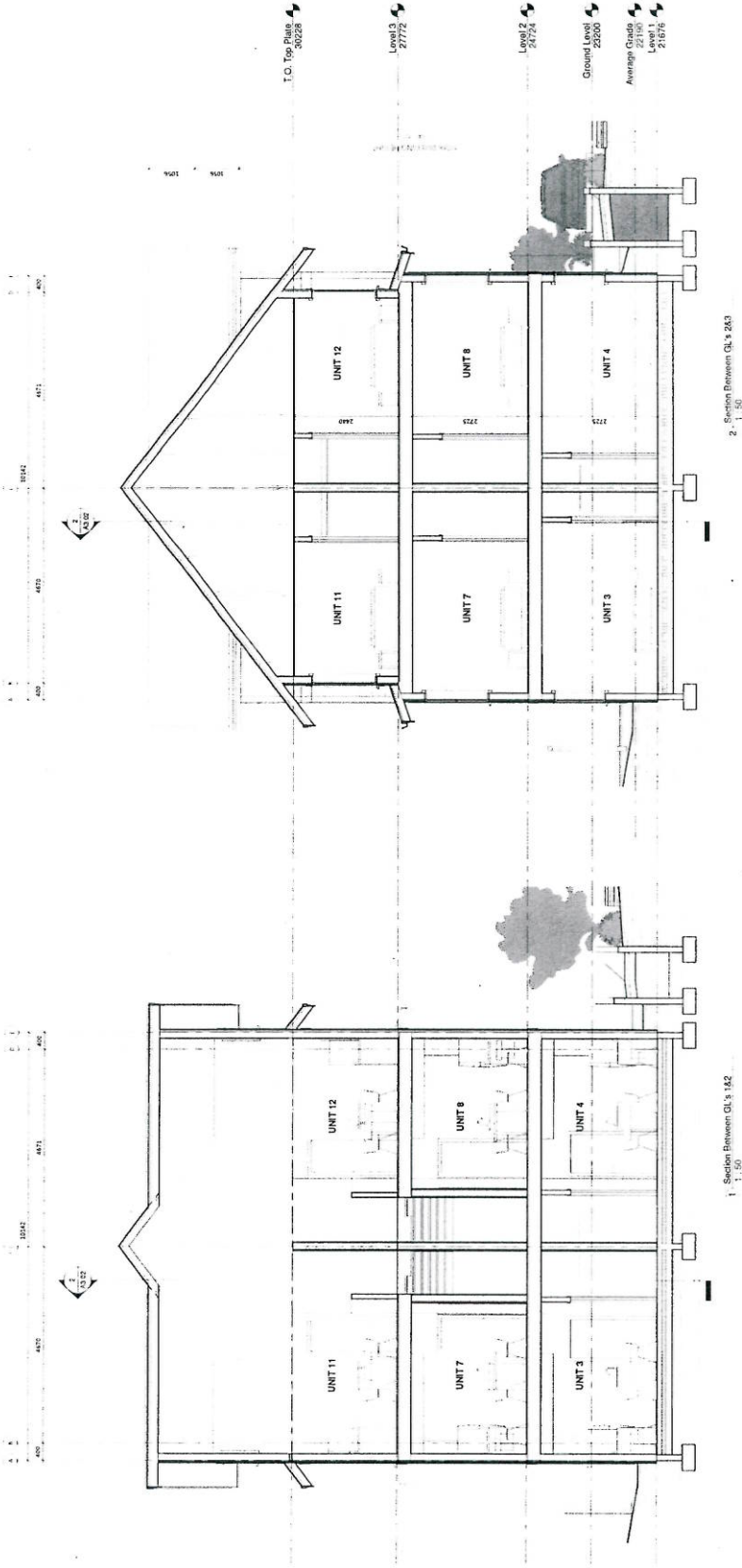
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Building Sections

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3. View from North West

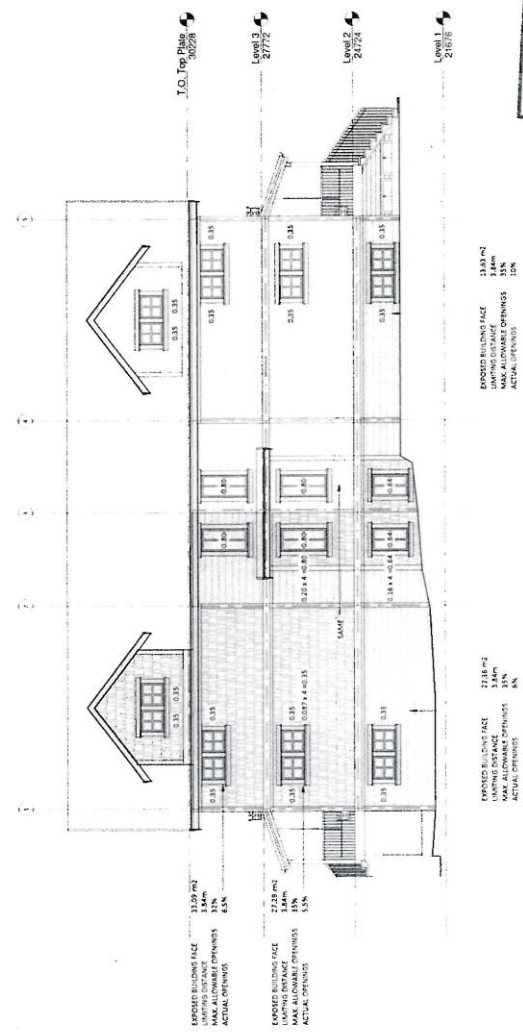
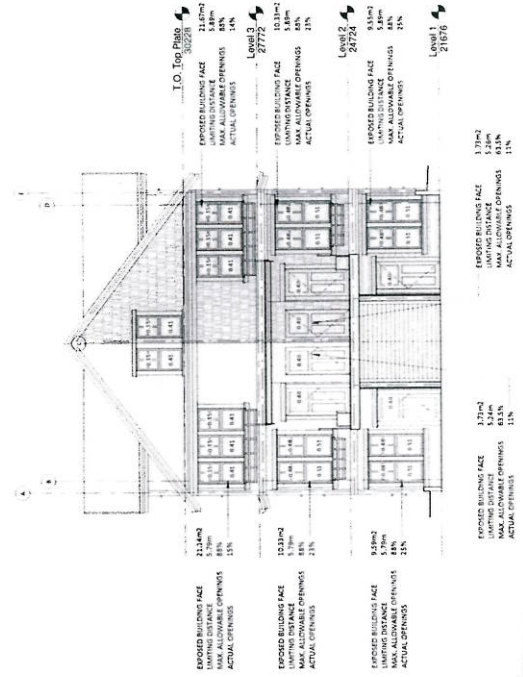
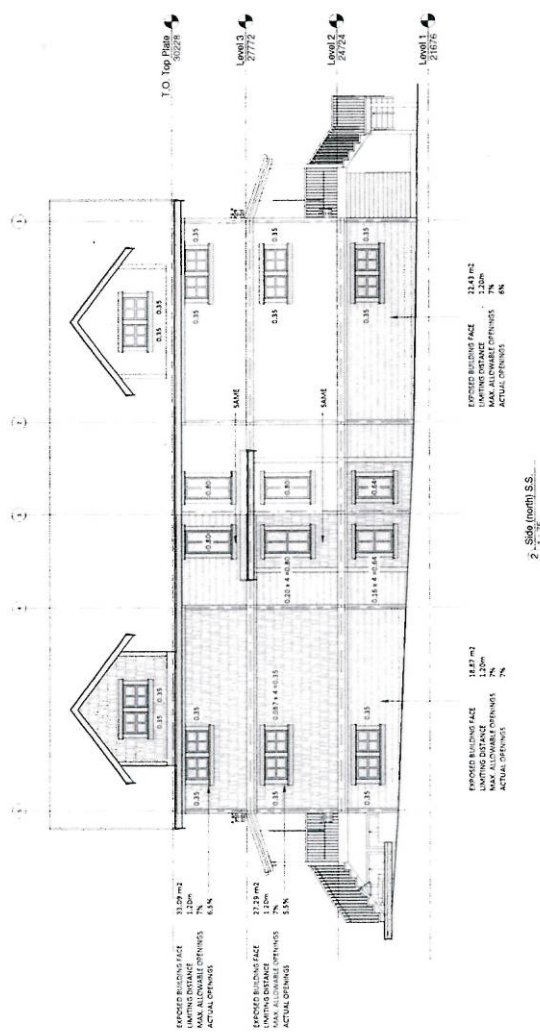
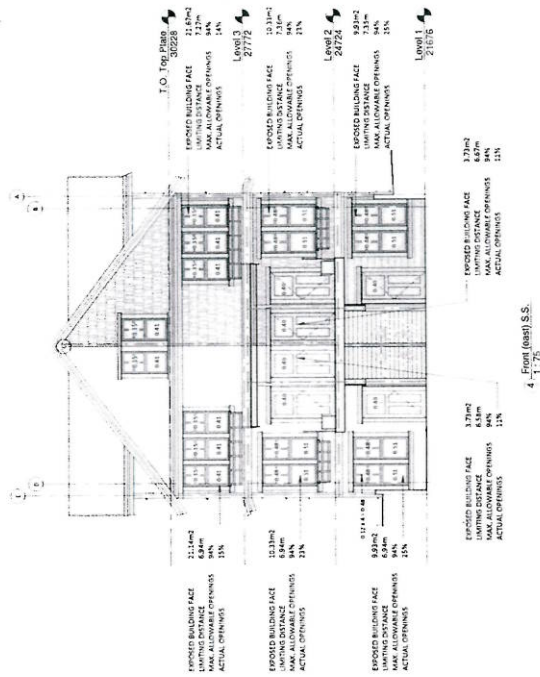
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Date: April 14, 2014
OCP Amendment: Rezoning
Development Project

Revision: [Signature]
Resubmission: August 10, 2014

NOTE: ALL CALCULATIONS SHOWN COMPLY WITH TABLE 9.12.14.4A, RESIDENTIAL OCCUPANCY



3. Rear (west) S.S.
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1. Side (north) S.S.
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2. Side (north) S.S.
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4. Front (east) S.S.
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Development Services Division

3. Rear (west) S.S.
1:1/6

1. Side (north) S.S.
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2. Side (north) S.S.
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4. Front (east) S.S.
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April 17, 2014

The City of Victoria
 Attention: Mayor and Council
 1 Centennial Square
 Victoria, BC V8W 1P6



RE: 2328 Richmond Road proposal for Official Community Plan Amendment, Rezoning and Development Permit Application

Description of Proposal

The proposal seeks to rezone the existing R1-B designated site at 2328 Richmond Road to a site specific zone to support the development of a three storey, twelve unit residential building. The proposal will densify the residential use along an urban arterial, adjacent to a designated Large Urban Village providing market, affordable housing in immediate proximity to the Royal Jubilee campus.

Government Policies

The site is adjacent to the designated development permit area DPA 5: Large Urban Villages. The proposed development complements the special conditions of the designation, including:

- “potential for revitalization and capacity for...multi-family(multi-unit) residential...development”;
- “low to mid-rise building types that include...multi-unit residential...with built form and character that defines streets and sidewalks with building facades and locates parking away from streets”;

The project is consistent with the objectives of the adjacent designation of the Jubilee Village, including:

- “design...in a manner that encourages pedestrian and cycling use and enhances the experience of pedestrians and cyclists”;
- Proposing a development type and form to “ensure sensitive transitions between the Royal Jubilee Hospital campus, particularly its commercial uses with adjacent residential areas.”

With respect to Neighbourhood Directions for Jubilee in the OCP, the proposal is consistent with the vision in the citywide context and includes “multi-family residential...within walking distance of Fort Street”, as well as consistency with the strategic directions by offering an appropriate land use transition from the Royal Jubilee Hospital development.

Further, with respect to the OCP, the land management and development policies, transportation and mobility policies, placemaking policies, and housing policies in the plan are reflected in the development proposal, specifically:

- “That...Urban Villages become progressively more complete so that...all residents can reach goods and services to meet daily needs within a 15 minute walk of home”
- “That...city neighbourhoods contain a range of housing types suitable to people with a mix of incomes, living in a variety of household types”;

- Place-based land use management by proposing a Traditional Residential building form which is “low-rise multi-unit...up to three storeys in height located along arterial....roads” with consistent Urban Residential density due to the proximity within 400 meters of the Jubilee Large Urban Village;
- Affords a consistent mobility prioritization in supporting pedestrian oriented lifestyles first, cyclists (both people powered and motorized) second, with immediate access to transit along major arterials, and limits single occupancy vehicle use to a single, transient stall;
- Providing “a comprehensive suite of permanent on-site alternative travel supports and active transportation infrastructure, including...short-term and long-term bicycle parking facilities”, mobility scooter parking and charging stations, and compact scooter/motorcycle parking, in addition to a single, transient vehicle parking stall;
- “That new buildings and features contribute to the sense of place in development permit areas...through sensitive and innovative responses to existing form and character”;
- “That social vibrancy is fostered and strengthened through human scale design of buildings”;
- “That a wide range of housing choice is available within neighbourhoods to support a diverse, inclusive and multigenerational community”;
- And offering “a diversity of housing types to create more home ownership options”.

Project Benefits and Amenities

The proposal offers a compact housing typology in proximity to a major employer in the municipality. The twelve, one bedroom units are intended to appeal to singles or couples and on the ground floor, seniors, with the provision of two adaptable one bedroom units accessible via ramp and equipped with charging outlets and space for mobility scooter parking. The project is configured to enable a statutory right of way along Richmond Road, creating a more gracious bus stop for BC Transit operations and a separated sidewalk from the roadway – a significant streetscape improvement along this busy arterial.

Need and Demand

The proposal creates affordability in offering a compact, market housing format on a traditional single family lot. The demographic that this housing type will appeal to, will foster greater resident diversity in the neighbourhood, while offering transitional density of multi-unit residential between the institutional uses of the hospital and those of the traditional single family density to the west. Appropriately located along a major arterial, the housing leverages access to major transit routes, services and amenities, and offers alternative on-site travel supports, thereby solidifying traffic reduction strategies adjacent to the Large Urban Village of Jubilee.

Neighbourhood

The proposed uses, form and character of the development are consistent with the Traditional Residential typology, with the exception of density. A modest increase above the 1:1 density provision of Traditional Residential is sought in order to secure affordability for each of the units. Located directly off a major arterial and adjacent to the Royal Jubilee Hospital campus, the proposed density realizes a transitional residential type to the single family character to the west, thereby locating density along the perimeter of this established neighbourhood.

Impacts

The proposal is consistent with the use and general form and character of the neighbourhood. Immediate neighbours will experience less privacy than a single family home with reduced setbacks, but will enjoy the benefit of a quality, new development which will bring new homeowners to the neighbourhood, a vibrancy that will enhance security and social dynamics.

Design and Development Permit Guidelines

The proposal will conform to the referenced applicable guidelines for DPA 5 including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. In addition, the proposal meets the guideline by which “buildings are encouraged to have three to five storey facades that define the street....and buildings entrances that are oriented to face the street.”

In addition, the project is consistent with the objectives of DPA 5: Large Urban Villages, specifically:

- “To accommodate 40% of Victoria’s anticipated population growth in...Large Urban Villages”;
- “To achieve a high quality of architecture...in all Large Urban Villages to enhance their appearance and identify villages as important neighbourhood centres”;
- “To design all Large Urban Villages in a manner that encourages pedestrian and cycling use and enhances the experience of pedestrians and cyclists”; and
- “to...ensure sensitive transitions between the Royal Jubilee Hospital site”;

Safety and Security

The proposal embraces key CPTED principles. The massing and its orientation to the street and adjacent sites promotes natural surveillance. Walkways, fencing, lighting and signage promote movement to and from the building’s entrances, creating strong connections to the street, overlook and visibility. Public and private is clearly delineated through paving treatments, signage and building edge, reinforcing ownership/control thereby discouraging trespassing or nuisance behavior.

Transportation

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of alternative travel by providing alternate travel support infrastructure on-site, prioritizing a pedestrian and bicycle culture over vehicle users. Within the context of the dimensional and access constraints of the physical site, the provision of onsite parking is limited to more compact transportation modes and a single, transient vehicle stall to support loading, visitor and intermittent vehicle use by residents.

The project meets the bicycle parking standards of Schedule C with provisions for residents and visitors.

Heritage

The existing single family house on the property has no heritage status. No heritage buildings will be impacted by the proposed development.

Green Building Features

The proposed development occurs on an existing developed site adjacent to a Large Urban Village, therefore the ecological footprint of the larger community is not expanded. Socially, the project reflects demand in the immediate community for affordable market housing in proximity to employment, amenities, transportation and services.

While no specific metric or green rating system will be pursued on the project, best practices with respect to durability, energy efficiency, water conservation, construction waste management, and the specification of quality, low toxicity materials will be applied.

Infrastructure

Preliminary review of engineering infrastructure confirms adequate capacity for sewer, storm and water for the proposed development. It is anticipated that a detailed design and review will confirm the necessary capacity.

Sincerely,

A handwritten signature in black ink, appearing to be 'JH Knappett', written over a horizontal line.

John H. Knappett, P.Eng.

Director

2328 Richmond Holdings Ltd.

2328 Richmond Holdings Ltd.

555 Pembroke St., Victoria, BC, V8T 1H3

August 20, 2014

The City of Victoria

Attention: Mayor and Council

1 Centennial Square

Victoria, BC V8W 1P6



RE: 2328 Richmond Road revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.

In response to the Application Review Summary dated Wednesday, May 21, 2014, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

Specifically, the conditions to be met prior to the Planning and Land Use Committee are:

- 1. The proposal requires an Official Community Plan amendment to allow the building type and density. As the proposed density exceeds the density anticipated by the OCP, a density of lower than 1:1 should be considered. The proposed building does not fit with the immediate context.***

A density of 1.15:1.0 is proposed for the project. A reduction of density of .15 to comply with the intent of the OCP would result in a reduction in each suite's area of 6.54 m² (70 sq.ft.). The scale of the proposed suites is intended to be modest, but distinguishable in livability from the micro-loft suites predominant in the current market. The building configuration proposes individual entrances to each suite – a door at the street – which results in a 100% efficiency (no internal corridors/common spaces), with in-suite internal circulation, while considering adequate storage, livability and maneuverability for residents. These factors contribute to the project's viability, so while the potential suite area reduction was considered, the density remains as originally requested.

The form and character of the proposal has been modified to more consistently reflect "fit" with the surrounding neighbourhood. Specifically, incorporation of character defining elements of many of the historic residences in the neighbourhood including roof type and pitch, inclusion of dormers, window proportion and type, cladding and trim elements. Further, the resultant building type falls within the OCP's definition of Traditional Residential building forms; that is "low-rise multi-unit...up to three storeys in height located along arterial...roads."

Ph: 250-475-6333, Fax 250-475-6444, email: john@knappett.com

2328 Richmond Holdings Ltd.

555 Pembroke St., Victoria, BC, V8T 1H3

2. *The proposed development on the lot should be functional, with adequate parking to serve the occupants. Staff are concerned about the lack of parking. It is noted that parking is an extremely sensitive issue in this area because of the lack of available street parking.*

The parking incorporated into the proposed development is adequate and appropriate for the target resident population for the project. Specifically, provision has been made for the allocation of one parking space to host a dedicated car share vehicle, one intermittent parking space for visitors and short term vehicle loading/unloading, two mobility scooter spaces including charging, twelve secure bicycle parking spaces and six visitor/short term bicycle parking spaces.

The proposed housing typology, one which seeks to provide multi-family density on a single family lot, is intended to offer affordability in locations in the City which are well serviced by alternative modes of transportation and in proximity to places of work and supporting commercial activities. The project site is well positioned within a highly walkable neighbourhood, well supported by major public transportation corridors and adjacent to a major regional employer, the Royal Jubilee Hospital campus, as well as a major grocery store and similar amenities.

The target market for the project is individuals who do not own a single family vehicle, but may require occasional use of one (a car share parking space has been included and the Developer will provide a car share vehicle and purchase a car share membership with Victoria Care Share Co-operative for each unit). Visitors to the residence with a vehicle are accommodated by a second short term stall located in tandem behind the car share stall, a space which also accommodates loading (move in/move out activities or deliveries). Two mobility scooter spaces are provided for the rear, lower level units, which are also designed to provide accessibility for seniors or individuals with mobility challenges. Finally, bicycle and/or scooter parking is accommodated on site through the inclusion of both enclosed/secure bicycle parking facilities as well as a visitor bike rack at the street.

As a mitigation strategy to address neighbor concerns regarding vehicle parking, we propose to enter into a covenant (which will be disclosed to purchasers) to disallow residents from this address from registering their motor vehicles with the City of Victoria as "residents" for the purposes of "residential only parking" privileges. This would effectively exempt any residents of the building in perpetuity from owning a vehicle and parking it without penalty in the immediate neighbourhood.

3. *The property should be consolidated with 2330 Richmond to ensure the logical assembly of properties in the area, as per OCP policies. This adjacent property lacks redevelopment potential without consolidation due to size and access constraints.*

2328 Richmond Holdings Ltd.

555 Pembroke St., Victoria, BC, V8T 1H3

The adjacent property owner was approached and has expressed no interest in selling which would enable consolidation.

- 4. *Please provide the street elevation plans on a separate sheet, as the scale makes it difficult to assess.***

The street elevations – existing and proposed – have been provided on a separate sheet to facilitate assessment, and are included in our resubmission package.

- 5. *Conceptual alignment of the curb and sidewalk and frontage improvements is required for Development Permit submission.***

Conceptual alignment of the curb and sidewalk and frontage improvements have been provided by Herold Engineering on their Sheet CO-1, and incorporated into the revised site plan sheet A1.01, included in our resubmission package.

- 6. *The proposed rezoning and potential increase in density for this property may contribute to an overtaxing of the sanitary sewer system. A report prepared by a qualified Engineer comparing pre and post development discharge rates is to be submitted to the Engineering Department. The report is to include measures that the developer intends to take to attenuate the sewage if required.***

Discharge rates and the intended means to attenuate sewage are provided in the attached as prepared by Herold Engineering.

- 7. *Pending alignment of the new sidewalk, there may be potential for a new tree boulevard tree. Please show a new tree on the revised DP submission, based on the design criteria in the Victoria Subdivision and Development Servicing Bylaw 12-042 Schedule C.***

A single boulevard tree has been shown on the revised submission and noted as recommended with respect to species and final location.

Additional review comments were included in the Application Review Summary and are noted as follows:

1. The requested Statutory Right-of-Way of 3.41 meters is acceptable and the proposal reflects consideration of this provision. A formal response to this request by Engineering will be provided prior to submitting a Building Permit application.
2. If the sewage discharge rates determine that some form of sewage attenuation is required, the registration of a Section 219 covenant, committing to attenuate sewage will be registered prior to Public Hearing.
3. All items noted from Permits and Inspections have been acknowledged and addressed through the revised configuration – exit exposure and exit contravention issues have been eliminated.

2328 Richmond Holdings Ltd.

555 Pembroke St., Victoria, BC, V8T 1H3

As per our original submission and letter to Mayor and Council dated April 17, 2014, we reiterate our request for the establishment of a site specific zone for the proposed residential project.

We trust that the above responses to the Application Review Summary further support the proposal for providing innovative, affordable residential accommodation within an appropriate location in the community. We welcome the opportunity to appear before the Planning and Land Use Committee and our continued work with staff to realize this project.

Sincerely,

A handwritten signature in black ink, appearing to be 'JH Knappett', written over a horizontal line.

John H. Knappett, P.Eng., Director
2328 Richmond Holdings Ltd.

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

April 17, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W 1P6

Re: Proposed Rezoning Application...2328 Richmond Road



Dear Mayor Fortin and City Councillors:

The North Jubilee Neighbourhood Association hosted a CALUC meeting on Wednesday, March 26, 2014 in connection with the proposed rezoning application for 2328 Richmond Road. Twenty residents were in attendance. John Knappett(developer) and Christine Lintott(architect) presented the plans for a 3-storey, Strata development, 12 unit building with outside entrances. Two parking stalls are available for deliveries; possible car share, etc. plus 12 covered and locked bicycle racks. Jason Leslie and Gene Miller also answered questions in connection with this proposal featuring affordable housing (two units are wheelchair accessible) and easy access to bus routes.

Residents remarked that although the design was appealing, the location was not as it is too close to the corner of Richmond and Bay which is extremely busy with through traffic and both left and right hand turns. The two short term parking stalls would only be accessible through a right hand turn and as there isn't any turning space provided on the property, automobiles, delivery vans, etc. would have to back in or back out. Parking is a major concern for residents, as all the nearby streets are posted residential parking only. This type of development is targeted for buyers who do not have cars, but there isn't any way to control the sale of the units to clients who have automobiles. This presents the problem of where their cars are parked as well as any visiting guests. It was suggested that the hospital parkade could be used by visiting guests in the evening, but even if this is a viable option at this time, it would not be a permanent solution as the hospital campus continues to expand.

Concerns were expressed about the lack of green space surrounding the building and also that there aren't any decks for the units. There are not any amenities provided that would compensate for the density and loss of neighbours with this type of project. As North Jubilee has only one small park located at Fern Street Park, all green space, including residential gardens, is valued. With all of the streets in our neighbourhood only one block long and existing between arterial and secondary arterial roads, residents would prefer that Richmond Road retain a human scale and not become a transportation corridor similar to Shelbourne between Haultain and Hillside. That this type of project could set a precedent for Richmond Road in North Jubilee was another concern. Another question raised was whether the units would be owner-occupied or perhaps purchased by investors as rental properties.

2.

The developer advised that this project is not viable as a two-storey, 8-unit proposal, but that there was a possibility of redesigning it to accommodate more bike racks. The present design is a highly efficient use of space and his company builds quality projects and although this would not be a LEED building, it would be highly energy efficient. One resident voiced his approval of the project for buyers not having cars.

As our community already supports a very large institution situated in our neighbourhood, thereby constantly coping with the increased traffic generated by staff, patients, ambulances, delivery vehicles, etc. for the hospital campus and the surrounding medical buildings as well. As the campus continues to grow as indicated by the Master Campus Plan, our neighbourhood will have more density added to an already overburdened area.

The proposal for 2328 Richmond Road offers more density for that area; more traffic; loss of green space; and does not offer any amenities for the neighbourhood. This type of density may meet many requirements of the developer and the City, but does not add to the livability of the North Jubilee area.

Yours truly,

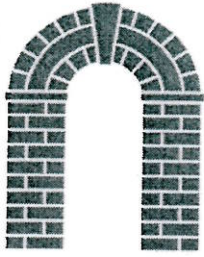
Jean Johnson, Land Use Chair on behalf of Committee Members

Wilma Peters, Patrick May and Janice Stewart

Cc: Deborah Day, Director Sustainable Planning and Community Development

Lucina Baryluck, Senior Process Planner

John Knappett, Knappett Projects Inc.

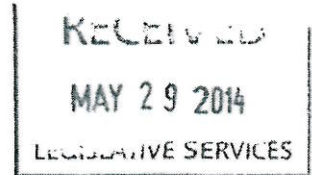


North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

May 23, 2014



Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: REZ #00446 and DP #000365 for 2328 Richmond Road

Dear Mayor and Councillors:

The NJNA Land Use Committee hosted a CALUC meeting on Wednesday, March 26, 2014 in connection with the proposed rezoning application for 2328 Richmond Road and forwarded the comments from this meeting in our letter dated April 17, 2014.

In response to Anita Walper's April 24, 2014 letter which enclosed the rezoning application, applicant's letter and plans, which the Land Use Committee has reviewed, the main concern is parking for which there is none on Richmond Road. The block-long streets in our neighbourhood between arterial and secondary arterial roads are all residential parking only. There cannot be a guarantee that the owners of these units will not own a vehicle. Where would their company park? Where would service vehicles park? The revised plans indicate one short term parking stall to provide a space for deliveries for 12 units; loading and unloading of transportation modes required by the two units that are wheelchair accessible; short term visitor parking; etc. We did note that 12 bike racks; 6 scooter stalls and two stalls for electric carts have been provided. A question has been raised about how the garbage and recycle trucks would access this site.

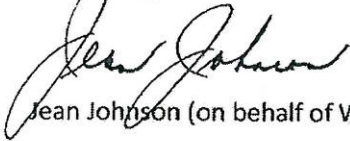
The plans for the second storey entrances on both the East and West elevations have been changed since the CALUC meeting in which the four entrances were shown as two on one side and two on the other whereas in the new plans the entrances are four doors side by side which do not appear as welcoming, or offer as much privacy, as the previous design. In the applicant's letter to City Council he states "the proposed density realizes a transitional residential type to the single family character to the west, thereby locating density along the perimeter of this established neighbourhood". While this type of density at arterials roads is generally buffered by several neighbourhood blocks in the core, our neighbourhood streets are all one-block long which tends to create increased density throughout our community.

We are uncertain if this project is proposed for the Large Urban Village in the Jubilee area. From the map it appears that the Village includes the hospital campus and Richmond to Pembroke Street and possibly not 2328 Richmond Road.

2.

The proposal has many progressive features including single bedrooms, separate entrances, in unit laundry and the pricing indicated, but the density of 12 units on a single family lot does not fit into this location in our neighbourhood. Please refer to our April 17th letter re this proposal as all the comments and concerns listed are still valid.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jean Johnson', written over a horizontal line.

Jean Johnson (on behalf of Wilma Peters and Patrick May)

NJNA Land Use Chair



**Legislative and
Regulatory
Services
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel 250.361.0571

Fax 250.361.0348

www.victoria.ca

June 26, 2014

North Jubilee Neighbourhood Association
c/o 1766 Haultain Street
Victoria, B.C., V8R 2L2

Attention: Jean Johnson, NJNA Land Use Chair

Dear Ms. Johnson:

Subject: Proposed Development of 2328 Richmond Road

Thank you for your letter of May 23, 2014, to Mayor and Council, outlining NJNA's concerns regarding the proposed development of 2328 Richmond Road.

Your letter was forwarded to Mayor and Council for their information. A copy of your letter was provided to the Director of Sustainable Planning and Community Development for information.

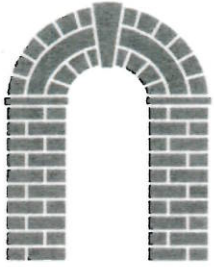
Sincerely,

A handwritten signature in black ink, appearing to read "Don Schaffer".

Don Schaffer
Manager, Legislative Services

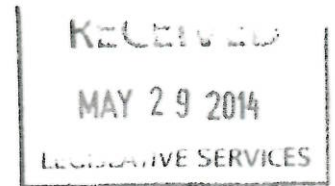
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- c. Mayor and Council
Director, Sustainable Planning and Community Development
Planning and Land Use Committee Secretary



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street
Victoria, B.C., V8R2L2



May 23, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: REZ #00446 and DP #000365 for 2328 Richmond Road

Dear Mayor and Councillors:

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The plans for the second storey entrances on both the East and West elevations have been changed since the CALUC meeting in which the four entrances were shown as two on one side and two on the other whereas in the new plans the entrances are four doors side by side which do not appear as welcoming, or offer as much privacy, as the previous design. In the applicant's letter to City Council he states "the proposed density realizes a transitional residential type to the single family character to the west, thereby locating density along the perimeter of this established neighbourhood". While this type of density at arterials roads is generally buffered by several neighbourhood blocks in the core, our neighbourhood streets are all one-block long which tends to create increased density throughout our community.

We are uncertain if this project is proposed for the Large Urban Village in the Jubilee area. From the map it appears that the Village includes the hospital campus and Richmond to Pembroke Street and possibly not 2328 Richmond Road.

2.

The proposal has many progressive features including single bedrooms, separate entrances, in unit laundry and the pricing indicated, but the density of 12 units on a single family lot does not fit into this location in our neighbourhood. Please refer to our April 17th letter re this proposal as all the comments and concerns listed are still valid.

Yours truly,

A handwritten signature in black ink, appearing to read "Jean Johnson", written in a cursive style.

Jean Johnson (on behalf of Wilma Peters and Patrick May)

NJNA Land Use Chair



Planning and Land Use Committee Report

For the meeting of October 2, 2014

Date: September 10, 2014 **From:** Mike Wilson, Senior Planner - Urban Design
Subject: 353 Tyee Road - Request to Maintain Occupancy of a Building during Development Permit Approval Process

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding an application by Dockside Green Ltd. to waive a section of the Clean Hands Policy to maintain building occupancy for an existing building located at 353 Tyee Road. The existing building was established as a construction trailer and was later converted to an office building.

The City does not require Development Permits or Building Permits for construction trailers and it is expected that trailers be removed within six months of obtaining an Occupancy Permit for the building under construction. At some point in the past, the construction trailer was converted from a construction office to general office space. In 2014, the trailer was moved and a significant amount of exterior work was carried out without Development Permit or Building Permit approvals.

The proponent has now made an application for a Development Permit Application with Variances; however, in order to move forward the applicant must comply with Council's Clean Hands Policy (attached). If the Clean Hands Policy is applied in this case, the applicant would be required to complete the following, before the planning application "may be processed through to civic evaluation and approvals bodies":

- the owner must obtain a Building Permit to restore the property to legal condition
- the owner's solicitor must provide a restrictive covenant registered on title stating that the illegal occupancy is vacated, all illegal construction will be removed if the application is declined and the property will be made safe.

The applicant has agreed to register a covenant on title to remove the building if the application is refused; however, the applicant has requested to maintain occupancy of the building through the approval process. Staff recommend that Council allow the applicant to maintain building occupancy in this instance. Staff have no knowledge of any safety concerns within the building.

Recommendation

That Council waive the *Clean Hands Policy for Planning Approvals* requirement to vacate the building located at 353 Tyee Road.

Respectfully submitted,

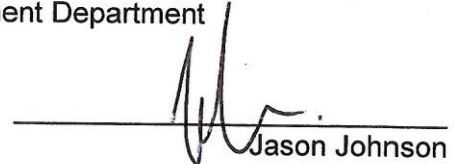


Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: Sept. 22, 2014

MW:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000386\PLUSC 353 TYEE CLEAN HANDS.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an application by Dockside Green Ltd. to waive a portion of the *Clean Hands Policy* for illegal construction and occupancy at 353 Tyee Road.

2.0 Background

2.1 Description of Proposal

The existing building was established as a construction trailer and was later converted to an office building. At some point in the past, the building was converted from a construction office to general office space. In 2014, the trailer was moved and significant exterior work was carried out without Development Permit or Building Permit approvals.



Proposed site office at 353 Tyee Road.

2.2 Legal Description

Remainder of Lot 8 District Lot 119, Esquimalt, VIP 53097 and Lot G, District Lot 119, Esquimalt, VIP 67690.

3.0 Issues

The only issue associated with this application is the request to waive the requirement to vacate the building in accordance with the *Clean Hands Policy for Planning Approvals*.

4.0 Analysis

4.1 Waive Requirement to Vacate Building

The proponent has made an application for a Development Permit Application with Variances; however, in order to move forward the applicant must comply with Council's *Clean Hands Policy* (attached). If the *Clean Hands Policy* is applied in this case, the applicant would be required to complete the following, before the planning application "may be processed through to civic evaluation and approvals bodies":

- the owner must obtain a Building Permit to restore the property to legal condition

- the owner's solicitor must provide a restrictive covenant registered on title stating that the illegal occupancy is vacated, all illegal construction will be removed if the application is declined and the property will be made safe.

The applicant has agreed to provide a covenant registered on title to remove the building if the application is refused; however, the applicant has requested to maintain occupancy of the building through the approval process. Staff recommend that Council waive the *Clean Hands Policy* in this instance in order for the applicant to move forward with a Development Permit with Variances Application and a remedial Building Permit.

Staff have no knowledge of any safety concerns within the building or on the site. Staff recommend that Council consider waiving the requirement to vacate the building in accordance with the *Clean Hands Policy*.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Conclusions

The building located at 353 Tyee Road was originally installed to facilitate the construction of Dockside Green Phases One and Two. The building was not removed from the site and was altered to create a permanent project office. The building does not have any City approvals with respect to Development Permits or Building Permits. Staff have no knowledge of any safety concerns within the building or on the site and therefore recommend that Council consider waiving the *Clean Hands Policy* requirement to vacate the building.

7.0 Recommendations

7.1 Staff Recommendation

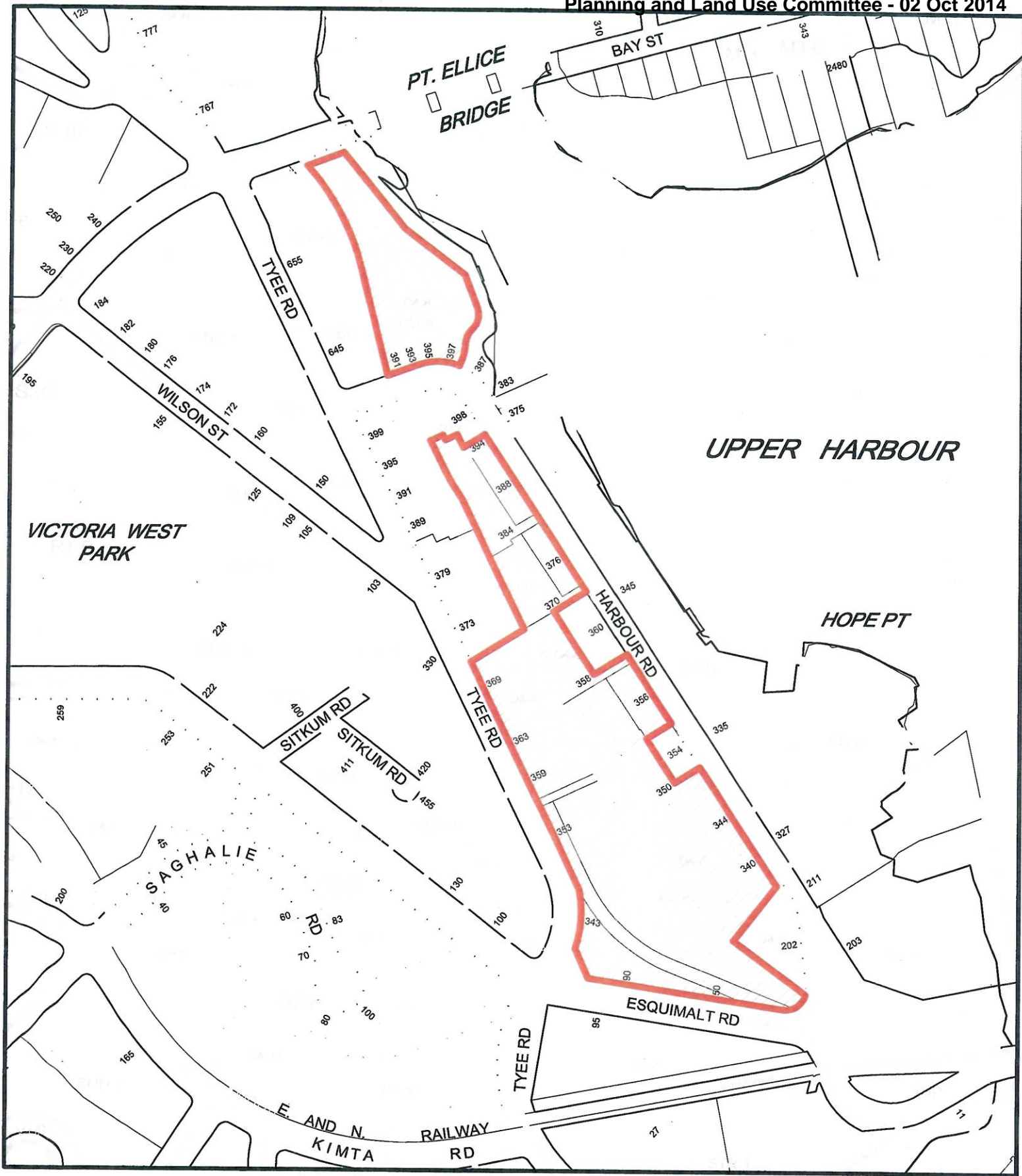
That Council waive the *Clean Hands Policy for Planning Approvals* requirement to vacate the building located at 353 Tyee Road.

7.2. Alternative Recommendation

That Council decline Dockside Green Ltd.'s request to waive the *Clean Hands Policy for Planning Approvals* requirement to vacate the building located at 353 Tyee Road.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from the applicant dated September 2, 2014
- *Clean Hands Policy for Planning Approvals*.



253 Esquimalt Road Development Permit #000386

353 Tyee Road - Request to Maintain Occupancy of a Building ...



253 Esquimalt Road
Development Permit #000386

353 Esquimalt Road - Request to Maintain Occupancy of a Building ...

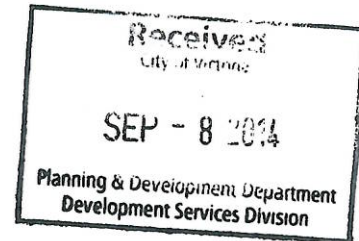
DOCKSIDE GREEN

353 Tyee Road
Victoria, British Columbia
Canada V8A 3S3
www.docksidegreen.com



September 2nd, 2014

City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6



Dear Mayor Fortin and Victoria City Council,

RE: Dockside Green Development Applications and City of Victoria Clean Hands Policy

Dockside Green Limited is engaged in process of reinvigorating the Dockside Green project and we have been engaging the community in a series of community conversations, design workshops and consultations. We have been impressed with the level of interest and the many great ideas that have come from this work. We are presently working to refine the updates to the project plan and are looking forward to presenting these as part of a Rezoning Application, which will be submitted to the City later this fall.

In addition to our upcoming Rezoning Application, Dockside Green has recently submitted, in August of this year, an application for a Development Permit for our refurbished temporary office trailer on Tyee Road.

The trailer was one of three that were originally placed on the site in 2006 as part of the early construction phases of Dockside Green and were continually used through subsequent phases of development over the years. During the slow down in the project the trailers provided Dockside a site facility for storage and operations space to continue upkeep of the undeveloped portions of lands. Given the commencement of the works to move the project forward in 2014, and in the spirit of sustainability, we recently recycled two of the trailers, reconfigured the fence line, and made some low cost aesthetic improvements to the remaining trailer to create a more welcoming space for residents and neighbors of the site. Further to those updates Staff informed us that the scope of those works have triggered a need for a Development Permit for the trailer.

Further to our Development Permit application for the trailer, Staff have informed Dockside Green that the City of Victoria has enacted its Clean Hands Policy. It is our understanding that this new policy is being applied to Dockside Green. Given the importance of the site trailer in the operations and works currently underway with our rezoning application, Dockside Green is seeking Councils approval to waive the portion of the Clean Hands Policy related to vacating the trailer while our Development Permit application is processed through the civic evaluation and approvals period. Our very humble, temporary office trailer provides us with a much

353 Tyee Road
Victoria, British Columbia
Canada V8A 3S3
www.docksidegreen.com



needed presence on the site and a location for connecting with residents, the neighbourhood and community at large.

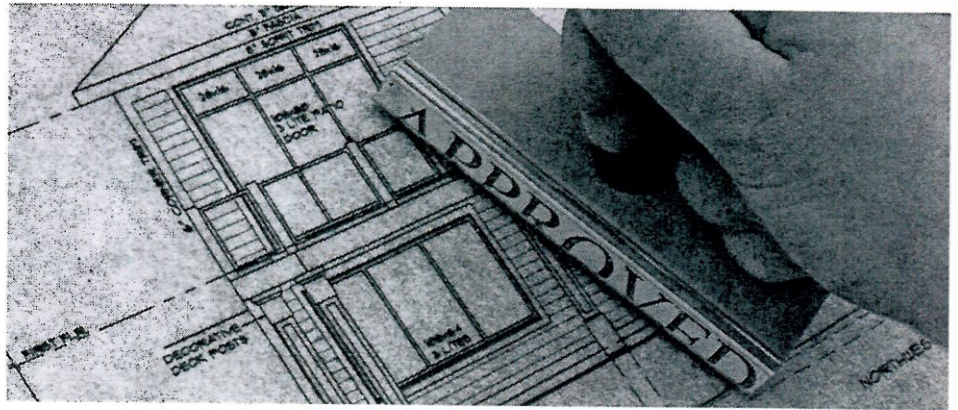
It is our understanding that the purpose of the Clean Hands Policy is to ensure that unacceptable land uses and situations that pose a hazard to the public do not continue indefinitely while Staff and Council consider an application. Dockside Green feels that no such issues exist with our site trailer. The trailer is in good repair and poses no safety issues. It is worth noting there have been no previous concerns raised prior to 2014 regarding the trailer's location or use.

I thank Council for your consideration of this matter and we are excited to once again be moving forward with the Dockside Green project.

Sincerely,

Norman Shearing
President
Dockside Green Limited

PLANNING AND DEVELOPMENT



Clean-hands Policy for Planning Approvals

When applying for planning approvals, all applicants must ensure that the building or structure in question conforms with previously approved plans.

The City of Victoria has a *Clean-hands Policy for Planning Approvals* to assist applicants with planning approvals where there is evidence of illegal construction or occupancy, and to outline the requirements for owners to come into compliance with current regulations.

The policy is as follows:

A. This relates to all applications involving rezoning, variance, and design or heritage approval in cases where enforcement action is pending.

B. All such applications will be required to be made by a registered architect or engineer (or other professionals as may be approved by the City).

C. Where illegal construction is in evidence, but not illegal occupancy, before the application may be processed through to civic evaluation and approvals bodies:

1. The owner must obtain a Building Permit to restore the property to legal condition, and
2. The owner's solicitor must provide a restrictive covenant registered on title that states:
 - All illegal construction work has ceased pending approval decision
 - All illegal construction will be removed if approval is refused

D. Where illegal occupancy is in evidence (without illegal construction), before the application may be processed through to civic evaluation and approvals bodies, the owner's solicitor must provide a restrictive covenant registered on title stating that the illegal occupancy is vacated (the case will also be referred to Legislative and Regulatory Services for enforcement follow-up).

E. Where illegal occupancy is in evidence (with illegal construction), before the application may be processed through to civic evaluation and approvals bodies:

1. The owner must obtain a Building Permit to restore the property to legal condition, and
2. The owner's solicitor must provide a restrictive covenant registered on title that states:
 - The illegal occupancy is vacated (the case will also be referred to Legislative and Regulatory Services for enforcement follow-up)
 - All illegal construction work has ceased pending approval decision (a section 57.3 notice may also be registered on the property title)
 - All illegal construction will be removed if approval is refused
 - The property must be made safe

FOR MORE INFORMATION:

Development Services

T 250.361.0536 or 250.361.0316

E zoning@victoria.ca

Permits and Inspections

T 250.361.0344

E permits@victoria.ca

1 CENTENNIAL SQUARE, VICTORIA, BC V8W 1P6 | www.victoria.ca





Planning and Land Use Committee Report

For the Meeting of October 2, 2014

To: Planning and Land Use Committee **Date:** September 18, 2014
From: Robert Batallas, Senior Planner, Community Planning Division
Subject: Harbour Vitality Principles

Executive Summary

The purpose of this report is to present Council with a summary of the public feedback received on the draft Harbour Vitality Principles, recommend amendments based on the public feedback and seek Council approval. A total of 31 responses were received from the general public and key stakeholder organizations. They provide general support for the project and Principles and cover a variety of subjects including the overall process, water and land uses, transportation, building heights and detailed design. In consideration of the comments received, staff have prepared a series of proposed amendments to the text of the draft Harbour Vitality Principles which are included as Attachment 1. The proposed amendments are generally intended to provide improved clarity and to address some of the additional comments that are specific to the Overarching and Site-Specific Guiding Principles.

Following approval, staff will collaborate with key Inner Harbour land owners to prepare the details and content of an Implementation Strategy and report back to Council. The Harbour Vitality Principles will provide a renewed vision and strategic direction that will help to better position the City of Victoria and other Inner Harbour landowners for potential capital funding, grants and development opportunities that may arise.

Recommendation

Staff recommend that Council consider:

1. Approving the draft Harbour Vitality Principles including the proposed text amendments in Attachment 1.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'R. Batallas'.

Robert Batallas
 Senior Planner
 Community Planning Division

A handwritten signature in blue ink, appearing to be 'D. E. Day'.

Deb Day, Director
 Sustainable Planning and
 Community Development Department

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be 'Jason Johnson'.

Jason Johnson

Date: Sept. 22, 2014

RB/aw/ljm

W:\Community Planning Division\Projects\Inner Harbour Revitalization Opportunities (2014)\Council Reports\Final Council Approval (Sept 2014)\PLUC Report October, 2014(Harbour Vitality).doc

1.0 Purpose

The purpose of this report is to present Council with a summary of the public feedback received on the draft Harbour Vitality Principles (Attachments 2 and 3), recommend amendments based on the public feedback (Attachment 1) and seek Council approval.

2.0 Background

The draft Harbour Vitality Principles include Site-Specific Guiding Principles for three strategic sites at Belleville Terminal, Ship Point and Lower Wharf Street, as well as Overarching Guiding Principles that apply to these three strategic sites and the lands connecting the three sites. They provide a renewed vision and strategic direction that will help to better position the City of Victoria and other Inner Harbour landowners for potential capital funding, grants and development opportunities that may arise.

On July 24, 2014 Council approved the following motion:

1. Harbour Vitality Principles

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council:

1. *Direct staff to seek public feedback on the draft Harbour Vitality Principles.*
2. *Direct staff to report back to Council with the draft Harbour Vitality Principles and a summary of additional public engagement comments no later than September 2014.*
3. *Following Council's approval of the draft Harbour Vitality Principles, direct staff to collaborate and liaise with key Inner Harbour landowners to prepare an Implementation Strategy and report back to Council.*

Carried Unanimously

Further public engagement to receive comments on the draft Harbour Vitality Principles has been undertaken. Communication and promotion of this opportunity was supported through:

- emails to businesses, organizations, community associations and landowners who were originally invited to participate in the Harbour Dialogue Process
- emails to individuals who participated in or attended the Harbour Dialogue Open House, Ideas Forum and Technical Workshop
- City of Victoria website: www.victoria.ca/harbourdialogue
- City of Victoria Social Media (Facebook and Twitter)
- print advertisements in the Times Colonist and Victoria News
- media relations
- presentation at the public Board meeting of the Greater Victoria Harbour Authority
- hard copies of the draft Harbour Vitality Principles as well as comment forms and a drop-off box were available on the main floor of City Hall and in the Development Centre (second floor).

As directed by Council on July 24, 2014, staff revised the draft Harbour Vitality Principles to include Principle 4.8. The following text was added to page 11 prior to circulation:

4.8 Celebrate the role of Victoria as the Provincial Capital

Victoria has a strong image largely defined by its role as the Capital of British Columbia and the Provincial Parliament Buildings located on the Inner Harbour. Future planning, design and development on the Inner Harbour should connect the Capital with residents and visitors and reflect and celebrate this unique role.

The following report provides a summary of the public feedback that was received on the draft Harbour Vitality Principles and also includes proposed text amendments, which have been prepared based on consideration of the public feedback.

3.0 Issues and Analysis

3.1 Approval and Implementation of Draft Harbour Vitality Principles as Policy Guidance

If Council approves the draft Harbour Vitality Principles (Attachment 3) including the proposed text amendments (Attachment 1), Council and staff will be able to use the Guiding Principles in conjunction with other related policies and regulations to consider and evaluate future public realm enhancements and potential development proposals for their ability to support the revitalization of the Inner Harbour. Council approval of the draft Harbour Vitality Principles will also provide the basis for staff to collaborate with key Inner Harbour landowners to prepare an Implementation Strategy and report back to Council. This approach was initially confirmed through the Council motion that was approved on July 24, 2014, and is described in the background section of this report.

3.2 Feedback on Draft Harbour Vitality Principles

A summary of the public feedback received on the draft Harbour Vitality Principles is included as Attachment 2. A total of 31 responses were received in digital and hard copy and were generally positive regarding the public consultation process and resulting Principles. Comments varied widely and covered subjects including the overall process, parks and public space, pedestrian and cycling paths, marine uses and transportation, land use, building heights and detailed design considerations.

Many of the comments relate to the conceptual illustrations contained in the draft Harbour Vitality Principles. Since the conceptual illustrations were created by the participants of the Technical Workshop based on public feedback, it is recommended that they not be modified as they represent the culmination of that process. The conceptual illustrations are only intended to provide examples of how the Guiding Principles could be realized on each site and the report clearly indicates that they do not reflect preferred design solutions.

3.3 Proposed Amendments

In consideration of the comments received, staff have prepared a series of proposed amendments to the text of the draft Harbour Vitality Principles which are included as Attachment 1. While the full range of comments received are included in Attachment 2, the proposed amendments do not respond to comments that relate to the conceptual illustrations or to matters that are not within the scope of this project. The proposed amendments are intended to provide improved clarity and to reflect some of the additional comments that are specific to

the Overarching and Site-Specific Guiding Principles. Council also has the opportunity to consider the public comments and direct staff to prepare further amendments to the draft Harbour Vitality Principles.

4.0 Options and Impacts

4.1 Option 1 (Recommended)

Approve the draft Harbour Vitality Principles including the proposed text amendments described in Attachment 1.

Impact

Option 1 is premised on the approval of the draft Harbour Vitality Principles as a City of Victoria policy plan. This Option would also include text amendments to reflect some of the public feedback that was recently received. Following approval of the draft Harbour Vitality Principles, staff will prepare an Implementation Strategy in collaboration with key Inner Harbour land owners and report back to Council. This approach is consistent with the previous Council direction that was approved on July 24, 2014, and is described in this report.

4.2 Option 2

Consider the summary of public feedback received on the draft Harbour Vitality Principles and direct staff to make further amendments to the draft before reporting back to Council for approval.

Impact

Option 2 would require staff to make further revisions to the draft and prepare a subsequent report back to Council in the future. This would delay the preparation of an Implementation Strategy.

5.0 Recommendation

Staff recommend that Council consider:

1. Approving the draft Harbour Vitality Principles including the proposed text amendments described in Attachment 1.

6.0 Attachments

- Attachment 1: Proposed Amendments to Draft Harbour Vitality Principles
- Attachment 2: Public Feedback on Draft Harbour Vitality Principles
- Attachment 3: Draft Harbour Vitality Principles.

Proposed Amendments to Harbour Vitality Principles

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
An overview before the Introduction, setting out the key strategic/policy driver(s) of the City's role/vision for these particular sites would be useful	None. Addressed in section 2.1 Policy Direction	2.1	See section 2.1	n/a
The overarching principles lack commentary on the "actionability/economic viability" conditions to bring these concepts to reality	This will be addressed in the forthcoming Implementation Strategy	n/a	n/a	n/a
Commitment to meaningful engagement of Esquimalt Nation and Songhees Nation throughout the planning process and material involvement of the Nations in the harbour economy going forward	Revise text as noted	1.	The Inner Harbour today is one of Victoria's key gateways for commerce and tourism. It is steeped in "maritime history" and continues to thrive today in its capacity as a working harbour	The Inner Harbour today is one of Victoria's key gateways for commerce and tourism. It is steeped in " <u>First Nations and</u> maritime history" and continues to thrive today in its capacity as a working harbour
	Revise text as noted	2.1	<ul style="list-style-type: none"> ensure sensitivity to the surrounding historic and waterfront context; 	<ul style="list-style-type: none"> <u>ensure sensitivity to the surrounding waterfront context;</u> <u>respect and acknowledge the local First Nations history and culture;</u>
	Revise text as noted	Pg. 5	On-Site Heritage Buildings <ul style="list-style-type: none"> CPR Steamship Terminal: 396 Belleville Street – 1924 (Heritage-Registered) Stores Building: 254 Belleville St. – (Heritage-Designated) 	Historic Place <ul style="list-style-type: none"> <u>Located within the traditional territory of the Songhees and Esquimalt First Nations.</u> CPR Steamship Terminal: 396 Belleville Street – 1924 (Heritage-Registered) Stores Building: 254 Belleville St. – (Heritage-Designated)
	Revise text as noted	Pg. 7	(Insert above: "Adjacent Uses and Activities")	Historic Place <ul style="list-style-type: none"> <u>Located within the traditional territory of the Songhees and Esquimalt First Nations.</u>

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Commitment to meaningful engagement of Esquimalt Nation and Songhees Nation throughout the planning process and material involvement of the Nations in the harbour economy going forward	Revise text as noted	Pg. 9	Historic Place • Fort Victoria National Historic Site, includes the footprint of Fort Victoria, palisade, bastions, the three nodes formed by the three remaining mooring rings, and the views from the Fort site and mooring rings to Victoria Harbour	Historic Place • <u>Located within the traditional territory of the Songhees and Esquimalt First Nations.</u> • Fort Victoria National Historic Site includes the footprint of Fort Victoria, palisade, bastions, the three nodes formed by the three remaining mooring rings, and the views from the Fort site and mooring rings to Victoria Harbour.
Suggest insertion of “and linkage of land and water to facilitate marine-based commerce” at the end of fourth bullet relating to Working Harbour	Revise text to generally acknowledge important relationship between activities on land and water	2.1	• Maintain a working harbour	• Maintain a working harbour <u>and recognize the important relationship between activities on land and water.</u>
Include the water and seabed portions of harbour-front properties within the planning boundaries.	Revise existing Context maps to include water lots in study areas	Pg. 4-9	n/a	n/a
Introductory line either in this section or the Overarching Guiding Principles section that is a strong reminder of the strategic and critical importance of the connection between land uses and water uses ... mentioned throughout in some of the bullets however it seems lost in the overall messaging	Revise text as noted	3.	• Site-Specific Guiding Principles that apply to the Belleville Terminal site, Ship Point site, and Lower Wharf Street site.	• Site-Specific Guiding Principles that apply to the Belleville Terminal site, Ship Point site, and Lower Wharf Street site, <u>including the land and adjacent water areas.</u>

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Suggest the last line in the last paragraph be in BOLD and as a separate line	Complete as suggested	3.	The conceptual drawings are intended to illustrate and help envision how the respective Guiding Principles can be incorporated into the potential development and enhancement of each site. These drawings are conceptual only and are not intended to reflect preferred design solutions.	The conceptual drawings are intended to illustrate and help envision how the respective Guiding Principles can be incorporated into the potential development and enhancement of each site. <u>These drawings are conceptual only and are not intended to reflect preferred design solutions.</u>
Articulate a set of principles that more fully include water-side considerations and apply to all parts of the Harbour as a holistic land-water resource system.	None. Addressed in sections 4.1, 4.2, and 4.3.	4.	n/a	n/a
4. Overarching: The statements are good but should be strengthened. For example, the statement where links 'should be improved by completing...should be strengthened to reflect the input at the forums. Perhaps it could state that the links should integrate where possible with existing up-land streets.	None. Already implied in 4.1 bullet number four	4.1	Physical links between the city and the Inner Harbour should be improved by completing the Harbour Pathway and connecting to existing streets. Pedestrian friendly access that connects the downtown and surrounding neighbourhoods to the waterfront should be a priority.	n/a
4.1 sixth bullet should include "international port of entry for float plane and ferry passengers"	Revise text as noted	4.1	<ul style="list-style-type: none"> The role of Victoria as a gateway to Canada, particularly Vancouver Island, should be recognized and celebrated at key gateway points by promoting high quality urban design achieving a strong sense of entry and welcome. 	<ul style="list-style-type: none"> The role of Victoria as <u>an international</u> gateway <u>for float plane and ferry passengers</u> to Canada, particularly Vancouver Island, should be recognized and celebrated at key gateway points by promoting high quality urban design achieving a strong sense of entry and welcome.

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
4.2 ecological well-being should be undertaken everywhere, rather than where possible. As an objective, one must allow for positive changes over time. Ecological principles must also include emissions (of all modes of transport).	None. The current wording reflects that it is not always possible but it does not preclude it being completed	4.2	• On-shore and off-shore waterfront areas and their interfaces should be managed so that environmental restoration is undertaken where possible.	n/a
4.3 Society's expectations change. Again, the harbour that works includes the citizenry. If the harbour wants people to be part of the vitality, expectations must be let to evolve. To have a principle of supporting EXISTING water-based activity will create a stagnant dated harbour. Harbour use and businesses on the water and foreshore must adapt and be able and encouraged to change.	None. 4.3 Support a Working Harbour anticipates other future uses	4.3	n/a	n/a
4.4 Enhancing pedestrian safety and comfort through design and landscaping does not reflect the many statements made by those who have spoken about the parking areas. They do not want the area to be used as a parking lot. This section is somewhat internally inconsistent.	None. It is important to support a principle of pedestrian safety and comfort regardless if parking is provided or not.	4.4	n/a	n/a
Fundamental to the planning of the harbour properties is the underpinning of the information base with a thorough characterization of the physical, ecological and social attributes of both the land-side and the water-side of the subject sites.	Create a new principle in section 4.4 Promote complementary land use and high quality urban design	4.4	n/a	<ul style="list-style-type: none"> • <u>Land use planning within the Inner Harbour should consider the physical, ecological and social attributes of both the land and water.</u>

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
4.4 second bullet focuses solely on the Belleville Terminal as a transportation hub ... should also include seaplane terminals (ie: Harbour Air & Hyack)	Revise text as noted	4.4	<ul style="list-style-type: none"> Pedestrians should take precedence over vehicle traffic, except where transportation hubs require special access and parking, such as Belleville Terminal 	<ul style="list-style-type: none"> Pedestrians should take precedence over vehicle traffic, except where transportation hubs require special access and parking, such as for <u>float plane and ferry terminals</u>.
Contributing comment from City staff		4.4	<ul style="list-style-type: none"> Land uses should incorporate a holistic perspective that recognizes the important interface between landside activities and waterside activities. 	<ul style="list-style-type: none"> Land uses, <u>overall planning and development</u> should incorporate a holistic perspective that recognizes the important interface between landside activities and waterside activities, <u>irrespective of ownership</u>.
Contributing comment from City staff		4.5	<ul style="list-style-type: none"> Appropriate development, public realm improvements and programming should be supported to recognize the importance of the waterfront as traditional territories of the Songhees and Esquimalt First Nations 	<ul style="list-style-type: none"> Appropriate development, public realm improvements and programming should be supported to recognize <u>and promote</u> the <u>cultural significance and</u> importance of the waterfront as traditional territories of the Songhees and Esquimalt First Nations
Bullet #1 of OGP 4.6 should be amended to reflect the need “to promote activities and uses that support enjoyment of the Inner Harbour by the public on land and water ”	Revise section 4.6 Promote public activity, use and enjoyment of the Inner Harbour	4.6	<ul style="list-style-type: none"> The remaining undeveloped portions of the Inner Harbour should promote activities and uses that support enjoyment of the Inner Harbour by the public, including services and amenities such as recreation activity support, and strategically placed eating venues. 	<ul style="list-style-type: none"> The remaining undeveloped portions of the Inner Harbour should promote activities and uses that support the <u>passive and active</u> enjoyment of the Inner Harbour by the public <u>on land and water</u>, including services and amenities such as recreation activity support, and strategically placed eating venues.

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
4.6 In sessions, the need to carve out, or create, passive “linger” use was identified	Revise section 4.6 to include passive and active uses	4.6	<ul style="list-style-type: none"> The remaining undeveloped portions of the Inner Harbour should promote activities and uses that support enjoyment of the Inner Harbour by the public, including services and amenities such as recreation activity support, and strategically placed eating venues. 	<ul style="list-style-type: none"> The remaining undeveloped portions of the Inner Harbour should promote activities and uses that support the <u>passive and active</u> enjoyment of the Inner Harbour by the public <u>on land and water</u>, including services and amenities such as recreation activity support, and strategically placed eating venues.
Belleville Terminal concepts should be embellished with more economic vitality to include perhaps a hotel above the vehicular waiting area or bus loop, as suggested in one of the conceptual options	Create new principle that supports the economic vitality of the site through a mix of complementary uses	5.	n/a	<u>5.5 Promote economic vitality</u> <u>Support economic vitality for the site by encouraging a mix of complementary uses.</u>
Add “international” in front of “gateway” on last sentence of “Key Opportunities” section	Revise text as noted	5.	... acknowledging Belleville Terminal as a gateway through improvements to the overall aesthetics and quality of the site and the public realm along Belleville Street.	... acknowledging Belleville Terminal as <u>an international gateway</u> through improvements to the overall aesthetics and quality of the site and the public realm along Belleville Street.
Contributing comment from City staff		5.1	(Add as a new bullet)	<ul style="list-style-type: none"> <u>Support and maintain the Belleville Terminal's function as a transportation hub and focal point through consideration of the important relationship and connectivity between complementary activities and uses on both the land and adjacent water-based parcels.</u>
Section 5.1, first bullet, last sentence, after “Future transportation needs” suggest adding words “including potential relocation of downtown bus depot from Belleville/Douglas”	Potential relocation of downtown bus depot is outside the scope of these guiding principles	5.1	n/a	n/a

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Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Section 5.2, third bullet, suggest adding narrative at end of sentence to emphasize need for proper/efficient site planning to avoid unnecessarily sterilizing a long stretch of waterfront to meet international terminal security/customs requirements	None. Addressed in second bullet	5.2	<ul style="list-style-type: none"> • As existing facilities need replacement, future buildings should be designed in a way that considers amalgamation of uses, including international border services. Such redevelopment should carefully consider the relationship to adjacent land uses, including view corridors, Belleville Street, waterside views to the site and design elements. 	n/a
Belleville Terminal currently does not allow for interaction between the street and water's edge	None. Addressed in existing 5.3 Provide enhanced public access	5.3	<ul style="list-style-type: none"> • Where possible, public access to the waterfront should be encouraged at the edges of the Belleville Terminal outside of the security zone. • A continuous pedestrian connection between the Lower Causeway to the east and Centennial Park to west should follow the waterfront and/or Belleville Street, where appropriate, with an emphasis on pedestrian comfort, safety, and wayfinding. 	n/a
Section 5.4, third bullet, delete "CPR" ... also suggest adding narrative on site planning ensuring, to maximum extent possible, that waterfront is publicly accessible ... specifically, re-location of existing Coho berth further to the west would open up more waterfront for routing of the David Foster Way next to the water's edge (similar to causeway)	None. The CPR Steamship Terminal Building is the correct title for the building. Section 5.2 second bullet addresses the second comment (see above)	5.4	n/a	n/a

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
City staff		6.1	<ul style="list-style-type: none"> Where possible, site parking should be reconfigured to support festival and event activity, including the potential to create a permanent festival site that permits parking during non-event times. Parking areas should be designed and landscaped to be safe, attractive and environmentally responsible. 	<ul style="list-style-type: none"> Where possible, site parking should be <u>reduced and/or</u> reconfigured to support festival and event activity, including the potential to create a permanent festival site that permits parking during non-event times. <u>Parking areas should be designed and landscaped to be safe, attractive, environmentally responsible, and to mitigate impacts on pedestrian activity.</u>
The new Terminal should now be confirmed into the Plan	Amend Ship Point Site: Existing Context to identify the location of the new seaplane terminal as per the long-term lease recently approved by City Council (July 30, 2014 media release)	Ship Point Site: Existing Context	n/a	n/a
	Insert note to identify Council approval of the long-term lease (July 30, 2014 media release) to section 6. Ship Point Site.	6.	n/a	<u>Note: City Council has approved a long-term lease for the City-owned water lot area adjacent to Ship Point for a floating sea plane terminal building.</u>
Combine the property for both parking and public events	None. Addressed in Principle 6.1 Incorporate site design that supports a range of active uses	6.1	<ul style="list-style-type: none"> Where possible, site parking should be reconfigured to support festival and event activity, including the potential to create a permanent festival site that permits parking during non-event times. Parking areas should be designed and landscaped to be safe, attractive and environmentally responsible. 	n/a

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Section 6.1, fifth bullet (add), suggest "alternatively, consolidate the two existing seaplane terminals centrally near former customs float, with seaplane passenger parking centralized on the Lower Wharf street site, providing more space/flexibility/capacity for events/festivals on Ship Point site	None. The City does not directly operate/manage properties that it does not own	6.1	n/a	n/a
Section 6.1, sixth bullet (add), suggest declaration of site development limitation due to geotechnical conditions, making any significant structure technically challenging/cost-prohibitive	None. Geotechnical information has informed the process but does not directly affect the guiding principles as suggested	6.1	n/a	n/a
Ship Point site: parking, provided it is not visually obtrusive and ideally contained within a structure away from the water's edge, can be a significant revenue generator and catalyst to assist special events and businesses in the area.	None. Addressed in 6.1 Incorporate site design that supports a range of active uses	6.1	<ul style="list-style-type: none"> • Where possible, site parking should be reconfigured to support festival and event activity, including the potential to create a permanent festival site that permits parking during non-event times. Parking areas should be designed and landscaped to be safe, attractive and environmentally responsible. • Site parking should be retained to accommodate the seaplane terminal needs, including a pick-up/drop-off area, taxi, and bus spaces. 	n/a
6.1 This principle goes against most public views. The elimination of parking was strongly identified as a necessary rehabilitation for this site. Rather than create a parking lot that could be used for events, why not create a public space for people to use and that can be used for festivals.	None. The principles seek to balance parking needs and public space needs.	n/a	n/a	n/a

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Section 6.3, fifth bullet (add), suggest potential relocation of current night market activities from Ship Point pier to base of wall in current parking lot in front of the 24 arch retaining wall (perhaps a two-storey, 3-season rustic/timber structure??) ... doing so would eliminate timing/space conflicts between night market and event/festival activities and provide more animation and architectural interest in what is now a barren parking lot	None. The City does not directly operate/manage properties that it does not own	6.3	n/a	n/a
6.3 If authentic revitalization is desired then the focus should be on creating public space for use all of the time rather than focus on programmed 'engagement' of Victorians. Rather than design for pedestrian use, design for people use.	If the site is designed for the public it will be comfortable for people.	6.3	<ul style="list-style-type: none"> Site design should include comfortable pedestrian open space, such as a plaza or green space, when no special events are in session. 	<ul style="list-style-type: none"> Site design should include comfortable <u>public</u> open space, such as a plaza or green space, when no special events are in session.

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Commitment to meaningful engagement of Esquimalt First Nation and Songhees Nation throughout the planning process and material involvement of the Nations in the harbour economy going forward	Revise text as noted	7.	The key opportunities for the Lower Wharf Street site that were derived from the public consultation included: strengthening the pedestrian connectivity with Bastion Square and to Ship Point, improving opportunities for inviting public access to the water, potential uses to anchor the site as an Inner Harbour destination as well as greater year-round animation of the site	The key opportunities for the Lower Wharf Street site that were derived from the public consultation included: strengthening the pedestrian connectivity with Bastion Square and to Ship Point, improving opportunities for inviting public access to the water, potential uses to anchor the site as an Inner Harbour destination, <u>supporting economic vitality opportunities for First Nations</u> as well as greater year-round animation of the site
		7.6	N/A	<u>7.6 Create opportunities for economic development</u> <ul style="list-style-type: none"> <u>Consider opportunities for the integration of appropriate forms of commercial development that support economic opportunities particularly for First Nations, in a manner consistent with the surrounding environment and that complement the downtown and waterfront context.</u>
Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
Principle 7.1 Aside from staff (Harbour Pathway Special Places) I have not seen any preference or support of a “beach”	A beach is used as an example and is only one possible way to create a direct link between land and water	7.1	• The Lower Wharf Street site should be considered as a key link between the Old Town Area and the waterfront by encouraging a direct link from Bastion Square to the edge of the water. This could include the creation of a “beach” and kayak access/landing.	n/a

Note: Proposed text amendments are identified in red and are underlined

Comment Received	Proposed Action	Section	Current Wording	Proposed Wording
7.4 this site, more than any other, should highlight the presence of, and contributions of, the Hudson Bay to this region	None. The term “cultural heritage” has been used here to cover this and other elements	7.4	• Design elements for the site should reference and celebrate local cultural heritage.	n/a
Lower Wharf Street site: facilitating spaces which offer appeal to locals 365 days a year.	None. Addressed in 7.5 Enhance the site as a landmark location	7.5	• Opportunities to enhance the Lower Wharf Street site as a key landmark/destination should be considered through uses that attract people year-round and are complementary to the Inner Harbour.	n/a

Note: Proposed text amendments are identified in red and are underlined

From:
To: harbourdialogue@victoria.ca
Subject: when is public hearing?
Date: Friday, Aug 22, 2014 4:06:55 PM

When will there be a public hearing regarding the proposed changes to the Inner Harbour?

The Inner Harbour is beautiful as it is - just keep up the maintenance and repair that has fallen behind. Fix the sidewalks and replace the ugly chain link fence on Belleville St.

I do not want to see a lot of commercial development along the shorelines of the Inner Harbour - keep it for the public's use - more benches, more green grass.

The Coho and the Clipper are fine where they are. No new buildings on shorelines.

From:
To: harbourdialogue@victoria.ca
Subject: Tourism
Date: Wednesday, Aug 6, 2014 4:07:55 PM

To whom it may concern;

I would like a large docking facility that would encourage Yacht tourism.

There should be a high end seafood restaurant and other successful tourist venues to attract the boaters.

From that location various modes of transportations like City buses, tour buses, harbor ferries, cycle rentals, horse carriages, and taxis could run.

I believe this could easily generate and income for Victoria and should be bring Tourists all year round.

I would like to see all three of these areas to focus on various venues of entertainment. Buskers, outdoor orchestras, live bands Block party style and tasteful bars or night clubs that could encourage local talent.

Seasonal outdoor markets to provide local produce. Additionally a site where community artist could be encouraged to perform their talents would really enhance the downtown core.

I would also like to see signs giving the history of the area with old pictures of the past displayed throughout the area.


Victoria has so much to offer and these sites would be ideal to encourage tourism.

Sincerely,



From:
To: harbourdialogue@victoria.ca
Subject: Thank YOU!
Date: Thursday, Jul 31, 2014 8:36:29 AM

This is the best news I've heard in a long, long time. And it's long overdue.
Thank you to all those involved to make this happen. Now - let's move onto the Belleville terminal.
Onwards and upwards.
Can't thank you enough.

From: 
 To: natuvu@dialogue@victoria.ca
 Subject: ship point/wharf street / tourism and johnson+wharf traffic
 Date: Friday, Aug 15, 2014 11:26:36 AM

if the existing parking lots at ship point and wharf street are to be removed and not replaced with any underground parking, it would be worth considering using the lower levels replacing those lots as nightclub/small concert spaces (with small retail outlets on the outside facing the waterfront pathways. if club 9one9 could be convinced to relocate, it would centralize more of the nightlife scene around bastion square, remove some of the noise/problem/conflicts between residential neighbors and the club, and allow police to more tightly focus their nightclub/party prevention efforts to a single area (presumably reducing policing costs) - the primary entrance to such a club could be at the top of wharf street, allowing police to maintain a presence to monitor both the club and bastion square at the same time.

having a nightclub/concert hall mostly underground would help keep noise down, and reduce the amount of soundproofing needed during construction.

i admittedly don't frequent these types of establishments very often, but i do see a need to have them in order to support a vibrant youth culture - if this redevelopment could help alleviate some policing issues and residential/club-goer conflict, it seems worth considering.

--

on another front, the eastbound traffic coming across the johnson street bridge and then funnelling out through johnson and fort streets is a negative for tourism - the heavy car traffic makes pedestrian enjoyment of that corner of downtown unpleasant. while that unpleasantness has probably in some way contributed to the retail revitalization of lower johnson (which seems to be one of the most vibrant retail sections downtown now) in the form of lower rents, it still remains an unpleasant place to walk.

the downtown core would be better off if people weren't using it as a throughfare to get from vic west over to fairfield and james bay; if the only traffic present were traffic destined for downtown, volume would be vastly decreased and pedestrian and cyclists would be more comfortable enjoying the natural and historic beauty of the downtown core.

perhaps lower pandora could be converted to a two way street and all eastbound traffic were directed up it? were that to happen, the johnson street bridge would no longer be a useful crossing point for downtown throughfare traffic (bay street would be a better option, and going through an industrial area is clearly more suited for upgrades to handle traffic flow than any part of downtown). part of the tangle of roadways that makes up the confusing wharf/johnson/pandora intersection could be reclaimed and converted into further green or retail space to enhance the tourism appeal of the downtown core.

--

i'm glad to see some action happening on this front - downtown and the waterfront are a valuable public resource, and it's good to see they are finally getting the serious attention they deserve.

From: _____
To: harbourdialogue@victoria.ca
Subject: PROTECT the Inner Harbour!!
Date: Friday, Aug 22, 2014 4:14:15 PM

Please have a Public Hearing!!! The Inner Harbour is a wonderful place for everyone!! Keep it that way.

Do not over commercialize the Inner Harbour!! No Buildings above 2 storeys.

Maintain and repair the rundown sidewalks and pathways and keep the Inner Harbour close to the way it is now!!

Don't "give away" public lands to private businesses.

Get the floatplanes relocated - there are much better options for the floatplanes terminal than where they are now.

From: _____
To: harbourdialogue@victoria.ca
Subject: Long Term Lease and Harbour Lands Revitalization
Date: Thursday, Jul 31, 2014 7:59:25 AM

To City Planners,

Part of the harbour dialogue discussion involved the possible move (as illustrated in some of the Harbour Vitality Principles schematics) of the float-plane terminal to the Wharf Street area and the GVHA waterlot, from the Ship Point area and the City of Victoria waterlot.

Such a move would have freed up public realm space adjacent to Ship Point, and reduced the blight of aircraft fumes which predominate this location. (Planning has also systematically failed to use the fundamental planning tool, namely a noise exposure forecast or NEF, in relationship to the harbour airport, in contravention to common practice at virtually all other airports in Canada.)

Confirming a 20-year lease of the City of Victoria waterlot and associated uplands to Harbour Air before anyone has a chance to comment on the Harbour Vitality Principles and the various schematics that are contained therein is an untimely insult to those who might have wished to comment on the Harbour Vitality Principles.

In the process, a chimera, if not a farce, has been made of public dialogue.

This doubles up on the use of so-called "experts" to draw up some of the schematics, where these teams of "experts" were dominated by those with vested interests, and ignored representation from local residents, some of whom have just as much expertise in land planning as the so-called "experts".

It appears to be an ongoing practice to allow those who do not live in Victoria to dominate what happens in Victoria, and to ignore the voices of the actual people who live here and pay the taxes (which are all too high relative to average household incomes) to keep the City running.

Sincerely,

From:
To: harbourdialogue@victoria.ca
Subject: Is this the next greatest thing?
Date: Friday, Aug 8, 2014 11:16:15 AM

Good morning.....

I am afraid the work related to the harbour is the next 'shiny thing' to come before a Victoria Council.

I recall the Greenways project, touted so many years ago as a neighbourhood builder and community asset. To date, we have seen little, to no investment in this project, leaving one more study to gather dust in the 'book case of good intentions'. So too the David Foster Way (an ill named asset but that's for another day), a series of photo ops and accompanying articles in the paper but to date a project languishing due to lack of necessary capital.

I also recall the long ago Rec Renewal study which took a year of time only to see it go awry with no decisions and certainly no funding. Seems to me a second and possibly a third study was done and with no concrete result.

So now we have a study, another study to accompany the ones done prior on the fate of the Belleville terminal and neighbouring properties, to garner excitement and attention, and perhaps to go on the aforementioned shelf.

Can I suggest that we go back, uncover those previous studies and plans, and invest in one until its completion? There are no shortage of grand plans, but it would be terrific if we actually see one or more come to a conclusion.

I would like a reply and perhaps a recap of the projects I have noted with a summary of the work done to date and anticipated completion dates.



From: _____
To: harbourdialogue@victoria.ca
Subject: Harbour Vitality Principles
Date: Friday, Aug 22, 2014 3:15:57 PM

Hello,
First let me congratulate those responsible for developing such comprehensive, thorough, and aesthetically pleasing options to maintain and enhance the natural beauty of our Victoria Inner Harbour.

My votes for the 3 Specific Sites are as follows:

1. BELLEVILLE TERMINAL:

vote for Team 1 Concept...

2. SHIP POINT

vote for Team 1 Concept...

- I like leaving the float plane Terminal where it is
- I especially like the plaza/parking space with overhead lighting
- hopefully the existing 'niche wall' receives some attention as proposed in Team 3's LED Niche Wall proposal

3. LOWER WHARF STREET

vote for Team 3 Concept...

- I like the grass topped building as an extension of Wharf Street which maintains the vista to the water
- some parking under the building is admiral
- kiosks incorporated into the building

Overall, I have been drawn to concepts that keep the vistas to the waterway as open as possible, i.e. no built up structures along or extending into the waterway such as the new Maritime Museum proposal. I also do not support additional activities, such as sailing schools to be located into this very busy area already.

Thank-you again for the efforts.

From:
To: harbourdialogue@victoria.ca
Subject: Harbour concept feedback
Date: Friday, Aug 22, 2014 3:14:47 PM

The teams all did a great work session presentation of the various options.

My vote for the three areas are as follows:

1. Belleville terminal Team 1 concept is best use. Why not have the Maritime Museum in the CPR building
2. Ship Point Team 1 concept . Any development should highlight the existing alcove wall
3. Lower Wharf Street Team 3 concept wins. The native cultural centre could be incorporated in place of some of the retail spaces. Team 2 Option 1 is almost as good.

In general there should be no additional high buildings placed along the waterfront. Keep the sight lines of the harbour from the street level clear. Also the sailing school at ship point and kayak launching at belleville are complicating use in an already busy harbour. The sailing school would be much better located in the gorge waterway.

Thank you for the interaction on this.

Selkirk waterfront resident.

From:
To: harbourdialogue@victoria.ca
Subject: Fwd: Feedback on the Draft Harbour Vitality Principles
Date: Monday, Aug 11, 2014 8:02:58 PM

Comments

Re: 4.3 Support a Working Harbour

The Inner Harbour is NOT a working harbour. The working harbour is located around the Upper Harbour north of the Johnson Street Bridge. It had mostly disappeared. The use of the term 'working harbour' is confusing. The Inner Harbour is a transportation hub and corridor to the Gorge waterway. The land surrounding the Inner Harbour does not support marine-dependent industries except for the transit of barges and ships. This needs to be clarified.

-
Belleville Terminal

Consider expanded street level bulge out above vehicle holding/staging area, great opportunity for viewing area.

Ship Point

fountains at ship point => consider wind art as opposed to water features, its less maintenance and more interesting, it could be combined with wind generation and light and provide a show piece of clean tech made in Canada.

Lower Wharf Street

First Nations Cultural Centre => Team 1 consider a different design that does not separate the space and block the view from the stairway

my preference is the Team 3 design

From:
To: harbourdialogue@victoria.ca
Subject: FW: Harbour Vitality Principles.
Date: Thursday, Aug 7, 2014 1:31:18 PM

My name is _____ and I am the owner of the Huntingdon Manor.
Your proposed improvements to the Inner Harbour will greatly enhance this beautiful area to visitors and residents alike.

The Huntingdon Manor will likewise be undergoing improvements over the next few years.

We are proud to be a business partner in this beautiful city. We look forward to working closely with everyone involved in transforming the Inner Harbour into a place where people can relax and enjoy the spectacular beauty that surrounds them.

Sincerely,

From: Rob Bateman
To: harbourdialogue@victoria.ca
Subject: FW: Draft Harbour Vitality Principles
Date: Thursday, Jul 31, 2014 12:22:59 PM

From: Robert Batallas
Sent: Thursday, Jul 31, 2014 11:58 AM
To: Rob Bateman
Subject: FW: Draft Harbour Vitality Principles


HVP Comment

From: f
Sent: Thursday, Jul 31, 2014 11:56 AM
To: Robert Batallas
Subject: Re: Draft Harbour Vitality Principles

Hi Robert, thanks for the email + the report. I think you have captured the essence of the Harbour Dialogue initiatives to date very well and I have no further comments at this time. I moved to Victoria in January 1975 so I'm aware of many of the historical efforts to address the potential of the inner harbour development sites, and some of them, i.e. the proposal to erect tower blocks close to the harbour, were just plain silly.

I certainly wish you and your colleagues all the success in the world in pursuing some very 'sustainable' options for the City, and I'm hopeful something can be made to happen in my lifetime.

Sincerely

 Architect AIBC
On 28-Jul-14, at 3:11 PM, Robert Batallas wrote:

From:
To: harbourdialogue@victoria.ca
Subject: Draft harbour vitality principles
Date: Wednesday, Aug 6, 2014 4:47:42 PM

The city has had many presentations in the past concerning the problems that the float planes cause. They continue to pollute the area (and the whole Peninsula) with fumes and noise. The inner harbour is not a safe "runway" for airplanes because it has multiple uses and buildings are too close. Such an "airport" would never get safety approval if it were on land.


Please do not include floatplane docking in the harbour plans - please move them out to Ogden point or some other safer, less intrusive location.

From:
To: harbourvitalogue@victoria.ca
Subject: Comments RE Draft Harbour Vitality Principles
Date: Saturday, Aug 9, 2014 1:27:07 PM

1. Overall, a thoughtfully document with some good ideas. Maybe the best plans are an 'amalgamation' of the best ideas from the various teams?
2. Integration with Wharf Street/Downtown - For many years now, Wharf Street businesses are hurting badly and don't seem to be keeping tenants or businesses. Is there anything that can be done to bolster business along that street? It's pretty bare there. Also, we like the connection up to Bastion Square.
3. We are opposed to an aboriginal cultural centre, as detailed by Team 1 and 2 in the Lower Street Concept plans. Seems to us, such a facility would undercut the BC Museum and it's very strong emphasis on aboriginals. Secondly, nowhere does that idea service according to the public engagement summation. Quite simply, it is not a public priority. As an alternative a "Whale Cultural Centre" or a "Maritime Museum" or a "Captain Cook/Pirates Museum" would be a better tourist and public draw, and tie into the cultural heritage of the area more broadly.
4. Before there's a bunch of unsightly food trucks strung out along Ships Point on a permanent basis maybe local restaurants should be asked what they think of the idea. Loss of restaurant taxation revenue should also be weighed by the City of Victoria.
5. The continuation of the walkway is a major priority everyone agrees, and it would be nice if the historical lamps were part of it to tie in the area and provide lighting. Please note, the area in front of the Steamship Terminal is a choke point and congested for tourists with suitcases and others. Suggest remove and relocate some signs and bike racks so people can actually walk by!

That's our two cents.




From: 
To: harbourdialogue@victoria.ca
Subject: Comments
Date: Friday, Aug 22, 2014 3:26:32 PM

Hello,

We took part in the discussions at the Victoria Conference Center and have reviewed the Harbour Vitality Principles document. We have the following comments about the harbour development proposals.

- Most suggested changes looked fine and it was good to see the wider sidewalks, people friendly spaces in park-like green spaces along David Foster Way all along the waterfront.
- Good to see kayak and small craft launching areas, they are important to give everyone kayak access to the beautiful harbour, not just the people who rent kayaks and launch from rental points. Good to have kayak launch areas near public toilets so that folks out for day of kayaking have somewhere to put in for toilet use and to purchase a snack or meal. There should be kayak launch areas at the Lower Wharf Street Site and Belleville Terminal site.
- A low profile combined Clipper/Coho Terminal Building is a great idea with CBSA onsite to deal with both users.
- A hotel is NOT suitable for the Belleville Terminal site. It would increase the height profile and ruin the lovely view from the water of Huntington Manor and the green park across the street. Not to mention the view from David Foster Way looking out to the harbour would be obscured by the edifice of a hotel - simply not appropriate on the waterfront.

Thank you for the opportunity for input.



Rob Bateman

From: harbourdialogue@victoria.ca
To: harbourdialogue@victoria.ca
Subject: FW: Victoria Harbour Dialogue - Principles Document

From:
Sent: Thursday, Aug 21, 2014 10:59 AM
To: harbourdialogue@victoria.ca
Subject: Victoria Harbour Dialogue - Principles Document

Good morning,

Please accept the following as input/response to the Harbour Dialogue Principles document.

Comments regarding attachments to the July 17 G&P Committee Report:

Upon review of pages 299-379 of the July 17 G&P package, there are:

- ~ recommendations regarding next steps and implementation which emphasize business interests over residential. In the inner harbour there are a few - not many between Laurel Point and the Regent - landowners who have not been included in discussions because they are residents. These residents are directly impacted by City decisions on the inner harbour.
- ~ several comments which stand out and could be principles,
- ~ a couple of predominant themes identified in the forums/survey have not received sufficient recognition in the Principles document, and
- ~ many comments that are not appropriate, indicating a low level of knowledge about the harbour.

Stand-out comments -

- *Creating a precinct where Victorians will go - authentically ... ensure it doesn't become another precinct of its own.*
- *How parking is available needs to change. the Harbour is not a place for parking, yet it is being used as such.*
- *should be viable year round for local patronage*
- *Ship Point= celebration; Wharf=entertainment; Belleville=transportation.*
- *float planes prohibit [marine] traffic, could be used for small pleasure craft...*

Predominant themes -

- The first and most strongly stated statements were that the parking should disappear from Ship's Point and Lower Wharf Street. Many of the schematics in the Principles document do NOT respect this over-arching comment. Participants clearly want to parking or no 'visible' parking.
- The second prominent theme would be that Ship's Point and Power Wharf should be the City's *living room*. A place where one could visit and linger.
- The third main theme I heard at the forum I was at was that people wanted European (and to limited extent here and elsewhere) style eateries/cafes where one could linger. This did not mean a row of food-carts.
- The most common and accepted comment on the airport terminal was that it be relocated to the north, the Lower Wharf site. Such a move would relieve the Ship's Point location of fumes/emissions from the aircraft and engine noise. Although it wouldn't eliminate these impacts, it would make the Ship's Point and southern portion of Lower Wharf Street more useable, safer for those who may have compromised respiratory issues and the elderly and young who could be more susceptible to the kerosene-based turbo fuel.

Uninformed comments -

Although forums and surveys invite all and any kind of input, there were several which suggest that the participant had a very low knowledge of the possible. For example, there were several suggestions about bringing the cruise-ships right into the inner harbour so that the passengers would arrive directly downtown. Those providing such comments must not understand the depth of the waters in the inner harbour and the size (15 storey high resorts carrying 4500 passengers and crew). Unfortunately, comments which show a greater understanding of the harbour become diluted with these kinds of comments and the "wish-list" ideas which, by the geo-analysis, would not be possible.

Principles:

See comments below under "Technical" which formed part of an e-mail sent earlier.

The underpinnings of any Principles document should respect and employ safeguards (both national and international). TP1247, has not been respected. Emissions considerations are missing. A comment on page 19 (337) summarizes it as *"Danger, smell and noise from sea planes"*.

There is a culture of **willing blindness** on the part of the City to these issues.

Process:

See comments below which also formed part of an e-mail sent earlier to Planning.

Comment on the Schematics:

Although the composite schematic of the Belleville site was worthy to be forwarded, with agreement, to the Province for its consideration and hopefully agreement in principle, the schematics for the other two sites were/are very problematic. The Ship Point and Lower Wharf schematics looked (and for the most part were) created by those with vested financial interests carving out niches for their own businesses.

Concluding comments:

I believe there is too much emphasis on ways of *drawing people to the area* as opposed to reasons for people to want to be in the area and to use the area. The focus should not be on events, but resident and visitor use of the area at any point in time. The comment above on authenticity is spot on.

I am very disappointed that there has been little emphasis on the history of the area. Although first nation history is identified throughout the document, the Hudson Bay Company and its role in the City's foundation has been overlooked. It was mentioned in the session I attended, but does not appear in the notes.



Harbour Vitality Principles

Share Your Thoughts With Us!

The City of Victoria has developed draft guiding principles to help guide revitalization and to shape future development and enhancements along the Inner Harbour. We are now looking for your feedback on the draft principles.

Please submit your comments to the Customer Service Ambassador on the main floor of City Hall or to the Development Centre located on the second floor. You can also email your comments to harbourdialogue@victoria.ca. For a digital copy of the draft Harbour Vitality Principles visit www.victoria.ca/harbourdialogue.ca

Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the draft Harbour Vitality Principles?

THE FOUR PRINCIPLES SHOULD BE RE-ORDERED IN TERMS OF IMPORTANCE AS FOLLOWS:

- ① IMPROVE THE PUBLIC REALM AND PEDESTRIAN EXPERIENCE
- ② DEVELOP A CONTINUOUS WALKWAY ALONG THE HARBOUR THAT WILL ALSO ENSURE PUBLIC ACCESS TO THE WATERFRONT
- ③ DESIGN A HARBOUR THAT WILL ATTRACT LOCALS AND TOURISTS
- ④ MAINTAIN A WORKING HARBOUR WHILE ENSURING IT IS APPEALING FOR VISITORS.

- A. THE BEST PART OF THE HARBOUR VITALITY PRINCIPLES RELATES TO THE RESTORATION OF THE BELLEVILLE COHO/CLIPPER TERMINAL. THIS TRANSPORTATION HUB IS OF VITAL IMPORTANCE TO THE CITY. DO NOT BUILD ANOTHER HOTEL ALONG THIS FRONTAGE, BUT DO WIDEN AND ENHANCE THE HARBOUR PATHWAY ALONG THIS ROUTE BY EITHER CANTILEVERING THE PATHWAY OVER THE COHO PARKING AREA OR BY ELIMINATING PARKING, ESPECIALLY INCLUDING BUS PARKING, ALONG THE NORTH SIDE OF BELLEVILLE ST.
- B. ONE OF THE BEST IDEAS WITH RESPECT TO THE SHIP POINT AND LOWER WHARF STREET SITES WAS TO MOVE THE FLOAT PLANE TERMINAL NORTH ONTO THE GVHA WATERLOT AND ~~AWAY~~ AWAY FROM THE CITY OF VICTORIA WATER LOT. THIS HAS BEEN PRE-EMPTED BY THE MASSIVELY INAPPROPRIATE ISSUANCE OF A 20-YEAR LEASE TO HARBOUR AIR OF THE CITY OF VICTORIA WATER LOT AND THE RELATED UPLAND AREA. THE TIMING OF THIS LEASE ANNOUNCEMENT HAS MADE A COMPLETE MOCKERY OF THE PUBLIC ENGAGEMENT PROCESS. THE REAL PROBLEM WITH THE HARBOUR IS THAT ITS MARINE WATERWAYS ARE OVERLAID WITH AERODROME RUNWAYS, THAT ACCOMMODATE AN ALIEN SPECIES FROM THE PERSPECTIVE OF AN ACTIVE MARINE WATERWAY, NOT TO MENTION THE EMISSIONS OF VOLATILE ORGANIC COMPOUNDS AND THE DISTURBING NOISE THEY CREATE.
- C. THE SPANISH STEPS IDEA, WHICH WOULD LINK BASTION SQUARE TO THE LOWER WHARF STREET SITE IS GOOD, AS ARE SOME OF THE PUBLIC REALM SUGGESTIONS FOR THE USE OF THIS PROPERTY AND THE ADJACENT SHIP POINT SITE. PARKING IS CLEARLY NOT THE HIGHEST AND BEST USE OF EITHER OF THESE SITES.

Harbour Vitality Principles

Share Your Thoughts With Us!

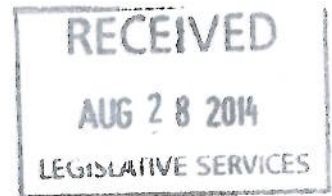
The City of Victoria has developed draft guiding principles to help guide revitalization and to shape future development and enhancements along the Inner Harbour. We are now looking for your feedback on the draft principles.

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Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the draft Harbour Vitality Principles?

- A. THE BELLEVILLE STREET ENHANCEMENT CONCEPT MAKES SENSE. THE PROVINCIAL GOVERNMENT, PERHAPS WITH ADDITIONAL FINANCIAL SUPPORT FROM THE FEDERAL GOV'T, SHOULD COMPLETELY RESTORE THE COMO DEPARTURE DOCK, WHILE A SHARED COMO-CLIPPER TERMINAL (WITHOUT YET ANOTHER HOTEL, WHICH WOULD BLOCK HARBOUR VIEWS) ALSO MAKES SENSE. PATHWAY WIDENING AND ENHANCEMENT ALONG BELLEVILLE STREET FROM MENZIES TO OSWEGO IS ESSENTIAL.
- B. TEAM TWO'S SHIP POINT CONCEPT HAS NOW BEEN TRASHED BY THE 20 YEAR LEASE FOR THE ONLY MAJOR WATERLOT OWNED BY THE CITY OF VICTORIA. IN ANY CASE, MOVING THE MARITIME MUSEUM TO THE SHIP POINT WHARF IS NOT SUPPORTABLE BY THE GEOLOGY, AND THIS PART OF SHIP POINT SHOULD CONTINUE TO HOUSE THE TWO BEAUTIFUL SALTS SCHOONERS, PACIFIC SWIFT AND PACIFIC GRACE. TEAM'S ONE AND THREE USE THE EUPHANISM "MARINE-RELATED BUSINESSES AND RESTAURANTS" FOR "MAINTAIN THE SQUATTER'S RIGHTS FOR THE FLYING OTTER GRILL". NEITHER TEAM ONE NOR TEAM THREE CONTRIBUTE MUCH IN THE WAY OF MEN IDEAS. IT IS NEVERTHELESS ^{IMPORTANT} TO ENHANCE THE HARBOUR PATHWAY ALONG THE WATERFRONT, AND TO MAINTAIN VIEW-SCAPES FROM WHARF STREET.
- C. ALL THREE TEAMS LIKE THE IDEA OF "SPANISH STEPS" LINKING BASTION SQUARE TO THE WHARF STREET SITE. JUST SOUTH OF THE STEPS, A RELATIVELY LOW BUILDING (CULTURAL CENTRE) WITH A GREEN ROOF ACCESSIBLE FROM WHARF STREET, WOULD MAKE SENSE, AS WOULD SPACE FOR SMALL-SCALE FOOD VENDORS, EVEN CARTS. BETTER MOBILITY FRIENDLY CONNECTION IS REQUIRED BETWEEN THE WHARF STREET SITE AND THE SHIP POINT SITE. GIVEN THAT TEAM TWO'S VISION (WHICH INCLUDES MOVING THE FLOAT PLANE TERMINAL TO THE NORTH) HAS BEEN PRECLUDED, TEAM THREE PROVIDES THE BETTER PLAN. TEAM ONE WANTS A CULTURAL CENTRE THAT IS TOO HIGH, BLOCKING VIEWS AND ACCESS FROM WHARF STREET. PARKING ON BOTH THE SHIP POINT AND WHARF STREET SITES SHOULD BE REDUCED TO THE MINIMUM THAT IS REQUIRED FOR THE SITE. VIEWS OF THE ORIGINAL RETAINING WALL, WITH NICHEs FOR CULTURAL DISPLAYS, SHOULD BE MAINTAINED AT THE SHIP POINT SITE. THE MARITIME MUSEUM WOULD BE A GOOD ALTERNATIVE TO A CULTURAL CENTRE ON THE WHARF STREET SITE.



Subject: "HARBOUR VITALITY PRINCIPLES (attachment 1, draft):
 "Share Your Thoughts With Us"
 feedback questionnaire requested by the City of Victoria

A former Montreal mayor who was a keynote speaker during the initial opening of the Victoria conference centre advised, "*Keep What Makes Victoria Special*" - good guidance worth heeding.

The Inner Harbour greenbelt lands are special and ought to be maintained and preserved for the public good. Hopefully, the current "Harbour Vitality Principles" questionnaire is not a prelude for determining whether selling is appropriate, no matter the source of management- (federal/provincial/city/harbour authority/privately owned ?)

The harbour ought not to be considered Victoria's exclusive oyster, there only to benefit humans. Other species need it - fish migrating to and from the sea for example. The human species must be careful to prevent polluting of any kind. Saanich took steps in that direction by posting warning signs for public information. Another example - moorage facilities are akin to vehicle parking lots (notice the adverse effects of numerous marine vessels moored near the Oak Bay marina; they block sea views, also do nothing to improve aesthetics). Who if anyone checks that holding tanks are emptied properly?

Once blocked, the harbour's scenic appeal is gone virtually for ever, a lost opportunity to create special places for young and old people to enjoy, residents and visitors. Victoria's population continues to grow, but park space per thousand population is insufficient and does not balance the increase. The current goal to attract more people to downtown is resulting in smaller residential units in higher buildings and minimal, if any, setbacks crowding out open spaces. Developers' financial dreams are coming true but at what cost to community living? There is no shortage of commercial activities (eateries, gift shops, etc.) on lands adjacent to the waterfront; they are not special. They do not need to occupy Inner Harbour land.

If not known already, background information could be helpful to determine best usages. Several Inner Harbour properties were purchased with *Greenbelt* funds which specified "*preservation in perpetuity*" as greenbelt. The harbour provides an opportunity for healthy respite, the only one likely in the foreseeable future. Better to provide more leisure open public spaces such as parks, especially waterfront lands. Victoria is short of desirable park space per thousand population, necessary to catch up with the needs of the burgeoning population and compensate for the growing trend that permits minimum if any setbacks to structures - following a pattern leading to more tall hemmed-in areas over time and affect downtown's character including the Inner Harbour.

Set aside the lands adjacent to the waterfront and replace with health-facilitating green spaces along with a JOGGING PATH sufficiently wide to support workers during lunch-time breaks. e.g. the YM/YWCA. The green space waterfront route could extend from Wharf Street to the Gorge waterfront park and on to fish-bearing Colquitz Creek Park eventually. An existing pedestrian walkway includes the western section of Belleville Street, grounds of St. Ann's Academy, Beacon Hill Park, Dallas Road cliffs, Fisherman's Wharf, Laurel Point, returning to Belleville Street and the Parliament

Building adjacent to the Inner Harbour. Amusing and/or attractive works of art could line portions of the route (the idea of lining a waterfront pedestrian route with a variety of art, some not permanent, is already popular at Sidney, *Times Colonist* article).

TRANSPORTATION

Bicycles - Bikes having been classified as vehicles, ought not to mix with pedestrians. Instead, cyclists should be required to dismount and walk in this so-called "Walkabout City".

BELLEVILLE STREET

Terminal

Years ago, when the Coho ferry docked near the junction of Wharf and Government Streets, a consultant recommended solving the traffic congestion problem there by moving all marine transportation to Belleville Street, a suggestion that was partially carried out. Current word is that there are traffic problems on Belleville Street now.

It surely is advisable to move all marine transportation to a single site where costly services (customs facilities, ticket terminals, schedule information, toilets, staff, eateries, taxi spaces, etc.) could be shared, saving money and wasting use of special waterfront land. Now is the time to consider another move, to Ogden Point for example, where all marine transportation could share one large site including the helicopter pad nearby and so provide a likely longer lasting location, and a more efficient and convenient place when passengers transfer.

WHARF STREET

The waterfront parking lot on Wharf Street west of Bastion Square (known as the Reid site) is being developed in an ad hoc way, apparently first come, first served, a shame considering its special potential and the fact that it was purchased with *greenbelt* funds. I suggest that Wharf and Belleville Streets be closed to traffic. Make them parks for pedestrians only. The current goal to attract more people downtown in order to increase business is resulting in more high buildings with few if any setbacks; the effect looks hemmed-in. Park space per thousand population necessary to balance the changes is insufficient and has been overlooked.

Close Wharf Street and the section of Belleville Street between Government and Oswego Streets to traffic. Make them pedestrian friendly for this so-called walkabout city. Bicycles qualify as traffic. Cyclists should be required to dismount and continue on foot.

The arch design of the wall below Wharf Street (on the Reid site) is attractive and pleasing especially when viewed from vessels entering the harbour - a pattern that could establish a tone for the whole area. They might represent a remnant of Victoria as it used to be during early years - the brief gold rush era, the booze, so-called ladies of the night, Justice Matthew Begbie, the Dunsmuir influence, etc.). The site was purchased with *Greenbelt funds* and should be recognized as a bonafide public park. Ad hoc developments there should stop; they do nothing for desirable aesthetics (which might be at odds with business interests and/or priorities).

Build nothing above street level around the harbour in order to retain sea views (including street-end views) that are seen by pedestrians and passengers in vehicles, and vice versa the old warehouses seen from vessels entering the harbour. Establish all waterfront lands around the Inner Harbour as public park to enhance the overall scene and experience.

Keep moorage facilities minimal both from a visual aspect (blocking sea views) and pollution (harmful to health and to other species).

Establish the specific width of the public pathways, also of setbacks. If a decision is made to name a portion of the waterfront path after an individual, market value should be the determinant charge for that form of self-advertising. The offer should be advertised and available to all impartially. (Incidentally, the name Galloping Goose (trail) is catchy; better than David Foster Way in my opinion.)

REESON PARK

It is hoped that waterfront Reeson Park (north of Regent Hotel on Wharf Street and south of Johnson Street Bridge) will remain in place. Conveyed to the city by former mayor Peter Pollen and a colleague, the park is often frequented by young people including travelers who stay at the hostel nearby.

THE LOWER CAUSEWAY AND SHIP POINT

Instead of permitting commercial activities along the entire causeway, limit and confine retailing to a specified area (e.g. at Ship Point).

Make access to the lower causeway from the Visitors' Information Centre (junction Wharf and Government Streets) by physically handicapped people possible and safe (e.g. by reducing the width of the stairs there and covering the removed edges with a gently sloping, firm surface, shoot-type pathway.

Retain the public viewing balcony around the information centre.

SOME BACKGROUND

The 'Reid' site is public open space as a result of public protest that included picketing and was organized by Victoria Waterfront Enhancement Society members when Mr. Sandy Reid of Vancouver proposed building a hotel on his property there. Premier W.A.C. Bennett's administration established a \$25 million fund via the *Greenbelt Protection Fund Act* legislation. The Reid site was purchased with funds made available via the *Greenbelt Protection Fund Act* (1972) and was to be preserved as such, "in perpetuity".

The province sought to replace the *Greenbelt Protection Fund Act* with the *Greenbelt Act* (1977), a move intended to enable disposal of the Reid site which was transferred to the Provincial Capital Commission for \$1 that year. The replacement provided considerably less protection (only property acquired as a gift for greenbelt is safe from disposal by simple cabinet order). In October of that year, the Minister of Recreation (Sam Bawlf who was responsible for the PCC) unveiled the first development plans for the property - a retail food market but it failed to attract any interested private

developers.) Mayor Peter Pollen and Councillor Robin Blencoe supported keeping the Reid property as open green space. (The *Greenbelt Protection Fund Act* includes the words, "in perpetuity". Dictionaries define in perpetuity as meaning "for ever", the likely intention. Might not it be assumed that the subsequent *Greenbelt Act* does not/cannot legally apply to the "Reid" site?)

Bawlf secretly called together a group of downtown businessmen which was known as the Pan Pacific Society and asked them to put a proposal for a convention centre together. (The convention centre is now the City's liability). Also in 1978, a Crown grant removed the so-called CPR property along Belleville Street on the Inner Harbour which was bought in May, 1975 along with the Princess Marguerite for \$1.5 million. As with the Reid property, title was switched to the Capital Commission. During that time, the Province sold the waterfront Rainbow site in Vic West to developers (all without so much as a squeak of protest from Victoria councillors of the day although it had been purchased for park use. 29 days after purchase, the developer gained a profit of \$180,000 - no buy-back clause, no first refusal clause, and no design approval clause.)

Records show that the Reid property lost its greenbelt status in 1978 under an order by then Environment Minister Jim Nielsen approved by his cabinet colleagues. Order-in-council No. 628 dated March 16 1978, and signed by Nielsen and Deputy Premier Grace McCarthy turned the Reid property over to the Provincial Capital Commission, the agency responsible for planning and development of provincial lands in the capital area, in co-operation with local municipalities. In October, then recreation minister Sam Bawlf - who was responsible for the PCC - unveiled the first development plans for the property, a proposed retail food market.

Also, on April 11, 1978, a Crown grant removed from greenbelt protection the so-called CPR property along Belleville Street on the Inner Harbor, which had been bought in May, 1975, along with the Princess Marguerite for \$2.5 million, title of which was switched to the Capital Commission.

At the public hearings for the proposed convention centre on the Reid site, Norm Pearson disclosed that funds made available under the *Green Belt Protection Fund Act* were used to purchase the ferry property on Belleville Street. The City had requested that the cadet property near Mary Street be purchased with greenbelt funds but at the time the government felt it could not extend the purchase to the cadet property in addition to the other.

The point of the controversy is that it was intended to be protected, "in perpetuity" as greenbelt - yet was removed from greenbelt protection in 1978 without so much as a peep of protest from the City. Why not? This priceless asset was being destroyed systematically and with council's consent and connivance. And what about Bawlf's delux condominium on the Inner Harbour? Council approved height concessions in return for some "open space" (which actually wasn't open space but underneath the building). So much for protecting business!!

August 28, 2014

Copy:
Focus Magazine
Times Colonist
Victoria News

The basic concept of the Harbour Vitality Principles is certainly an improvement over the past years where it seemed after the industrial period that no one was really basically interested. Harbour planning was at an all-time low until it was decided by city council to come up with the policy plan and design guidelines for the Songhees Area of Victoria West. There were those folks that never gave up on the principle of a working harbour of bygone years. That has past and we have an middle harbour lined with condominiums, town houses and hotels, It has become a peoples place to live and work. It has become vibrant place with multiple activities for everyone to enjoy. People and tourist can walk and enjoy the harbour walkways and enjoy green spaces. I often to hear the words spoken in terms of the harbour being a "working harbour" as though that is somehow significant, but I say to you, that all public harbours are working harbours in one form or another. The words "working harbour" are really a misnomer perpetuated by those in high places who would like us to believe that the residential community is somehow not part of the harbour. However, as taxpayers we have an equal say in ALL harbour matters which impact our lives.

Harbour Vitality Principles

Share Your Thoughts With Us!

The City of Victoria has developed draft guiding principles to help guide revitalization and to shape future development and enhancements along the Inner Harbour. We are now looking for your feedback on the draft principles.

Please submit your comments to the Customer Service Ambassador on the main floor of City Hall or to the Development Centre located on the second floor. You can also email your comments to harbourdialogue@victoria.ca. For a digital copy of the *draft Harbour Vitality Principles* visit www.victoria.ca/harbourdialogue.ca

Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the draft Harbour Vitality Principles?

I draft harbour vitality principles is viewed as an excellent way to engage interested parties to become involved in changes to the harbour, particularly those who work, live, play etc here in the harbour. It is noted with interest that the floatplane terminal facility is going to be relocated to a new location in the inner harbour. This area is a high density traffic area and the safety factor involving the "mixed use" of seaplanes and vessels requires an International Safety Organization (ISO) 31000: 2009 Risk Management Principles and Guidelines study in conjunction with its the new ISO/TR31004: 2013 Risk Management – Risk assessment techniques. These two (2) ISO documents are a part of the Transport Canada, Civil Aviation, Safety Management System and are required to be done for the new floating Terminal Building. It makes sense that this important public harbour safety matter be incorporated within the very early planning stages of the new terminal facility. I would recommend that an accredited aviation consultant be hired to conduct the SMS and ISO work.

Harbour Vitality Principles

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Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the *draft Harbour Vitality Principles*?

Comments regarding: Harbour Vitality Principles DRAFT

Thank you for providing copies of the draft document at the front desk, most convenient.

- 1) Principles are relevant only if they are meant, and respected. The release of the Harbour Air lease on the same day as the principles document taints the process and the document itself. The newspaper coverage added more negativity in that the concept in the paper showed the terminal to be at the Lower Wharf site whereas the lease is for Ship's Point.
- 2) Policy Direction statement: Although generally a good statement, there are two problems within -
 - a. It does not adequately reflect the role of Victorians to bring vitality to the harbour.
 - b. It puts emphasis on a non-entity, a working harbour, whereas "A harbour that works" might serve as a more inclusive vision statement.
- 3) Several of the schematics do not reflect an element, which was expressed by participants, namely a vision from the water to the street. By placing buildings, on the water and at water's edge, the principle is denied and the public connect to the water compromised.
- 4) Site Considerations: Generally there is good coverage of considerations. However, the common statement regarding people use is "pedestrian", as though the role of people is to walk through. There needs to be further consideration to the average person's potential 'use' of the land and water spaces. Although 'access' to the seaplane terminal is identified, considerations of the siting of the terminal *vis a vis* the conflicting needs is not included. The demands of an airport for space to ensure safety and compatible land use must be a mandated consideration.
- 5) Guiding Principles:
 - a. 4. Overarching: The statements are good but should be strengthened. For example, the statement wherein links 'should be improved by completing...' should be strengthened to reflect the input at the forums. Perhaps could state that the links should integrate where possible with existing up-land streets.
 - b. 4.2 ecological well-being should be undertaken everywhere, rather than where possible. As an objective, one must allow for positive changes over time. Ecological principles must also include emissions (of all modes of transport).

- c. 4.3 Society expectations change. Again, the harbour that works includes the citizenry. If the harbour wants people to be part of the vitality, expectations must be let, and evolve. To have a principle of supporting EXISTING water-based activity will create a stagnant dated harbour. Harbour use and businesses on the water and foreshore must adapt and be able and encouraged to change.
- d. 4.4 Enhancing pedestrian safety and comfort through design and landscaping does not reflect the many statements made by those who have spoken about the parking areas. They do not want the area to be used as a parking lot. This section is somewhat internally inconsistent.
- e. 4.6 In sessions, the need to carve out, or create, passive "linger" use was identified.
- 6) Belleville Terminal site:
 - a. 5.4. With regard to rest points, I would want to see innovative seating/rest points which are used in other cities rather than benches.
 - b. The Concepts, including the Enhancement Concept are similar with the exception of the one which incorporates a hotel. A hotel in this spot would be unacceptable.
 - c. With suitable landscaping, the greenway towards the west end could serve as a visual welcome to visitors.
- 7) Ship Point Site:
 - a. 6.1 This principle goes against most public views. The elimination of parking was strongly identified as a necessary rehabilitation for this site. Rather than create a parking lot that could be used for events, why not create a public space for people to use and that can be used for festivals.
 - b. Identifying, seaplane parking and other needs as a principle, denies the public process and the most of the concepts which has the seaplane terminal sites further north on the Lower Wharf site.
 - c. Seaplanes are small and hold only a few people. To create bus spaces between the water and public realm puts the pecuniary interests of one company ahead of the public interest.
 - d. 6.3 If vitalization - authentic - is desired then the focus should be on creating public space for use all of the time rather than focus on programmed 'engagement' of Victorians. Rather than design for pedestrian use, design for people use.
 - e. Concept 1 does not respect the need to minimize the impact (smells and noise) from the seaplanes on the public space. There are also too many buildings between the water and the public space.
 - f. Concept 2 respects the input from the forums regarding the seaplane terminal but has too many buildings between the water and public space.
 - g. Concept 3 has a couple of interesting features.
 - i. The moving theater is interesting, but with planes situated at Ship's Point, noise levels for any audience might be too much.
 - ii. The open space with only one building between the water and public space is an improvement over the other 2 concepts
- 8) Lower Wharf Street Site
 - a. Principle 7.1 Aside from staff (Harbour Pathway Special Places) I have not seen any preference or support of a "beach".
 - b. 7.4 this site, more than any other, should highlight the presence of, and contributions of, the Hudson Bay to this region.
 - c. All of the plans have interesting elements. A negative to most except team 3 is the insistence of parking right at the water's edge. Team 3's concept with the team 2 siting of the seaplane terminal could be very good - hiding the parking under a green area.

Harbour Vitality Principles

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Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the draft Harbour Vitality Principles?

YOUR 'IMPLEMENTATION STRATEGY' STATES "YOU WILL CONTINUE THE POSITIVE COLLABORATION WITH KEY HARBOUR LANDOWNERS". WE ARE LANDOWNERS RESIDING IN THE THE INNER HARBOUR DISTRICT YET WE HAVE NEVER BEEN INCLUDED IN YOUR LANDOWNERS CONSULTATIONS.

WE OWN AND SHARE PART OF THE HARBOUR PATHWAY AND YET THIS WHOLE DOCUMENT DENIES RESIDENTS AS STAKE HOLDERS/LANDOWNERS.

THIS IS A PUBLIC PORT WHICH INCLUDES RESIDENTS AND MARINE OPERATORS HOWEVER BUSINESS TENANTS THEIR REPRESENTATIVES AND BUSINESS LOBBY GROUPS ARE GIVEN TOP CONSIDERATION WHILE WE RESIDENTS/ (LANDOWNERS) RECEIVE VERY LITTLE CONSIDERATION.

THERE NEEDS TO BE A PUBLIC HEARING. SO FAR YOUR CONSULTATION PROCESS IS SADLY LACKING (CONDUCTING MEETINGS ON MOTHERS' DAY WEEKEND & DURING SUMMER IS WRONG)

I FEAR IT DOESN'T MATTER WHAT I SAY - YOU WON'T HEAR ME, AND TO NOT BE HEARD OR LISTENED TO IS SO INSULTING AS YOU INVITE PUBLIC OPINION - NOT TRUE IN MY EXPERIENCE

I FEAR YOU ARE GOING TO DESTROY OUR BEAUTIFUL INNER HARBOUR !!

YOU CATER TO TOURIST BUSINESSES & TOURISTS AND AT THE SAME TIME IGNORE THE NEEDS OF YOUR OWN PEOPLE !!

Harbour Vitality Principles

Share Your Thoughts With Us!

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Feedback is being accepted until 4 p.m. on August 22 and will be shared with Council this September.

What do you think about the draft Harbour Vitality Principles?

Please will you consider transferring the float-plane companies' bases to Esquimalt.

If this is not possible in the short term, will you please institute a ruling preventing take-off of aircraft in the zone adjacent to the Longhairs or Fishermans Wharf.

Longhairs.



August 21, 2014

City of Victoria
Community Planning Division
email: harbourdialogue@victoria.ca
Robert Batallas RPP, MCIP - Senior Planner
1 Centennial Square
Victoria BC
V8W 1P6

Dear Robert;

RE: FEEDBACK ON THE DRAFT HARBOUR VITALITY PRINCIPLES

Greater Victoria Harbour Authority thanks you for the opportunity to provide our feedback and comments regarding the Draft Harbour Vitality Principles.

The following 5 pages summarize our input. We look forward to further dialogue and exchange of ideas as the planning process unfolds.

Sincerely,

Curtis Grad
President and CEO

GREATER VICTORIA
HARBOUR AUTHORITY

600 - 1019 Wharf Street
Victoria, BC Canada
V8W 2Y9

Corporate Tel: 250.383.8300

Marina Tel: 250.383.8326

Fax: 250.383.8306

Web: www.gvha.ca

GVHA comments on:

City of Victoria's
Draft Harbour Vitality Principles document
Print date: July 17, 2014

1. Introduction

- An overview before the Introduction, setting out the key strategic/policy driver(s) of the City's role/vision for these particular sites would be useful:
 - It is somewhat defined throughout but not overly clear
 - Some drivers may include
 - Protection and enhancement of public space
 - Defining a common vision for the Harbour
 - Linkage to all harbour fronting sites
 - Consistency of look and feel with all Inner Harbour sites
- GVHA fully supports the three principles presented, particularly #3 as it is imperative that the three key inner harbour property owners (ie: Province of BC, City of Victoria and GVHA) collaborate to make the most effective and coordinated use of their collective waterfront lands / water lots and work together to leverage scarce capital resources and grant funds to maintain/improve critical marine infrastructure and public realm assets.
- In addition to the three guiding principles presented, GVHA suggests the following additions;
 - commitment to meaningful engagement of Esquimalt Nation and Songhees Nation throughout the planning process and material involvement of the nations in the harbour economy going forward,
 - commitment to a competitive "open market" environment in which transportation terminals/facilities are developed on a public, common-use, non-exclusive basis and, more specifically, commercial operators (ie: ferry and float plane companies, whether existing or future new entrants), have fair and equitable access to consolidated terminal facilities/services at comparable rates (ie: Canadian airport authority model), and
 - commitment to promoting operating/business models that ensure sufficient ongoing and long-term harbour infrastructure re-investment on a self-sufficient basis without dependence on operating/market subsidies.
- It may be worth having the Council-approved policies, regulations, zoning bylaws and related technical studies detailed in an Appendix with links (if available) for the reader

2. Background

- **Policy Direction**
Suggest insertion of "and linkage of land and water to facilitate marine-based commerce" at the end of the 4th bullet relating to Working Harbour
- **Strategic Sites**
Detailed comments in sections 5-7 below.

3. Guiding Principles

- Intro line either in this section or the Overarching Guiding Principles section that is a strong reminder the strategic and critical importance of the connection between land uses and water uses ... mentioned throughout in some of the bullets however it seems lost in the overall messaging
- Suggest the last line in the last paragraph be in BOLD and as a separate line

4. Overarching Guiding Principles

- 4.1 third bullet, per comments in section 5 below, the Belleville site should be configured to ensure maximum extent of waterfront is publicly accessible ... specifically, re-location of existing Coho berth further west would open up more waterfront for routing of the David Foster Way next to the water's edge (similar to causeway)
- 4.1 sixth bullet should include "international port of entry for float plane and ferry passengers"

- o 4.4 second bullet focuses solely on the Belleville Terminal as a transportation hub ... should also include seaplane terminals (ie: Harbour Air & Hyack)

5. Belleville Terminal

General Comments

- o Detailed site planning (current/future) should optimize/economize use of site to fit the international terminal on the most compact/efficient area practicable to free up the remainder of uplands for other complementary uses including potential for operation of future domestic ferry terminal/services; specifically Victoria-Vancouver, as well as other compatible public/commercial uses (see drawing below)
- o Further to above, installation of V-shaped fendering to aid in the berthing of the Coho ferry (similar to BC Ferries) would avoid need for 200 ft "run-out" zone in front of the ferry berth
- o Re-location of the existing Coho berth further to the west should be given serious study/consideration (vs rebuilding in current location), as this will provide better vehicle/road alignment for ingress/egress with Oswego Street, drastically reduce operational impacts on Coho operations during construction and eliminate access issues of the new design on the existing service corridor / under-pass to the Steamship Terminal
- o Further to above, site should be configured to ensure maximum extent of waterfront is publicly accessible ... specifically, re-location of existing Coho berth further to the west would open up more waterfront for routing of the David Foster Way next to the water's edge (similar to causeway) ... the current/proposed site layout unnecessarily sterilizes a long stretch of waterfront to meet international terminal security/customs requirements ... consolidation of the international terminal to the west, and reservation of the existing Coho site for future domestic ferry operations, dramatically reduces this risk/impact
- o Per above, plan should advocate that new combined international (and any future domestic) terminal will operate as an "open" public, common-use, non-exclusive facility available for use by existing ferry operators and future new entrants on a fair/equitable basis w/ sufficient land reserved for future domestic ferry service
- o Water lots are not specifically addressed in terms of their importance/connection to upland terminal facilities, as well as ancillary/complementary commercial (ie: domestic/local ferry moorage, development, etc.) and public realm (ie: harbour walkway, public restrooms, park space, etc.)
- o Onsite uses & activities
 - Should stress the international gateway (including CBSA & USCBP inspection facilities)
- o Adjacent Uses & Activities
 - Should separate out landside and waterside adjacent uses & activities
 - Residential should be added as Laurel Point is adjacent
 - Don't think the Parliament Buildings are adjacent
 - From an overall perspective, emphasize that rendering are strictly conceptual
 - Specify max. bldg height, per current zoning (4 stories, if memory serves)
 - Pg 12
 - add "international" in front of "gateway" on last sentence of "Key Opportunities" section
 - Section 5.1, first bullet, last sentence, after "Future transportation needs" suggest adding words "including potential relocation of downtown bus depot from Belleville/Douglas"
 - Section 5.2, third bullet, suggest adding narrative at end of sentence to emphasize need for proper/efficient site planning to avoid unnecessarily sterilizing a long stretch of waterfront to meet international terminal security/customs requirements
 - Section 5.4, third bullet, delete "CPR" ... also suggest adding narrative on site planning ensuring, to maximum extent possible, that waterfront is publicly accessible ... specifically, re-location of existing Coho berth further to the west would open up more waterfront for routing of the David Foster Way next to the water's edge (similar to causeway)
 - Pg 13
 - Point 6 should reference passenger ONLY ferries generally, not specific company
 - Point 8 should reference passenger/vehicle ferries generally, not specific company
 - Point 9 should reference existing building generally, not specific company
 - Point 10 remove CPR, as building is now branded "Steamship Terminal"
 - Pg 15 – as this is concept as stated design should state ferry lounges, not specific companies
 - Pg 16
 - Point 5 should reference passenger ONLY ferries generally, not specific company
 - Point 6 should reference passenger/vehicle ferries generally, not specific company

- Point 8 should reference existing building generally, not specific company
- Point 10 remove CPR (per above)
- Pg 17
 - Point 4 should reference passenger ONLY ferries generally, not specific company
 - Point 5 should reference passenger/vehicle ferries generally, not specific company
 - Point 7 should reference existing building generally, not specific company
 - Point 8 remove CPR (per above)
 - Point 13 (add) re benefit of site vehicle entry/exit w/ Oswego Street
- Pg 18
 - Point 4 should reference passenger ONLY ferries generally, not specific company
 - Point 5 should reference passenger/vehicle ferries generally, not specific company
 - Point 7 should reference existing building generally, not specific company
 - Point 8 remove CPR (per above)
 - Point 10 (add) re benefit of site vehicle entry/exit w/ Oswego Street
- Pg 19
 - Point 7 should reference ferries' passengers generally, not specific company
 - Point 9 remove CPR (per above)
 - Point 12 should reference passenger ONLY ferries generally, not specific company
 - Point 13 should reference passenger/vehicle ferries generally, not specific company
 - Point 14 (add) re benefit of site vehicle entry/exit w/ Oswego Street

6. Ship Point

General Comments

- Onsite uses & activities
 - Should stress the International gateway as Kenmore flies here
 - Ships Point needs a focal point / marquis bldg at end of pier
- Adjacent Uses & Activities – separate into landside and waterside uses
 - Landside Uses
 - To be added
 - Retail
 - Marine Tourism
 - Public Space (Causeway)
 - Hotels
 - Waterside Uses
 - To be added
 - Marinas
 - Marine tourism
 - Consider potential use of Transport Canada remnant steamship Nav Waters between Ship Point and Undersea gardens site, to allow larger vessels to moor
- Ancillary/Support Services
 - More People = more garbage – need to plan for this, i.e. access for vehicles / enclosure areas
 - Ships Point needs to have a fire suppression plan
- Pg 20
 - Section 6.1, fifth bullet (add), suggest “alternatively, consolidate the two existing seaplane terminals centrally near former customs float, with seaplane passenger parking centralized on the Lower Wharf street site, providing more space/flexibility/capacity for events/festivals on Ship Point site
 - Section 6.1, sixth bullet (add), suggest declaration of site development limitation due to geotechnical conditions, making any significant structure technically challenging / cost-prohibitive
 - Section 6.3, fifth bullet (add), suggest potential relocation of current night market activities from Ship Point pier to base of wall in current parking lot in front of the 24 arch retaining wall (perhaps a two-storey, 3-season rustic/timber structure??) ... doing so would eliminate timing/space conflicts between night market and event/festival activities and provide more animation and architectural interest in what is now barren parking lot
- Pg 24 Point 4 'conceptual' moorage reallocation from Wharf Street is not nearly enough in layout design

7. Lower Wharf Street

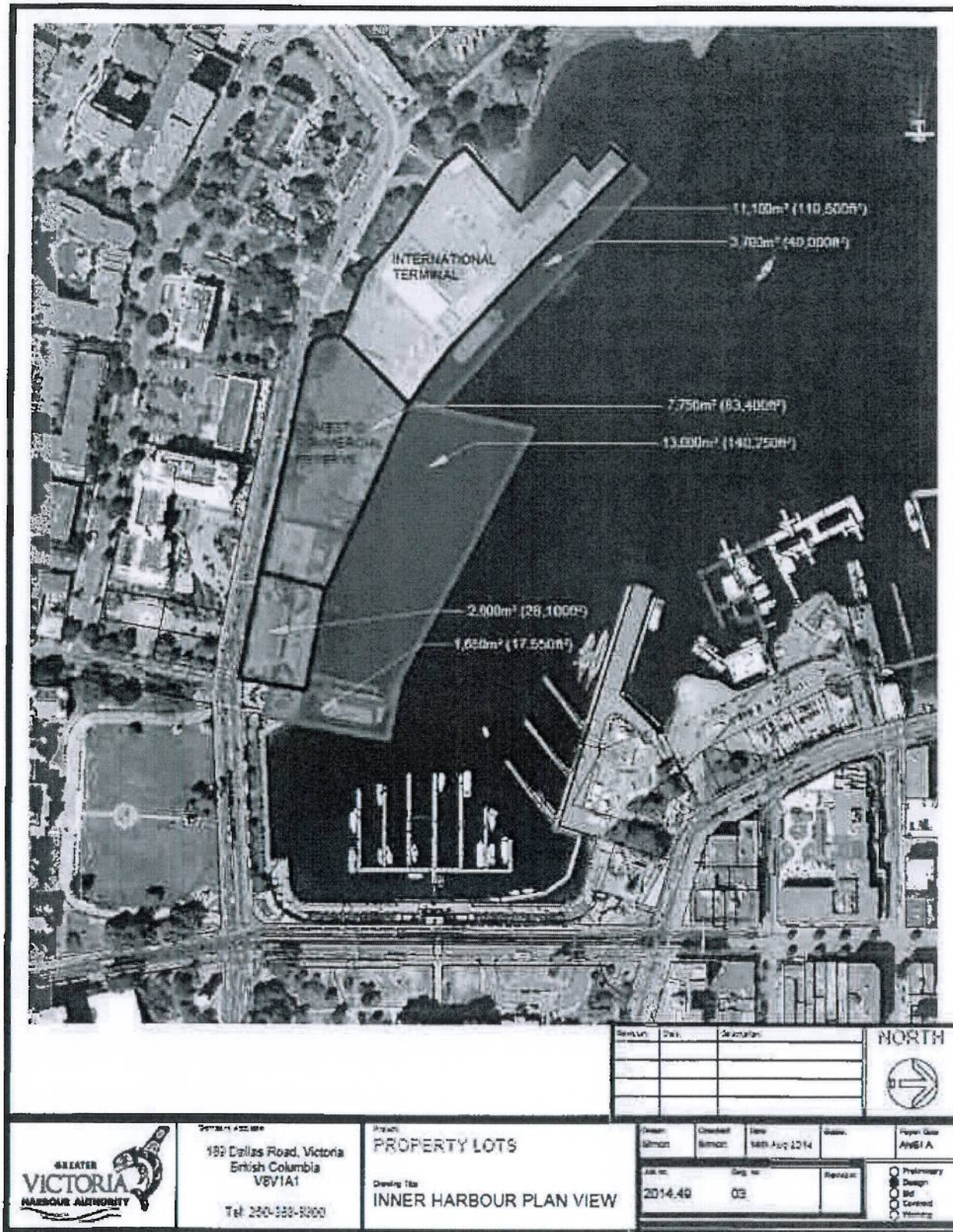
General Comments

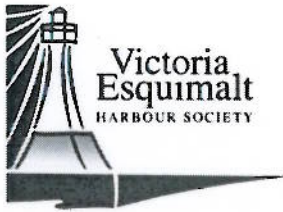
- Narrative in this section focuses almost exclusively on public amenity/realm space ... the Ship Point site which, due to geotechnical conditions, location/proximity to the core of the Inner Harbour and value as an event/festival space, is best suited to public amenity/realm use, whereas Lower Wharf Street is more removed from the core, has better geo-tech conditions to accommodate development and, frankly, has a tremendous commercial value/potential which the Province will seek to maximize, so the plan should reflect/anticipate this reality
- Onsite uses & activities
 - Should stress the international gateway as current terminal still has Customs clearance and applicable zoning
 - Plan should state commitment to a competitive "open market" environment for seaplane terminals/facilities, developed on a public, common-use, non-exclusive basis and, more specifically, commercial operators (ie: ferry and float plane companies, whether existing or future new entrants), have fair and equitable access to consolidated terminal facilities/services at comparable rates (ie: Canadian airport authority model) and, further, the plan should express desire for existing sea plane terminals (Harbour Air & Hyack) to be combined/co-located and rationalized to make efficient use of precious water lot properties and upland parking/logistics (taxis, deliveries, etc.)
- Adjacent Uses & Activities – separate into Landside and Waterside uses
 - Landside Uses
 - To be added
 - Residential
 - Hotel
 - Waterside Uses
 - To be added
 - Seaplane terminal
 - Marinas
 - Marine tourism
 - Emphasize connection/integration with extension/development of Harbour Pathway to north, in conjunction with Northern Junk / Janion redevelopments and bridge construction
- Ancillary Services/Support
 - Ensure that there is access to GVHA waterfront for garbage removal and maintenance
 - Need parking spots for a maintenance vehicle and commercial vehicles making deliveries to docks
 - Need to ensure ROW agreement in place across uplands to GVHA waterlot for access, elect & water
 - Team 1 plan shows lost moorage due to beach – huge commercial impact on GVHA

General/Closing Comments

- GVHA remains supportive of a collaborative, consensus-driven approach (including meaningful engagement and involvement of local First Nations) which supports the long-term vision and future development of the harbour and is financially self-sustainable in the long-term
- Consensus will be key in securing federal and provincial funding support for rehabilitation of the existing marine infrastructure, public realm amenities and construction of "open" common use terminals and, equally important, the development plan must ensure future traffic/market/population growth and entry of new operators and/or competitors is accommodated (ie: protect against "de facto" monopolies), and, finally,
- The operating/business models for development of these three key strategic sites must ensure sufficient ongoing infrastructure re-investment and sound/market-based business models to remain viable/vibrant

Drawing re: Site Layout Option – Ferry Terminal Site Consolidation/Optimization





August 22, 2014

City of Victoria,
#1 Centennial Square,
Victoria BC V8W 3P6

Attention: Robert Batallas, Senior Planner

Dear Sir;

Subject: Comments on the City of Victoria draft Harbour Vitality Principles (July 17 2014)

Please accept these comments from the Victoria Esquimalt Harbour Society (VEHS) on the draft *Harbour Vitality Principles*. Notwithstanding the comments and concerns presented below, VEHS fully supports the initiative of the City of Victoria to revitalize Victoria's Inner Harbour by means of readying the planning for the three subject properties. The focus of our concerns as noted below, is to ensure and be assured that the results of the exercise in hand are logically focused, responsive to advice provided, and readily useable, and that they will meet the expectation of the Victoria City Council and the citizens of Greater Victoria as to proper and effective harbour use as a valued local and regional resource.

Comments & Observations:

We, first and foremost, commend the City on your commitment to a working harbour throughout the subject document. We are particularly pleased with the strength with which this is presented in the Overarching Guiding Principles (OGPs).

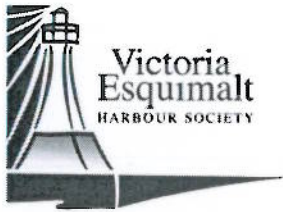
- The points in OGP 4.3 Support a Working Harbour reflect the vision and mission of the VEHS and we are pleased to see them articulated here with the associated recognition of the importance of the working harbour to the "character and fabric of the city".
- We also support other OGPs that recognize water-side values, notably OGP 4.5, which states the need to create public spaces that celebrate Victoria's water-based history, and OGP 4.7, which identifies the need to enhance the visual experience from the water. These OGPs reflect the input provided to the City by VEHS at our meeting on this topic and in our input to the design process and it is wonderful to see these considerations included.
- Bullet #1 of OGP 4.6 should be amended to reflect the need "to promote activities and uses that support enjoyment of the Inner Harbour by the public on land and water".



We have specific suggestions to improve the document and process, as follows:

Re Guiding Principles

- As noted above, we acknowledge and support the “**Overarching Guiding Principles**” presented as applicable to (almost) anywhere in Victoria Harbour.
- We also support the Site Specific Guiding Principles that refer to the need to integrate planning for land and waterside characteristics. However, we strongly believe that integrative planning for the land-water interface would be strengthened by:
 1. Including the water and seabed portions of harbour-front properties within the planning boundaries. These areas are the very *raison d’être* of the harbour uses of the adjacent upland areas. The inclusion of these areas within in the study area boundaries would create a more specific requirement to consider uses and values (ecological, social, cultural and economic) from the waterside.
 2. Articulating a set of principles that more fully include water-side considerations and apply to all parts of the Harbour as a holistic land-water resource system. With this in mind we put forward the following additions to the set of Harbour Vitality Principles:
 - Victoria Harbour is a social, economic and environmental resource of community and regional significance. Both waterside and landside elements combine to create a vibrant working harbour.
 - The Harbour bed, water column and surface and its land–water interface form an inter-dependent holistic system, which cannot be separated in considerations of harbour planning. As such, the adjacent water lots and associated seabed and water column are integral elements of harbour-front land-based properties, irrespective of ownership.
 - The character and suitability and constraints of the nearshore and benthic environment of harbour-front sites are fundamental determinants of what should and should not take place both there and on and at the adjacent upland harbour front-properties and, therefore, should be included in planning of such properties.
 - The retention of connectivity between land and water and commerce is fundamental to sustaining precious water-based industry in Victoria Harbour and is the best use of these valuable harbour-front lands.
 - Fundamental to the planning of harbour properties is the underpinning of the information base with a thorough characterization of the physical, ecological and social attributes of both the land–side and the water-side of the subject sites.



Re Need for a single integrated concept for each study site

- We are disappointed that this exercise was not taken one step further to synthesize the inputs and design concepts into a single optimized planning concept for each of the 3 investigated sites that a) contains the best ideas and features of the 3 working concepts derived for each site, b) eliminates features that are unacceptable or wholly unrealistic, and c) is augmented by the acumen and experience of the central players. Our preferred outcome is a single "shelf ready project" for each of the 3 sites, as was presented in the Project Charter for the Inner Harbour Revitalization Project, which explicitly intended this exercise to provide "a report to Council which will identify specific opportunities for the revitalization and enhancement of 3 Inner Harbour Strategic Sites" to "help position the City for future funding or other opportunities to realize the enhancement or redevelopment of these strategic sites."
- Without a single integrated concept, each of the example concepts takes on a life of its own and could become the subject of comparative debate. If the City wants to be poised to respond to funding opportunities, a single shelf-ready concept needs to be available.
- A commentary is needed that describes the commonalities in the design features of the respective working concepts, as consistent with the guiding principles, and which identifies features in the concepts that are known to be unacceptable, undesirable or superseded (see examples below).

Re : Unacceptable or superseded features

a. Team 2 concept for Belleville Terminal

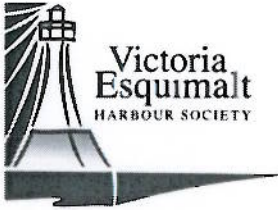
Re. combined Terminal Building with new docks and potential hotel on upper floors

- It was made quite clear by several participants at both the Workshop table and in advisory discussions that the inclusion of a "potential" hotel on upper stories" as an option in this concept was in contravention of the long standing tacit principle of "no further hotels or condominium buildings on the harbor side of Belleville Street or Wharf Street or Store Street and in keeping with the *de facto* principle of harbour land uses needing to be waterfront dependent.

b. Team 2 concepts for Ship Point and Lower Wharf Street

Re. float plane terminal relocation from Ship Point to Lower Wharf Street site

- The inclusion of this item as an option at the Lower Wharf Street location portrayed was conditional on its acceptability to Harbour Air.
- At the design charette, the Senior Vice President of Harbour Air, Randy Wright made clear that moving the float plane terminal to Lower Wharf Street was not an option and he requested that the City make this clear in its communications on the Harbour Planning



process. Shortly after the design charette, it was announced that the Victoria Float Plane Terminal Ltd had agreed to a 20 year lease with the City at the Ship Point site.

- It should be made more clear in the document that the design concepts for Ships Point and Lower Wharf Street that suggest relocating the floatplane terminal are not feasible.
- We support the guiding principle to retain parking to accommodate the seaplane terminal at Ships Point.

We look forward to further participation in this process. Thanks to the City of Victoria planners for putting this together.

Yours truly,

A handwritten signature in black ink, appearing to read "Hannah Horn", written over a horizontal line.

Hannah Horn
President, Victoria Esquimalt Harbour Society
hlhorn03@gmail.com

Ccs: Mayor & Council, City of Victoria
Directors, Victoria Esquimalt Harbour Society

Robert Batallas

From: Paul Nursey <paul.nursey@tourismvictoria.com>
Sent: Monday, Sep 8, 2014 5:51 PM
To: harbourdialogue@victoria.ca
Subject: Feedback on Inner Harbour Dialogue process

Hello Robert,

"Thank-you for the opportunity to review the draft outputs from the City of Victoria's Inner Harbour dialogue process.

As you know, the Transportation Committee of Tourism Victoria, which is composed of 40 key transportation businesses, released its *Passenger Gateway Strategy* in 2013. The *Passenger Gateway Strategy* identifying an improved and consolidated Belleville Terminal as its number one transportation priority of the tourism industry in Greater Victoria. As a result, Tourism Victoria is supportive of this process from the City of Victoria which lays the groundwork from the City of Victoria's perspective around future development, modernization and consolidation of the Belleville Terminal. Tourism Victoria's other primary interest in ensuring that all parties are aligned behind a set of Guiding Principles which will best support all of our chances of securing resourcing from senior levels of government to execute on plans."

PAUL NURSEY | President & CEO

TOURISM VICTORIA | Marketing our favourite destination

Suite 200 – 737 Yates Street | Victoria, BC | Canada V8W 1L6

d 250-414-6975 | c 250-414-6975 | f 250-361-9733

paul.nursey@tourismvictoria.com | [DMAP Accredited](#)

[Facebook](#) | [Twitter](#) | [Youtube](#) | [Flickr](#) | [Blog](#) | [Sign up for the Membership Matters eNewsletter](#)

From: [Robert Batallas](#)
To: [Rob Bateman](#)
Subject: FW:
Date: Monday, Sep 8, 2014 11:12:58 AM

From: Ryan Burles [mailto:rburles@cohoferry.com]
Sent: Monday, Sep 8, 2014 11:07 AM
To: Robert Batallas
Subject:

Good Morning Robert,

Thank you for the message and I apologize for not responding. BBFL has no concerns with the dialogue. Thank you for involving us in the process and I hope it creates a foundation for moving forward on Belleville.

Regards,

Ryan

From: [Robert Batallas](#)
To: [Rob Bateman](#); [Andrea Hudson](#); [Deborah Day](#)
Subject: FW: Draft Harbour Vitality Principles
Date: Wednesday, Sep 3, 2014 6:33:35 AM

FYI

From: Darrell Bryan [dbryan@victoriaclipper.com]
Sent: September 2, 2014 9:20 PM
To: Robert Batallas
Subject: Draft Harbour Vitality Principles

Robert

First allow me to apologize for my delay in responding .

I believe that you have done a good job in honoring the Guiding Principles. Clipper has no recommendations . We believe that you have a good product. Thank you, Darrell

Sent from my iPhone



September 3, 2014
 City of Victoria
 #1 Centennial Square
 Victoria, BC V8W 1P6

Re: Harbour Vitality Principles Draft Comments

Dear Mayor and Council,

On behalf of the UDI Capital Region's Board of Directors and myself, we would like to thank you for including us in your Harbour Dialogue Technical Workshop. We collectively commend you on your extent of public engagement including not only the Technical Workshop but also your Harbour Dialogue Open House, Ideas Forum and Public Survey. Further, we appreciate the opportunity to offer feedback on the Draft Harbour Vitality Principles.

Below you will find our collected comments based on the particular sites studied at the Technical Workshop.

The Belleville Terminal

The Belleville terminal site will continue to be a very important entry point for marine based transport links. Currently it has suboptimal programming, and does not allow for interaction between the street and water's edge. We believe that some of the concepts from the workshop showed promise however they could be embellished with more economic vitality to include perhaps a hotel above the vehicular waiting area or bus loop, as suggested in one of the conceptual options. Enhancing the revenue generating infrastructure through strategies such as expanded retail or hotel premises, the economic case for redevelopment will become more apparent and the site will be better able to draw locals and visitors to the water's edge, not dissimilar to the activity surrounding Canada Place in Vancouver. Further, we believe the report would benefit from expanding on the catalytic actions needed to facilitate redevelopment work (economic generators, government funding etc) and commenting on the anticipated economic spinoffs that are expected from such a major capital investment.



Ship Point

The Ship Point concepts allow for a large public gathering area with a very interesting harbour focus. We regard this as positive, but feel that certain areas could perhaps be raised to allow for parking or buses below the plaza level if geotechnical and structural parameters permit. Further, continuous pedestrian access and open space is laudable but does not fully address the reality of seaplane access (if it stays in its current location), trucks for servicing the large vessel docks and the tourists and capital regional residents who may frequent events by car. Parking, provided it is not visually obtrusive and ideally contained within structure away from the water's edge, can be a significant revenue generator and catalyst to assist special events and businesses in the area.

The Lower Wharf Lot

The Lower Wharf street area is significantly lacking in commercial energy in the various concepts presented. One idea would be to raise the contemplated public amenity areas and place parking beneath plazas or buildings (and thus utilize the lower grade of the existing low to visually bury future structured parking. Further, we believe that spaces for additional shops / services towards the water's edge along the waterfront walkway would result in enhanced vitality and draw to the public gathering areas. As evidenced by the success of Red Fish Blue Fish, the waterfront is significantly animated from strategic placement of high quality retail operators.

In the case of the vision for both Ship Point and the Lower Wharf Street Lot, much of the planning ideas focus on the creation of new spaces for events, performances, and public gathering. These are certainly desirable aspects to the plan and would facilitate positive activity on the lands in question. We would caution however, that such spaces require intensive programming efforts to realize their potential and it is critical that these key sites remain appealing and animated outside of the summer months when most of the programmed activity will inevitably occur. This reality underscores our comments above regarding the inclusion of retail / commercial uses in an expanded way on these sites not only for their economic contributions to the redevelopment undertakings but also as a means to ensure that visitation and utilization of the lands is encouraged beyond the dates of special event programming. Put differently, we believe that a guiding theme for these sites in the planning document should include facilitating spaces which offer appeal to locals 365 days a year.



In general, there are many encouraging concepts and ideas for all three parcels, but the overarching principles lack commentary on the "actionability / economic viability" conditions to bring these concepts to reality. These are outstanding waterfront sites that could assist in transforming and strengthening the Victoria harbourfront experience for residents and visitors alike. UDI again applauds the City of Victoria for their hard work engaging the public; many great ideas came out of the process. However, further work is required to facilitate a plan that not only has great public amenity space but also incorporates revenue generating activities.

Thank you again for allowing us to take part in the Technical Workshop and comment on the draft principles. We look forward to future engagement to incorporate the above comments and concepts to ensure economic viability of our waterfront sites.

Sincerely,

UDI Capital Region

A handwritten signature in black ink, appearing to read "Kathy Hogan", written over a horizontal line.

Per: Kathy Hogan, Executive Director

Rob Bateman

To: harbourdialogue@victoria.ca
Subject: FW: Draft Harbour Vitality Principles

From: House, Kevin TRAN:EX [<mailto:Kevin.House@gov.bc.ca>]
Sent: Thursday, Aug 28, 2014 10:57 AM
To: Robert Batallas
Cc: Rob Bateman; 'Ryan Burles'; 'Darrell Bryan'
Subject: RE: Draft Harbour Vitality Principles

Hi Robert,

Thanks for reminding me about this and apologies for the slow reply. I have read through the Belleville section and find it quite consistent with our internal guiding principles. I do not have anything further to add but I have also asked Ryan Burles and Darrell Bryan to provide any comments they may have, at their earliest convenience.

Kevin

Kevin House
Phone: (250)387-2664
E-Mail: Kevin.House@gov.bc.ca

Rob Bateman

To: harbourdialogue@victoria.ca
Subject: FW: Comments on draft Harbour Vitality Principles

From: Randy Wright [<mailto:rwright@harbourair.com>]
Sent: Thursday, Aug 28, 2014 10:20 AM
To: Paul Nurse; Robert Batallas; rburles@cohoferry.com; 'Ryan Malane' (rmalane@cohoferry.com); dbryan@victoriaclipper.com; Breda@victoriaclipper.com
Cc: Rob Bateman
Subject: RE: Comments on draft Harbour Vitality Principles

Robert, I agree with Paul below with regards to the process. I also want to flag the Ships Point Wharf St Property from where the Seaplanes work from. As you are aware the Seaplanes Companies will be building a new Floating Terminal and have received a long term lease from the City. The new Terminal should now be confirmed into the Plan. I also would like to point out that this property is being looked at for a public area for festivals etc. Events taking place on this property are maybe 4 months of the year because of Weather etc and the City has revenue of over \$300,000 from the Parking. I would hope that there is a way to Combine the property for both Parking and Public events. Parking is very important to the Downtown Businesses and the City and should be carefully considered going forward. Parking is already a big problem in downtown Victoria.

Thanks Randy

RANDY WRIGHT
EXECUTIVE VICE PRESIDENT
HARBOUR AIR GROUP
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DRAFT

Harbour Vitality Principles



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Harbour Vitality Principles

- 1. Introduction2
- 2. Background.....3
- 3. Guiding Principles..... 10
- 4. Overarching Guiding Principles 10
- 5. Belleville Terminal Site 12
- 6. Ship Point Site20
- 7. Lower Wharf Street Site28
- Appendix: Public Engagement Summary.....39

1. Introduction

The Inner Harbour today is one of Victoria's key gateways for commerce and tourism. It is steeped in "maritime history" and continues to thrive today in its capacity as a working harbour. This, in balance with its natural beauty and iconic downtown backdrop, provides a spectacular setting for recreation, leisure, culture, tourism and special events.

Interest in the Inner Harbour remains strong as evidenced through the recent rehabilitation and re-use of several waterfront heritage buildings, renewed investment in the surrounding infrastructure, public realm enhancements and private investment. The continued revitalization of the Inner Harbour is imperative to strengthening the economic, social and environmental health and resiliency of Victoria as the provincial capital and the primary gateway to the region and the Island.

The *Harbour Vitality Principles* provide a strengthened policy framework to help guide the ongoing revitalization of Victoria's Inner Harbour with a specific focus on opportunities for three strategic sites: the Belleville Terminal site, the Ship Point site and the Lower Wharf Street site. These Principles and supporting conceptual illustrations have been developed to reflect and align with the key themes and directions that were derived through the Harbour Dialogue public engagement process (SEE APPENDIX FOR A SUMMARY OF THE HARBOUR DIALOGUE PROCESS) as well as with existing Council-approved policies, regulations and related technical studies.

These guiding Principles will:

1. advance and support opportunities for the further revitalization of the Inner Harbour with a specific focus on three strategic sites;
2. be used in conjunction with other related policies and regulations to consider and evaluate future development and public realm enhancements within the Inner Harbour; and
3. better position the City of Victoria and other Inner Harbour land owners for potential capital funding, grants and development opportunities that may arise.

Study Area and Strategic Sites



- ① Belleville Terminal Site
- ② Ship Point Site
- ③ Lower Wharf Street Site

----- General Inner Harbour Study Area

2. Background

2.1 Policy Direction

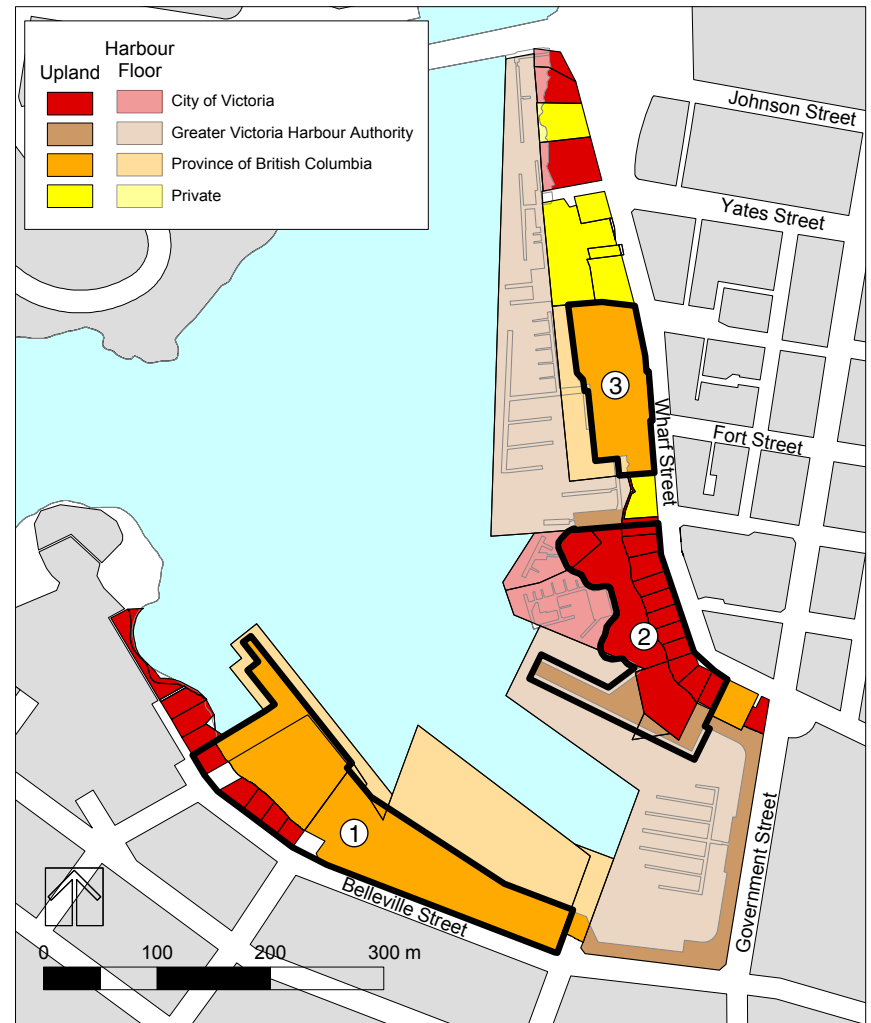
The need to provide more detailed guidance and to identify specific opportunities for advancing further revitalization of the Inner Harbour is a key implementation priority of several Council-approved policy plans including the *Victoria Strategic Plan* (2013), *Official Community Plan* (2012), *Downtown Core Area Plan* (2011), *Victoria Economic Development Strategy* (2011), *Victoria Harbour Pathway Plan* (2008), *Victoria Harbour Plan* (2001) and the *James Bay Neighbourhood Plan* (1993). These policy plans share common objectives for the Inner Harbour which generally aim to:

- support Waterfront and Harbour revitalization;
- enhance tourism;
- ensure sensitivity to the surrounding historic and waterfront context;
- maintain a working harbour;
- complete the Harbour Pathway (David Foster Way);
- maintain and enhance the Harbour's important role for transportation and as a gateway to the city, region and Vancouver Island; and
- provide well-designed and appropriate public realm improvements.

2.2 Strategic Sites

The Belleville Terminal, Ship Point and Lower Wharf Street sites are the primary focus of the *Harbour Vitality Principles* based on their strategic significance in terms of their potential to support and enhance transportation and tourism, foster Downtown vitality and economic development and contribute to Victoria's distinctive image and identity. These sites are also currently underutilized and have potential for expanded use and activity. The following section outlines the existing context and a summary of guiding considerations for each site. This information along with various technical studies (e.g. Geotechnical and Environmental) and other related information provided a foundation for the public and stakeholder consultation, technical workshop and the generation of the guiding Principles.

Property Ownership



① Belleville Terminal Site

② Ship Point Site

③ Lower Wharf Street Site

Belleville Terminal Site: Existing Context



Belleville Terminal Site: Guiding Considerations

Ownership

- Province of British Columbia
- City of Victoria (Belleville Street Green)

On-Site Uses and Activities

- Clipper Vacations – Passenger ferry to Seattle
- Black Ball Ferry Line – Passenger and vehicle ferry to Port Angeles
- US Customs and Border Protection
- Canada Border Services Agency
- Offices, art gallery, restaurant and coffee shop
- Belleville Street Green open space

On-Site Heritage Buildings

- CPR Steamship Terminal: 396 Belleville Street – 1924 (Heritage-Registered)
- Stores Building: 254 Belleville St. – 1912 (Heritage-Designated)

Adjacent Uses and Activities

- Hotels and restaurants
- Centennial Park, Quadra Park, and Confederation Plaza
- Provincial Parliament Buildings (Heritage-Registered)

Access

- Vehicle access from three separate points on Belleville Street
- Pedestrian paths connect to the site along the water at both ends (including an access ramp adjacent to the CPR Steamship Terminal)

Physical Site Conditions

- Mostly level, rising about 3 m north to south towards Belleville Street
- Underlying bedrock steeply slopes toward water
- Granular fill sits on native marine clay which is on irregular bedrock
- Bedrock depth varies (maximum depth of approximately 14 m)
- Highly variable composition and quality of fill materials has resulted in settlement of the parking areas and distress to the pavement in some areas

Ship Point Site: Existing Context



Harbour Air Terminal and CycleTrek's



Seawall



Flying Otter Grill, Great Pacific Adventures, Sealun Safaris, Victoria Kayak Tours & Rentals



Future David Foster Way Special Place (Note: Conceptual drawing is for illustrative purposes only)



Parking Lot and Retaining Wall



Special Event Site



Parking Lot



Night Market

Ship Point Site: Guiding Considerations

Ownership

- City of Victoria
- Greater Victoria Harbour Authority (wharf)

On-Site Uses and Activities

- Special Events and Festivals
- Parking
- Access to sea plane terminal, boat charters, boat rentals, kayak rentals and a floating restaurant
- Private vessel and commercial vessel moorage

Adjacent Uses and Activities

- Multi-residential
- Offices and restaurants
- Heritage buildings in Old Town Area (Registered and Designated)

Access

- Vehicle access in two locations at the north and south ends from Wharf Street
- Pedestrian paths connect to the site along the water at both ends

Physical Site Conditions

- Mostly level with some steep inclines and a 6 m retaining wall below Wharf Street on a portion of the site
- Subsurface materials contain loose fill which varies from approximately 1 m thickness on the eastern portion of the site to over 8 m thickness on the western portion
- Soil in the southwest portion of the site contains forms of oil and oil-based contamination commonly found in many sites within the Inner Harbour. The distribution of contamination, however, is not extensive and where it does exist, it is generally deeply buried at approximately 6 m below the surface
- Seawall around the southwestern portion of the northern parking lot is cracking and distorting
- Environmental and geotechnical analysis determined that the eastern portion of the site is generally better suited for redevelopment than the western portion of the site

Lower Wharf Street Site: Existing Context



Existing Pathway Conditions



Boat Moorage



Future David Foster Way Special Place (Note: Conceptual drawing is for illustrative purposes only)



Parking Lot and Historic Retaining Wall



Hyack Floatplane Terminal, BC Whale Watching Tours



Pedestrian Access (stairs)



Wharf Street Sidewalk and Parking Lot



Existing Pathway Conditions

Lower Wharf Street Site: Guiding Considerations

Ownership

- Province of British Columbia

On-Site Uses and Activities

- Parking
- Access to boat moorage on the adjacent docks

Historic Place

- Fort Victoria National Historic Site, includes the footprint of Fort Victoria, palisade, bastions, the three nodes formed by the three remaining mooring rings, and the views from the Fort site and mooring rings to Victoria Harbour.

Adjacent Uses and Activities

- Offices and restaurants
- Heritage buildings in Old Town Area (Registered and Designated)

Access

- Vehicle access at the south end from Wharf Street
- Pedestrian access from Wharf Street on two staircases
- Pedestrian paths connect to the site along the water at both ends

Physical Site Conditions

- Mostly level with steep inclines and a 6 m retaining wall below Wharf Street
- Subsurface materials contain variable loose fill over highly irregular bedrock
- Seawall around the southwestern portion of the northern parking lot is cracking and distorting

3. Guiding Principles

The Guiding Principles for Inner Harbour Revitalization are divided into:

- **Overarching Guiding Principles** that apply to the three sites and the areas connecting the three sites within the general Inner Harbour Study Area (p. 2). They provide overarching expectations and a framework that affects the Inner Harbour as a whole.
- **Site-Specific Guiding Principles** that apply to the Belleville Terminal site, Ship Point site, and Lower Wharf Street site.

They integrate a number of ideas, themes and opportunities for revitalizing the Inner Harbour which were derived through the public engagement process and which resonated with people during the consultation discussions.

The Guiding Principles are supplemented with conceptual drawings that were developed by the Harbour Dialogue Technical Workshop for each site. (SEE APPENDIX FOR A SUMMARY OF THIS PROCESS).

The conceptual drawings are intended to illustrate and help envision how the respective Guiding Principles can be incorporated into the potential development and enhancement of each site. These drawings are conceptual only and are not intended to reflect preferred design solutions.

4. Overarching Guiding Principles

4.1 Promote access and connectivity to and along the Inner Harbour

- The provision and enhancement of pedestrian access both to and along the waterfront should be promoted, including the creation of Special Places along the David Foster Way and other nodes, spaces and places that enhance walkability, legibility, views and provide direct engagement with the waterfront where appropriate.
- Wayfinding is important to identify and connect places on and near the Inner Harbour and should be improved with elements such as continuous signage, distinguishing features and pathway surface treatments.

- The Harbour Pathway should be developed as the primary access to and connector along the waterfront, linking the Belleville Terminal site to the Lower Wharf Street site and beyond.
- Physical links between the city and the Inner Harbour should be improved by completing the Harbour Pathway and connecting to existing streets. Pedestrian friendly access that connects the downtown and surrounding neighbourhoods to the waterfront should be a priority.
- The Upper and Lower Causeways form an important pedestrian connection between the Ship Point site and Belleville Terminal site and should be maintained and improved where appropriate.
- The role of Victoria as a gateway to Canada, particularly Vancouver Island, should be recognized and celebrated at key gateway points by promoting high quality urban design achieving a strong sense of entry and welcome.
- Multi-modal forms of connectivity between land and sea as well as the uses they support, should continue to be promoted, so that the character of the Inner Harbour is maintained as a vibrant and active area with multiple points of connection.

4.2 Promote ecological well-being within the Inner Harbour

- On-shore and off-shore waterfront areas and their interfaces should be managed so that environmental restoration is undertaken where possible.
- Future planning, design and development should respond to rising sea levels so that the waterfront becomes an example of advanced adaptation to climate change.
- Sustainable rainwater management practices such as rain gardens, green roofs, and permeable paving should be used, where appropriate, to reduce impacts from stormwater run-off.

4.3 Support a Working Harbour

- The role of the Inner Harbour helps to shape the character and fabric of the city. The concept of a working harbour (e.g. marine-dependent industries and sea transportation such as ferries and seaplanes) should be maintained, where economically, environmentally and socially feasible, by supporting existing uses and anticipating and providing for future complementary uses in City of Victoria bylaws, policies and plans.
- Where possible, activities that support the working harbour should be enhanced to better promote the functionality, overall appearance and economic vitality of the harbour.
- The vibrancy and energy of the working harbour, which is attractive to citizens and visitors who engage with the harbour, should be supported.
- The connectivity between land, water and commerce should continue to promote and support existing water-based activity and the public's engagement with the waterfront.

4.4 Promote complementary land use and high quality urban design

- Complementary land uses and coherent urban design should be encouraged throughout the Inner Harbour to promote a sense of cohesion within and between sites.
- Pedestrians should take precedence over vehicle traffic, except where transportation hubs require special access and parking, such as Belleville Terminal.
- High quality, enduring, carefully articulated, and authentic urban design that celebrates the Inner Harbour, its connections to the city and that respects waterside and landside uses and activities should guide all development decisions.
- Land uses should incorporate a holistic perspective that recognizes the important interface between landside activities and waterside activities.
- Land use and development along the Inner Harbour should be principally framed by a celebration of the Inner Harbour's characteristics, and ability to promote public access, views and engagement with the water.
- Parking areas should be designed and landscaped to enhance pedestrian safety and comfort, increase attractiveness, encourage on-site stormwater management, and promote the use of sustainable materials and technologies.

4.5 Embed cultural and social considerations in future decisions

- Appropriate development, public realm improvements and programming should be supported to recognize the importance of the waterfront as traditional territories of the Songhees and Esquimalt First Nations.
- The cultural and historic significance of the waterfront should be recognized through elements such as public art, place name designations and open space locations.
- The rehabilitation and adaptive re-use of historic places, including heritage buildings, should be encouraged and supported.
- Public waterfront access and engaging public spaces that celebrate Victoria's heritage and water-based history should be integrated into land use planning and development.
- The unique character of the Inner Harbour should be celebrated by continuing to promote a diversity of complementary activities that support festivals and events that draw people to the harbour.

4.6 Promote public activity, use and enjoyment of the Inner Harbour

- The remaining undeveloped portions of the Inner Harbour should promote activities and uses that support enjoyment of the Inner Harbour by the public, including services and amenities such as recreation activity support, and strategically placed eating venues.
- Encourage activities for people of all ages, incomes, abilities, backgrounds and lifestyles.

4.7 Enhance the visual experience from the water

- The visual experience from the water and the opposite shores should be considered and enhanced where possible through careful design, material selection, building siting, and programming.

4.8 Celebrate the role of Victoria as the provincial capital

- Victoria has a strong image largely defined by its role as the Capital of British Columbia and the Provincial Parliament Buildings located on the Inner Harbour. Future planning, design and development on the Inner Harbour should connect the Capital with residents and visitors and reflect and celebrate this unique role.

5. Belleville Terminal Site

Key Opportunities

The key opportunities for the Belleville Terminal Site that were derived from the public consultation included: supporting functional efficiency through site design, providing enhanced infrastructure to support the ferry operations, strengthening the pedestrian connectivity within the site as well as to adjacent sites, and acknowledging Belleville Terminal as a gateway through improvements to the overall aesthetics and quality of the site and the public realm along Belleville Street.

Guiding Principles

5.1 Strengthen key role as a transportation hub

- The primary activity of Belleville Terminal as a transportation hub should be maintained and its functional and aesthetic aspects should be improved where possible. Future transportation needs should also be considered and anticipated where possible.
- As a key gateway to the country, Vancouver Island, and the city, Belleville Terminal should display high quality gateway features, including the appropriate landside and waterside characteristics of an international transportation facility.

5.2 Integrate high quality design with form and function

- Potential redevelopment of the site should include considerations for user comfort, thematic considerations for design elements, public art and spaces, viewpoints and well-defined gateways.
- As existing facilities need replacement, future buildings should be designed in a way that considers amalgamation of uses, including international border services. Such redevelopment should carefully consider the relationship to adjacent land uses, including view corridors, Belleville Street, waterside views to the site and design elements.
- While the Belleville Terminal requires a secure setting, such security should be designed to be as visually attractive as possible.

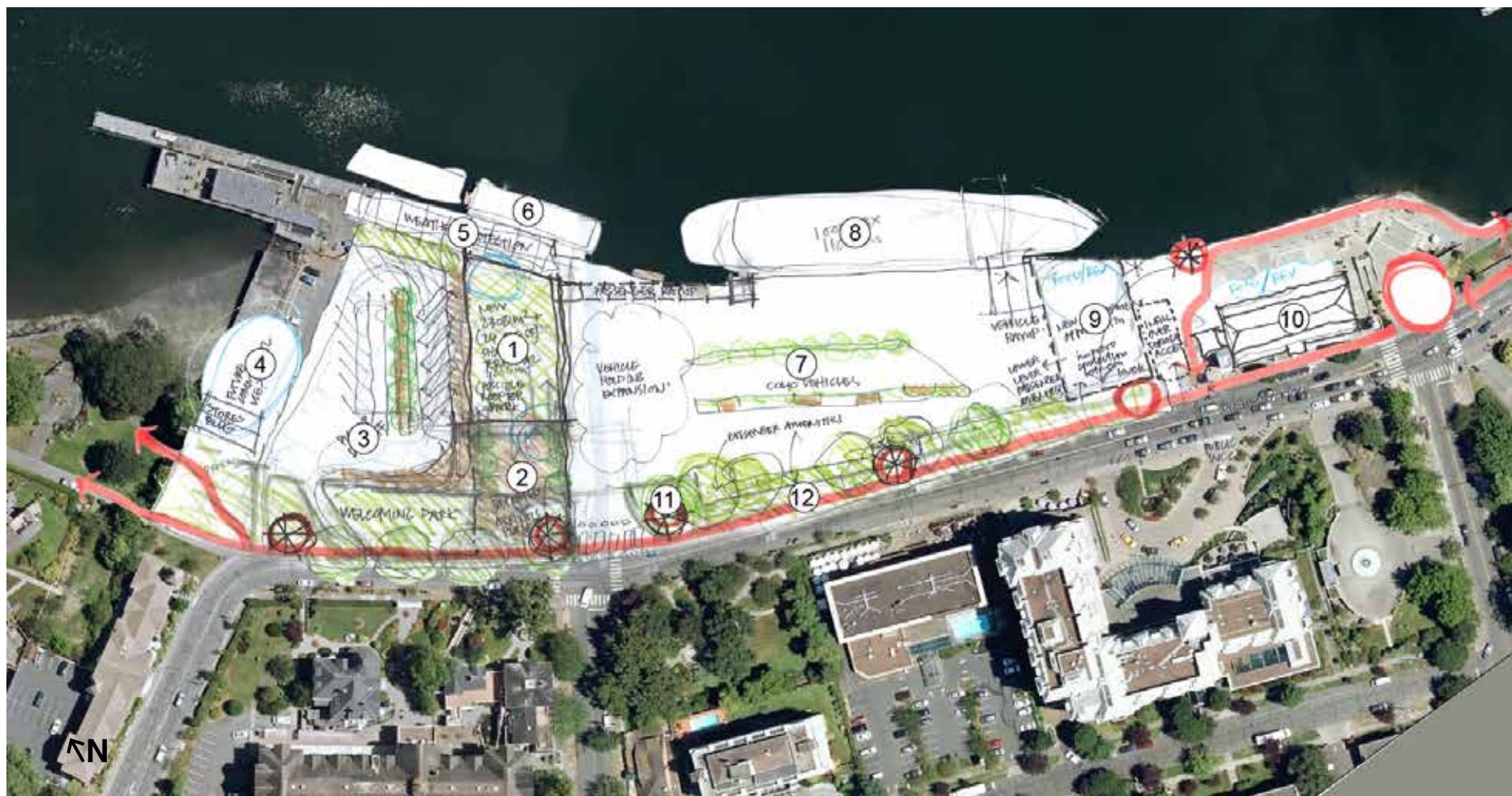
5.3 Provide enhanced public access

- Where possible, public access to the waterfront should be encouraged at the edges of the Belleville Terminal outside of the security zone.
- A continuous pedestrian connection between the Lower Causeway to the east and Centennial Park to west should follow the waterfront and/or Belleville Street, where appropriate, with an emphasis on pedestrian comfort, safety, and wayfinding.

5.4 Create a welcoming gateway environment

- Belleville Street should be recognized as a principal gateway into the downtown with gateway features located at entry points into and out of the Belleville Terminal. A widened, pedestrian-oriented sidewalk should be provided with hard and soft landscaping, viewpoints and rest points along the way.
- Belleville Street should be "street-calmed" through the use of materials and landscaping that slows traffic and enhances pedestrian movement. Intersections at Pendray St., Oswego St. and Menzies St. should be considered for enhanced pedestrian environments.
- The CPR Steamship Terminal Building should be supported as a key landmark feature and wayfinding element for the Belleville Terminal site.

Team 1: Belleville Terminal Concept – Plan



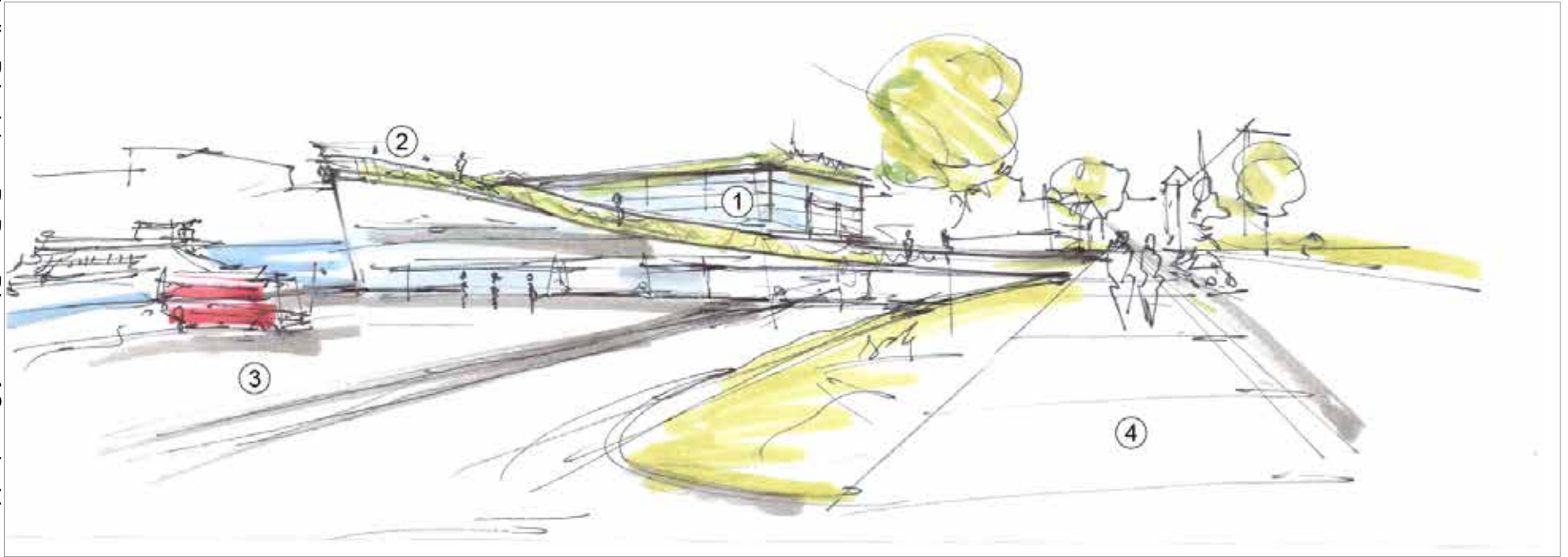
Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Combined terminal building with rooftop park/plaza
2. Attractive plaza space connecting to Belleville Street
3. Redesigned parking and passenger pick up/drop off
4. Rehabilitated heritage building (Stores Building) for new active commercial use
5. Weather protection for foot passengers
6. Victoria Clipper Ferries

7. Improved landscaping and amenities in vehicle holding/staging area (e.g. Outdoor seating, dog run, play area)
8. Black Ball (MV Coho) Ferry Line
9. Redevelop/re-use Black Ball Ferry Line office for active commercial use and improved pedestrian connections to Harbour Pathway

10. CPR Steamship Terminal
11. High quality public plaza as key node for Harbour Pathway (David Foster Way Special Place)
12. Enhanced streetscape with widened sidewalks, plazas and public outlooks with views to harbour

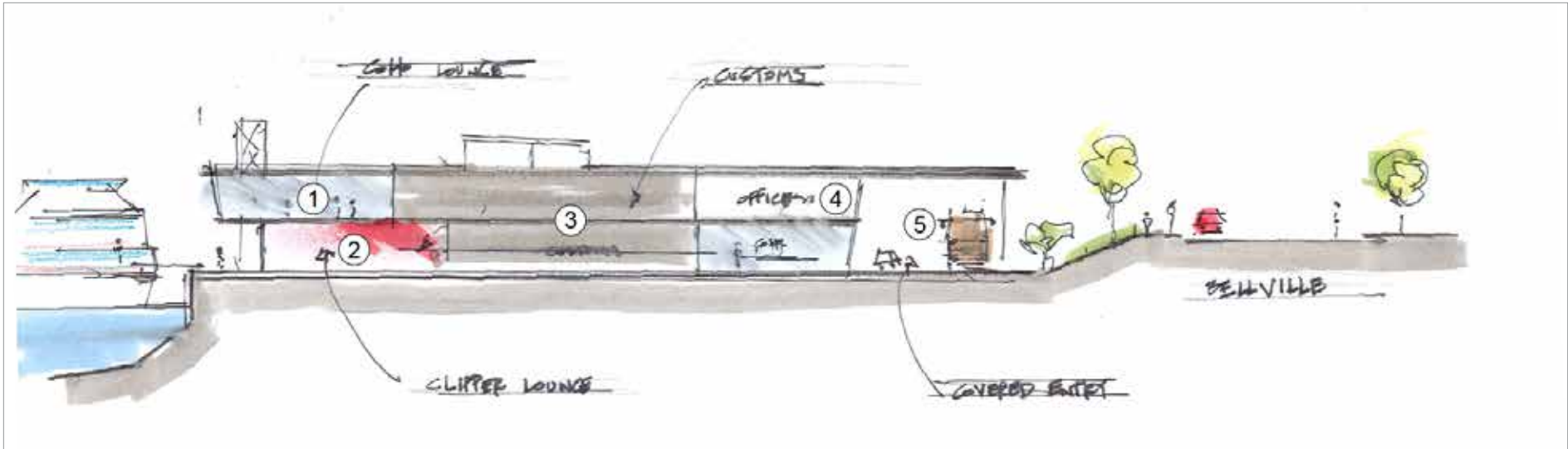
Team 1: Belleville Terminal Concept – Perspective View (looking east along Belleville St.)



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

- 1. Combined Terminal Building
- 2. Rooftop park/plaza
- 3. Parking and pick up/drop off
- 4. Enhanced pedestrian experience on Belleville St.

Team 1: Belleville Terminal Concept – Perspective View (looking east along Belleville St.)



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Black Ball (MV Coho) Ferry Line Lounge 2. Clipper Vacations Ferry Lounge 3. Customs 4. Offices 5. Covered entry

Team 2: Belleville Terminal Concept – Plan



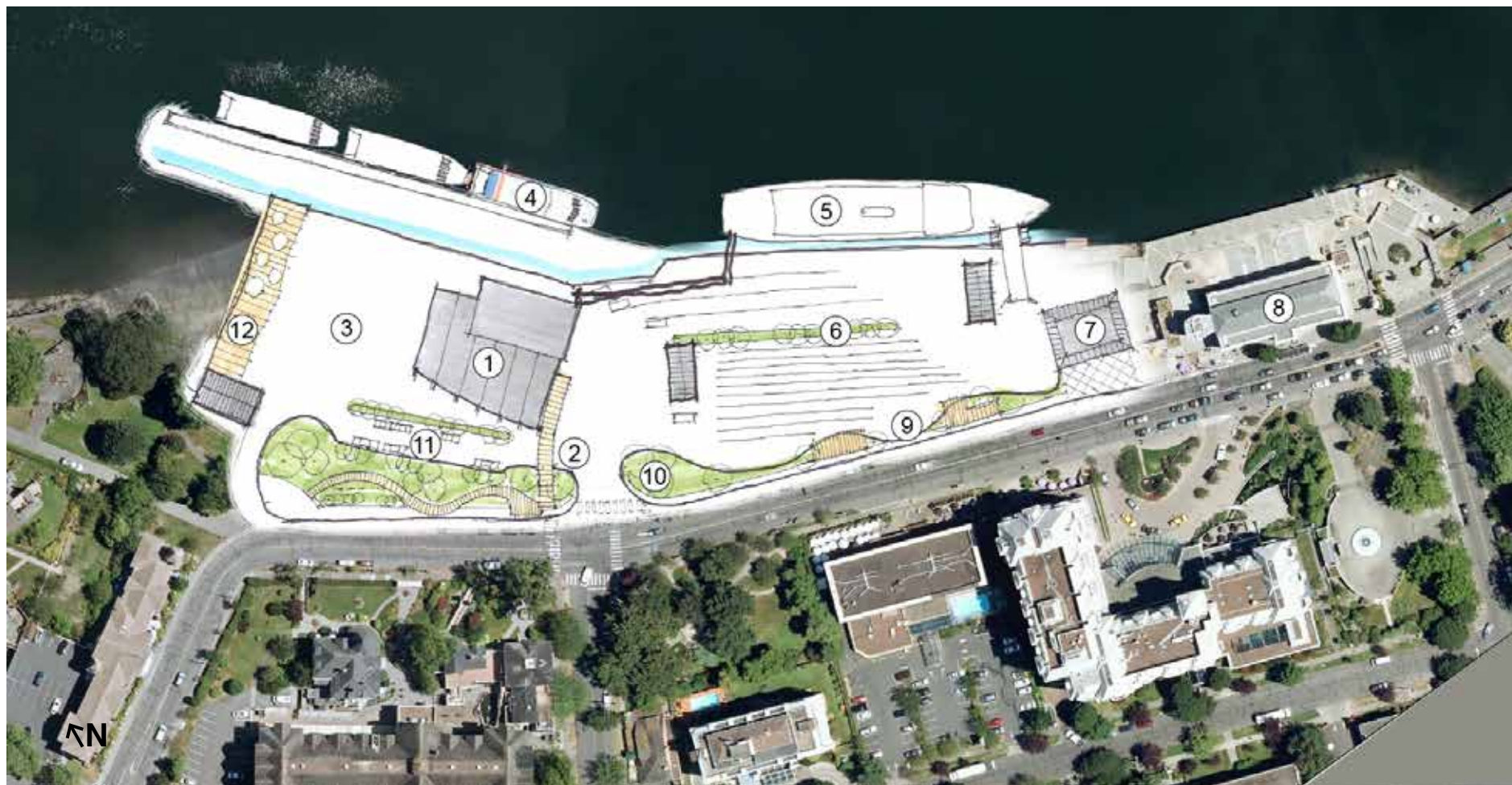
Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Combined Terminal Building with new docks and potential hotel on upper floors
2. Passenger drop off/pick up lane
3. Tour bus and public parking
4. Public park on west end of site with kayak/small watercraft launch
5. Victoria Clipper Ferry Line

6. Black Ball (MV Coho) Ferry Line
7. Vehicle holding/staging area
8. Redevelop Blackball Ferries building into a children's pocket park
9. Enhanced pedestrian connections to Harbour Pathway (David Foster Way)
10. CPR Steamship Terminal

11. Enhanced plaza space as a visual landmark at terminus of Menzies Street
12. David Foster Way Special Place
13. Improved pedestrian crossings at strategic locations
14. Attractive paving materials with enhanced landscaping along Belleville Street

Team 3: Belleville Terminal Concept – Plan



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Combined Terminal Building with new floating docks
2. Landscaped area with footbridge connecting Belleville Street and Terminal
3. Landscaped parking area/passenger drop off/pick up
4. Victoria Clipper Ferries

5. Black Ball (MV Coho) Ferry Line
6. Landscaped vehicle holding/staging area with additional amenities
7. Re-use Black Ball Ferry Line building for active commercial use
8. CPR Steamship Terminal

9. Enhanced landscaping along Belleville Street with widened sidewalk, public viewpoints/outlooks and marine-themed public art
10. David Foster Way special place
11. Passenger drop off/pick up lane
12. Public boardwalk

Team 3: Belleville Terminal Concept – Aerial View



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Combined Terminal Building with new floating docks
2. Landscaped area with footbridge connecting Belleville Street and Terminal
3. Landscaped parking area/passenger drop off/pick up
4. Victoria Clipper Ferries
5. Black Ball (MV Coho) Ferry Line
6. Landscaped vehicle holding/staging area with additional amenities
7. Re-use Black Ball Ferry Line building for active commercial use
8. CPR Steamship Terminal
9. Enhanced landscaping along Belleville Street with widened sidewalk, public view points/outlooks and marine-themed public art (see inset for conceptual rendering)

Special Breakout Group: Belleville Street Enhancement Concept – Plan



- | | | |
|--|--|-------------------------------------|
| 1. Kayak/small watercraft launch and beach | 5. Connection to existing Quadra Park | 10. Combined Terminal Building |
| 2. Threshold: feature node with benches, decorative paving, etc. | 6. Outlook decks: each accented with a maritime artifact | 11. Reclaimed/restored boardwalk |
| 3. David Foster Way (section between Oswego St. and Pendray St. already built) | 7. Play/seating/respice for Black Ball (MV Coho) Ferry Line passengers | 12. Victoria Clipper Ferries |
| 4. Improved streetscape for pedestrian priority area including special paving | 8. Pedestrian threshold (feature paving, public art, etc.) | 13. Black Ball (MV Coho) Ferry Line |
| | 9. CPR Steamship Terminal | |

6. Ship Point Site

Key Opportunities

The key opportunities for the Ship Point site that were derived from the public consultation included: providing a site design and infrastructure to support the location of year-round special events and festivals, strengthening pedestrian connectivity within the site and to adjacent sites, providing limited parking and improving the overall aesthetics and quality of the site to provide a more inviting public space.

Guiding Principles

6.1 Incorporate site design that supports a range of active uses

- Ship Point should continue to be a primary destination for festivals and events of various sizes and activities, including the provision of small "intimate" spaces and larger venues for large crowds.
- Where possible, site parking should be reconfigured to support festival and event activity, including the potential to create a permanent festival site that permits parking during non-event times. Parking areas should be designed and landscaped to be safe, attractive and environmentally responsible.
- Site flexibility should be a key design consideration, so that future uses can be accommodated with minimal site disruption.
- Site parking should be retained to accommodate the seaplane terminal needs, including a pick-up/drop-off area, taxi, and bus spaces.

6.2 Integrate strong connectivity and access

- A seamless transition of the Harbour Pathway between Lower Wharf Street and Ship Point should be a design and development priority.
- The Harbour Pathway should be a key design consideration in site development, acting as a primary connector between Ship Point and the adjacent sites as well as direct connections to Wharf Street.
- The Harbour Pathway, as a key connection, should be identified through the use of high quality hard and soft landscaping.

- Wharf Street should be considered an important linear corridor for views out onto the Inner Harbour and down onto the festival site and animated areas. Viewpoints and sitting areas should be incorporated into site design accordingly.
- Strong entry points off Wharf Street should be created to strengthen the sense of place.

6.3 Enhance Ship Point as an inviting year-round destination

- Where possible, the Ship Point waterfront should be open to public access and views.
- The site should be designed to support animation and programming, particularly in the evening and night to provide a venue for visitor and citizen engagement, such as light shows, fountains, plaza space and music.
- A broad range of infrastructure for special events and vendors is encouraged including electrical, water, washrooms, lighting, and equipment storage.
- Site design should include comfortable pedestrian open space, such as a plaza or green space, when no special events are in session.

6.4 Encourage vitality through high quality design

- The Ship Point site should be designed as a public destination where visitors and citizens of all ages come to view and celebrate the waterfront and the "ballet of activity" that enlivens the Inner Harbour.
- Encourage high quality and architecturally distinct forms of development and site design that are appropriate for the site's prominent waterfront location.
- Passive and active spaces and places should be incorporated into the design of the site with a mix of uses that support a diversity of activities that are promoted and celebrated.

Team 1: Ship Point Concept – Plan



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

- | | | |
|---|--|--|
| 1. Room of Light: Special event space with canopy of lights suspended above enhanced paving treatment | 6. Identify entry points along Harbour Pathway | 11. David Foster Way special place: stage area for small casual performers |
| 2. Concessions and public toilets | 7. Seaplane plaza | 12. Large vessel dock |
| 3. Cantilevered sidewalk with viewpoints | 8. Future floating seaplane terminal building | 13. Amphitheatre for temporary special events |
| 4. Stage area with storage and servicing behind | 9. Marine-related businesses and restaurants | 14. Homecoming Plaza |
| 5. Identify entry points at access ramps | 10. Parking, drop-off, taxi, coach | |

Team 1: Ship Point Concept – Aerial View



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Room of Light: Special event space with canopy of lights suspended above enhanced paving treatment
2. Concessions and public toilet
3. Cantilevered sidewalk with viewpoints
4. Stage area with storage and servicing behind
5. Identify entry points at access ramps

6. Identify entry points along Harbour Pathway
7. Seaplane plaza
8. Future floating seaplane terminal building
9. Marine-related businesses and restaurants
10. Parking, drop-off, taxi, coach

11. David Foster Way special place: stage area for small casual performers
12. Large vessel dock
13. Amphitheatre for temporary special events
14. Homecoming Plaza

Team 1: Ship Point Concept – Perspective View

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.



1. David Foster Way along water
2. Poles with suspended lights and electrical access for vendors
3. Plaza space enhanced with pavers
4. Temporary kiosks/market
5. Performance stage
6. Illuminated wall

Team 2: Ship Point Concept – Plan



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Flexible special event space and parking (with integrated fountain)
2. Widened ramp for two-way traffic
3. The Cannery (marine-related cultural space)
4. Boat moorage relocated from Lower Wharf Street site
5. Maritime Museum, interactive discovery centre and historic boat display docks
6. Sailing school and marine-related businesses
7. David Foster Way Special Place: plaza/greenspace for people to gather
8. Continuous Harbour Pathway (David Foster Way) along water
9. Vendor plaza (food, kiosks, etc.)
10. Increased moorage space
11. Kids' harbour: safe place for children to learn how to sail
12. Sloped grass for performance seating
13. Homecoming Plaza
14. Cantilevered boardwalk and viewing platforms
15. Seaplane terminal relocated to Lower Wharf site

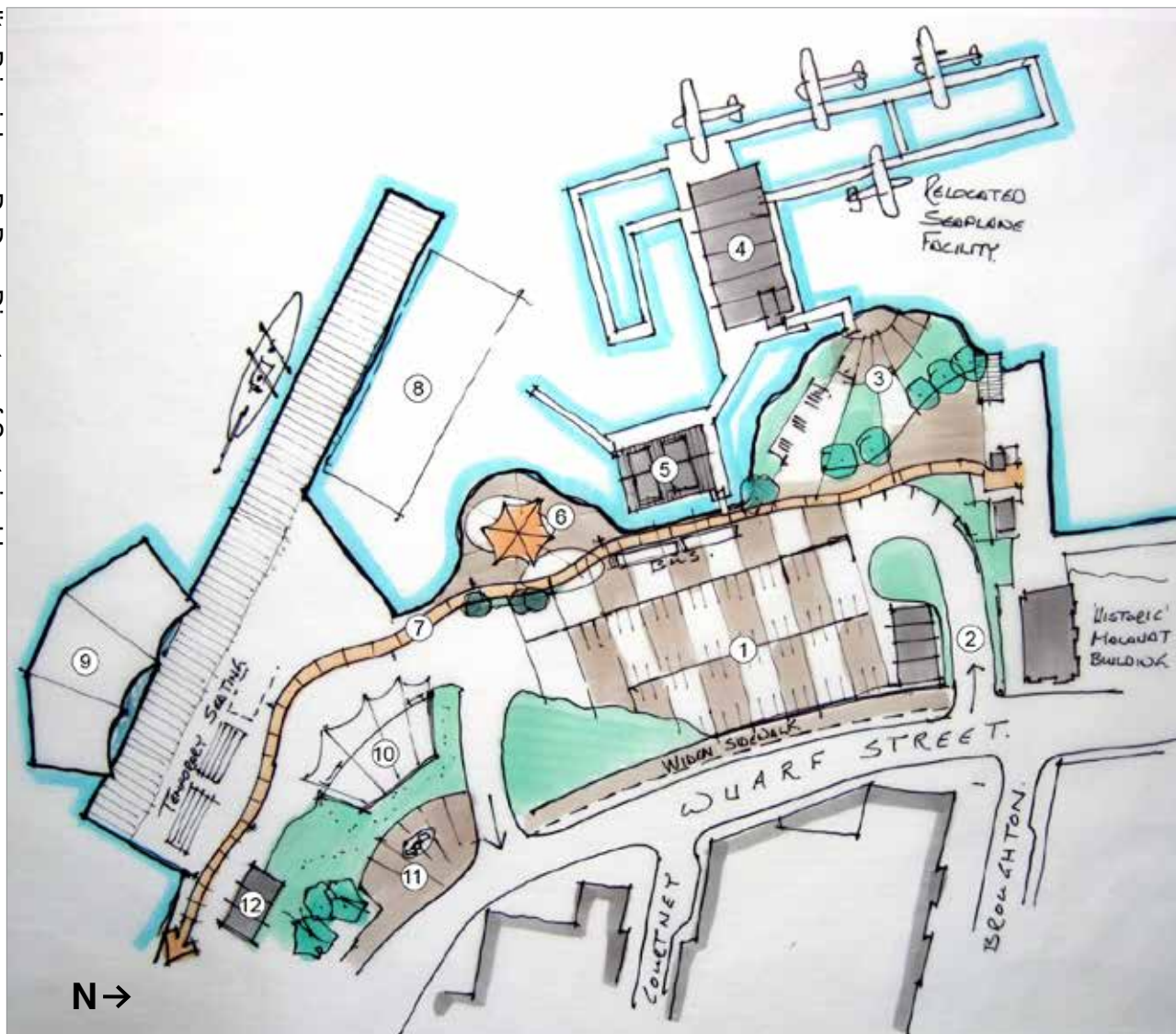
Team 2: Ship Point Concept – Aerial View

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.



- | | | |
|--|--|---|
| 1. Flexible special event space and parking (with integrated fountain) | 6. Sailing school and marine-related businesses | 11. Kids' harbour: safe place for children to learn how to sail |
| 2. Widened ramp for two-way traffic | 7. David Foster Way Special Place: plaza/greenspace for people to gather | 12. Sloped grass for performance seating |
| 3. The Cannery (marine-related cultural space) | 8. Continuous Harbour Pathway (David Foster Way) along water | 13. Homecoming Plaza |
| 4. Boat moorage relocated from Lower Wharf Street site | 9. Vendor plaza (food, kiosks, etc.) | 14. Cantilevered boardwalk and viewing platforms |
| 5. Maritime Museum, interactive discovery centre and historic boat display docks | 10. Increased moorage space | 15. Seaplane terminal relocated to Lower Wharf site |

Team 3: Ship Point Concept – Plan



1. Flexible special event space (with sculpture and lighting in recessed arches in adjacent wall) and parking with enhanced paving
2. Viewpoint at top of access ramp with washrooms and special event storage below
3. Seaplane terminal plaza
4. Future floating seaplane terminal building
5. Marine-related businesses and restaurants
6. David Foster Way Special Place: plaza/green space for people to gather
7. Continuous Harbour Pathway (David Foster Way) along water
8. Alternate floating stage location
9. Movable floating stage for special events
10. Amphitheatre for temporary special events
11. Homecoming Plaza
12. Washrooms and special event storage

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

Team 3: Ship Point Concept – Aerial View

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.



1. Flexible special event space (with sculpture and lighting in recessed arches in adjacent wall) and parking with enhanced paving
2. Viewpoint at top of access ramp with washrooms and special event storage below
3. Seaplane terminal plaza

4. Future floating seaplane terminal building
5. Marine-related businesses and restaurants
6. David Foster Way Special Place: plaza/greenspace for people to gather
7. Continuous Harbour Pathway (David Foster Way) along water

8. Alternate floating stage location
9. Movable floating stage for special events
10. Amphitheatre for temporary special events
11. Homecoming Plaza
12. Washrooms and special event storage

7. Lower Wharf Street Site

Key Opportunities

The key opportunities for the Lower Wharf Street site that were derived from the public consultation included: strengthening the pedestrian connectivity with Bastion Square and to Ship Point, improving opportunities for inviting public access to the water, potential uses to anchor the site as an Inner Harbour destination as well as greater year-round animation of the site.

Guiding Principles

7.1 Integrate strong connectivity and access

- The Lower Wharf Street site should be considered as a key link between the Old Town Area and the waterfront by encouraging a direct link from Bastion Square to the edge of the water. This could include the creation of a "beach" and kayak access/landing.
- Access from Wharf Street should be a stepped, mixed use transition from street to waterfront, including capacity and capability to provide access for everyone including people with mobility needs.
- The Wharf Street pedestrian crossing at Bastion Square should incorporate features to improve pedestrian comfort and safety.
- Consideration should be given to the potential to increase the vibrancy and ambiance of the waterfront activities, including direct access to the water's edge.
- The Harbour Pathway should be given precedence as a key site development determinant that provides a central link to other waterfront areas.
- Views of the water should be preserved from Bastion Square and Fort Street.

7.2 Create a pedestrian-friendly environment

- Pedestrian activity along Wharf Street should be enhanced to promote views, sitting areas and opportunity to provide for increased numbers of pedestrians using the sidewalk in a safe manner.
- Vehicle access, principally to support site activities, and site parking should be limited and, where they occur, secondary to pedestrian activity.
- Parking areas, where provided, should be designed and landscaped to be safe, attractive, environmentally responsible, and flexible to allow for other activities such as special events.

7.3 Encourage vitality through high quality design

- The Lower Wharf Street site should be designed as a public destination where visitors and citizens of all ages come to view and celebrate the waterfront and the "ballet of activity" that enlivens the Inner Harbour.
- Encourage high-quality and architecturally distinct forms of development and site design that is appropriate for the site's prominent waterfront location.
- Passive and active spaces and places should be incorporated into the design of the site with a mix of uses that support a diversity of activities that are promoted and celebrated.
- Where possible, the design of the Lower Wharf Street site should complement existing uses, such as restaurants and boat moorage, so that the site has a seamless and integrated transition from existing to new.

7.4 Reflect the area's cultural and historic significance

- Design elements for the site should reference and celebrate local cultural heritage.
- Opportunities to enhance and highlight the presence of First Nations people should be considered through appropriate forms of culture-based development, programming, and design.

7.5 Enhance the site as a landmark location

- Opportunities to enhance the Lower Wharf Street site as a key landmark/destination should be considered through uses that attract people year-round and are complementary to the Inner Harbour.

Team 1: Lower Wharf Street Concept – Plan

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.



- | | | |
|---|---|--|
| 1. Plaza/parking area with paving stones | 4. Naturalized beach area with native plants, kayak launch and connections to Harbour Pathway | 8. Restored/preserved natural area |
| 2. First Nations Cultural Centre as key attraction with offices and commercial space | 5. Completion of Harbour Pathway (David Foster Way) | 9. Kayak launch/ramp |
| 3. Widened stairway (e.g. Spanish Steps) connecting Bastion Square to waterfront. Includes landings with access to upper floors of adjacent buildings | 6. Pedestrian-scaled lighting and streetscape improvements along Wharf Street | 10. Vehicle access ramp with historic retaining wall in background |
| | 7. Widened pedestrian bridge with no abrupt grade change and decorative mast as iconic landmark | 11. Boat moorage |

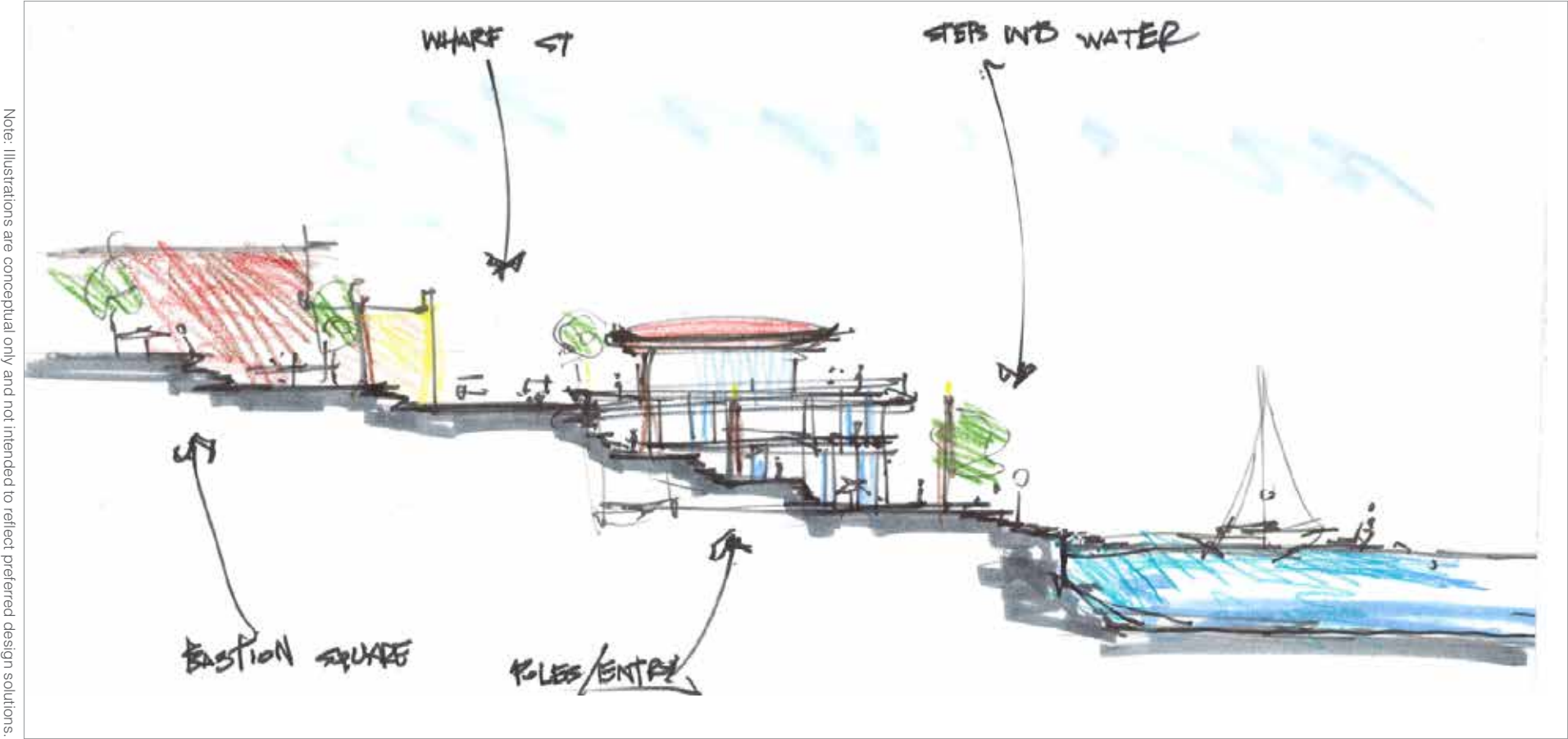
Team 1: Lower Wharf Street Concept – Aerial View



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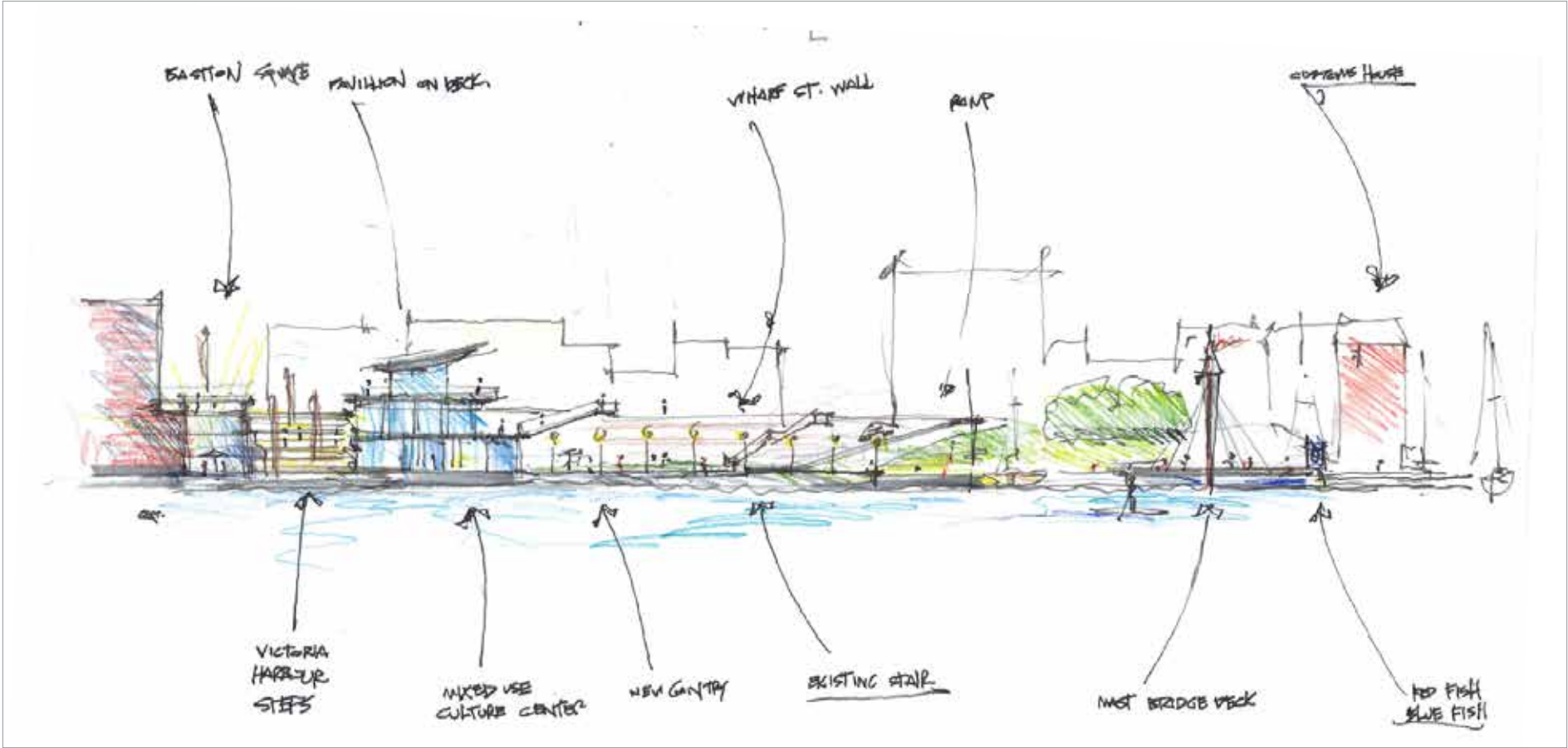
- | | | |
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| | 7. Widened pedestrian bridge with no abrupt grade change and decorative mast as iconic landmark | 11. Boat moorage (including for small boats) |

Team 1: Lower Wharf Street Concept – Section



Building is scaled and sited to provide view corridors from Bastion Square and along Wharf Street.

Team 1: Lower Wharf Street Concept – Perspective from Water



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

Team 2: Lower Wharf Street Concept – Aerial View (Option 1)

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

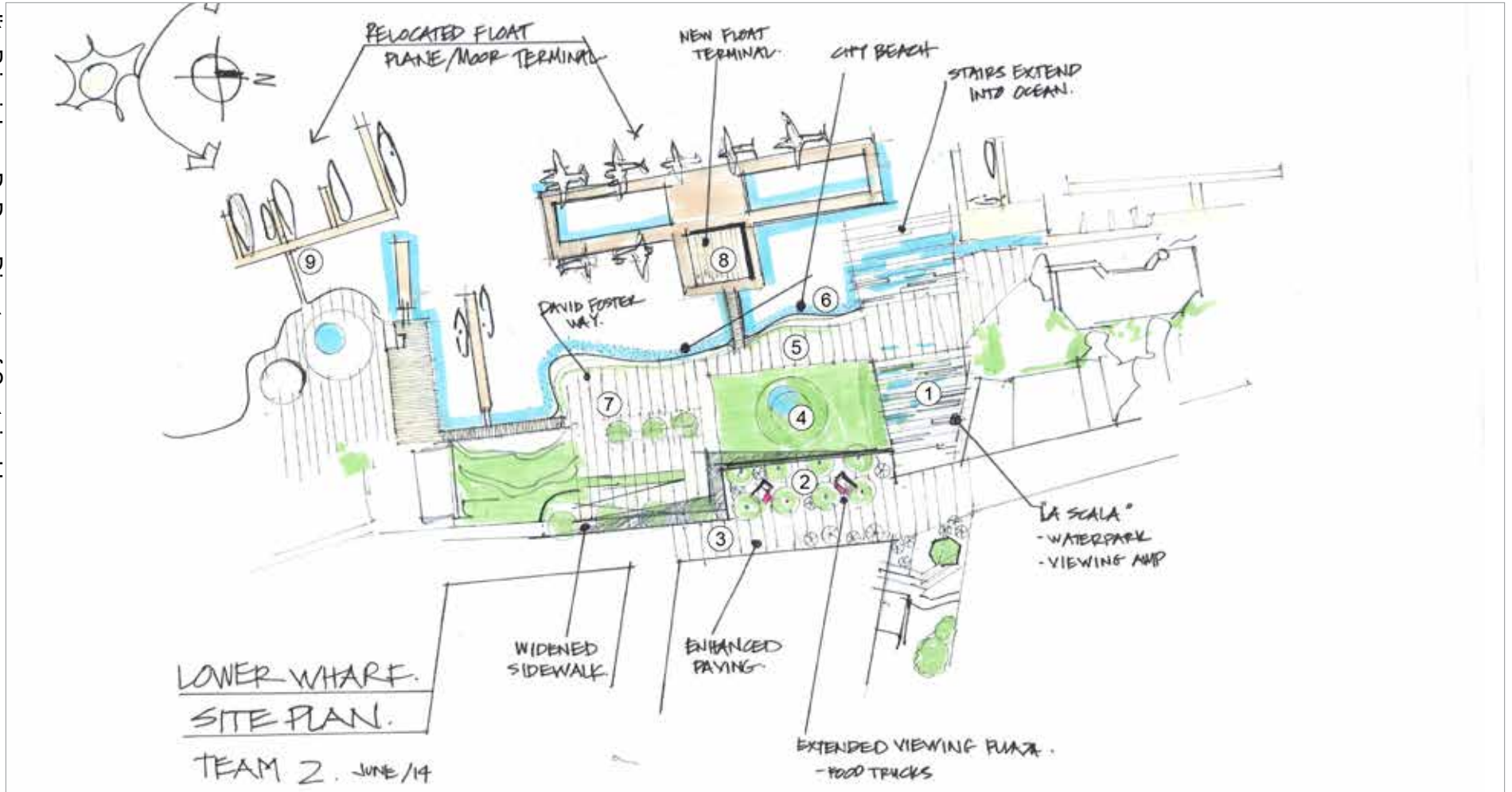


1. Widened stairway (e.g. La Scala) connecting Bastion Square to waterfront. Includes improved pedestrian street crossing and wide landings for gathering, food kiosks, buskers, etc.
2. First Nations cultural centre with rooftop public plaza/ green space extending from Wharf Street

3. Remove on-street parking and resurface roadway with attractive paving materials that extend to rooftop plaza space
4. Park/green space with First Nations themed public art
5. Open plaza/event space includes connection to David Foster Way

6. Pebble beach
7. Reduced parking area with high quality landscaping throughout area
8. Boat moorage (including for small boats)

Team 2: Lower Wharf Street Concept – Plan (Option 2)



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Widened stairway (e.g. La Scala) connecting Bastion Square to waterfront. Includes improved pedestrian street crossing and wide landings for gathering, food kiosks, buskers, etc.
2. First Nations cultural centre with rooftop public plaza/green space extending from Wharf Street
3. Enhanced paving surface on Wharf Street extending to rooftop plaza space
4. Sloped park/green space
5. Open plaza/event space includes connection to David Foster Way
6. Pebble beach
7. Limited number of parking stalls for float plane operation with high quality landscaping throughout area
8. Float plane terminal relocated from Ship Point to Lower Wharf Street site
9. Boat moorage connecting to plaza space

Team 2: Lower Wharf Street Concept – Aerial View (Option 2)



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

1. Widened stairway (e.g. La Scala) connecting Bastion Square to waterfront. Includes improved pedestrian street crossing and wide landings for gathering, food kiosks, buskers, etc.
2. First Nations cultural centre with rooftop public plaza/ green space extending from Wharf Street
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6. Pebble beach
7. Limited number of parking stalls for float plane operation with high quality landscaping throughout area
8. Float plane terminal relocated from Ship Point to Lower Wharf Street site
9. Boat moorage connecting to plaza space



Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.

Team 3: Lower Wharf Street Concept – Plan

1. Widened stairway (e.g. Spanish Steps) connecting Wharf Street to waterfront including public art to enhance viewscape from Bastion Square
2. Improved pedestrian street crossing with distinctive paving materials and bollards
3. Lookout area along Wharf Street sidewalk
4. Building structure on eastern portion of site with rooftop green space (accessible to public) sloped down from Wharf Street
5. Limited public parking stalls located inside new building – not visible from outside
6. Building edge animated with small commercial space for retail/food kiosks or food trucks
7. Public event/performance space to provide animation along Harbour Pathway
8. Completed Harbour Pathway (David Foster Way)
9. Limited number of surface parking stalls with high quality landscaping throughout area
10. Boat moorage (including for small personal boats)

Team 3: Lower Wharf Street Concept – Aerial View

Note: Illustrations are conceptual only and not intended to reflect preferred design solutions.



1. Widened stairway (e.g. Spanish Steps) connecting Wharf Street to waterfront including public art to enhance viewscape from Bastion Square
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10. Boat moorage (including for small personal boats)

Appendix

Harbour Vitality Principles

Public Engagement Summary

1A. Introduction

During May and June 2014, the City of Victoria engaged with the community as part of the Harbour Dialogue process to solicit ideas and feedback on revitalization opportunities for three strategic sites along the Inner Harbour: Belleville Terminal site, Ship Point site and the Lower Wharf Street site. This report provides an overview of the public outreach and summarizes feedback collected through all engagement channels.

2A. Engagement Objectives

The goal of the engagement process was to:

- Seek input from the public and key stakeholders on opportunities for Inner Harbour revitalization
- Foster shared ownership of revitalization opportunities
- Provide accessible and clear project information
- Facilitate a meaningful engagement process
- Increase awareness of existing policies and plans relating to the Inner Harbour



- ① Belleville Terminal Site
- ② Ship Point Site
- ③ Lower Wharf Street Site

3A. How We Engaged the Community

Throughout the month of May two separate events (Open House and Ideas Forum) were held to inform and solicit feedback from the public and key stakeholders. A public survey was also made available during the month of May. In June, the feedback received through the public engagement process including key themes from the public survey were advanced by local experts through a Technical Workshop. Additional engagement details include:

- Project and event details provided on project website: www.victoria.ca/harbourdialogue
- Advertisements for Open House and Ideas Forum placed multiple times in Times Colonist and Vic News
- Electronic invite sent to key land owners, open house participants, Inner Harbour businesses, community associations, development industry, federal agencies, First Nations, CRD, Province of British Columbia, special event and festival groups, Inner Harbour recreational user groups and local MLAs and MPs
- Newsletter articles submitted to greater Victoria Harbour Authority, Urban Development Institute, Downtown Victoria Business Association, Greater Victoria Cycling Coalition and Tourism Victoria for inclusion in their digital and print newsletters
- Direct mail out sent to over 800 property owners, residents and tenants located within a 100m radius of the Inner Harbour
- Several posts made on City of Victoria social media including Facebook and Twitter
- Project and events received media coverage through Times Colonist, Vic News and Vibrant Victoria
- Presentations made to James Bay Neighbourhood Association and Victoria Esquimalt Harbour Society to explain the project, promote the public events and the survey and to communicate the various outcomes of each event.



Open House



Open House: May 9, 2014

Over 400 people representing residents, businesses, tourism, the development industry, marine recreational groups and government attended the Open House held at the Ship Point site. This event included City of Victoria staff as well as representatives from the Greater Victoria Harbour Authority, Royal BC Museum, Downtown Victoria Business Association and Tourism Victoria. Attendees were invited to view display boards, speak with staff and provide feedback through a "vision board" and survey.



Ideas Forum



Technical Workshop



Ideas Forum: May 10, 2014

Over 100 people attended the Ideas Forum at the Victoria Conference Centre. The Ideas Forum sessions allowed participants to move from table to table every 15 minutes and discuss various topics related to the Inner Harbour including Transportation and Connectivity, Public Realm, Working Harbour and Tourism.

Public Surveys: May 8 to May 26, 2014

Throughout the engagement process, the public was invited to provide their ideas and feedback through a hard copy survey that was made available at the Open House and Ideas Forum or through the electronic version that was available on the project website. 166 surveys (94 online and 72 hard copy) were completed.

Technical Workshop: June 5 – 6, 2014

36 local experts from various organizations and businesses participated in a two-day intensive Charrette-style process. Participants were organized into three teams for the purpose of actively discussing, analyzing and illustrating potential development concepts/opportunities for improving the Inner Harbour with a specific focus on the Belleville Terminal site, Ship Point site and Lower Wharf Street site. The Technical Workshop was informed by the participants' technical knowledge and expertise while also building on the key findings from the Harbour Dialogue public engagement process, existing Council-approved policy plans and supporting background and technical studies.

Participants at the Technical Workshop included representatives from the following organizations/businesses:

- Architectural Institute of British Columbia
- Black Ball Ferry Line
- British Columbia Society of Landscape Architects
- City of Victoria – Parks, Recreation and Culture
- City of Victoria – Sustainable Planning and Community Development
- Clipper Vacations
- Downtown Victoria Business Association
- Greater Victoria Harbour Authority
- Greater Victoria Chamber of Commerce
- Harbour Air Seaplanes
- Province of British Columbia – Ministry of Transportation
- Province of British Columbia – Shared Services
- Songhees First Nations
- Urban Development Institute – Capital Region
- Victoria Esquimalt Harbour Society
- Victoria Real Estate Board

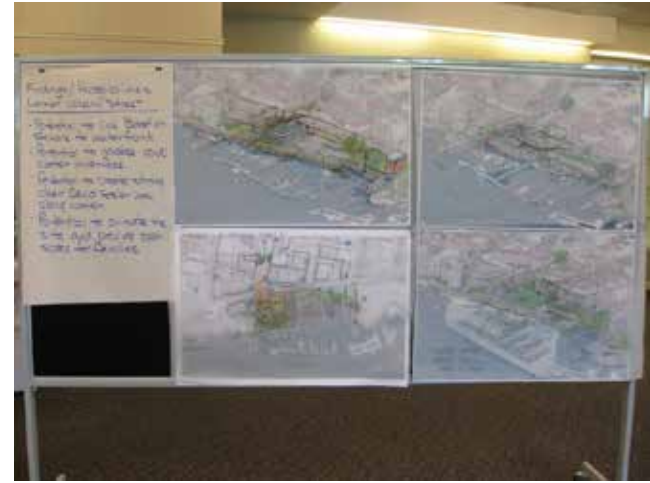
The Technical Workshop participants provided expertise and working knowledge related to:

- architecture
- coastal planning
- commercial development
- economic development
- First Nations
- land management
- landscape architecture/site design
- marine operations
- natural resource ecology
- parks and open space planning
- special events and festivals
- tourism
- transportation (marine/air)
- urban design
- urban planning

The Technical Workshop began with a morning walking tour/visit to each site where participants received a site briefing including information related to land ownership, existing uses and activities, infrastructure, operations as well as geotechnical and environmental site conditions. The balance of the two-day process was structured with each team undertaking a contextual analysis of the entire Harbour and the three sites as the basis for identifying character-defining elements, existing conditions, areas for improvement, potential opportunities and related barriers/issues. Each team also had the opportunity to report out to the group using their illustrations to explain their approach, rationale and desired outcomes for revitalization opportunities.

Technical Workshop Open House (June 6, 2014)

Following the completion of the Technical Workshop, the public was invited to an open house at the Victoria Conference Centre where they could view the development concepts created by the local experts, provide general comments and speak to City of Victoria staff.



Technical Workshop

4A. Summary of Public Engagement Comments

Outlined below is a summary of the key ideas and themes that the public identified for each site through the Harbour Dialogue Open House, Ideas Forum and public surveys.

Belleville Terminal Site

Belleville Terminal is valued as a key transportation hub and the connectivity it provides to the United States. Its proximity to the downtown core for both incoming tourists and locals using the ferry terminal is seen as a valued convenience. The terminal's role in supporting the local economy by bringing tourists to the Inner Harbour, the surrounding views and the CPR Steamship Terminal were also valued.

The need for an aesthetic upgrade was the most common improvement mentioned. The completion of a waterfront pathway connecting the terminal to the rest of the Inner Harbour, more green space, the consolidation of the Black Ball (MV Coho) Ferry Line and Clipper Vactions terminals, improving the functionality with more services to attract both tourist and locals such as restaurants and cafés, widening and revitalizing the sidewalk were the most commonly referred to improvements the public would like to see made to the site.

Ship Point Site

Its use as a special event site, the views and the site's location in the heart of downtown and along the Inner Harbour are what people value the most about Ship Point. The most common improvement the public would like to see made is the reduction of space currently allocated to parking. Consistent suggestions on how best to use the space include introducing a permanent, weather-protected event site for small to large scale events (public market, festivals, concerts, etc.), more green space and seating areas, an amphitheatre and a covered parking lot offering space for mixed use above.

Lower Wharf Street Site

Public access to the harbour, its downtown location and marine-related activities are highly valued attributes of this site. Parking on the site was mainly unsupported. Most frequent suggestions received were to remove parking completely; reduce the amount of current spaces or to cover the parking lot to allow for secondary uses on the upper level. An improved walkway and more services such as cafés, food kiosks and restaurants were also strongly supported. Several Ideas Forum participants suggested a "Spanish Steps" structure to connect Bastion Square to the water and create a space for informal gatherings.

Overall

The most common factors the public mentioned that should be considered in planning for the Inner Harbour are:

- Design a harbour that will attract locals and tourists
- Maintain a working harbour while ensuring it is appealing for visitors
- Develop a continuous walkway along the harbour that will also ensure public access to the waterfront
- Improve the public realm and pedestrian experience

When asked what waterfronts could serve as an inspiration for planning the Inner Harbour, Vancouver's continuous walkway for pedestrians and cyclists (Seawall), Sydney, Australia and Seattle's market and commercial space (Pike Place Market) were most referenced.

5A. Conclusion

The Inner Harbour is a highly valued public amenity validated by the participation and enthusiasm experienced throughout the engagement process. The opportunity to provide valuable input that will be used to shape the future of the three sites was far-reaching as residents, businesses and organizations from the Inner Harbour, Victoria, and beyond shared their views on what factors contribute to the vitality of a harbour. The beauty of the harbour, its role as a key transportation hub, and the economic and cultural activity it provides were consistently stated as what people value. A multitude of suggestions were provided on how to enhance the three sites; however, the most dominant themes to realize the Inner Harbour's full potential were the need to create opportunities to attract both tourists and locals while maintaining a working harbour.

The public feedback collected throughout May and the conceptual illustrations generated at the Technical Workshop were used by staff and the project consultant to create overarching guiding principles for the Inner Harbour and for each strategic site. The resulting *Harbour Vitality Principles* will help to better position the City of Victoria and other Inner Harbour land owners for potential capital funding, grants and development opportunities.

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Planning and Land Use Committee Report

For the Meeting of September 18, 2014

Date: September 4, 2014 **From:** Jim Handy, Senior Planner – Development Agreements

Subject: Council Workshop: Delegation of Development Permits and Heritage Alteration Permits

Executive Summary

The purpose of this report is to provide Council with an introduction, as well as further analysis, regarding a workshop which will explore the potential delegation of Development Permit (DP) and Heritage Alteration Permit (HAP) Applications to staff for decision.

On December 12, 2013, staff presented a report to the Governance and Priorities Committee (GPC) recommending approval of an approach for the delegation of DPs and HAPs. This approach identified criteria to determine which applications would be referred to Council and which would be delegated to staff. In response to the recommendation, the GPC raised concerns related to the degree of delegation being proposed and made the following motion:

1. *that Committee refer Delegation of Development Permits and Heritage Alteration Permits to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and indication whether or not Public Hearings would be held, and;*
2. *for staff to report back and respond to issues and concerns identified by Committee at today's discussion.*

This report responds to this motion by addressing the following:

- format and content of the workshop
- DPs and HAPs subject to Hearings
- recommended approach involving a lesser degree of delegation.

The main goal of the workshop is to establish an approach for a delegation option which proposes a lesser degree of delegation than was previously reviewed by Council and addresses concerns raised by the GPC. Based on this direction, staff have identified a number of key topics and questions which explore the potential criteria that could be applied to the delegation of DPs and HAPs.

The City's *Land Use Procedures Bylaw* identifies procedures related to the consideration of DP and HAP Applications. In the event that Council pursues any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process. In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

In the event that Council decides to advance a form of delegation following the workshop, staff are recommending that the Planning and Land Use Committee (PLUC) direct staff to consult the public regarding the proposed delegation option and then report back with the resulting feedback, the

necessary bylaw amendments, resource issues, associated approval processes, implementation strategy and monitoring plans.


Recommendation

In the event that Council choose to advance an option for the delegation of Development Permits and Heritage Alteration Permits, that Council direct staff to:


- a. Consult the public regarding the delegation option and report back with the resulting feedback; and
- b. At the same time as reporting back with feedback from the public consultation exercise, report back with necessary bylaw amendments, resource issues, associated approval processes, implementation, and monitoring plans as outlined below.

Respectfully submitted,


Jim Handy
Senior Planner - Development Agreements
Development Services Division


Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:


Jason Johnson
Date: Sept. 11/14

LT:aw

JH:aw

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1.0 Purpose

The purpose of this report is to provide Council with an introduction, as well as further analysis, regarding a workshop which will explore the potential delegation of Development Permit (DP) Applications and Heritage Alteration Permit (HAP) Applications. The Governance and Priorities Committee (GPC) requested this workshop in response to a staff report presented to the Committee on December 12, 2013.

2.0 Background

A series of reports related to the topic of delegated authority as it pertains to DPs and HAPs have been presented to Council over the past two years. The following sections summarize the related background.

2.1 Governance and Priorities Committee, April 5, 2012

The *Official Community Plan* (OCP) was presented to the GPC in April 2012 and, as part of these discussions, it was recognized that a new City-wide Development Permit Area (DPA 16) was proposed and that development proposals within this area would require a DP and would be subject to the current established DP Application process. As a result of this discussion, the GPC expressed a desire to more generally explore methods that would expedite the current processes for DPs and HAPs in all Development Permit Areas and, as a result, the following motion was approved:

"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."

Council endorsed this motion at its meeting on April 12, 2012.

2.2 Governance and Priorities Committee, June 21, 2012

On June 21, 2012, the GPC considered a report which explored several options in terms of delegating approval authority. These options can be summarized as follows:

- Option # 1 – No Delegation
- Option # 2 – Maintain Status Quo
- Option # 3 – Delegation (No Variances and Exclusions)
- Option # 4 – Delegation (No Variances)
- Option # 5 – Delegation (With Variances and Exclusions)
- Option # 6 – Full Delegation.

The GPC selected Option #5: Delegation (with Variances and Exclusions) as the preferred option for delegating DP and HAP approval authority and directed staff to:

1. *Report back outlining a detailed approval process, staff resources, and application processing timelines; and*
2. *Report back with information regarding applications that had come before Committee and which applications would not come before Committee under Option #5, including with exclusion options.*

Council endorsed this motion at its meeting on June 28, 2012.

2.3 Governance and Priorities Committee, December 12, 2013

On December 12, 2013, staff presented a report to the GPC recommending approval of an approach for the delegation of DPs and HAPs. This approach identified criteria to determine which applications would be referred to Council and which would be delegated to staff for consideration. In response to the recommendation, the GPC raised concerns relating to the degree of delegation being proposed and made the following motion:

1. *That Committee refer Delegation of Development Permits and Heritage Alteration Permits to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and indication whether or not Public Hearings would be held, and:*
2. *For staff to report back and respond to issues and concerns identified by Committee at today's discussion.*

This report and the subsequent workshop respond to this motion.

3.0 Format and Content of Workshop

The purpose of the workshop is to discuss an approach for the delegation of DPs and HAPs. As directed by the GPC at their meeting on December 12, 2013, this approach should result in a lesser degree of delegation than previously recommended.

The proposed workshop format will be arranged so that staff will provide information on a series of topics and then facilitate the Committee through a series of questions that are key to determining an approach to delegation that responds to Council's wishes and concerns. The workshop agenda is listed below and the following sections provide greater detail on each item:

- Background
- DPs and HAPs that were subject to a non-statutory Hearing
- Review Delegation Options 1-6
- Recommended approach involving a lesser degree of delegation
- Summary of discussions and next steps.

3.1 Background

The project background is summarized in Section 2 of this report. At the workshop, staff will provide a further overview of the events leading to the workshop.

3.2 Development Permits and Heritage Alterations Permits that were subject to a Non-statutory Hearing

At its meeting of December 12, 2013, the GPC members were presented with data from 114 DPs and HAPs processed between January 2009 and July 2012. This data identified which of these applications would have been delegated and which would have been referred to Council, in accordance with the delegation option recommended by staff. In response to this information, the GPC expressed concerns related to the resulting degree of delegation and also enquired as to which applications would be subject to a non-statutory Hearing. It should be noted that DPs and HAPs are only subject to a non-statutory Hearing and a 30-day Community Association Land Use

Committee (CALUC) consultation where a variance to the *Zoning Regulation Bylaw* is proposed.

The original data table included in Appendix A has been updated to identify which applications would be subject to a non-statutory Hearing. The key data, as it relates to public consultation in the process, is summarized below:

	Under Current Process	Under Delegation Option
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) referred to a non-statutory Hearing	36%	13%
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) referred to a CALUC	36%	36%
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) subject to a Rezoning Application (with statutory Public Hearing) within 12 months of the subsequent DP or HAP approval	17%	17%

3.3 Reviewing Delegation Options 1-6

Staff previously explored with Council several options for delegating approval authority for DPs and HAPs. The full range of options were presented in a report to GPC on June 21, 2012, as follows:

Option #1 – No Delegation

- Council are the approval authority for all DPs and HAPs, including minor and major applications. No delegation to staff.

Option #2 – Maintain Status Quo

- Continue with existing DP and HAP processes.
- Staff are the delegated approval authority for minor DPs and HAPs, as well as shoreline alterations within Development Permit Area 29, Victoria Arm – Gorge Waterway, which is an ecologically sensitive area.
- Council are the approval authority for all non-minor DP and HAP Applications.

Option #3 – Delegation (No Variances and Exclusions)

- Approval authority for DPs and HAPs with no variances is delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (e.g. Old Town, Inner Harbour) and projects of a certain size or other criteria (e.g. over a specified density, height or floor area).
- Council is the approval authority for all DPs and HAPs which include a variance.

Option #4 – Delegation (No Variances)

- Approval authority for all DPs and HAPs with no variances are delegated to staff.
- Council is the approval authority for all DPs and HAPs which include a variance.
- Under this option, no part of the City would be excluded from delegated authority.

Therefore, if an application had no variances, it would be delegated to staff regardless of its location.

Option #5 – Delegation (With Variances and Exclusions)

- Approval authority for DPs and HAPs with or without variances are delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (e.g. Old Town, Inner Harbour) and projects of a certain size or criteria (e.g. over a specified density, height or floor area).

Option #6 – Full Delegation

- Full delegation of all DP and HAP Applications to staff.

The GPC selected Option #5: Delegation (with Variances and Exclusions) as the preferred option for delegating DP and HAP approval authority and, as directed by Council, staff presented a detailed delegation option including approval processes and process timelines to the GPC on December 12, 2013. In response to the staff report, Council raised concerns relating to the amount of delegation being proposed and directed staff to devise an alternate formula involving a lesser degree of delegation.

The workshop will re-examine Delegated Options #1-6 and allow for discussions that will inform a new formula for delegation. However, staff recommend to Council that a more stringent version of Option #5 should be considered for the following reasons:

- Options #1 and #2 do not propose any additional delegation, over what currently exists, which is contrary to the original Council motion from April 12, 2012, which sought to investigate the potential for delegating the authority to consider DPs and HAPs to staff.
- Option #3 would require that all variances be referred to Council regardless of how minor a variance is, for example, an application proposing a one-stall parking variance or a minor setback variance would not be delegated to staff.
- Option #4 proposes that all applications are delegated unless a variance is proposed. In this Option, there are no exclusions related to geographic location or scale of development so, in some ways, this Option results in delegating potentially more sensitive applications to staff than Option #5. This is considered contrary to the Council motion from December 12, 2013, which directed staff to devise a formula resulting in a lesser degree of delegation.
- Option #5 offers the greatest degree of flexibility as it allows the delegation of certain DPs and HAPs, including those proposing a variance, subject to any criteria Council wishes to apply (for example, a criteria could be added which requires that development proposals are referred to Council if they exceed a certain percentage of change from the *Zoning Regulation Bylaw* standard). This allows Option #5 to be further refined in order to provide a lesser degree of delegation.
- Option #6 proposes delegation of all DPs and HAPs to staff which is contrary to the Council motion from December 12, 2013, which directed staff to devise a formula resulting in a lesser degree of delegation.

3.4 Recommended Approach

The main goal of the workshop is to discuss a new approach for the delegation of DPs and HAPs

that addresses the concerns raised by the GPC at their meeting on December 12, 2013. To facilitate this, staff have identified a number of decision points that will help guide discussion to bring forward a delegated option reflecting Council's direction. These decision points are presented in the form of criteria which could be used to determine when applications would be referred to Council and are summarized below.

Applications could be referred to Council under the following conditions:

- when written objections from one or more immediate neighbour(s) or the CALUC are received within the consultation period
- when the Mayor or a Councillor requests that an application be referred to Council
- if it is a HAP, unless the proposal is minor in nature
- if an application is located in the Core Inner Harbour/Legislative or Core Historic Urban Place Designations (as defined in the OCP), unless the proposal is minor in nature
- if it proposes a variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*, or where no numerical value is associated with the applicable regulation (i.e. regulations prohibiting rooftop patios)
- if it exceeds certain scale thresholds
- if Council approval of a bylaw and/or if the application proposes amendments to, or the discharge of a legal agreement
- if staff recommend it be declined
- if at the discretion of the Director of Sustainable Planning and Community Development it should be referred.

In addition to the above, staff recommend that Council delegate to staff the consideration of the first application for the renewal of any DP or HAP that has not yet lapsed where the proposed plans are not substantially different from the previously approved plans and there has been no substantive change to relevant City policy and/or regulations since the time of the original approval.

Staff also recommend that any applications for temporary construction trailers be delegated as these are typically minor in nature, are required to support the construction of an approved development and will be removed from the site when construction is complete.

This list of delegation criteria is deliberately more extensive than that previously presented to the GPC and is intended to result in a lesser degree of delegation while addressing specific concerns raised by the GPC. At the workshop, staff will be working through these criteria with the PLUC to determine Council's direction towards delegation.

3.5 Next Steps

The main goal of the workshop is to establish an approach for a delegation option which proposes a lesser degree of delegation than was previously reviewed by Council and addresses concerns raised by the GPC. In the event that Council directs staff to pursue a form of delegation, staff are recommending that the PLUC direct staff to consult the public regarding the proposed delegation option and then report back to Council with the resulting feedback, the necessary bylaw amendments, resource issues, associated approval processes, implementation strategy, and monitoring plans. The following sections provide a brief overview of these considerations.

3.5.1 Amendments to City Bylaw and other Documentation

The City's *Land Use Procedures Bylaw* identifies procedures related to the consideration of DP and HAP Applications. In the event that Council pursues any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process.

In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

3.5.2 Streamlining Processes and Resource Issues

The key benefit to having delegated authority relates to application processing times and the associated benefits for applicants, as well as reducing the amount of Council's time that would be spent dealing with these smaller applications. Additionally, one of the key participant suggestion themes resulting from the Development Summit supported introducing delegated authority to staff. Section 3.5.3 of this report outlines a general process for delegated applications along with time frames.

Notwithstanding the time saving benefits for applicants, the implementation of any form of delegated authority will have initial resource implications, as staff amend existing bylaws and procedures. Once new procedures are in place, staff will still be required to undertake all the necessary analysis and documentation to ensure that decisions are sound and satisfactorily documented. Additionally, it is anticipated that a delegated option which involves referrals and community engagement will result in additional workload for administrative staff responsible for managing notification processes and correspondence resulting from public consultation. However, it should also be noted that some of these duties are currently undertaken within other Departments in the City so further exploration to determine how to align resources and workload if Council chooses to advance this type of delegated option would need to occur.

Another important factor in the discussion about resources is the increase in volume of applications that has occurred over the last two years. This can largely be attributed to positive market forces as evidenced in the table below which provides data on the increase in the number of Rezoning Applications that have been received since July 30, 2012. Rezoning Applications are also often accompanied by DP and/or HAP Applications. There have been no new regulations introduced through the OCP that would have directly triggered the need for this increase in Rezoning Applications.

Rezoning Applications				
	July 30, 2010 to July 29 2011	July 30, 2011 to July 29 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014
REZ	31	23	26	36
				Increase since July 29, 2012
				15%

To further illustrate the increase in the volume of applications, the table below identifies that the number of DP Applications alone has increased 111% over the same time period. In addition to positive market forces, this is also partly due to the new Development Permit Areas identified in the OCP. Application records indicate that 51 of the 95 DP Applications received since the adoption of the OCP were not previously located in Development Permit Areas. Of these 50 applications, 23 were associated with a Rezoning Application. The need for a DP Application to permit the development identified in the Rezoning Application still results in additional administrative workload and staff are also required to review the proposal for compliance with

Development Permit Area Guidelines and provide the applicant with appropriate feedback. An increase in the number of DP Applications has also resulted in additional work relating to the monitoring of development to ensure it is built in accordance with approved plans and processing Minor Development Permit Applications that are often necessary as Developers seek minor revisions to address unforeseen issues during the construction phase of a project. However, the increased volume of Development Permit applications was anticipated and acknowledged by Council at the time of the adoption of the OCP. As outlined in Section 2.1 of this report, in response to the Development Permit Areas identified in the OCP, Council directed staff to investigate the feasibility of delegating authority to issue DPs and HAPs in order to streamline and accelerate application processes.

**Development Permit, Development Permit Minor, Heritage Alteration Permit,
and Heritage Minor Alteration Permit Applications**

	July 30, 2010 to July 29 2011	July 30, 2011 to July 29 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	Increase since July 29, 2012
DP	25	20	42	53	111%
DPM	70	50	64	62	5%
HAP	16	13	20	16	24%
HMA	12	18	29	27	87%
Total	123	101	155	158	40%

Should Council approve the form of delegated authority recommended in this report, it is anticipated that approximately two-thirds of all planning-related applications (Rezoning Applications, Development Variance Permits, Development Permits and Heritage Alteration Permits) would still be referred to Council. Staff workloads are unlikely to be reduced with the introduction of delegated authority as the level of analysis and documentation will remain at similar levels while overall administrative duties may increase; however, as stated earlier, processing timelines for applicants to receive a decision and Council agendas will be streamlined to some degree.

Based on the delegated process estimates attached to this report in Appendix B, it is estimated that where applications are supportable and no revisions or additional information is required, an approval could be issued for a DP Application or HAP Application with no variances within two to four weeks and, where a variance is proposed, in just over 30 days. However, this timeline could be significantly affected by the following factors:

- the complexity of a project
- whether the design needs to be altered significantly to meet application design guidelines
- whether additional supporting information (i.e. a parking study or other specialist consultant report) is required
- applicant response times to requests for amended plans and/or additional information
- whether or not a project needs to be reviewed by the Advisory Design Panel or Heritage Advisory Panel.

The actual timeline associated with these factors is not easily quantifiable, however, most of these issues are not unique to a delegated process.

3.5.3 External Consultation

As a next step, it will be important to consult the public regarding the preferred delegation option. It is envisaged that this consultation would take place in the form of an open house event. This event would be advertised in the newspaper, posted on the City website and individual written invitations would be sent to the Urban Development Institute (UDI) and all CALUCs.

However, it is recommended that Council first identify the form of a preferred delegation option prior to consulting externally so that the resulting feedback will be more focused. Staff would then report back to Council with the results of the stakeholder engagement along with suggested refinements based on the feedback received and a corresponding implementation strategy.

3.5.4 Implementation of Delegated Process

Subject to Council approving a form of delegation, it will be necessary to undertake an implementation strategy to ensure that:

- affected City processes, bylaws, and information are amended as necessary
- the City website is updated as necessary, with all revised documents and the list of DPs and HAPs is readily accessible
- customers (i.e. public, neighbourhood associations and developers) are aware of the process change in advance of the date that delegated authority takes effect
- a date has been identified for the delegated authority to take place and a transition plan for in-stream applications is established.

3.5.5 Monitoring

It is recommended that any new delegated process be monitored and that staff report back to Council regularly outlining the effectiveness of the changes made. If any issues arise outside of the regular reporting schedule, which cannot be dealt with administratively, they would be brought to Council's attention as quickly as possible.

4.0 Conclusion

The main goal of the workshop is to discuss a new approach for the delegation of DPs and HAPs that addresses the concerns raised by the GPC at their meeting on December 12, 2013. To facilitate this, staff have identified a number of decision points that respond to Council's request. These decision points are in the form of criteria which could be used to determine when applications would be referred to Council. This list of delegation criteria is deliberately more extensive than previously presented to the GPC and is intended to result in a lesser degree of delegation while addressing specific concerns raised by the GPC.

In the event that Council decides to advance a form of delegation following this workshop, staff are recommending that the Planning and Land Use Committee (PLUC) direct staff to consult the public regarding the proposed delegation option and then report back to Council with the resulting feedback, the necessary bylaw amendments, resource issues, associated approval processes, implementation strategy, and monitoring plans.

5.0 Recommendations

In the event that Council choose to advance an option for the delegation of Development Permits and Heritage Alteration Permits, that Council direct staff to:

- a. Consult the public regarding the delegation option and report back with the resulting feedback; and
- b. At the same time as reporting back with feedback from the public consultation exercise, report back with necessary bylaw amendments, resource issues, associated approval processes, implementation, and monitoring plans as outlined below.

6.0 List of Attachments

- Data table (applications considered from January 2009 to July 2012)
- Delegated Process and Timelines
- Staff report to the GPC dated December 12, 2013.

Appendix A - Data Table
(Applications considered from January 2009 to July 2012)

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000149	301 Cook St	Yes	Yes	Delegated	No
DP#000150	1729 Oak Bay Ave	Yes	Yes	Delegated	No
DP#000151	947 Fort St	Yes	Yes	Delegated	No
DP#000152	325 Cook St	Yes	Yes	Delegated	No
DP#000153	919 Pandora Ave	No	No	Delegated	No
DP#000154	1007 Johnson St	No	No	Delegated	No
DP#000155	920 Pandora Ave	No	No	Delegated	No
DP#000156	810 Humboldt St	No	No	Delegated	No
DP#000157	787 Tyee Rd	Yes	Yes	Council	Yes
DP#000158	356 Harbour Rd	No	No	Delegated	No
DP#000160	350 Harbour Rd	Yes	Yes	Delegated	No
DP#000161	1701 Douglas St	No	No	Delegated	No
DP#000162	1234 Wharf St	Yes	Yes	Council	Yes
DP#000164	365 Waterfront Crescent	Yes	Yes	Delegated	No
DP#000165	770 Cormorant St	No	No	Delegated	No
DP#000166	370 Harbour Rd	Yes	Yes	Delegated	No
DP#000167	681 Herald St	Yes	Yes	Council	Yes
DP#000168	1932 Oak Bay Ave	No	No	Delegated	No
DP#000170	306 - 1665 Oak Bay Ave	No	No	Delegated	No
DP#000172	2780 Shelbourne St	Yes	Yes	Delegated	No
DP#000176	1620 Blanshard St and 733-741 Fisgard St	No	No	Delegated	No

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000177	1992 Fairfield Rd	No	No	Delegated	No
DP#000180	728 Humboldt St	No	No	Delegated	No
DP#000182	895 Fort St	Yes	Yes	Delegated	No
DP#000183	351-355 Cook St and 1101-1107 Oscar St	No	No	Delegated	No
DP#000187	923 Burdett Ave	No	No	Delegated	No
DP#000188	840 Fort St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000189	814 Wharf St	No	No	Delegated	No
DP#000190	4-2631 Quadra St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000193	1 Dallas Rd	Yes	Yes	Delegated	No
DP#000195	608 Broughton St	No	No	Council	No
DP#000196	555/575 Pembroke St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000197	1308 Gladstone Ave	Yes	Yes	Delegated	No
DP#000198	1719 Davie St	No	No	Delegated	No
DP#000201	1701 Douglas St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000203	849 Fort St	No	No	Delegated	No
DP#000204	1310-1314 Waddington Alley	No	No	Council	No
DP#000205	771 Central Spur Rd - Lot E	No	No	Delegated	No
DP#000206	658-670 Herald St	Yes	Yes	Council	Yes
DP#000207	517 Fisgard St	Yes	Yes	Council	Yes

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000208	15/21 Gorge Rd East	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Council	Yes
DP#000209	1000 Wharf St	Yes	Yes	Council	Yes
DP#000211	95 Esquimalt Rd	No	No	Delegated	No
DP#000212	211-213 Robertson St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000214	740 Hillside Ave	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000215	847 Fort St	No	No	Delegated	No
DP#000216	452 Moss St	Yes	Yes	Delegated	No
DP#000217	254 Belleville St	Yes	Yes	Council	Yes
DP#000219	1029 View St	No	No	Delegated	No
DP#000221	640 Michigan St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000223	2551 Quadra St	Yes	Yes	Delegated	No
DP#000224	240 Cook St / 1035 Suttlej St	No	No	Delegated	No
DP#000225	230 Cook St	No	No	Delegated	No
DP#000228	187/189 Dallas Rd	No	No	Delegated	No
DP#000229	1284-98 Gladstone/ 2002-2004 Fernwood	No	No	Delegated	No
DP#000230	257 Belleville St	No	No <i>(Public Hearing for Rezoning)</i>	Council	No
DP#000231	1090 Johnson St	No	No	Delegated	No

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000233	355 Cook St	Yes	Yes	Delegated	No
DP#000234	15 & 21 Gorge Rd E.	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000235	1580 Hillside Ave	No	No	Delegated	No
DP#000237	1249 Richardson St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000238	1255 Richardson St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000239	726-46 Yates St	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000241	615 & 623 Fort St	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Council	Yes
DP#000243	740 Hillside Ave & 747 Market St	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000244	2560 Quadra St	Yes	Yes	Delegated	No
DP#000245	195 Bay St	No	No	Delegated	No
DP#000246	1310-1314 Waddington Alley	Yes	Yes	Council	Yes
DP#000248	755 Caledonia Ave	Yes	Yes	Delegated	No
DP#000249	787 Tyee Rd	No	No	Delegated	No
DP#000250	341 Cook St	No	No	Delegated	No
DP#000251	615 & 623 Fort St	No	No	Delegated	No
DP#000252	658-662 Herald St	Yes	Yes	Council	Yes
DP#000253	2269 Douglas St	Yes	Yes	Delegated	No

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000254	640 Fiskard St	No	No	Council	No
DP#000255	606 & 612 Speed Ave	Yes	Yes	Council	Yes
DP#000256	2748 & 2750 Shelbourne St	No	No	Delegated	No
DP#000263	1580-1644 Hillside Ave	No	No	Delegated	No
DP#000264	730 Vancouver St	Yes	Yes	Delegated	No
DP#000268	640 Michigan St	Yes	Yes	Delegated	No
DP#000269	1580-1644 Hillside Ave	No	No	Delegated	No
HAP#00089	1116 Government St	No	No	Delegated	No
HAP#00090	620 Humboldt St	No	No	Delegated	No
HAP#00091	538 Yates St	No	No	Delegated	No
HAP#00092	705-711 Johnson St	No	No	Delegated	No
HAP#00096	100 Cook St	No	No	Delegated	No
HAP#00098	900-920 Douglas St	No	No	Delegated	No
HAP#00100	1509 Rockland Ave	No	No	Delegated	No
HAP#00099	151 Oswego St	Yes	Yes (Public Hearing for Rezoning)	Delegated	No
HAP#00103	719-725 Yates St	Yes	Yes	Delegated	No
HAP#00108	705-711 Johnson St	No	No	Delegated	No
HAP#00107	923 Burdett Ave	No	No	Delegated	No
HAP#00109	550-562 Yates St	Yes	Yes	Council	Yes
HAP#00111	1161 Fort St	Yes	Yes	Delegated	No
HAP#00112	1952 Bay St (Pemberton Memorial Operating Theatre)	No	No	Council	No
HAP#00113	138 Dallas Rd	No	No (Public Hearing for Rezoning)	Delegated	No
HAP#00115	517 Fiskard St, 528-532 Pandora Ave	No	No	Delegated	No

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
HAP#00117	100 Cook St (Beacon Hill Park)	No	No	Delegated	No
HAP#00118	1312-1314 Government St	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Council	Yes
HAP#00120	523 Trutch St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
HAP#00123	536-540 Pandora Ave & 4, 10-14 Fan Tan Alley	No	No	Council	No
HAP#00124	912 Vancouver St	No	No	Delegated	No
HAP#00125	468 Belleville St	No	No	Delegated	No
HAP#00127	611 Vancouver St	Yes	Yes	Delegated	No
HAP#00130	540 Johnson St	No	No	Delegated	No
HAP#00129	1001 Terrace St	No	No	Delegated	No
HAP#00131	738-740 Yates St	No	No	Delegated	No
HAP#00134	566-570 Yates St	No	No	Council	No
HAP#00135	1001 Douglas St	No	No	Delegated	No
HAP#00138	1770 Rockland Ave	Yes	Yes	Council	Yes
HAP#00139	835 Humboldt St (St. Ann's Academy)	No	No	Delegated	No
HAP#00140	1020 Catherine St	No	No	Delegated	No
HAP#00141	538 Yates St	No	No	Council	No
HAP#00143	909 Government St	No	No	Delegated	No

* the "recommended delegation option" refers to the option presented to GPC on December 12, 2013

Appendix B - Delegated Process and Timelines

The following is a description of the likely DP Application and HAP Application processes should Council delegate authority to staff to approve these types of permits. The process time frame could vary significantly depending on the complexity of an application, whether or not Advisory Design Panel or Heritage Advisory Panel review is appropriate, or how quickly the applicant responds to suggestions from staff or requests for information. It should also be noted that applications which are excluded from Delegated Authority would continue to be reviewed under the current established process.

Following application submission, DP Applications and HAP Applications would follow the delegated process outlined below:

I. Staff Review of Application

The application would be reviewed by the relevant City Departments. A weekly list of DP and HAP Applications received would be prepared for Council's review as well as being posted on the City's website. Staff would review the application against the relevant policy, design guidelines, bylaws, and any other pertinent regulations to determine whether the project can be supported. Staff from the various Departments would hold a "Technical Review Committee" (TRC) meeting to discuss the application and identify any issues. The TRC minutes would then be sent to the applicant clearly identifying any outstanding issues that need to be resolved (if any) prior to a decision being made.

Estimated time: 2 - 4 weeks

II. Community Consultation (only when a Variance is proposed)

If a DP Application or HAP Application includes variances, the application could be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days (consistent with current practice). A notice would also be posted at the application site advertising the proposal and the owners and occupiers of adjacent parcels would be notified of the application in writing. The notice posting and adjacent neighbour consultation currently occurs 10 days prior to the Hearing, therefore, in the absence of a Hearing, this consultation would occur concurrently with the CALUC referral. A decision would not be made by staff during this consultation period.

Staff will consider any comments received regarding the DP or HAP with variances in the 30-day consultation period, prior to issuing a decision.

Estimated Time: 5 weeks (if a variance is proposed)

III. Applicant Responds to Outstanding Issues

Staff comments, as outlined in the TRC minutes, could require that the applicant submit amended plans and/or additional information to support the application. It often takes the applicant several weeks to make plan revisions and submit a revised application package to the City, although this very much depends on the range and significance of

the issues that need to be addressed and the applicant's response time, both of which cannot be accurately anticipated.

This process may not be required if no issues are raised in relation to the review of the initial submission.

Estimated time: 2 - 8 weeks

IV. Staff Review of Revised Plans

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that they are in a position to make a decision.

Estimated time: 2 weeks (based on a single iteration of revised plans being required)

V. Advisory Design Panel or Heritage Advisory Committee Review

Subject to the nature of the application (e.g. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development Department, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Panel for review and input. Staff would prepare a report to the Panel or Committee, prepare an agenda, attend the meeting, provide a brief presentation and, subsequently, a motion from the meeting would be prepared.

Given the nature of the delegation criteria identified in the staff recommendation (e.g. only relatively minor HAPs would be delegated and DP proposals that exceed certain thresholds based on scale would be referred to Council), it is likely that more significant and/or complex applications would be referred to Council in the first instance and relatively few delegated applications would merit referral to Advisory Design Panel or Heritage Advisory Panel.

Estimated time: 2 – 4 weeks (dependent on monthly meeting schedule)

VI. Design Revisions

If an application goes before the Advisory Design Panel or Heritage Advisory Panel, there may be design changes as a result of suggestions by the Panel or Committee. Staff would need to conduct a review of any design changes. Again, the timeline associated with this process could vary significantly depending on the applicant's response time.

Estimated time: 2 – 4 weeks

VII. Staff Decision

When it is determined by staff that the application is acceptable and should be approved, a Decision Letter would then be prepared clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

If approved, staff would then issue the DP or HAP and have the document registered on property title.

Estimated Time: 1 week

Based on the above process, it is estimated that where applications are supportable and no revisions or additional information is required, an approval could be issued for a DP Application or HAP Application with no variances within two to four weeks and, where a variance is proposed, in just over 30 days. This timeline could be significantly affected by the following factors:

- the complexity of a project
- whether the design needs to be altered significantly to meet application design guidelines
- whether additional supporting information (i.e. a parking study or other specialist consultant report) is required
- applicant response times to requests for amended plans and/or additional information
- whether or not a project needs to be reviewed by the Advisory Design Panel or Heritage Advisory Panel.

The actual timeline associated with these factors is not easily quantifiable, however, most of these issues are not unique to a delegated process.



Governance and Priorities Committee Report

Date: November 8, 2013 **From:** Jim Handy, Development Agreement Facilitator
Subject: Delegation of Development Permit and Heritage Alteration Permit Applications

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations in response to a Council motion directing staff to outline a detailed approval process, staff resources and application processing timelines associated with an option for delegating the authority to staff to approve Development Permits (DPs) and Heritage Alteration Permits (HAPs).

On June 21, 2012, a report was presented to the Governance and Priorities Committee (GPC) whereby staff had explored several options for Council's consideration in terms of delegating approval authority for DPs and HAPs. The GPC requested that staff further investigate Delegation Option #5 which involved the delegation of all DPs and HAPs, including those proposing a variance, with certain exclusions. An analysis of possible exclusion options was also requested in addition to information regarding applications that had previously come before Council but would not come before Council under Delegation Option #5. Council endorsed this motion on June 28, 2012.

This report responds to the issues raised in the Council motion and also discusses the following:

- community involvement in the delegated process
- a plan to implement the delegated process.

Recommendation

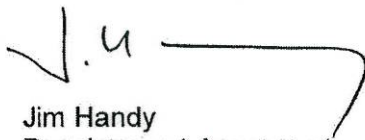
1. That Council identify the following Delegation Option as the preferred option:
 - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
 - i) Minor Development Permit and Minor Heritage Alteration Permit applications,
 - ii) Development Permit applications for development in Development Permit Area 8, Victoria Arm – Gorge Waterway, and
 - iii) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling or duplex;

- (b) Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
 - i) applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the *Official Community Plan*) that:
 - propose a variance
 - propose a new building exceeding 100 m² floor space
 - propose a building addition exceeding 100 m² floor space and/or increasing the height of the existing building by 1 m or greater
 - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register,
 - ii) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
 - iii) Any applications which require Council approval of a bylaw not associated with:
 - a Housing Agreement
 - a Heritage Designation
 - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
 - iv) Any applications that would propose an amendment to or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement;
 - (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development, where:
 - i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
 - ii) there has been no substantive change to the City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
 - (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct staff to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

Governance and Priorities Committee
Delegation of Development Permits and Heritage Alteration Permits

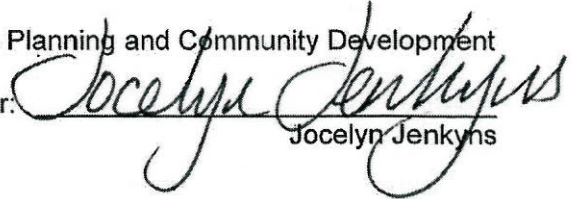
November 8, 2013
Page 3 of 38

Respectfully submitted,


Jim Handy
Development Agreement
Facilitator


for
Deb Day
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

JH:aw

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1.0 Purpose

The purpose of this report is to provide Council with information, analysis and recommendations in response to a Council motion directing staff to outline a detailed approval process, staff resources and application processing timelines associated with an option for delegating the authority to staff to approve Development Permits (DPs) and Heritage Alteration Permits (HAPs).

Council also requested an analysis of possible exclusion options from delegated authority and information regarding applications that had previously come before Council but would not come before Council under Delegation Option #5 (Delegation with Variances and Exclusions).

2.0 Background

The proposed *Official Community Plan* (OCP) was presented to the Governance and Priorities Committee (GPC) on April 5, 2012. As part of the discussions relating to the proposed OCP, it was recognized that a new City-wide Development Permit Area (DPA 16) was proposed and that development proposals within this area would require a DP and be subject to the current established DP application process.

As a result of this discussion, the GPC expressed a desire to more generally explore methods that would expedite the current processes for DPs and HAPs in all Development Permit Areas and, as a result, the following motion was approved:

"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."

On June 21, 2012, the GPC considered a report (attached as Appendix 4) which explored several options in terms of delegating approval authority. These options can be summarized as follows:

- Option # 1 – No Delegation
- Option # 2 – Maintain Status Quo
- Option # 3 – Delegation (No Variances and Exclusions)
- Option # 4 – Delegation (No Variances)
- Option # 5 – Delegation (With Variances and Exclusions)
- Option # 6 – Full Delegation.

The GPC recommended that Council select Option #5: Delegation (with Variances and Exclusions) as the preferred Option for delegating DP and HAP approval authority and directed staff to:

1. Report back outlining a detailed approval process, staff resources and application processing timelines; and
2. Report back with information regarding applications that had come before Committee and which applications would not come before Committee under Option #5, including with exclusion options.

Council endorsed this motion at its meeting on June 28, 2012.

2.1 Relevant Provincial Legislation

Where development is proposed on a property located within a designated Development Permit Area and that development is not specifically exempted in the OCP, a DP is required. If the proposal results in a variance or variances to the *Zoning Regulation Bylaw* (that does not relate to land use or density) then the application is considered as a DP with variance(s).

Where a development is proposed which does not require a DP (for example a single family dwelling in Development Permit Area 16: General Form and Character) but would result in a variance or variances to the *Zoning Regulation Bylaw* then a Development Variance Permit (DVP) application is required.

When reviewing a DP application, matters such as the form and character of the development, building appearance and landscaping are considered whereas, when determining a DVP, only the matter of a variance from the *Zoning Regulation Bylaw* is under consideration.

Section 154 of the *Community Charter* and Section 920 of the *Local Government Act* enable Council to delegate its authority to approve DPs and HAPs. This delegated approval authority includes the authority to approve DPs and HAPs with variances. However, the *Local Government Act*, in Section 922 (8), is clear that Council cannot delegate the authority to approve DVPs:

"As a restriction on section 176 (1) (e) [corporate powers - delegation] of this Act and section 154 [delegation of council authority] of the Community Charter, a local government may not delegate the issuance of a development variance permit."

The reason for this is that DPs are governed by previously approved Council policy in the form of the OCP, Neighbourhood Plans and adopted design guidelines. As such, any delegated authority must be exercised within the limits of the established guidelines that have been approved by Council. There are no previously approved guidelines in the context of DVPs and Council must make these decisions on a case by case basis.

While the Director of Sustainable Planning and Community Development would have authority to decline a DP application or HAP application under delegated authority, the *Local Government Act*, in Section 920 (12), entitles the owner of the land subject to a DP decision to have Council reconsider the matter. Therefore, in the event staff decide that a DP application is not supportable, a Decision Letter would be issued outlining the rationale for this decision. Following the issuance of this letter, an applicant would have to apply to the City to have Council reconsider the application within a specified timeline. For clarification, this right of appeal is solely limited to the owner of the land subject to that decision, or an agent authorized to act on behalf of the owner, in the event that the Director of Sustainable Planning and Community Development declines a DP application under delegated powers.

Under this appeal process, staff would prepare a brief report to Council attaching the decision letter, the appeal request from the property owner or their agent and any comments received as part of any community consultation. There is no legal requirement to hold a Public Hearing in association with this appeal process.

The *Local Government Act* does not give the same reconsideration provisions to HAPs and, therefore, staff would have outright authority to decline applications where, in the opinion of staff, the proposal would not be consistent with the purpose of the heritage protection of the property. However, under the *Community Charter*, "a council may establish any terms and conditions it considers appropriate" when delegating its powers to "an officer or employee of the municipality" and, as such, Council may consider applying similar reconsideration procedures to both HAPs and DPs.

Where a DP or HAP proposes a variance, any part of the *Zoning Regulation Bylaw* can be varied with the exception of land use and density. For land use and density changes, a Rezoning application would be required. This would require Council review and a Public Hearing. Section 154 (2) (a) of the *Community Charter* states that a Council may not delegate the making of a bylaw and, therefore, staff cannot be delegated the authority to approve Rezoning applications.

It should be noted that, given the aforementioned clause in the *Community Charter*, in the event that a development proposal associated with a DP and/or HAP requires the making of a bylaw (e.g. in association with a Housing Agreement), the bylaw itself must be approved by Council. Given this legal requirement, staff recommend that where an application meets the criteria for delegated authority and requires the making of a commonly used standard bylaw, such as a Housing Agreement, Heritage Designation or Heritage Revitalization Agreement (HRA), then the decision to approve the application will continue to be delegated but the bylaw will be referred to Council for approval. Where any other bylaw is required or a HRA proposes a variance to the *Zoning Regulation Bylaw* affecting land use or density, then both the application and the bylaw would be referred to Council for approval. However, should Council decide that the consideration of the application and the associated bylaw should not be separated then an alternative option is provided in section 3.4.3 of this report.

In light of the above, delegated options are limited to the consideration of DPs and HAPs, including those that propose a variance.

2.2 Land Use Procedures Bylaw

The City's *Land Use Procedures Bylaw* outlines procedures for determining applications relating to land use (Rezoning applications, DPs, DVPs, HAPs etc.), public meetings, sign posting, details of application fees and refunds and, amongst other items, the authority of staff to make delegated decisions. The delegation of authority is currently limited to:

- applications made for a DP or HAP for a single family dwelling or duplex or any class of development identified by Council
- when an application is made for a DP for a development in Development Permit Area 29, Victoria Arm – Gorge Waterway, under the OCP
- minor amendments to Council-approved DP and HAPs.

It should be noted that Development Permit Area 29 is now referred to as Development Permit Area 8, Victoria Arm – Gorge Waterway in the new OCP and the *Land Use Procedures Bylaw* will be updated to reflect this.

The retention of this delegated authority is reflected in the staff recommendation. Amendments to this bylaw would be required if Council decides to pursue the option of delegating additional decision-making powers to staff.

2.3 Current Process

A summary of the City's current DP application and HAP application processes are attached as Appendix 1 with an associated flowchart. The process time frame can only be approximated as it can vary greatly depending on the complexity of an application, whether or not the project involves variances or how quickly the applicant responds to staff suggestions and requests for information.

3.0 Council's Preferred Delegated Option (Option 5 – Delegation with Variances and Exclusions)

3.1 Analysis and Exclusions

To support the analytical component of this work, staff reviewed all DP and HAP applications submitted from January 2009 until July 2012. The following data was collected from those files where available:

- file reference number
- address
- description of proposal
- the neighbourhood area applicable to the application site
- the Urban Place Designation (as defined in the new OCP) as applicable to the application site
- whether a variance was approved by Council
- the degree of variance (measured by percentage) from the *Zoning Regulation Bylaw* standard
- proposed Floor Space Ratio (FSR)
- proposed number of residential units (approved)
- proposed floor area
- the staff recommendation
- the Council decision.

As they did not represent a complete data set, information was not collected from applications which, at the time of data collection, had not been considered by Council (this included applications under review, applications reviewed or withdrawn and those converted to Minor DPs). At the time the statistics were collected, the new OCP had not yet been adopted and, as such, DVPs that would now fall under Development Permit Area 16 and would now be required to be considered as DPs with Variances, were not assessed. Furthermore, DPs issued as part of proposals relating to a small lot rezoning were not assessed as they do not generate a specific DP file reference.

On the basis of the available data, the following key points were identified:

- 114 DPs and HAPs were considered by Council

- more than half of all HAPs considered related to addresses in the Downtown neighbourhood area; the majority of these were situated within the Core Historic Urban Place Designation as defined in the new OCP
- almost half of all DP and HAP applications related to addresses in just two neighbourhoods; the largest share of applications (32%) were situated within the Downtown neighbourhood area, followed by the Fairfield neighbourhood (16%)
- 39% of all DPs and HAPs considered by Council proposed a variance from the *Zoning Regulation Bylaw* (conversely 61% of all applications analyzed did not propose a variance)
- 72% of all variances allowed were related to parking and setbacks; half of these allowed a variance that was 50% or greater from the requirements outlined in the applicable section of the *Zoning Regulation Bylaw*
- In terms of decision-making;
 - Council moved the staff recommendation, without amendments, on 96 occasions
 - the staff recommendation was amended (but the decision to approve or decline was consistent with the recommendation) on 11 occasions
 - Council reversed the staff recommendation to decline an application on 6 occasions
 - Council reversed the staff recommendation to approve an application on 1 occasion.

Further detailed information relating to this data is attached as Appendix 2 to this report.

3.2 Possible Exclusions from Delegated Authority

Council requested that staff investigate a delegation option where authority would be given to staff to determine all DP and HAP files, including those proposing a variance, with the exception of applications meeting certain criteria which would then be excluded. Applications which were "excluded" from Delegated Authority would be referred to Council for decision. There are several criteria that could be used to identify possible exclusions. These could include:

- specific variance types (i.e. building height, setbacks, etc.)
- variances which exceed a specified threshold (i.e. a 10% variance from the *Zoning Regulation Bylaw* standard)
- geographic areas (i.e. Old Town, Inner Harbour, etc.)
- developments based on scale (i.e. number of residential units, floor area, height, etc.)
- specific uses (i.e. those that may be deemed to be potentially more sensitive in nature)
- Heritage-Designated buildings or buildings listed on the Heritage Register
- DP and HAP renewals
- DP and HAP applications that propose an amendment to, or the discharge of, an existing Master Development Agreement (MDA), Section 219 Covenant or other legal agreement.

Some of the above exclusion options may not be appropriate for the reasons outlined below.

3.2.1 Exclusion of Developments from Delegated Authority based on Scale Alone

It is considered that scale alone is not always a good indicator of planning sensitivity. For example, a building which is 10 storeys tall may or may not be considered tall subject to its context. Such a building may be proposed in a zone which allows for a significantly taller building and may be within an area characterized by taller buildings. The same issue could apply when considering floor space ratio.

The number of residential units is also not considered to be a good indication of scale. For example, as a result of a smaller footprint, 20 bachelor studios could potentially be situated in a similar sized or smaller building than 10 two or three-bedroom apartments.

Staff considered that scale, in terms of height and massing and the degree of variance proposed from the *Zoning Regulation Bylaw*, would be more effective in terms of assessing planning sensitivities. The rationale for this is outlined in Section 3.3.3 of this report.

3.2.2 Exclusion of Specific Uses from Delegated Authority

Staff do not think it is appropriate to exclude specific uses from delegated authority based on potential sensitivity. A use which may appear less sensitive, such as a residential dwelling, may generate a great degree of local concern, whereas more traditionally sensitive operations may not raise significant levels of concern within a specific context (i.e. within a non-residential context). Furthermore, land use is not a DP consideration and, hence, if the *Zoning Regulation Bylaw* permits a specific use, the appropriateness of that use is not in question at the DP stage.

3.2.3 Exclusion of Heritage-Designated Buildings or Buildings Listed on the Heritage Register

Several of the HAPs approved by Council since the beginning of 2009 proposed relatively minor building renovations (for example, storefront repairs, replacement windows, etc.). As these may be projects that can have a positive impact, in terms of the longevity of heritage resources in the City, it may be beneficial to expedite these applications if possible.

3.3 Proposed Exclusions from Delegated Authority and Rationale

Staff have identified a rationale for four exclusion criteria that could be implemented and these are:

- geographic exclusion from delegated authority (with delegation of specific DPs and HAPs that are relatively minor in nature)
- exclusion of variances from delegated authority to allow Council to consider potential building height and massing impacts
- renewal of DPs and HAPs that have not lapsed where the plans do not significantly differ from those previously approved.
- DP and HAP applications that propose an amendment to, or the discharge of legal agreements.

3.3.1 Rationale for Delegated Authority with Geographic Exclusions

The Downtown neighbourhood of Victoria makes up the heart of the region's Metropolitan Core and functions as the regional centre for business, employment, culture, entertainment and tourism. The Downtown consists primarily of three Urban Place Designations as identified in the OCP, including Core Historic, Core Inner Harbour/Legislative District and Core Business. These areas are identified in the map attached as Appendix 5.

The Core Inner Harbour/Legislative District is recognized both locally and internationally for its picturesque quality, vitality and character. Its waterfront setting attracts tourists, visitors, workers and residents year round and is noted as a world class Gateway.

The Core Historic area, as defined by the OCP, forms the primary hub for retail, entertainment and tourism within the City. The concentration of rehabilitated heritage buildings and attractive streetscapes also serves to attract other uses and activities, including offices, hotels, restaurants, personal service businesses, arts and culture.

For the reasons outlined above, these areas are arguably the most sensitive, from a planning perspective, within the City and, therefore, it is considered that DP applications and HAP applications in these areas should continue to be dealt with by Council.

While the sensitivities of the Core Business area are also recognized, this area is not necessarily characterized by the same level of sensitivities as the Core Inner Harbour/Legislative and Core Historic Districts. This is the main employment area not just for Victoria but for the region as a whole and it could be argued that streamlined decision-making could support economic development in the Downtown. While it is recommended that applications within the Core Business Urban Place Designation be delegated to staff, Council may wish to give consideration to excluding certain applications within the Core Business area from delegated authority. This could include proposals which affect Heritage-Designated buildings or buildings listed on the Heritage Register. Option 2 reflects this possibility.

3.3.2 Rationale for Delegation within the Geographic Exclusion Areas

The data collected indicates that 58% of the DP applications and HAP applications in the Core Inner Harbour/Legislative and Core Historic Districts that have been submitted to and considered by Council between January 2009 and July 2012, have had one or more of the following characteristics:

- no additional floor space was proposed
- the work related to restoration works associated with the re-use of a building
- the work proposed alterations to heritage buildings that were minor in scope
- where a new building was proposed, the associated floor space was approximately 100 m² or less
- where a building addition was proposed, the associated floor space was less than 100 m².

Of these, 60% did not propose a variance and the applications were predominantly HAPs.

Whilst the unique sensitivities of the Core Inner Harbour/Legislative and Core Historic Districts are recognized, it could be argued that streamlining applications for development that is

relatively minor in its scope and does not propose a variance could be beneficial to business and property owners in these areas. Therefore, it is recommended that those applications which, while requiring a DP or HAP, are more minor in nature, could be considered by staff by virtue of delegated authority regardless of being located within the Geographic Exclusion Area. These applications could be defined as follows:

Applications that:

- do not propose a variance
- do not propose a new building exceeding 100 m² floor space
- do not propose a building addition exceeding 100 m² floor space and/or increasing the height of the existing building by 1 m or greater
- do not propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register.

3.3.3 Exclude Variances Associated with Potential Building Height and Massing Impacts from Delegated Authority

Of the 115 DP and HAP applications considered from the beginning of 2009 until July 2012, 38% allowed a variance. The majority of the variances (72%) related to parking and setbacks, and half of those occurrences allowed a 50% or greater variance from the *Zoning Regulation Bylaw* standard. This is largely as a result of parking and setback requirements often representing a relatively small number value and, therefore, any variance appears significant when viewed as a percentage. On this basis, staff do not recommend that parking and setback variances be considered as an exclusion. An example of what could occur if such variance exclusions were considered based on degree (percentage) of variance would be a scenario whereby parking variances equal or greater than 50% were excluded, then an application proposing a variance from 2 parking stalls to 1 (50% variance from *Zoning Regulation Bylaw* standard) would be referred to Council and Public Hearing whereas a variance from 100 stalls to 51, a 49 stall shortfall (49% variance from *Zoning Regulation Bylaw* standard), would be dealt with under delegated authority. Therefore, this approach clearly does not satisfactorily reflect potential impacts.

It could be argued that variances that have height and massing implications are often of most concern due to issues of context, privacy, overshadowing, visual dominance and so on. It is considered that a variance greater than 25% from the *Zoning Regulation Bylaw* standard, in relation to Building Height and Site Coverage, could be an appropriate threshold for referral of a file to Council and Public Hearing. This may allow for a half-storey to be added to a two-storey building, which may be more appropriate within a local context, to be determined by staff, whereas a variance of greater than 25% is likely to represent an additional storey or more to buildings that exceed three storeys, whereby the resulting impacts could be deemed to be more significant.

Data collected indicates that applications proposing such a height and site coverage variance account for less than 3% of the variances allowed.

3.3.4 Exclude DP and HAP Renewals

DPs and HAPs normally lapse two years from the date of approval when development has not substantially commenced. In the event that an applicant wishes to renew an existing permit that

has not lapsed, regardless of whether or not a variance is proposed, it may be reasonable to consider the first application for renewal under delegated authority where the proposal does not significantly affect the integrity of the previously approved building design or the form and character of the development on the lands. As part of the review of such applications, staff will also assess whether there has been a change in circumstance (e.g. change in City policy) since the previous permit was approved and will consider whether the proposal still complies with City policy.

3.3.5 Exclude DP and HAP Applications that Propose an Amendment to, or the Discharge of Legal Agreements that do not Require the making of a Bylaw.

The City may require a developer to enter into legal agreements with the City at the Rezoning application stage. Typical legal agreements include MDA's, Statutory Right-of-Ways (SRWs) and Section 219 Covenants. In contrast, the City can only request that the developer enters into such agreements in association with a DP, hence, this is not a common occurrence and when it does occur, it is when the requested legal agreement is usually mutually beneficial to both parties. However, it is not uncommon for a DP to propose an amendment to or the discharge of a legal agreement. For example, the developer of The Railyards entered into a MDA with the City at the rezoning stage of the process. The Railyards MDA requires that the developer provide certain public amenities in association with specific phases of the development. In this case, the developer has made two separate requests to amend the MDA concurrently with the submission of a DP to postpone the delivery of the amenities to future phases.

In light of the above, staff recommend that DPs and HAPs proposing an amendment to or the discharge of a legal agreement should be referred to Council for consideration. It should be noted that the legal agreements discussed in this section are those that do not require the making of a bylaw as those items are discussed separately in section 2.1 of this report. Furthermore, this would only apply where the City of Victoria is a party to the legal agreement concerned and does not relate to any agreements made solely between third parties.

3.4 Options

In light of the rationale outlined in the preceding section of this report, it is recognized there are several elements, including variations of exclusion options, that could be included as part of a final delegation option. A table outlining potential variations to the recommended option criteria is attached as Appendix 3.

Staff recommends proceeding with Option 1 (see Section 3.4.1 below).

3.4.1 Delegation Option 1 (Recommended)

1. Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
 - (a) Minor Development Permit applications and Minor Heritage Alteration Permit applications;
 - (b) Development Permit applications for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway;
 - (c) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling or duplex;

2. Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
 - (a) Applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the Official Community Plan) that:
 - propose a variance
 - propose a new building exceeding 100 m² floor space
 - propose a building addition exceeding 100 m² floor space and/or increasing the height of the existing building by 1 m or greater
 - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register;
 - (b) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*;
 - (c) Any applications which require Council approval of a bylaw not associated with:
 - a Housing Agreement.
 - a Heritage Designation
 - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property;
 - (d) Any applications that would propose an amendment to or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement.
3. Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
 - (a) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands;
 - (b) there has been no substantive change to the City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit.
4. The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.

3.4.2 Delegation Option 2

Council may wish to consider excluding some proposals in the Core Business Urban Place Designation, as defined in the OCP, from delegated authority, namely those that could affect Heritage-Designated buildings or buildings listed on the Heritage Register. Should Council wish to pursue this, the delegation option could be worded as follows:

As Delegation Option 1, plus the addition of the following criteria:

2. e) Heritage Alteration Permit applications within the Core Business Urban Place Designation (as defined in the *Official Community Plan*) that:
 - propose a variance
 - propose a new building exceeding 100 m² floor space
 - propose a building addition, either exceeding 100 m² floor space or increasing the height of the existing building by 1 m or greater
 - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register.

3.4.3 Delegation Option 3

As outlined in Section 2.1 of this report, in the event that a development proposal associated with a DP and/or an HAP requires the making of a bylaw (e.g. in association with a Housing Agreement), the bylaw itself must be approved by Council. Given this legal requirement, staff have recommended that where an application meets the criteria for delegated authority and requires the making of a commonly used standard bylaw then the decision to approve the application continue to be delegated but the bylaw be referred to Council for approval. Where a non-standard or project-specific bylaw is required or an HRA proposes a variance to the *Zoning Regulation Bylaw* affecting land use or density, then both the application and the bylaw would be referred to Council for approval. However, should Council decide that the consideration of the application and the associated bylaw should not be separated then an alternate option is as follows:

As Delegation Option 1 but substituting the following wording for criteria 2.(c):

Any applications which require Council approval of a bylaw.

3.5 Recommended Option and Impact Analysis

It is considered that, given the unique sensitivities of the Core Historic and Core Inner Harbour/Legislative Areas, it is appropriate to exclude applications in these areas from delegated authority with the exception of applications which are relatively minor in nature. It is also considered appropriate to exclude the first application to renew any DPs and HAPs where the proposal does not significantly differ from an existing approval. Applications proposing significant variances to building height and massing should also be excluded from delegation.

As a bylaw must be approved by Council, it is recommended that any application with an associated bylaw is also excluded from delegated authority where the bylaw is not associated with a standard Housing Agreement, HRA (which does not propose a variance relating to use or density) or Heritage Designation. In the event that Council does not wish to separate applications from associated bylaws, an alternative recommendation is provided as Option 3.

Staff also recommend that DPs and HAPs which propose an amendment to or the discharge of a legal agreement (e.g. an MDA), where the City of Victoria is a party to that agreement, be referred to Council for consideration.

A clause has also been added which allows the Director of the Sustainable Planning and Community Development Department to refer any delegated application to Council at their discretion.

Given the above, staff recommends that Council direct staff to proceed with the further work necessary to consider approval of and implement Delegation Option 1 as identified in Section 3.4.1 above.

Based on the DP and HAP data collected, should the above option be adopted, it is estimated that 21% of DP and HAP applications would still be determined by Council (24 applications from the 114 applications determined by Council between January 2009 and July 2012) while the remaining applications would be considered under delegated authority.

While Council would still be determining all Rezoning applications, DVP applications and Heritage Designation applications, it should be noted that, where Rezoning applications and DP applications and/or HAP applications are submitted concurrently, only the Rezoning application would be referred to Council where the DP and/or HAP meet the criteria for delegated authority. The exception to this would be Small Lot Rezoning applications and Rezoning applications proposing a Duplex or a Garden Suite, whereby a DP is considered and approved under the Rezoning application (i.e. a DP is not submitted independently of the Rezoning application).

Table 4 in Appendix 2 identifies all applications determined by Council between January 2009 and July 2012 and those files that would be affected by the aforementioned delegation option.

4.0 Delegated Process

The following is a description of the likely DP application and HAP application processes should Council delegate authority to staff to approve these types of permits. The process time frame could vary significantly depending on the complexity of an application, whether or not Advisory Design Panel or Heritage Advisory Committee review is appropriate, or how quickly the applicant responds to staff suggestions or requests for information. It should also be noted that processes I – VI (below) are consistent with the current DP application and HAP application process differing only for DP applications and HAP applications with a variance where notice posting and neighbour consultation takes place on receipt of an application, given that there is no longer a requirement to hold a Public Hearing.

Applications which are excluded from Delegated Authority would continue to be reviewed under the current established process (see Appendix 1).

Following application submission, DP and HAP applications could follow the delegated process outlined below:

I. Staff Review of Application

The application would be reviewed by the relevant City departments. Staff would review the application against the relevant policy, design guidelines, bylaws and any other pertinent regulations to determine project supportability. Staff from the various departments would hold a "Technical Review Committee" (TRC) meeting to discuss the application and identify any issues. The TRC minutes would then subsequently be sent to the applicant clearly identifying any outstanding issues that need to be resolved prior to a decision being made.

Estimated time: 2 - 4 weeks

II. Community Consultation

If a DP application or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days (consistent with current practice). Furthermore, a notice would be posted at the application site advertising the proposal and the owners and occupiers of adjacent parcels would be notified of the application in writing. The notice posting and neighbour consultation currently occurs 10 days prior to the Public Hearing, therefore, in the absence of a Public Hearing, this consultation would occur concurrently with the CALUC referral. A decision would not be made by staff during this consultation period.

Staff will consider any comments received regarding the DP or HAP with variances in the 30-day consultation period prior to issuing a decision.

Estimated Time: 5 weeks (if a variance is proposed)

III. Applicant Responds to Outstanding Issues

Staff comments, as outlined in the TRC minutes, could require that the applicant submit amended plans and/or additional information to support the application. It often takes the applicant several weeks to make plan revisions and submit a revised application package to the City although this very much depends on the range and significance of the issues that need to be addressed and the applicant's response time, both of which cannot be accurately anticipated.

This process may not be required if no issues are raised in relation to the review of the initial submission.

Estimated time: 2 - 8 weeks

IV. Staff Review of Revised Plans

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that they are in a position to make a decision.

Estimated time: 2 weeks (based on a single iteration of revised plans being required)

V. Advisory Design Panel or Heritage Advisory Committee Review

Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development Department, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for review and input. Staff would prepare a report to the Panel or Committee, prepare an agenda, attend the meeting and provide a brief presentation, and subsequently a motion from the meeting would be prepared.

Estimated time: 2 – 4 weeks (dependent on monthly meeting schedule)

VI. *Design Revisions*

If an application goes before the Advisory Design Panel or Heritage Advisory Committee, there may be design changes as a result of suggestions by the Panel or Committee. Staff would need to conduct a review of any design changes. Again, the timeline associated with this process could vary significantly depending on the applicant's response time.

Estimated time: 2 – 4 weeks

VII. *Staff Decision*

When it is determined by staff that: i) the application is acceptable and should be approved, or ii) the application is unacceptable and should be declined, a Decision Letter would then be prepared, clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

If approved, staff would then issue the DP or HAP and have the document registered on property title.

Estimated Time: 1 week

VIII. *Reconsideration of Staff Decision to Decline a DP*

While the Director of Sustainable Planning and Community Development would have authority to decline a DP application or HAP application under delegated authority, the *Local Government Act*, Section 920 (12), entitles the owner of the land subject to a DP decision to have Council reconsider the matter. Although the *Local Government Act* does not give the same reconsideration provisions to HAPs, under the *Community Charter* Council may consider applying similar reconsiderations powers to both HAPs and DPs. Therefore, in the event staff decide that a DP or HAP application is not supportable, a Decision Letter would be issued outlining the rationale for this decision. Following the issuance of this letter, an applicant would have to apply to the City to have Council reconsider the application within a specified timeline.

The *Local Government Act* does not specify a timeline for reconsideration of applications and, therefore, a specific process should be prepared to address this issue should Council wish to proceed with approving delegated authority. However, a review of delegated authority administered by other municipalities indicated that typically the applicant is given 30 days to apply to have their application reconsidered.

Under this process, staff would prepare a brief report to Council attaching the decision letter, the appeal request from the property owner or their agent and any comments received as part of the community consultation. There is no legal requirement to hold a Public Hearing in association with this appeal process.

Estimated Time: 8 weeks

4.1 Timeline Summary

Based on the above process, it is estimated that where applications are supportable and no revisions or additional information is required, an approval could be issued for a DP application or HAP application with no variances within 2-4 weeks and, where a variance is proposed, in just over 30 days. This timeline could be significantly affected by the following factors:

- the complexity of a project
- whether the design needs to be altered significantly to meet application design guidelines
- whether additional supporting information (i.e. specialist consultant reports) is required
- applicant response times to requests for amended plans and/or additional information
- whether or not a project needs to be reviewed by the Advisory Design Panel or Heritage Advisory Committee
- whether staff do not support the application and the applicant requests that the proposal be reconsidered by Council.

The actual timeline associated with the aforementioned factors is not easily quantifiable; however, most of these issues are not unique to a delegated process.

5.0 Issues

The following issues were identified during the analysis of DP and HAP delegation:

- transparency of process
- CALUC involvement and community consultation
- staff resources.

6.0 Analysis

6.1 Transparency of Process

The opportunities for transparency of information under the current system compared to a delegated system are outlined below.

Current Council Approval Process	Delegated Process
Application available at City Hall Development Centre for public view during office hours.	Application available at City Hall Development Centre for public view during office hours.
Staff available to answer and questions about application.	Staff available to answer and questions about application.
If a DP or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days.	If a DP application or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days. Furthermore, a notice would be posted at the application site advertising the proposal and

Governance and Priorities Committee
 Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
 Page 19 of 38

	the owners and occupiers of adjacent parcels would be notified of the application in writing.
Staff review and consider comments from the public and neighbourhood associations.	Staff review and consider comments from the public and neighbourhood associations.
Staff internally review applications and will be considering applications in light of City policy and Design Guidelines, all of which have been subject to public consultation.	Staff internally review applications and will be considering applications in light of City policy and Design Guidelines, all of which are public and have been subject to public consultation.
Application presented to PLUC or GPC in open meeting.	No PLUC or GPC meeting.
Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development a proposal may be presented to Advisory Design Panel or Heritage Advisory Committee in open meeting.	Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development a proposal may be presented to Advisory Design Panel or Heritage Advisory Committee in open meeting.
Council Meeting to make decision on DP or HAP application (Public Hearing where a variance is proposed).	Staff prepare and issue decision letter.
Where a Public Hearing related to a variance is required, the application would be subject to notification and sign posting.	No Public Hearing. Sign posting occurs earlier in process.
End of process.	Applicant can request that a delegated decision to decline an application be referred to Council for a decision in an open Council meeting.

The primary differences between the DP and HAP process, under a Council process versus a staff delegation process, is that there would be no PLUC meeting, Council Meeting or Council Public Hearing to consider the application where an application is considered under delegated authority. In a delegated process, a member of the public would still have the opportunity to visit City Hall to view an application package or discuss the application with City staff. Where a variance is proposed, the application would still be subject to the same level of public consultation that occurs under the current process albeit the public notice and letter to owners and occupiers of adjacent parcels would occur on receipt of the application rather than 10 days in advance of a Public Hearing. In addition, should an applicant not receive approval from staff, they would have the opportunity to request that their proposal be reconsidered by Council at an open Council meeting. It should also be reiterated that, under delegated authority, staff must consider applications in light of the City policy and Design Guidelines, all of which are public and have been subject to public consultation and have received the approval of Council.

In the interest of improving transparency in a delegated process, the City could implement the following strategies:

- include a detailed list of all current applications and their status on the City's website
- have the staff decision letter available at the Development Services counter for public viewing.

6.2 CALUC Involvement and Community Consultation

CALUC involvement in the application process would not be affected by implementing a delegated process. At present, for DPs and HAPs without a variance, the application is not forwarded to the CALUC. If a DP or HAP includes a variance, staff forward the application package to the applicable CALUC for a 30-day comment period. This notification process would not change if a delegated option were implemented.

While it is recommended that an applicant for a variance consult with the CALUC, there is no requirement for them to do so. Applicants are required to consult with a CALUC in the rezoning process, even before the City will accept a Rezoning application. This process will not change, as the option to delegate to staff only involves DP applications and HAP applications.

Where a DP or HAP includes a variance, additional community notification occurs currently at least 10 days prior to the Public Hearing in the form of a notice posted at the application site and letters which are sent to immediate neighbours. As delegated authority would eliminate the Public Hearing requirement, staff recommend that, to maintain the equivalent level of public notification, a notice is still posted at the application site and immediate neighbours consulted at the same time the CALUC notification is issued. The notice and letters would describe the proposal and, similar to the CALUC notification, invite comments within a 30-day period.

6.3 Staff Resources

The implementation of a form of delegated authority is likely to have resource implications as staff amend existing bylaws and procedures as required. However, once the process is established some workloads may be reduced, particularly those relating to the preparation of staff reports and presentation materials associated with DPs and HAPs.

Should Council approve the form of delegated authority recommended in this report, it is anticipated that approximately 65% of all planning-related applications (Rezoning applications, Development Variance Permits, Development Permits and Heritage Alteration Permits) would still be referred to Council. Staff workloads resulting from pre-application discussions, Minor Development Permits, special departmental projects, general enquiries and other day to day departmental responsibilities are unlikely to be affected by changes to the DP or HAP process. Any resources that are made available as a result of delegated authority could be redirected to assist with these responsibilities.

Notwithstanding the above, the consideration of a DP or HAP under delegated authority would still require significant resources and new processes associated with the delegation of authority, such as the reconsideration of DPs, would have to be administered by staff.

Notwithstanding the impact on staff resources, the key benefit to having delegated authority relates to application processing times and the associated benefits for applicants.

7.0 Policy, Design Guidelines, Committees to help Guide Decisions

The City has a strong framework of Planning Policy and Design Guidelines to help guide decision-making. Under the current Council approval process, when staff provide a recommendation to Council, that recommendation is formulated based on a thorough analysis of Planning Policy and Design Guidelines, as well as sound planning principles and practice.

With delegated authority, staff would be legally required to base decisions on the policy and design guideline framework at the City. All of the policy and design guidelines that would help to guide decisions have been approved by City Council following a Public Hearing.

In addition to using City Policy and Design Guidelines to help guide decision-making, when deemed appropriate, DP applications and HAP applications may be referred to the Advisory Design Panel and/or the Heritage Advisory Committee. Although a review by these advisory bodies does add time to the approval process, in many cases this review can be beneficial to a project.

8.0 Implementation of Delegated Process

Subject to Council approving a form of delegation, it will be necessary to undertake an implementation strategy to ensure that:

- affected City processes, bylaws and information are amended as necessary
- the City website is updated as necessary with all revised documents and the list of DPs and HAPs is readily accessible
- customers (i.e. public, neighbourhood associations and developers) are aware of the process change in advance of the date that delegated authority takes effect
- a date has been identified for the delegated authority to take place and a transition plan for in-stream applications is established.

8.1 External Consultation

It is considered appropriate to consult the public regarding the preferred delegation option. It is envisaged that this consultation exercise would take place in the form of an open house event. This event would be advertised in the newspaper with individual written invitations being sent to the Urban Development Institute (UDI) and all CALUC's.

It is recommended that Council first identify the form of a preferred delegation option prior to consulting externally. Prior to the implementation of delegated authority, staff would report back to Council with the results of the stakeholder engagement event.

8.2 Amendments to City Bylaw and other Documentation

The City's *Land Use Procedures Bylaw* identifies procedures pursuant to the consideration of DP applications and HAP applications. In the event that Council pursue any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process.

In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

8.3 Monitoring

In the event that Council wishes to pursue a delegation option and it is put in place, it is recommended that the new process be monitored for a minimum period of three years. This timeline is required to evaluate developments that have been approved under delegated authority and are either completely built or construction has commenced. After this monitoring

period, staff would report back to Council outlining the effectiveness of the delegated authority, particularly with respect to streamlining the DP and HAP process and thus enhancing customer service. In the event that any issues arise in relation to the delegated process, staff may bring this to Council's attention within the suggested three year monitoring period.

8.4 Implementation Plan

Given the above, staff recommends that the City proceed on the following basis:

- a) Council identify a preferred delegation option as the basis for stakeholder engagement and consultation;
- b) Stakeholder engagement occurs;
- c) Staff report back to Council with feedback from the stakeholder engagement exercise;
- d) Staff prepare an amendment to the *Land Use Procedures Bylaw* to reflect the processes associated with the preferred delegation option;
- e) Staff report back to Council with:
 - a proposed *Land Use Procedures Bylaw* amendment
 - a proposed effective date for implementation of delegated authority;
- f) Following the effective date, staff monitor the consideration of DPs and HAPs under the delegated process for a period of three years and report back to Council with the results of the monitoring exercise.

9.0 Options

Option 1 (recommended)

1. That Council identify the following Delegation Option as the preferred option:
 - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
 - i) Minor Development Permit applications and Minor Heritage Alteration Permit applications,
 - ii) a Development Permit application for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway,
 - iii) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling and duplex;
 - (b) Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
 - i) applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the *Official Community Plan*) that:
 - propose a variance
 - propose a new building exceeding 100 m² floor space
 - propose a building addition exceeding 100 m² floor space and/or increasing the height of the existing building by 1 m or greater

- propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register,
 - ii) any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
 - iii) any applications which require Council approval of a bylaw not associated with:
 - a Housing Agreement.
 - a Heritage Designation
 - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
 - iv) any applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement;
 - (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
 - i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
 - ii) there has been no substantive change to City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
 - (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct the Director of Sustainable Planning and Community Development to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

Option 2

That Council direct staff to investigate an alternative Delegation Option.

Option 3

That Council direct staff to continue processing applications under the current process.

10.0 Conclusion

Staff has prepared a preferred Delegation Option for Council's consideration based on the Council motion that directed staff to investigate Delegation Option #5: Delegation (with Variances and Exclusions).

It is considered that, given the unique sensitivities of the Core Historic and Core Inner Harbour/Legislative Areas, it is appropriate to exclude applications in these areas from delegated authority with the exception of applications which are relatively minor in nature. It is also considered appropriate to exclude the first application to renew any DPs and HAPs where the proposal does not significantly differ from an existing approval. Applications proposing significant variances to building height and massing should also be excluded from delegation.

As a bylaw must be approved by Council, it is recommended that any application with an associated bylaw is also excluded from delegated authority where the bylaw is not associated with a standard Housing Agreement, HRA (which does not propose a change to use or density) or Heritage Designation.

Staff also recommend that DPs and HAPs which propose an amendment to or the discharge of a legal agreement (e.g. an MDA), where the City of Victoria is party to that agreement, be referred to Council for consideration.

A clause has also been added which allows the Director of Sustainable Planning and Community Development to refer any delegated application to Council at his/her discretion.

It is recommended that, prior to the implementation of delegated authority, staff would undertake public engagement and consultation based on the preferred delegation option and report back to Council with the results.

11.0 Recommendations

1. That Council identify the following Delegated Option as the preferred option:
 - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
 - i) Minor Development Permit and Minor Heritage Alteration Permit applications, and
 - ii) a Development Permit application for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway, and
 - iii) Development Permit and Heritage Alteration Permit applications for a single family dwelling and duplex.
 - (b) Delegate the decisions on all Development Permit and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development with the exception of:
 - i) Applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the Official Community Plan) that:
 - propose a variance
 - propose a new building exceeding 100 m² floor space

- propose a building addition exceeding 100 m² floor space and/or increasing the height of the existing building by 1 m or greater
 - propose the demolition or partial demolition of a heritage-designated building or a building listed on the Heritage Register,
 - ii) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
 - iii) Any applications which require Council approval of a bylaw not associated with:
 - a Housing Agreement.
 - a Heritage Designation
 - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
 - iv) Any applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a Bylaw and where the City of Victoria is party to that agreement;
- (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
- i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
 - ii) there has been no substantive change to City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
- (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct the Director of Sustainable Planning and Community Development to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

APPENDIX 1: CURRENT PROCESS

Typically, following application submission, DP and HAP applications follow the process summarized below:

1. The application is reviewed by City staff (Development Services, Community Planning, Permits and Inspections, Engineering, Parks, Fire). If an application includes variances, the application is referred to the Community Association Land Use Committee (CALUC) (with 30 days for a reply). The referral to the CALUC is for information purposes and does not slow the processing of the application. If comments from the CALUC are received they are appended to the staff report.

Estimated time: 2 - 4 weeks

2. Comments resulting from the initial staff review are issued and could require that the applicant submits amended plans and/or additional information to support the application. On receipt of any requested information, a further staff review will be required and additional amendments and/or further information may be necessary. This process continues until staff are satisfied that they can proceed with preparing a report to the Planning and Land Use Standing Committee (PLUSC). The time frame relating to these negotiations is difficult to quantify as it depends on a number of variables, some of which are beyond the control of the City, such as the speed with which an applicant responds to staff comments and the complexity of the application.

Estimated time: 2 - 8 weeks

3. Prior to advancing to the PLUSC, depending on the application, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for their review and input. Staff prepares a report to the Panel or Committee, prepares an agenda, attends the meeting and provides a brief presentation and subsequently minutes are prepared.

Estimated time: 2 - 4 weeks (depending on monthly meeting schedule)

4. Staff prepare the PLUSC Report with the recommendations. Depending on the volume of the applications being handled by each planner, the timing for completing each "competing" report may be affected.

Estimated time: 2 weeks

5. The PLUSC Report is circulated to senior management and then made available to the Agenda Committee in advance of the PLUSC meeting.

Estimated time: 2 weeks

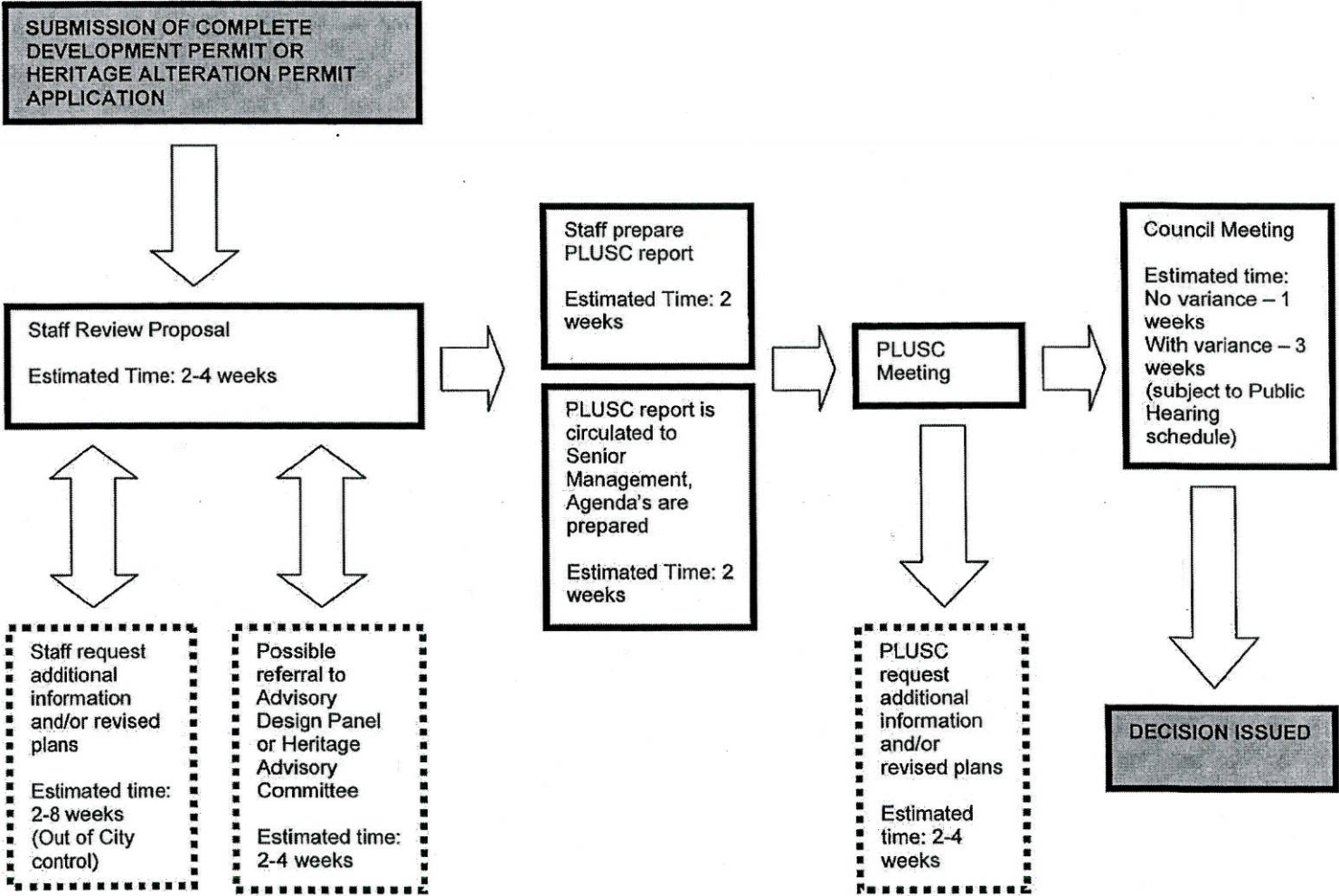
6. The PLUSC meeting is held, where PLUSC may recommend approval, changes, rejection or deferral, which Council considers at their next meeting. If changes or additional information (i.e. legal agreements) are required then the applicant must provide a satisfactory response prior to proceeding to Council. Again, this time frame is subject to variables outside the control of the City and, therefore, it is difficult to quantify.

Estimated time: 2 weeks

7. In the event that there are no variances proposed and all outstanding issues have been resolved, the application can proceed to Council. Where the application proposes variances, the application must be heard at a Public Hearing requiring that the item would initially be taken to Council to establish the date of a Public Hearing, as established in the City's *Land Use Procedures Bylaw*.

Estimated time: no variance - 1 weeks
with variance - 3 weeks (subject to Public Hearing schedule).

CURRENT DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT PROCESS FLOW
CHART (SUMMARY)



———— Process that will occur
----- Process that may occur

APPENDIX 2: DEVELOPMENT PERMIT AND HERITAGE ALTERATION PERMIT APPLICATIONS

Notable Data:

- Number of applications submitted = **184**
- Number of applications determined by Council = **114**
- Number of applications proposing a variance = **45 (39%)**
- Number of applications not proposing a variance = **69 (61%)**
- Number of instances where staff recommended approval to Council = **102 (89%)**
- Number of instances where staff recommended to Council that an application be declined = **12 (11%)**
- Number of instances where Council moved the staff recommendation with no amendments = **96**
- Number of instances where Council moved the staff recommendation with amendments = **11**
- Number of instances where Council reversed the staff recommendation = **7** (6 of these occasions involved a staff recommendation to decline the application) (one instance where the recommendation requested "a ministerial exception to except signage")
- 67 of the 114 (**59%**) applications determined proposed applications that did not propose a new building exceeding 100m² and did not propose a building addition either exceeding 100m² or increasing the height of the existing building. Of these 40 (**60%**) did not propose a variance.

Table 1 – Breakdown of Applications by Neighbourhood Area (January 2009 – July 2012)

Neighbourhood	No. of DP's	No. of HAP's	Total
Downtown	19	17	36
Fairfield	11	7	18
Rockland	4	4	8
Harris Green	9	0	9
North Park	1	0	1
Vic West	8	1	9
Burnside	6	0	6
N/S Jubilee	3	1	4
Gonzales	2	0	2
Harbour	2	0	2
Hillside Quadra	6	0	6
Rock Bay	2	0	2
Fernwood	2	0	2
James Bay	5	3	8
Oaklands	1	0	1
Totals	82	33	114

Table 2 – Breakdown of Applications by Urban Place Designation (as identified in the *Official Community Plan*)

Urban Place Designation	No. of DP's	No. of HAP's	Total
Core Historic	11	11	22
Core Business	7	5	12
Core Employment	2	0	2
Core Inner Harbour/Legislative	5	1	6
Core Songhees	4	0	4
Core Residential	8	1	9
General Employment	0	1	1
Industrial	0	0	0
Marine Industrial	1	0	1
Town Centre	3	0	3
Large Urban Village	11	0	11
Small Urban Village	3	0	3
Urban Residential	14	5	19
Traditional Residential	8	6	14
Public Facilities, Institutions, Parks and Open Space	2	3	5
Rail Corridor	0	0	0
Working Harbour	2	0	2
Marine	0	0	0
Totals	81	33	114

Table 3 – Type and Occurrence of Variance and Percentage Variance from Zone Standard

Type of Variance	Occurrence of Variance	Percentage Variance Allowed %										
		0-9.9	10-19.9	20-29.9	30-39.9	40-49.9	50-59.9	60-69.9	70-79.9	80-89.9	90-100	100+
Parking	25	5	1	4	2	0	3	3	0	1	6	0
Setbacks	29	3	3	0	4	5	0	3	1	3	7	0
Building Height	7	0	3	2	0	1	1	0	0	0	0	0
Fence height or size of ancillary structure	4	1	1	1	1	0	0	0	0	0	0	0
Floor Area, Site Area, Site Coverage	4	1	0	1	1	0	0	1	0	0	0	0
Other	6	3	0	0	0	0	0	0	0	0	2	1
Total*	75	13	8	8	8	6	4	7	1	4	15	1

*Does not include variances with no number value.

Table 4 – Applications (from January 2009 to July 2012) that would have been determined under the preferred delegation option

APPLICATION NO.	ADDRESS	DESCRIPTION	DELEGATED OR COUNCIL DECISION UNDER RECOMMENDED DELEGATION OPTION
DP#000149	301 Cook St	Development Permit to increase the seating of the existing pub from 65 seats to 163 seats	Delegated
DP#000150	1729 Oak Bay Ave	Development Permit to convert the building from College Fraternity to Resthome Class "B"	Delegated
DP#000151	947 Fort St	The proposal is for a six-storey mixed-use building	Delegated
DP#000152	325 Cook St	Development Permit to convert the main floor of the existing drycleaners to retail and convert parking area to food court area	Delegated
DP#000153	919 Pandora Ave	Development Permit for carport	Delegated
DP#000154	1007 Johnson St	The proposal is for the construction of a four-storey residential building	Delegated
DP#000155	920 Pandora Ave	Submitted for Development Permit for exterior changes to street facade and the addition of accessory buildings in the rear yard	Delegated
DP#000156	810 Humboldt St	Amend the Development Permit to remove the ground-level glass atrium from the current phase of the project	Delegated
DP#000157	787 Tyee Rd	Construct a multi-family residential project on Lot G of the Railyards site	Council
DP#000158	356 Harbour Rd	Development Permit to construct three-storey office/light-industrial building	Delegated
DP#000160	350 Harbour Rd	Construct a three-storey building comprised of 35 affordable rental apartment units. Surface parking is proposed as well as enclosed bicycle parking spaces	Delegated
DP#000161	1701 Douglas St	Development Permit to subdivide the site into three parcels	Delegated
DP#000162	1234 Wharf St	Development Permit to construct a front yard fence	Council
DP#000164	365 Waterfront Crescent	The proposal is to reduce the parking requirement by six stalls as well as the ceiling to floor clearance for another six stalls due to the intrusion of mechanical apparatus in a completed underground parking garage.	Delegated
DP#000165	770 Cormorant St	Exterior renovations	Delegated
DP#000166	370 Harbour Rd	Development Permit for construction of an 11-unit affordable housing unit building	Delegated
DP#000167	681 Herald St	Development Permit to renovate and convert the existing building from restaurant and transient accommodation to 17 rental suites	Council
DP#000168	1932 Oak Bay Ave	Development Permit to renovate and construct additions to the main and upper floors	Delegated
DP#000170	306 - 1665 Oak Bay Ave	Development Permit to construct a balcony enclosure	Delegated
DP#000172	2780 Shelbourne St	Development Permit to construct a new place of worship	Delegated
DP#000176	1620 Blanshard St and 733-741 Fisgard St	The proposal is for a 15-storey office building with ground level commercial use	Delegated

Governance and Priorities Committee
 Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
 Page 32 of 38

DP#000177	1992 Fairfield Rd	Development Permit to subdivide a parcel to create two lots	Delegated
DP#000180	728 Humboldt St	Patio enclosure	Delegated
DP#000182	895 Fort St	Installation of a metal fence	Delegated
DP#000183	351-355 Cook St and 1101-1107 Oscar St	A two-storey mixed-use building, with commercial uses at ground level and two residential units above	Delegated
DP#000187	923 Burdett Ave	Restoration and re-use of Mount St. Angela building for 9 seniors housing units and relocation of a Heritage-Designated dwelling. Two new four-storey buildings containing 56 residential units	Delegated
DP#000188	840 Fort St	Six-storey rear addition with commercial and residential uses	Delegated
DP#000189	814 Wharf St	Development Permit for landscaping and public art at Ships Point	Delegated
DP#000190	4-2631 Quadra St	Business signage	Delegated
DP#000193	1 Dallas Rd	for Development Permit for approval of an electrical equipment building	Delegated
DP#000195	608 Broughton St	Proposal for an 11-storey residential building with ground level commercial use	Council
DP#000196	555/575 Pembroke St	Proposal to renovate the existing warehouse building for ground-floor commercial use with 25 rental apartments on two upper floors	Delegated
DP#000197	1308 Gladstone Ave	Development Permit for exterior changes and product display	Delegated
DP#000198	1719 Davie St	Minor changes to the approved Development Permit	Delegated
DP#000201	1701 Douglas St	Development Permit for subdivision to create air space parcels in conjunction with rezoning	Delegated
DP#000203	849 Fort St	Development Permit to construct a 114 m ² upper-floor addition for offices	Delegated
DP#000204	1310-1314 Waddington Alley	Development Permit to construct nine residential units and ground-floor commercial	Council
DP#000205	771 Central Spur Rd - Lot E	To construct 19 townhouse units	Delegated
DP#000206	658-670 Herald St	Development Permit to allow for four residential units in the existing building	Council
DP#000207	517 Fiskard St	Development Permit to restore and reuse an existing heritage facade, introduce new brick clad streetwall and create a new contemporary structure	Council
DP#000208	15/21 Gorge Rd East	52-unit rental apartment building	Council
DP#000209	1000 Wharf St	Development Permit for the approval of the existing building on site	Council
DP#000211	95 Esquimalt Rd	Development Permit for car dealership	Delegated
DP#000212	211-213 Robertson St	Construction of two small-lot single family dwellings	Delegated
DP#000214	740 Hillside Ave	Construct an eight-storey office building with street-level retail space. The site also incorporates a separate lot zoned for a single-family dwelling	Delegated
DP#000215	847 Fort St	Development Permit for changes to the street facade of the existing building	Delegated
DP#000216	452 Moss St	Development Permit to construct new small-lot single-family dwelling	Delegated
DP#000217	254 Belleville St	Development Permit for relocation of administrative offices	Council

Governance and Priorities Committee
 Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
 Page 33 of 38

DP#000219	1029 View St	Development Permit to construct a 181-unit apartment building with ground-floor commercial and residential	Delegated
DP#000221	640 Michigan St	The proposal is to replace the existing surface parking lot with 88 dwelling units located in two buildings	Delegated
DP#000223	2551 Quadra St	Development Permit to convert the ground floor of a building from commercial use to residential use in the Quadra Village Development Permit Area	Delegated
DP#000224	240 Cook St / 1035 Suttlej St	To make changes to the original Development Permit with regard to landscaping and glass canopies over two residential entryways.	Delegated
DP#000225	230 Cook St	Development Permit to address the deficiencies in landscaping	Delegated
DP#000228	187/189 Dallas Rd	Development Permit to construct a temporary accessory building adjacent to a new, existing office building at Ogden Point	Delegated
DP#000229	1284-98 Gladstone/ 2002-2004 Fernwood	Development Permit to increase the total number of apartments from eight to ten	Delegated
DP#000230	257 Belleville St	Rezoning to construct a new 35-unit apartment building in place of the existing motel	Council
DP#000231	1090 Johnson St	Development Permit to construct a 10-storey 93 residential unit with ground -floor commercial building	Delegated
DP#000233	355 Cook St	Development Permit to increase the amount of restaurant seating to 50 seats	Delegated
DP#000234	15 & 21 Gorge Rd E.	52-unit rental apartment building	Delegated
DP#000235	1580 Hillside Ave	Development Permit for the renovation and expansion of Hillside Mall (renewal)	Delegated
DP#000237	1249 Richardson St	Permit changes to the exterior design and finish of a small- lot single-family dwelling	Delegated
DP#000238	1255 Richardson St	Permit changes to the exterior design and finish of a small-lot single-family dwelling	Delegated
DP#000239	726-46 Yates St	A 15-storey residential building accommodating 157 residential units, ground-level commercial use	Delegated
DP#000241	615 & 623 Fort St	A six-storey mixed-use building in Old Town that would include commercial use on the ground and second floors, and 51 rental housing units throughout the upper floors	Council
DP#000243	740 Hillside Ave & 747 Market St	Development Permit for modified design	Delegated
DP#000244	2560 Quadra St	Development Permit to construct 17 residential units with commercial on the ground floor	Delegated
DP#000245	195 Bay St	Development Permit to construct a two-storey addition to existing building for storage	Delegated
DP#000246	1310-1314 Waddington Alley	Application to permit residential use at ground level for live-work units	Council
DP#000248	755 Caledonia Ave	Development Permit for mixed-use residential/commercial office	Delegated
DP#000249	787 Tyee Rd	Phase 2 Development Permit to construct 21 strata condominium units next to the existing Phase 1 building	Delegated
DP#000250	341 Cook St	Development Permit for exterior changes	Delegated
DP#000251	615 & 623 Fort St	Development Permit for parking (nine spaces) on the west portion of the lot where the building was demolished	Delegated

Governance and Priorities Committee
Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
Page 34 of 38

DP#000252	658-662 Herald St	Development Permit to allow for eight residential units in the existing building	Council
DP#000253	2269 Douglas St	The proposal is to change the use of the existing furniture retail store to a Fitness Club (Golds Gym) with associated mixed uses (such as Athletic Instruction, Juice Bar, Child Care and retail)	Delegated
DP#000254	640 Fiskard St	Development Permit to convert one parking stall to garbage and recycling storage.	Council
DP#000255	606 & 612 Speed Ave	Development Permit to permit change of use from single family dwelling to a mid-rise multiple dwelling	Council
DP#000256	2748 & 2750 Shelbourne St	Development Permit for subdivision and for 15 additional parking spaces to be located in the side and rear yard for the church	Delegated
DP#000263	1580-1644 Hillside Ave	Development Permit to make changes to the Bolen's frontage and other minor changes	Delegated
DP#000264	730 Vancouver St	Development Permit to add one additional unit to the existing 18-unit apartment building.	Delegated
DP#000268	640 Michigan St	Development Permit to allow the addition of a rooftop terrace and the provision of two rooftop stairs for fire exiting requirements	Delegated
DP#000269	1580-1644 Hillside Ave	Development Permit for Marshalls second-storey addition	Delegated
HAP#00089	1116 Government St	Application to remove the painted tobacco signage	Delegated
HAP#00090	620 Humboldt St	Interior expansion of existing restaurant	Delegated
HAP#00091	538 Yates St	Facade changes for signage	Delegated
HAP#00092	705-711 Johnson St	Exterior alterations to rehabilitate the ground-floor storefront and facade	Delegated
HAP#00096	100 Cook St	Repairs to bandstand and aviary	Delegated
HAP#00098	900-920 Douglas St	Exterior alterations to existing storefronts	Delegated
HAP#00100	1509 Rockland Ave	Add first-storey balcony with a new door	Delegated
HAP#00099	151 Oswego St	Heritage home rehab and small lot rezoning	Delegated
HAP#00103	719-725 Yates St	Renovation to heritage building for residential apartments	Delegated
HAP#00108	705-711 Johnson St	Replace windows	Delegated
HAP#00107	923 Burdett Ave	Nine seniors units and three townhouses (56 apartments under separate DP)	Delegated
HAP#00109	550-562 Yates St	Conversion of hotel to 32 residential units	Council
HAP#00111	1161 Fort St	Reconstruction of rear portion of building	Delegated
HAP#00112	1952 Bay St (Pemberton Memorial Operating Theatre)	Addition to heritage building	Council
HAP#00113	138 Dallas Rd	Addition of two new residential units to existing heritage building	Delegated
HAP#00115	517 Fiskard St, 528-532 Pandora Ave	New strata apartment with retention of heritage facade	Delegated
HAP#00117	100 Cook St (Beacon Hill Park)	Fasten benches to concrete strips	Delegated
HAP#00118	1312-1314 Government St	Increase the density and height of the existing building, the proposal complies with the draft zone	Council
HAP#00120	523 Trutch St	This application is being submitted in conjunction with a concurrent Rezoning Application #00317 to permit four new strata-title apartments	Delegated

Governance and Priorities Committee
 Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
 Page 35 of 38

HAP#00123	536-540 Pandora Ave & 4, 10-14 Fan Tan Alley	Heritage Alteration Permit to add two floor levels to the existing building	Council
HAP#00124	912 Vancouver St	Remove the upper portion of a masonry chimney	Delegated
HAP#00125	468 Belleville St	Replacement of the existing deteriorated slate roof	Delegated
HAP#00127	611 Vancouver St	Rehabilitate the existing house	Delegated
HAP#00130	540 Johnson St	Heritage Alteration Permit to remove existing balcony enclosures	Delegated
HAP#00129	1001 Terrace St	Replacement of windows	Delegated
HAP#00131	738-740 Yates St	Heritage Alteration Permit for facade conservation and reconstruction	Delegated
HAP#00134	566-570 Yates St	A three-storey addition on the rear	Council
HAP#00135	1001 Douglas St	Heritage Alteration Permit to modify one window	Delegated
HAP#00138	1770 Rockland Ave	Heritage Alteration Permit to construct an addition to the rear of the existing heritage building and construct a detached garage in the front yard	Council
HAP#00139	835 Humboldt St (St. Ann's Academy)	Outdoor interpretive signage	Delegated
HAP#00140	1020 Catherine St	Replacement of the original wood front door	Delegated
HAP#00141	538 Yates St	Heritage Alteration Permit to construct a two-storey addition above the existing building	Council
HAP#00143	909 Government St	New storefront	Delegated

APPENDIX 3: EXCLUSION CRITERIA OPTIONS

Recommended Exclusions					
	Geographic Areas	Height and Massing Variances	Renewals	Bylaws	Legal Agreements
Recommended Exclusion Criteria	DP and HAP applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas unless the application is considered relatively minor in nature.	DP and HAP applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the Zoning Regulation Bylaw.	DP and HAP renewals that have lapsed and/or the proposed plans are substantially different from the plans previously approved and/or the applicable City policy or design guidelines have substantively changed.	DP and HAP applications which require Council approval of a bylaw not associated with a Housing Agreement, a Heritage Designation or a Heritage Revitalization Agreement where the agreement does not permit a change of use or density of use that is not otherwise authorized by the applicable zoning of the property.	Any DP and HAP applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a Bylaw and where the City of Victoria is party to that agreement.
Other Options for Recommended Exclusion Criteria	<ul style="list-style-type: none"> - Exclude additional Urban Place Designations (i.e. Core Business) - Exclude specific neighbourhoods - Exclude specific Development Permit Areas (as defined in the OCP) - Exclude Heritage Conservation Areas - Exclude all DPs and HAPs (including those that are minor in nature) - Redefine what qualifies as being minor in nature 	<ul style="list-style-type: none"> - Consider other methods of defining height and massing and amend exclusion criteria accordingly - Reconsider the percentage variance required to trigger an exclusion 	<ul style="list-style-type: none"> - Exclude all DP and HAP renewals - Delegate all DP and HAP renewals - Delegate all DP and HAP renewals that do not significantly differ from the previous approval - Delegate all DP and HAP renewals where there has not been any change to applicable City policy and/or design guidelines since the previous approval 	<ul style="list-style-type: none"> - Exclude all DPs and HAPs which require the making of a Bylaw - Reconsider which Bylaws could be divorced from the delegated consideration of a DP or HAP 	<ul style="list-style-type: none"> - Exclude all DPs and HAPs which require the execution, amendment or discharge of any legal agreement - Delegate all DPs and HAPs which require the execution, amendment or discharge of any legal agreement - Identify certain legal agreements that could be prepared, amended or discharged without referral to Council

			<ul style="list-style-type: none"> - Delegate all DP and HAP renewals where there is a specified period of time remaining before the approval lapses - Delegate all DP and HAP renewals including those where approvals have lapsed within a specified time period. - Exclude DP and HAP renewals where any variance is proposed (whether or not it has previously been approved)
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Governance and Priorities Committee
Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
Page 37 of 38

APPENDIX 4: GPC REPORT, JUNE 21, 2012

Date: June 7, 2012 **From:** Jarret Matanowitsch, Senior Planner.
Jim Handy, Development Agreement
Facilitator

Subject: Development Permit and Heritage Alteration Permit Applications
Options for Delegating Approval Authority to Staff

Page 289 of 305

Governance and Priorities Committee
Development Permit and Heritage Alteration Permit Applications
Options for Delegating approval Authority to Staff

June 7, 2012

Page 2 of 15

Option #4 – Delegation – (No Variances)

- Approval authority for DPs and HAPs with no variances are delegated to staff.
- Council is the approval authority for all DPs and HAPs which include a variance.

Option #5 – Delegation (With Variances and Exclusions)

- Approval authority for DPs and HAPs with or without variances are delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (Old Town, Inner Harbour) and projects of a certain size or criteria (e.g. over a specified density, height or floor area).

Option #6 – Full Delegation

- Full delegation of all DP and HAP applications to staff.

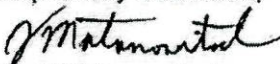
The Options in this report are presented for Council's consideration. There is a brief analysis of each Option provided, including advantages and disadvantages. Should Council select a preferred Option, further analysis is required in terms any new processes, staff resources and efficiencies, costs and benefits to the development community and the public.

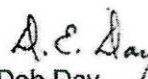
As part of this study, staff reviewed DP and HAP approval processes in other jurisdictions. Delegation of approval authority to staff is common, however, it comes in many different forms. A common element is that staff do not have the outright authority to decline an application. This is consistent with direction given in section 920 of the *Local Government Act* which states that, "If local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter."

Recommendation

Should a form of delegation to staff be preferred, that Council select one of the described Options for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to report back outlining a detailed approval process, staff resources and application processing timelines. Should Council select an Option with exclusions, that staff be directed to analyze specific exclusions to determine their effect on timelines and processes.


Respectfully submitted,


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Senior Planner


Att. Deb Day
Director
Planning and Development


Peter Sparanese
General Manager
Operations


Jim Handy
Development Agreement Facilitator

Report accepted and recommended by the City Manager: 
Gail Stephens

JM:aw
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1.0 Purpose

The purpose of this report is to provide Council with information, analysis and Options in response to a Council motion directing staff to investigate the feasibility of delegating the authority to staff to approve Development Permits and Heritage Alteration Permits.

2.0 Background

The new Proposed *Official Community Plan*, April 2012 (OCP) was presented to the Governance and Priorities Committee (GPC) on April 5, 2012. As part of the discussions relating to the OCP it was acknowledged that a new Development Permit Area (DPA16) was proposed and that development proposals within this area would require a Development Permit and be subject to the current established Development Permit application process.

As a result of this discussion, GPC expressed a desire to more generally explore methods that will expedite the current processes for Development Permits (DPs) and Heritage Alteration Permits (HAPs) and, as a result, the following motion was raised:

"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."

On April 12, 2012, Council endorsed this motion.

The *Community Charter* (Section 154) and the *Local Government Act* enable Council to delegate its authority to approve DPs and HAPs. This delegated approval authority includes the authority to approve variances. However, the *Local Government Act*, in Section 922 (8) is clear that Council cannot delegate the authority to approve Development Variance Permits.

Section 922 (8) As a restriction on section 176 (1) (e) [corporate powers - delegation] of this Act and section 154 [delegation of council authority] of the Community Charter, a local government may not delegate the issuance of a development variance permit.

Therefore, this report is restricted to the analysis of delegating the authority to approve DPs and HAPs.

There are several key issues to weigh when considering the benefits and potential drawbacks of granting delegated powers to staff in relation to the determination of DPs and HAPs. One consideration identified in the discussion by Council related to customer service.

Delegating powers to staff would eliminate several stages in the approval process (staff report writing, Planning and Land Use Standing Committee, Council, Public Hearing, etc.). This would, in all likelihood, result in an expedited timeline for the processing of applications with potentially positive economic development implications, albeit complex development applications may still have a longer review time. Although a shorter application processing time may be perceived to be positive from the perspective of an applicant (i.e. quicker decisions), this could potentially limit opportunities for public participation in the process when there is a variance (Public Hearing under the current process as required by the City's *Land Use Procedures Bylaw*).

In circumstances where applications are declined by staff, the *Local Government Act* establishes the opportunity for the applicant to address Council. Section 920 of the *Local Government Act* states that: "If local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter." Therefore, the City would need to establish a process where an applicant can take their application to Council if they do not receive a favourable decision by staff.

Delegated powers could take a multitude of forms from full delegation to staff to minimal delegation subject to specified criteria, which is the current practice. This report investigates the range of delegation Options, provides a brief analysis of each Option and gives examples of how other municipalities in British Columbia have delegated the authority to determine DPs and HAPs.

3.0 Current Development Process

The following is a description of the City's current DP and HAP application process. There are many variations to the process time frame dependent on the complexity of an application, whether or not the project involves variances or how quickly the applicant responds to staff suggestions and requests for information.

Typically, following application submission, DP and HAP applications follow the process summarized below:

1. The application is reviewed by City staff (Development Services, Community Planning, Permits and Inspections, Engineering, Parks, Fire). If an application includes variances, the application is referred to the Community Association Land Use Committee (CALUC) (with 30 days for a reply). The referral to CALUC is for information purposes and does not slow the processing of the application. If comments from the CALUC are received they are appended to the staff report.

Estimated time: 2 - 4 weeks

2. Comments resulting from the initial staff review are issued and could require that the applicant submits amended plans and/or additional information to support the application. On receipt of any requested information, a further staff review will be required and additional amendments and/or further information may be necessary. This process continues until staff are satisfied that they can proceed with preparing a report to the Planning and Land Use Standing Committee (PLUSC). The time frame relating to these negotiations is difficult to quantify as it depends on a number of variables, some of which are beyond the control of the City, such as the speed with which an applicant responds to staff comments and the complexity of the application.

Estimated time: 2 - 4 weeks

3. Prior to advancing to PLUSC, depending on the application, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for their review and input. Staff prepares a report to the Panel or Committee, prepares an agenda, attends the meeting and provides a brief presentation and subsequently minutes are prepared.

Estimated time: 2 – 4 weeks (depending on monthly meeting schedule)

4. Staff prepare the PLUSC Report with the recommendations. Depending on the volume of the applications being handled by each planner, the timing for completing each "competing" report may be affected.

Estimated time: 2 weeks

5. The PLUSC Report is circulated to senior management and then made available to the Agenda Committee in advance of the PLUSC meeting.

Estimated time: 2 weeks

6. PLUSC meeting is held, where PLUSC may recommend approval, changes, rejection or deferral, which Council considers at their next meeting. If changes or additional information (i.e. legal agreements) are required then the applicant must provide a satisfactory response prior to proceeding to Council. Again, this time frame is subject to variables outside the control of the City and therefore it is difficult to quantify.

Estimated time: 2 weeks

7. In the event that there are no variances proposed and all outstanding issues have been resolved, the application can proceed to Council. Where the application proposes variances, the application must be heard at a Public Hearing whereby the item would initially be taken to Council to establish the date of a Public Hearing, as established in the City's *Land Use Procedures Bylaw*.

Estimated time: no variance - 2 weeks
with variance - 4 weeks.

In light of the above and recognizing that response times for applicants responding to matters raised by the City (staff, PLUSC, etc.) vary, it is estimated that DP and HAP applications could be processed in 12 to 22 weeks. The preparation of staff reports and referral to Council, which may include a Public Hearing, contribute to a significant proportion of this time (8 to 12 weeks). Based on a review of the current process, if approval authority for DPs and HAPs were delegated to staff, it is estimated that the processing time of applications could be reduced by 8 to 12 weeks.

A summary of the current DP and HAP processes is included in Appendix A. In addition, a summary of the potential delegated approval process is also included in Appendix A for comparison purposes.

A considerable staff resource is expended when processing DP and HAP applications through PLUSC and Council under the current process as:

- Planners prepare detailed reports to PLUSC and Council
- Senior Staff review Planner reports
- Planners prepare presentations to PLUSC and Council
- Planners and Senior Staff must attend PLUSC and Council

- Legislative Services Staff prepare and circulate agenda
- Legislative Services Staff prepare and circulate minutes
- Legislative Services Staff notify adjacent property owners and occupiers of a Public Hearing (if required)
- Planning Staff prepare Public Hearing signage (if required).

This report does not include an estimate of any costs, benefits or implications for the applicants or others regarding delegation, although applicants have consistently sought as timely decision-making as possible due to the costs that they bear while preparing and holding property prior to development. However, from a City perspective, the aforementioned list of resources assigned to DP and HAP applications have a considerable monetary value based on time spent multiplied by staff wages. Resources saved by introducing delegated authority could be used to provide more timely customer service, recognizing that approvals by staff will also require thorough analysis of development applications, detailed discussions with applicants, as well as careful formulation of decisions and conditions through approval letters. It must also be recognized that there would need to be a system in place to ensure that Council has the necessary information and processes should an applicant want to have a staff decision reviewed, which will also require resources.

4.0 Options

If Council decides to delegate approval authority for DPs and HAPs to staff, there are several Options available for the type and level of delegation, ranging from no delegation to full delegation. Staff have identified a range of six delegation Options for Council's consideration which are described below.

Included in several of the delegation Options are "exclusions". Exclusions refer to scenarios where Council would maintain approval authority and not delegate to staff. These exclusions could include sensitive locations within the City, such as Old Town or the Inner Harbour, projects over a certain scale (e.g. density, height, floor area or unit numbers) and certain uses that may be of concern or Heritage-Designated buildings.

A brief description of each Option is provided below. In addition, a summary table of the Options is provided in Appendix B.

Option #1 – No Delegation

Under this Option, Council would be the approval authority for all DP and HAP applications. At present, Council has delegated to staff the approval authority for Minor Amendments to DPs and HAPs. Under Option #1, this delegation authority would be removed from staff, the *Land Use Procedures Bylaw* would be amended and Council would be the approval authority for all applications.

Option #2 – Maintain Status Quo

This Option involves no change from the current City process. Approval authority for Minor DPs and Minor HAPs, as well as within DPA 29, Victoria Arm – Gorge Waterway, would still be delegated to staff and Council would be the approval authority for all regular DPs and HAPs.

Option #3 – Delegation (No Variances and Exclusions)

(a) No Variances

This Option involves delegating DPs and HAPs with no variances to staff. Staff would only deal with applications which were consistent with the *Zoning Regulation Bylaw*. Applications that require a variance to the *Zoning Regulation Bylaw* would require Council approval, consistent with the current Council approval process established in the *Land Use Procedures Bylaw*, including the requirement for a Public Hearing.

(b) Exclusions

A second component of this Option involves specific exclusions selected by Council. Exclusions involve situations where Council would maintain approval authority, some of which could include:

- specified locations in the City (e.g. Old Town, Inner Harbour)
- certain scale of projects (e.g. density, number of units, height)
- certain uses (e.g. Commercial, Industrial)
- Heritage-Designated Buildings.

Option #4 – Delegation – (No Variances)

This Option involves delegating DPs and HAPs with no variances to staff. Staff would only deal with applications which are consistent with the *Zoning Regulation Bylaw*. All applications that require a variance to the *Zoning Regulation Bylaw* would require Council approval, under the current approval process, including a Public Hearing. Only applications that do not involve a variance would be approved by staff and there would be no exclusions in terms of the type of development or location in the City.

Option #5 – Delegation (With Variances and Exclusions)

(a) With Variances

Option #5 would see Council delegate staff the approval authority for DP and HAP applications with or without variances. Therefore, in addition to approving building and site design, staff would also have the authority to approve DPs and HAPs which include variances to the *Zoning Regulation Bylaw*, such as variances to building height, setbacks, site coverage or parking standards.

(b) With Exclusions

A second component of this Option involves specific exclusions selected by Council. Exclusions are situations where Council would maintain approval authority, some of which could include:

- specified locations in the City (e.g. Old Town, Inner Harbour)
- certain scale of projects (e.g. density, number of units, height)

- certain uses (e.g. Commercial, Industrial)
- Heritage-Designated buildings.

In addition to the above exclusions, Council could also consider excluding some types of variances from staff approval. For example, Council may want to maintain approval authority for such variances as building height or site coverage, but may wish to delegate approval authority to staff for variances related to building setbacks or parking variances, as an example.

Option #6 – Full Delegation

Under Option #6, Council would give full delegation to staff for all DPs and HAPs in the City. Staff would have the approval authority for DPs and HAPs with or without variances, for all types of development projects, in any location in the City.

Included in all of the above delegation Options would be a process which allows an applicant who does not receive a favourable decision by staff, to take their application before Council for consideration.

It should be noted that the Options for delegation only apply to DP and HAP applications. The *Local Government Act* requires that Council be the approval authority for Development Variance Permit Applications, Rezoning Applications and Official Community Plan amendments.

5.0 Analysis

The following table provides a brief summary of the advantages and disadvantages of Council delegating approval authority to staff.

Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Decreased Level of Delegation			Increased Level of Delegation		
Advantages of less delegation			Advantages of more delegation		
<ul style="list-style-type: none"> • Elected officials maintain approval authority. • More applications would be considered by Council and decisions made in public. • Where there is a variance, a Public Hearing is involved, providing an opportunity for direct public input to Council. 			<ul style="list-style-type: none"> • Quicker processing times for applications. • Staff would be able to use time made available due to a more streamlined approval process for handling more volume or faster processing times. • Staff could refer to Advisory Design Panel and Heritage Advisory Committee for advice and design suggestions. • Council resources could be devoted to other important decision-making activities. • Some flexibility with the opportunity for "exclusions" where Council may consider certain applications. 		

	<ul style="list-style-type: none"> If the delegation of DPs and HAPs with variances did not lead to Council Public Hearings, the notification costs for applicants may be reduced.
Disadvantages of less delegation	Disadvantages of more delegation
<ul style="list-style-type: none"> Longer application processing time and time for final decisions to be rendered. Significant staff resources are contributed to processing applications (report writing and Council process). Significant Council resources are contributed to process. 	<ul style="list-style-type: none"> Less opportunity for public input when there are variances, as there would be no Public Hearing of Council.

Staff have not completed a detailed analysis of every Option. Upon receiving further direction from Council as to which Option(s) are preferred or merit more study, further analysis could include the following:

- A detailed description of the DP and HAP processes and timeline under delegated authority.
- An analysis of how exclusions would be applied, including an estimate of how many applications may be streamlined and how many may require Council approval based on selected exclusions.
- A description of potential Options to provide public information and input in a delegated process where variances are required.
- A description of potential engagement with the public and development industry about delegation.
- An outline of the required updates to Council bylaws, policies and design guidelines.

6.0 Other Jurisdictions

Based on a review of other municipalities in British Columbia, it is evident that there is a precedent for municipal Councils to delegate approval authority of DPs and HAPs to staff. However, the ways in which the powers of delegation are structured vary significantly from total delegation to delegation where numerous exclusionary criteria apply.

It is noted that a criteria commonly used in the bylaws reviewed entitle an applicant to request that Council reconsider an application when they are dissatisfied with the way it has been determined under staff delegated authority. This is consistent with direction given in Section 920 of the *Local Government Act*. Such requests normally have to be submitted within a specified timeline (normally within 30 days of the date of the staff decision).

Several examples of how municipalities have delegated decision-making authority to staff are summarized below. These examples specifically refer to DPs and do not reference HAPs, however, these areas may not have the same historical characteristics as Victoria and they may receive relatively few HAP applications. In fact, the City of Langford does not have any

officially-designated heritage sites within their jurisdiction and, therefore, do not have a HAP process. Notwithstanding this, the delegation of HAPs is not unusual. The Cities of Vancouver, Kelowna, Richmond and Nelson have all delegated approval authority to staff.

6.1 Examples of Development Permit Delegation

City of Colwood

The *City of Colwood Development Permit Delegation Bylaw 2009* authorizes the City's Director of Planning to exercise all of the powers, duties and functions of Council in respect of DPs. An owner of property who is dissatisfied with a decision is entitled to have the decision reconsidered by Council. This request must be submitted within 30 days after the decision is communicated in writing to the owner. The City of Colwood makes all reasonable efforts to notify property owners and tenants in occupation of lands within 75 m of sites which are subject to an application for a DP.

City of Langford

Similar to the City of Colwood, the City of Langford authorizes the Municipal Planner to exercise all of the powers, duties and functions of the Council in respect of DPs. Again, an owner of property who is dissatisfied with a decision is entitled to have the decision reconsidered by Council.

District of Saanich

The District of Saanich have delegated to senior staff, the power to approve or reject:

- a DP or DP amendment where the land is located within specific environmentally sensitive areas or public spaces
- a Development Variance Permit or an amendment to a DP where the subject of the application is a sign
- an amendment to a DP subject to form and character issues.

Bowen Island Municipality

All DPs are delegated to staff. Applicants are entitled to have delegated decisions reconsidered by Council.

Regional District of Central Kootenay

The Board of Directors of the Regional District have delegated the authority to issue DPs in a number of geographic areas as defined by their OCP. Under the associated bylaw, an applicant is entitled to a reconsideration of a delegated decision by the Board of Directors.

District of Lake Country

Municipal staff do not have any delegated powers in relation to the determination of DPs. Instead, Council has delegated its powers in this respect to a Development Permit Committee (comprised of Council Members).

City of Penticton

The approval of DPs has been delegated to staff subject to a number of exclusions which include size restrictions (i.e. additions exceeding 930 m² and multi-family residential development above six storeys in height and over 2,800 m² floor space are excluded) and applications in designated environmentally sensitive areas. Furthermore, staff do not consider DP Applications where they are submitted concurrently with an OCP amendment, Rezoning Application or Development Variance Permit Application.

In addition, if an applicant is dissatisfied with a DP decision by staff, they can request that Council reconsider their application. Such a request must be submitted within 30 days of the date of the DP decision (and is subject to further stipulations). The file manager still has the discretion to refer any DP application to Council.

City of Pitt Meadows

Staff have been given delegated powers to determine DPs for infill housing, including duplexes, garden suites and up to four contiguous infill single-family lots within the Residential Infill Development Permit Area of the OCP.

Applications which propose minor amendments to DPs previously approved by Council are also determined by staff.

If an applicant is dissatisfied with a staff decision on a DP they are entitled to request that Council reconsider their application. Such a request must be submitted within 30 days of the date of the DP decision by staff.

Resort Municipality of Whistler

DPs proposing relatively minor modifications to existing buildings, including small additions (i.e. not exceeding 20 m² floor area), are delegated to staff in addition to specific developments (i.e. single family and duplex buildings) identified in Development Permit Areas.

7.0 Options

1. That Council direct staff to provided further analysis on a preferred Option(s) for processing DP and HAP applications.
2. That Council direct staff to continue processing applications under the current process.

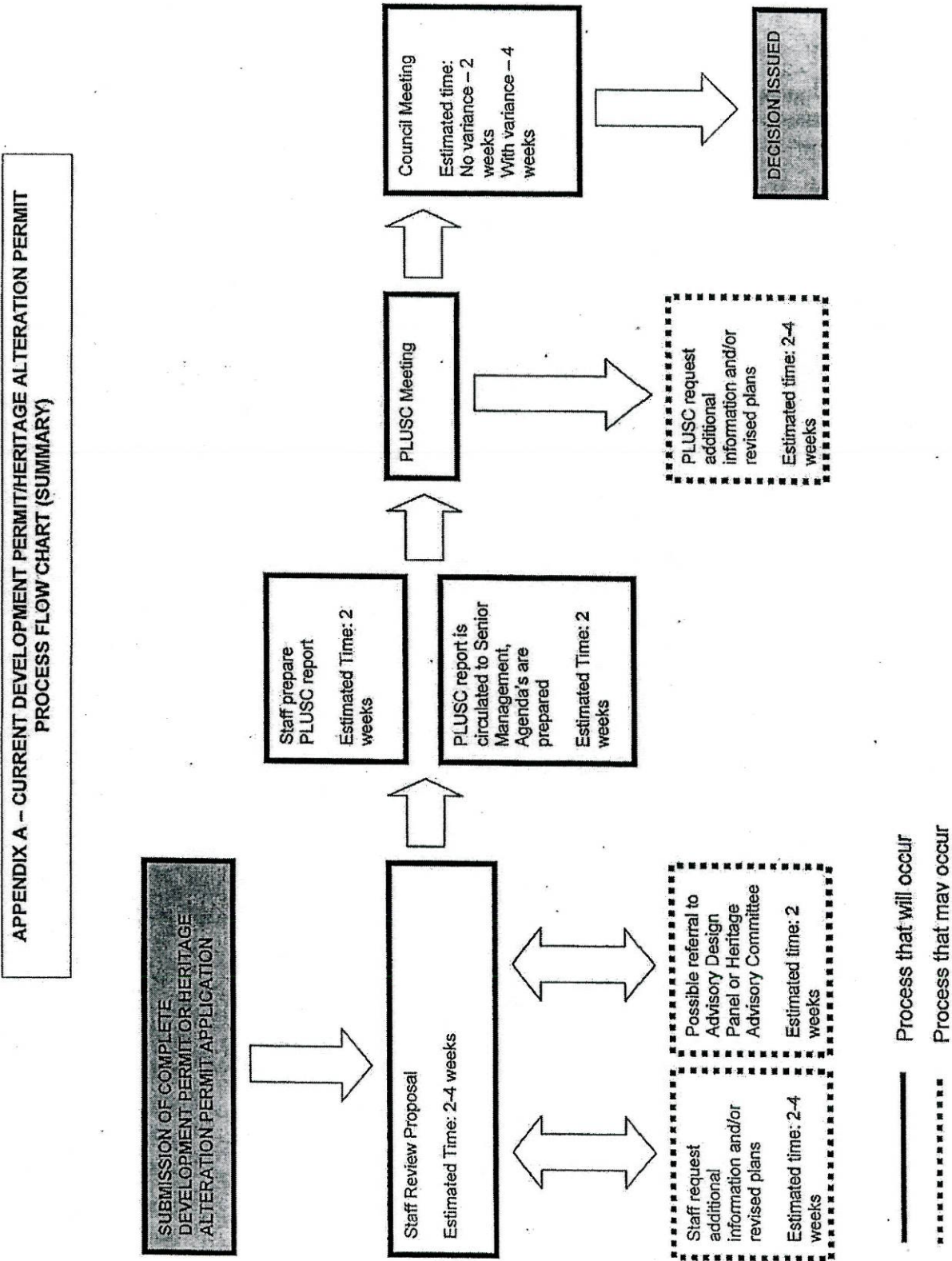
8.0 Conclusion

Delegating DP and HAP approval authority to staff certainly has advantages and disadvantages as outlined in the staff analysis. If the ultimate goal is to shorten the application processing time, then delegating approval authority to staff is a method of achieving this.

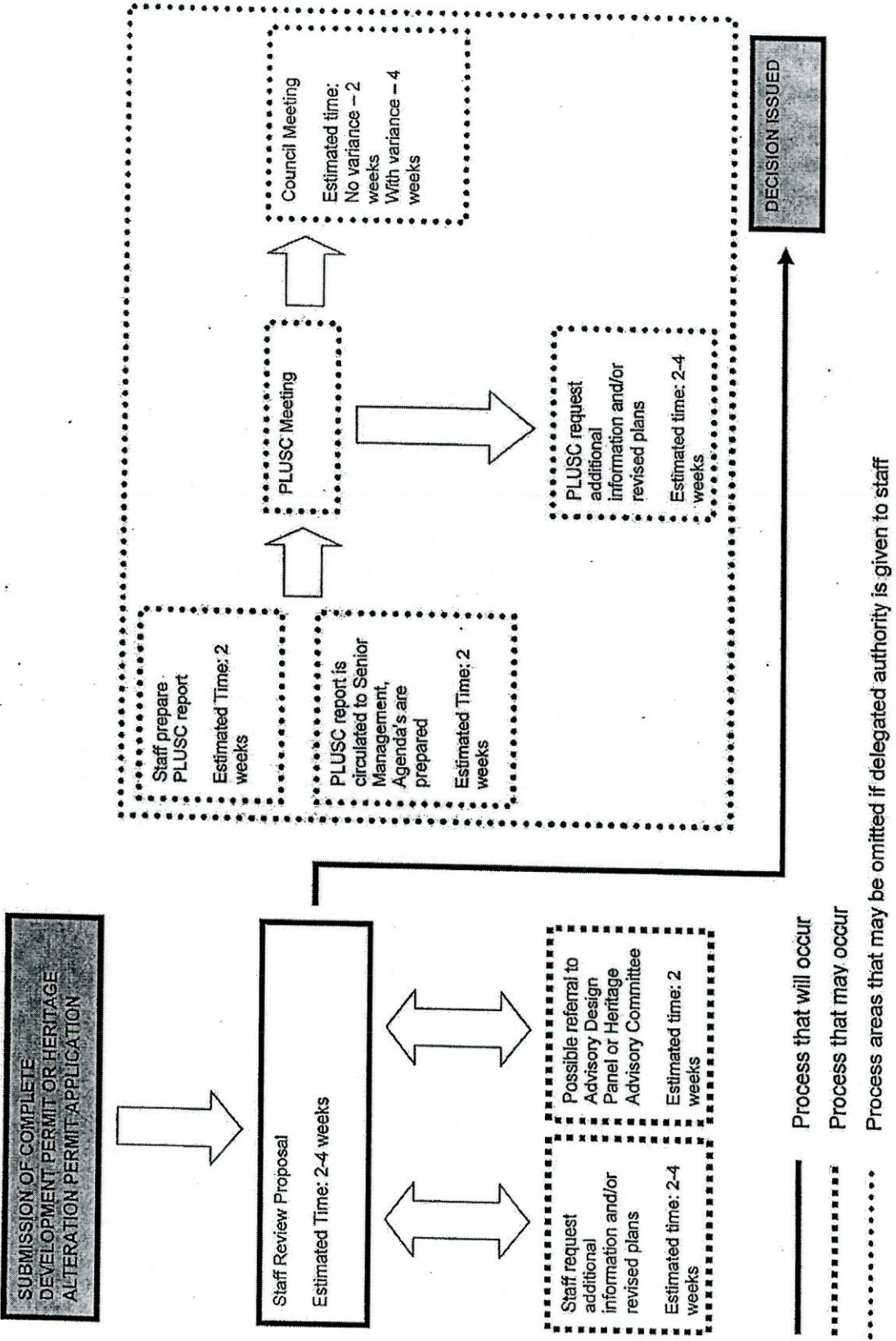
As outlined in this report, there are several Options for staff delegation and many different variations within each Option. Should Council see merit in delegating some or all DP and HAP approval authority to staff, based on Council direction, further analysis can be completed to provide specific details about the preferred delegation Option(s).

9.0 Recommendation

Should a form of delegation to staff be preferred, that Council select one of the described Options for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to report back outlining a detailed approval process, staff resources and application processing timelines. Should Council select an Option with exclusions, that staff be directed to analyze specific exclusions to determine their effect on timelines and processes.



APPENDIX A – DELEGATED DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT PROCESS
FLOW CHART (SUMMARY)



APPENDIX B – DELEGATION OPTIONS

Option Title	Option 1	Option 2	Option 3	Option 4	Options 5	Option 6
	No delegation	Maintain Status Quo	Delegation - No Variances - with Exclusions	Delegation - No Variances	Delegation - With Variances - with Exclusions	Full Delegation
Minor DP & HAP Approving Responsibility	Council authorizes Minor DPs and Minor HAPs	Council has Delegated Minor DPs and Minor HAPs to Staff	Delegation of Minor DPs and HAPs to Staff	Delegation of Minor DPs and HAPs to Staff	Delegation of Minor DPs and HAPs to Staff	Delegation of Minor DPs and HAPs to Staff
DP and HAP Approving Responsibility	Council authorizes Development Permits and Heritage Alteration Permits	Council authorizes Development Permits and Heritage Alteration Permits	Delegation of DPs and HAPs without Variances to Staff Specific Exclusions apply where Council is the approval authority	Delegation of DPs and HAPs without Variances to Staff	Delegation of DPs and HAPs with Variances to Staff Specific Exclusions apply where Council is the approval authority	Delegation of all DPs and HAPs to Staff
Exclusion Options			i) Exclude Geographic Areas (e.g. Old Town, Inner Harbour Waterfront) ii) Exclude projects based on scale (e.g. number of units, floor area, FSR, height) iii) Exclude specific uses (e.g. those which may be deemed to be controversial in nature) iv) Exclude heritage-designated buildings		i) Exclude specific variances (e.g. parking, front set back) ii) Exclude variances which exceed a specified threshold (e.g. 10%) iii) Exclude Geographic Areas (e.g. Old Town, Inner Harbour Waterfront) iv) Exclude projects based on scale (e.g. number of units, floor area, FSR, height) v) Exclude specific uses (e.g. those which may be deemed to be controversial in nature) vi) Exclude heritage-designated buildings	

APPENDIX 5: URBAN PLACE DESIGNATION MAP



Urban Place Designations

As Identified in the Official Community Plan

Core Inner Harbour/
Legislative



Core Historic

