



**AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF SEPTEMBER 18, 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 4, 2014.

DECISION REQUEST

2. Rezoning Application # 00444 and Development Permit Application # 000357 for 1745 Rockland Avenue 5 - 78
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Rockland Recommendation: Revise Application
3. Rezoning Application # 00443 and Development Permit Application for 1725 Carrick Street 79 - 96
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: North Jubilee Recommendation: Forward to Public Hearing
4. Rezoning Application # 00432 and Development Permit Application # 000345 for 2340 Richmond Road 97 - 120
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: North Jubilee Recommendation: Forward to Public Hearing

- | | | |
|-----|---|-----------|
| 5. | Development Variance Permit Application # 00138 for 1066 and 1070 Finlayson Street <i>--D. Day, Director of Sustainable Planning and Community Development</i> <u>Neighbourhood:</u> Hillside / Quadra <u>Recommendation:</u> Forward to Public Hearing | 121 - 132 |
| 6. | Development Variance Permit Application # 00142 for 2611 Scott Street <i>--D. Day, Director of Sustainable Planning and Community Development</i> <u>Neighbourhood:</u> Oaklands <u>Recommendation:</u> Forward to Public Hearing | 133 - 151 |
| 7. | Development Permit Application with Variances # 000359 for 1479 Fort Street <i>--D. Day, Director of Sustainable Planning and Community Development</i> <u>Neighbourhood:</u> Rockland <u>Recommendation:</u> Forward to a Public Hearing | 153 - 168 |
| 8. | Heritage Alteration Permit Application # 00186 with Variance for 448 Moss Street <i>--D. Day, Director of Sustainable Planning and Community Development</i> <u>Neighbourhood:</u> Fairfield <u>Recommendation:</u> Forward to Public Hearing | 169 - 188 |
| 9. | City Initiated Zoning Regulation Bylaw Amendments to R1-A Zone and Schedule B <i>--D. Day, Director of Sustainable Planning and Community Development</i> | 189 - 199 |
| 10. | Development Summit Final Report and Action Plan <i>--D. Day, Director of Sustainable Planning and Community Development</i> | 201 - 257 |
| 11. | Workshop - Delegation of Development Permits and Heritage Alteration Permits <i>--D. Day, Director of Sustainable Planning and Community Development</i> | 259 - 334 |

ADJOURNMENT



Planning and Land Use Committee Report

For Meeting of September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014

From: Helen Cain, Senior Planner, Development Services Division

Subject: **Rezoning Application #00444 and Development Permit Application #000357 for 1745 Rockland Avenue** – Application to rezone from R1-A (Rockland Single Family Dwelling District) to a new zone to permit one single family dwelling unit plus six semi-attached dwelling units. Concurrent Development Permit Application.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 1745 Rockland Avenue. The applicant proposes to rezone from the R1-A Zone (Rockland Single Family Dwelling District) to a new zone to increase the development potential to construct three side-by-side semi-attached buildings (six self-contained dwelling units) on the same lot as a Heritage-Designated house, built in 1902. The proposal for a total of seven self-contained dwellings on this site exceeds the maximum number set out in the R1-A Zone. There are also concerns regarding the amount of surface parking related to the proposal and its effect on the conservation of the estate character and potential green space.

The following points were considered in assessing these applications:

- The property is designated as Traditional Residential in the *Official Community Plan, 2012*, (OCP). While the proposal is generally aligned with that land designation, it is not compatible with the OCP policies related to sensitive infill in Rockland on lots with estate character. Additionally, the proposed intensity of development would be inconsistent with the *Rockland Neighbourhood Plan, 1987*.
- Development and construction of the proposed new semi-attached dwelling units would be subject to control and regulation under Development Permit Area 15C - Intensive Residential Rockland. While the proposal complies with some of the applicable design guidelines, the site plan does not adequately address the conservation of estate character and existing green space.
- Staff have concerns with respect to the proposed 18 parking stalls which exceeds the number of parking spaces required. Surplus parking related to the proposed new dwelling units should be removed to reduce the extent of hard surfaces and to increase the open space, which would better align with the OCP strategic directions for Rockland and the associated design guidelines.

Staff are recommending that the Planning and Land Use Committee consider directing:

- the applicant to reduce the total number of dwelling units from seven units to six or fewer units
- the applicant to remove the parking spaces related to the new development that exceed the zoning standard requirement and to substitute soft landscaping in those spaces
- staff to prepare another report to return to the Planning and Land Use Committee once the revisions are complete.

Recommendations

1. That Council:
 - a. indicate to the applicant that Rezoning Application #00444 and Development Permit Application #000357 for the property at 1745 Rockland Avenue should be revised to decrease the overall site density, reduce the number of self-contained dwelling units from seven to six or fewer, and reduce the number of parking stalls and related hard-surfaced area to provide one parking stall per new dwelling unit in addition to the parking provided for the Heritage-Designated house, with increased soft landscaping to be substituted for the hard surfacing;
 - b. direct staff to prepare a further report to the Planning and Land Use Committee regarding the revised proposal.

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: _____

Sept. 11/14

HC/aw/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00444\1745 ROCKLAND PLUC REPORT.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 1745 Rockland Avenue.

2.0 Background

2.1 Description of Proposal

The subject property is a large lot containing a Heritage-Designated single family dwelling, which will be retained and is intended to be used as a single family house only, without a secondary suite. There is a tennis court on the eastern portion of the parcel which is proposed to be removed to construct three semi-attached buildings each comprised of two self-contained dwelling units to provide a total of six new dwelling units. Each semi-attached dwelling would be side-by-side in building layout, which complies with the R1-A Zone (Rockland Single Family Dwelling District) where "semi-attached dwelling" is a permitted use. In the *Zoning Regulation Bylaw*, the latter use is defined as "a building used or designed for use as two dwelling units, each having direct access to the outside at grade level and where neither unit is wholly or partly above the other". It is necessary for the proponents to apply for a rezoning since the proposal exceeds the number of self-contained dwelling units allowed in the current R1-A Zone (Rockland Single Family Dwelling District).

The proposed site plan, architectural and landscape design include the following:

- the single family detached Heritage-Designated house on the western portion of the lot and six new semi-attached dwelling units on the eastern portion of the lot
- garage integrated with front elevation for each semi-attached dwelling unit with surplus surface parking stalls between the buildings
- primarily stucco and board-and-batten siding with accent details in natural stone veneer and cedar panels on the new semi-attached units
- vinyl windows with wood casements, wood entry doors and garage doors for the new semi-attached units
- removal of some trees to permit new driveways and surface parking combined with retention of all mature trees around the north, west and south boundaries, as well as new trees adjacent to the east boundary and extensive plantings
- new wall along the east driveway that is designed for noise abatement.

Due to the high number and concentration of mature trees on the property, the applicant has provided an Arborist Report (attached) to support the proposed scheme. Impacts on the existing landscape character are discussed in "Section 4: Issues" of this report.

2.1.1 Sustainability Features

As described in the applicant's letter (attached), the proposed development would achieve Built Green BC Standards, including the use of natural materials for the exterior finishes and native species in landscaping design. The proposal would help to mitigate stormwater runoff related to the tennis court through reducing hard surfaces compared to existing conditions.

2.2 Existing Site Development and Development Potential

The data table below compares the proposal with the existing R1-A Zone (Rockland Single Family Dwelling District), which was amended in 2011. However, the more detailed analysis undertaken in conjunction with this proposal has identified that the most recent amendment does not carry forward the previous practice of including the existing self-contained dwelling unit in the site area per unit calculation. An asterisk indicates this discrepancy between the proposal and the other regulatory approaches.

| Zoning Criteria | Proposal | Zone Standard R1-A (current) | Zone Standard R1-A (prior to 2011) |
|--|--|--|---|
| Site area (m ²) – minimum | 4950.80* (or 825.13 m ² per semi-attached or attached dwelling unit – six units) | 5010.00 (or 835 m ² per semi-attached or attached dwelling unit – six units) | 5845.00 (or 835 m ² required per dwelling unit - seven units) |
| Total floor area (m ²) – maximum | 1306.31 | n/a | n/a |
| Lot width (m) – minimum | 58.58 | 24.00 | 24.00 |
| Height (m) – maximum | 7.54 | 7.60 | 11 (single family dwelling) 10.5 (attached and semi-attached dwelling units) |
| Storeys – maximum | 2 | 2.5 | 2.5 |
| Site coverage (%) – maximum | 17.08 | 25.00 | 25.00 |
| Open site space (%) – minimum | 36.60 | n/a | n/a |
| Setbacks (m) – minimum | | | |
| Front (east) – Rockland Ave | 32.35 (existing house) 83.99 (new dwellings) | 10.50 10.50 | 10.50 10.50 |
| Rear (west) – Richmond Ave | 70.39 (new dwellings) | 42.80 (25% lot depth) | 42.80 (25% lot depth) |
| Side (north) | 5.00 | 3.00 | 3.00 |
| Side (south) | 3.90 | 3.00 | 3.00 |
| Vehicle parking (stalls) | 7 minimum required 18 provided | 7 minimum required | 7 minimum required |
| Attached dwelling siting | rear | side or rear | side or rear |

2.3 Land Use Context

The immediately adjacent land use to the north, south, east and west is single family dwellings located in the R1-B Zone (Single Family Dwelling District), R1-A Zone (Rockland Single Family Dwelling District), and R1-G Zone (Gonzales Single Family Dwelling District).

2.4 Legal Description

Lot A, Section 74, Victoria District, Plan 36239.

2.5 Consistency with City Policy

2.5.1 Official Community Plan, 2012

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Traditional Residential. It should also be noted that the OCP includes policies to support heritage through allowances, such as zoning, to achieve a balance between new development and conservation through infill that is sensitive and demonstrates an innovative design.

At the local area level, the OCP provides a land use policy vision and strategic directions for Rockland in the City-wide context, including several policies relevant to the subject property. The latter emphasizes conservation of historic architectural and landscape character, including urban forest on private lands, maintaining existing houses and large lots through sensitive infill that retains open and green space, and overall estate character.

2.5.2 Rockland Neighbourhood Plan, 1987

Aligned with the OCP, the *Rockland Neighbourhood Plan, 1987* has policies that focus on retention of heritage and historic buildings, landscape and streetscape features, estate character and ensuring new development complements nearby heritage sites. This local area plan also states that the R1-A Zone should be retained. While the design of the proposed new semi-attached dwellings would complement the heritage house in form, massing and character, the density is significantly higher than the R1-A Zone and a larger site area per dwelling than proposed is needed to better respect the estate character of the lot.

2.6 Consistency with Design Guidelines

The proposed design for the new semi-attached dwellings is subject to OCP Development Permit Area (DPA) 15C Intensive Residential Rockland. In DPA 15C, building form, character, finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Attached and Semi-Attached Dwellings in the Rockland Neighbourhood, 2011*. Staff assessment of the proposed design in relation to the guidelines is summarized below:

- Siting of the semi-attached dwellings behind the heritage house would have no impact on views of the heritage house from Rockland Avenue while part of one of the new semi-attached buildings would be visible from Richmond Avenue.
- The form and massing of the new semi-attached buildings are small in scale compared to the house and their design is complementary in composition, mix and quality of exterior finishes.
- Windows would overlook adjacent yards of the houses located at 1711 and 1723 Green Oaks Terrace and 1730 Lyman Duff Lane, but these openings are quite narrow and the north and south buildings are sited at a distance from the shared property lines. Similarly, potential overlook to the rear yards of houses on Richmond Avenue would be minimal due to the setback distance.
- As a result of providing surface parking surplus to the minimum requirements of the *Zoning Regulation Bylaw*, the site plan and landscape plan for the eastern portion of the site are car-oriented with an excess of paved areas. However, these are permeable hard surfaces and the new site coverage for impermeable surfaces is less than the existing conditions with the tennis court.

- While some mature trees will be removed to construct the buildings and parking surfaces, including one Bylaw-Protected Big Leaf Maple, the landscape scheme retains all trees along the property boundaries and adds new plantings and trees along the east boundary.

Aspects of the design that do not adequately comply with the relevant guidelines are discussed further in "Section 4: Issues" of this report.

2.7 Community Consultation

In accordance with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, the applicant consulted with the Rockland CALUC on March 5, 2014. A letter from the CALUC is attached to this staff report.

3.0 Issues

The main outstanding issues related to these applications are:

- proposed density and permitted uses
- consistency with design guidelines
- underground infrastructure and right-of-way.

4.0 Analysis

4.1 Proposed Density and Permitted Uses

The R1-A Zone, Rockland Single Family Dwelling District, sets out key rules related to land use and development potential. With respect to the land use, the R1-A Zone allows a variety of uses including single family dwellings as well as attached and semi-attached dwellings. In the *Zoning Regulation Bylaw*, a "semi-attached dwelling" is defined as "a building used or designed for use as two dwelling units, each having direct access to the outside at grade level and where neither unit is wholly or partly above the other". An "attached dwelling" means "a building used or designed as three or more self-contained dwelling units, each having direct access to the outside at grade level, where no dwelling unit is wholly or partly above another dwelling unit". These definitions will be relevant in considering the potential resolution of the minimum site area per unit concerns discussed further below.

As indicated in "Section 2.3" and laid out in the data table, the key issue that has necessitated the rezoning is the number of units proposed on the site relative to the site area. The overall site area is 4,950.80 m², in a highly unusual shape with a conventional frontage on Rockland Avenue and most of the site located in the R1-A Zone, with a much narrower extension of the lot to front on Richmond Avenue, providing a driveway to the new semi-attached dwellings, which is currently zoned as R1-B, Single Family Dwelling District. To simplify the analysis and since this is proposed as a site-specific rezoning, the analysis has treated the entire site area as if it were entirely in the R1-A Zone.

The current R1-A Zone relies primarily on establishing a minimum site area of 835 m² for each attached or semi-attached dwelling unit to determine the potential number of units allowed. Based on this, the site at 1745 Rockland Avenue is too small to accommodate the proposed six new semi-attached dwelling units; the site would need to be 59.2 m² larger in size to meet the 835 m² per unit rule. Said another way, there is only 825.13 m² of site area per semi-attached unit provided instead of the 835 m² required.

It should be further noted that the R1-A Zone was amended in 2011 with an unintended change to site area requirements. Prior to the 2011, the regulations stated that the minimum site area was 835 m² per dwelling unit which as a practice had included the existing single family unit in the calculations of required minimum site area per unit. Under the previous R1-A Zone, the minimum site area required to accommodate the existing single family dwelling unit plus the proposed six new semi-attached units would be 5,845.0 m² or 894.2 m² bigger than it is. Said another way, the proposed development is only providing 707.25 m² per dwelling unit instead of the 835 m² previously required, or about 85% of the previous requirement.

Given this analysis and the fact that in every calculation method, the proposal is requesting more dwelling units than the current zoning allows, staff do not recommend that Council approve the rezoning necessary to allow the proposed total of seven units (the one existing single family house plus six new semi-attached units). Staff would recommend that Council either decline the rezoning outright or that the proponent revise the proposal to a maximum of six units (one existing single family house plus five or fewer new dwelling units). It is recognized that a total of six dwelling units on the site would still be providing only 825.13 m² of site area per unit overall, compared to 835 m².

4.2 Consistency with Design Guidelines

4.2.1 Landscape Character

Three new buildings would cover the eastern portion of the lot with limited open and green space. While a number of trees would be removed to construct the new buildings, driveways and parking areas, the proposed Landscape Plan includes the retention of clusters of trees through careful siting and use of brick pavers as a permeable surface rather than impermeable concrete in the surface treatment. One Bylaw-Protected Big Leaf Maple would be removed but would be replaced with two trees in a nearby location, in accordance with the *Tree Protection Bylaw*. In addition, new trees would be planted along the east boundary to mitigate the loss of mature trees near the property line.

4.2.2 Vehicle Parking and Access

The number of surface parking stalls that are proposed exceeds the zoning criteria applicable to the new development. It is accepted that the existing single family heritage house, oriented to Rockland Avenue, provides five parking stalls, exceeding the minimum standard related to that unit. Each of the new semi-attached units includes a single car garage as well as driveways of varying lengths. The further provision of an extra surface parking stall related to each new unit has introduced a greater extent of hard surfaces that does not respond to the design objective for more natural or soft landscaping characteristic of Rockland yards. Staff recommend the removal of the surplus surface parking for the new units to lessen the extent of hard surfaces and that additional soft landscaping features be added in this available open space.

4.3 Underground Right-of-Way

There is an existing Section 219 Covenant registered on title for the purpose of permitting an Underground Right-of-Way and sewage and stormwater piping and drains to traverse the land parcel. This existing infrastructure was installed in part to provide services to other properties on Rockland Avenue.

The proposed site plan would require relocation of the sewage and stormwater piping and drains, and the Underground Right-of-Way, presently secured through a Section 219 Covenant. Should Council choose to advance the Rezoning Application, staff recommend that a legal agreement be prepared, executed and registered to secure the commitment to the relocation of the Right-of-Way and associated infrastructure, prior to a Public Hearing. It should be noted that the applicant would be responsible for future construction costs related to this infrastructure.

5.0 Resource Impacts

There are no resource impacts associated with this development.

6.0 Conclusions

Staff consider the concept of infill on the subject property to align with the OCP and Rockland policies related to mix of housing types in City neighbourhoods and heritage conservation. While a degree of flexibility of the zoning standards related to the new attached or semi-attached dwellings would be acceptable to accommodate population growth in this local area and to help support heritage retention, the proposal as presented is requesting more residential dwelling units than is appropriate. However, the proposed site plan, architectural and landscape design are generally well-considered with respect to form, massing and character and minimizing the potential impact on the mature landscape character. Staff are, therefore, recommending that the proposal be revised to decrease the overall number of dwelling units on the site to a total of six or fewer and that the new dwelling units provide one parking stall as a garage and remove all the surplus surface parking and replace it with suitable soft landscaping.

7.0 Recommendations

7.1 Staff Recommendations

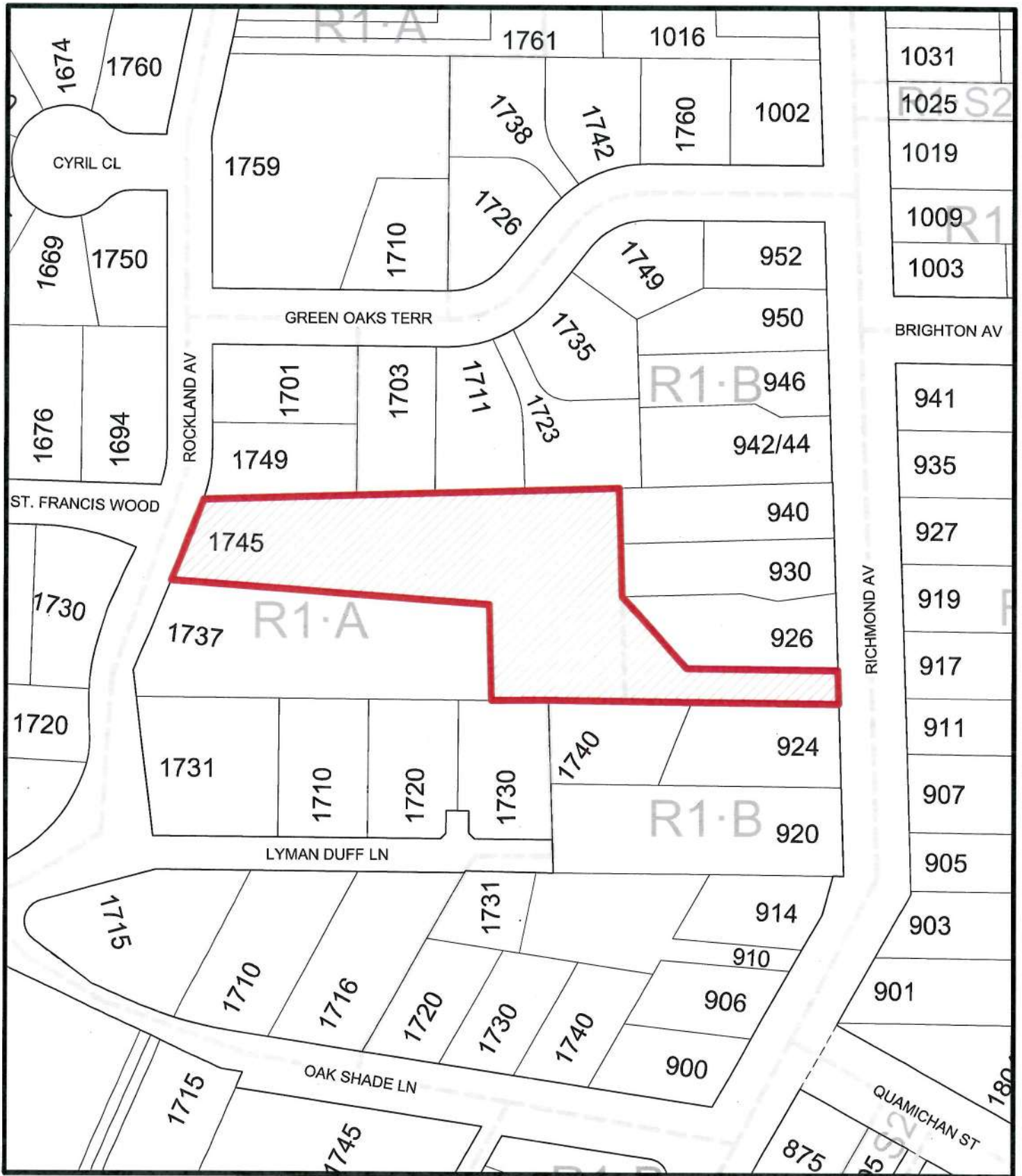
1. That Council:
 - a. indicate to the applicant that Rezoning Application #00444 and Development Permit Application #000357 for the property at 1745 Rockland Avenue should be revised to decrease the overall site density, reduce the number of self-contained dwelling units from seven to six or fewer, and reduce the number of parking stalls and related hard-surfaced area to provide one parking stall per new dwelling unit in addition to the parking provided for the Heritage-Designated house, with increased soft landscaping to be substituted for the hard surfacing;
 - b. direct staff to prepare a further report to the Planning and Land Use Committee regarding the revised proposal.

7.2 Alternate Recommendations (decline)

1. That Council consider declining Rezoning Application #00444 and Development Permit Application #00357 for the property located at 1745 Rockland Avenue.

8.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Hillel Architecture, Inc., stamped June 10, 2014, and March 12, 2014
- Plans for Rezoning Application #00444 and Development Permit Application #00357, stamped July 24, 2014
- Arborist Report from Talbot McKenzie dated October 24, 2013
- Letter from Rockland Community Association, stamped April 8, 2014.



1745 Rockland Avenue
Rezoning #00444
Bylaw #







06 June 2014

Mayor and Council
CITY OF VICTORIA
1 Centennial Square
Victoria BC V8W 1P6



101 1851 Oak Bay Avenue
Victoria BC V8R 1C3

phone: 250 . 592 . 9198
fax: 250 . 592 . 9178

RE: **Rockland Avenue Residences**
1745 Rockland Avenue, Victoria BC

Rezoning and Development Permit Applications

We hereby submit, on behalf of developer Magellan Holdings Ltd. appointed by the owners of the property, a rezoning application and a concurrent development permit application for the redevelopment of a mature Rockland area property and the ongoing protection of a designated heritage home. The following report is divided in to the following sections;

1. DESCRIPTION OF PROPERTY
2. DESCRIPTION OF EXISTING HERITAGE HOME
3. ZONING CONTEXT AND BYLAW REVIEWS
4. ZONING COMMENTARY AND DESIGN RATIONALE
5. ARCHITECTURAL INTENT, DESIGN RESOLUTION

1. DESCRIPTION OF PROPERTY

The subject property is located at 1745 Rockland Avenue and is a through property that connects to Richmond Road. The site is currently occupied by a single-family dwelling of heritage value. A winding path through mature landscaping leads to a large sunbathed tennis court to the rear of the home before eventually connecting to a narrow lane leading down towards Richmond Road. At 4,850 sq.m. (± 1.2 acres, $\pm 52,200$ ft²), the proposed site is generous though it largely remains concealed from both streets. It also is concealed from most of the surrounding neighbouring properties due to mature landscaping well above a storey in height.



Hillel Architecture Inc.

page 1 of 16

The site has been owned by a local family for generations and their ownership will remain. The first stage was the protection of the original heritage home. This proposed redevelopment of the site, stage two, is designed to respect the prominence, setting, and views associated with the original heritage home. The goal is to develop the rear portion of the property currently occupied by a competitive size tennis court no longer enjoyed by the family. A development which is in keeping with design guidelines for low-density residential infill development, while providing an opportunity to create three two-family dwellings, sympathetic to surrounding buildings and landscape patterns. A development which, we emphasise, will be entirely concealed from both Rockland and Richmond Roads.



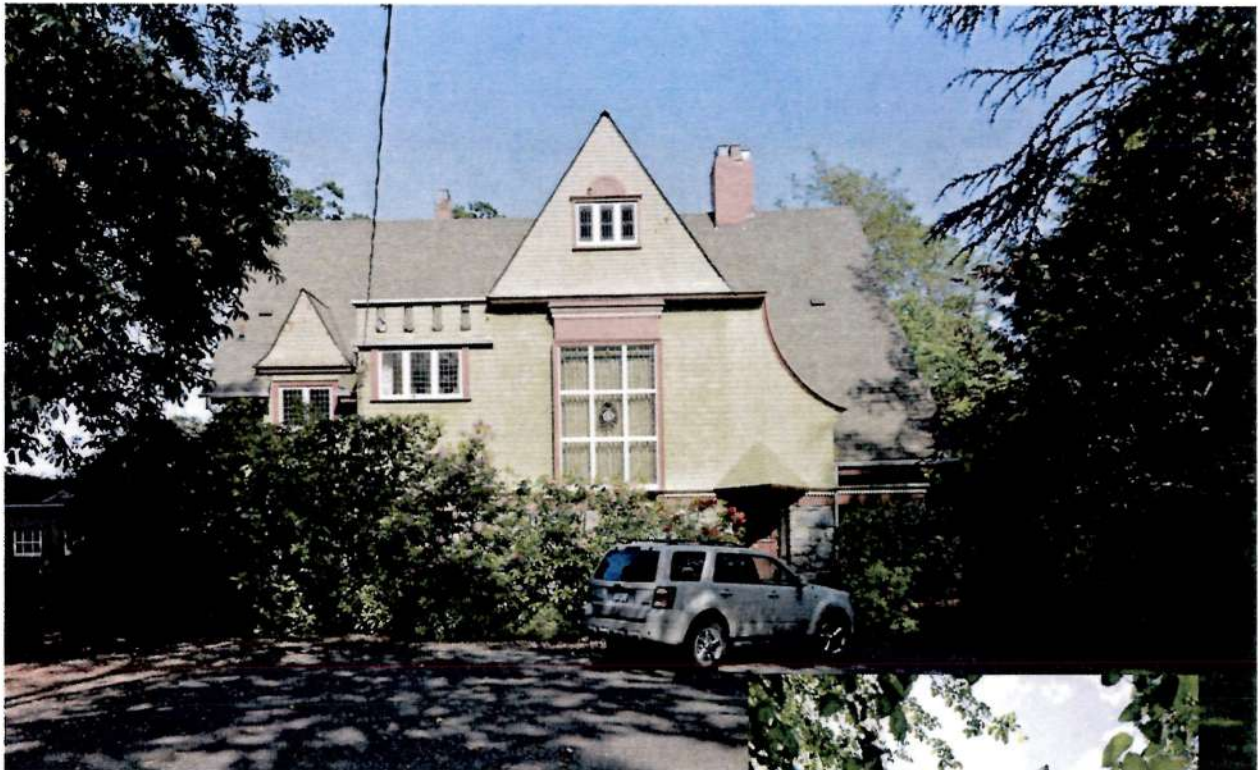
Views of the proposed building site; existing 665 m² [7158 ft²] of asphalt tennis court no longer used.



2. EXISTING HERITAGE HOME

The designated heritage home, accessed from the Rockland Road property entry, is referred to by name as the Ashton. The Ashton was designed by Francis Mawson Rattenbury, and built in 1901. The current family members, owners for now multiple generations, will continue to own the Ashton following this proposed development. The owners requested this home be designated in 2010. This heritage designation was granted by the City of Victoria.

This was in fact the owner's first step in preserving the Ashton. This second stage is the protection of the heritage gardens and setting of the Ashton, while also carefully developing its unseen rear properties.



As requested by the Planning Department, floor plans of this single family home have been documented. Under this development proposal, this house will, by covenant, be protected as a single family home for perpetuity. No interior or exterior changes are planned under this stage two of the protection of this heritage home.

Plans and elevations were not requested at the time of the request for Heritage Designation of this residence, and no record drawings or original permit submission drawings have been found at this time. The plans recording this as a single family residence today, as requested, have been documented and are contained in this submission package. Extensive photographic coverage is available on request. A limited number of these images have been submitted as elevation records.



3. ZONING CONTEXT

a) Designation

Currently, the site has two zone designations applied over portions of the property: R1-A and R1-B. Subsequent to a number of discussions with planning staff at the City of Victoria, preliminary discussions with the Rockland Neighbourhood Association, and taking into consideration input received from surrounding neighbours, a site specific zone is being requested for this whole site. It has been requested that a zoning comparison, based on the current R1-A zone and an R1-A5 zone be provided.

The development request is to permit the creation of 7 strata-titled units, to cover the existing heritage house and a portion of the property appropriate to its floor area as determined by zoning and a registered BC Land Surveyor, and 3 new two unit townhouse residences on the remaining portion, each with exclusive use parking areas and private green spaces. The R1-A5 zone, Rockland (St Charles) Townhouse District was deemed by planning department staff to be the most suitable for comparative purposes. For the design team, our original goal was also to respect the zoning criteria of all surrounding properties to ensure that the proposal does not impose. Therefore throughout this design report, comparisons to the R1-B zone are also made.

b) Density comparison

A review of lots sizes surrounding 1745 Rockland Road was undertaken. The results are assembled on the enclosed site photo. As a point of comparison, the approximate land surrounding each building is demonstrated. This shows that the approximate size the proposed "land areas" and buildings are no different than those of the properties that surround them. Although this is not an officially acceptable comparison, it does have value. Land areas are similar. Building footprints are similar. Therefore their average site coverage of the new buildings, in their context, is not dissimilar to those that surround them.



Summary of permitted Lot sizes as per zoning regulations

The heritage home currently resides on a portion of the site which is zoned R1-A. This proposal, by intent, was to completely respect the criteria of all of its surrounding neighbours and strict adherence to the criteria of the R1-B zoning was the starting point of the design team process. R1-5A was identified by the Planning Department as a suitable similar zone for comparison purposes.

R1-A permits single family homes on 740m² lots, and for attached / semi attached dwellings at 835m² Ea = 1670m²

Two "homes" therefore would occupy 1480m²

Two "townhomes" would occupy 1670m² (a 12.8% penalty for this more efficient housing type)

R1-B permits single family homes on 460m² lots.

R1 5A, our designated zoning regulation of comparison, lists 470 m² per unit

c) Density Analysis,

This proposal for 1745 Rockland provides 707m² per unit, and 1414m² per attached dwelling.

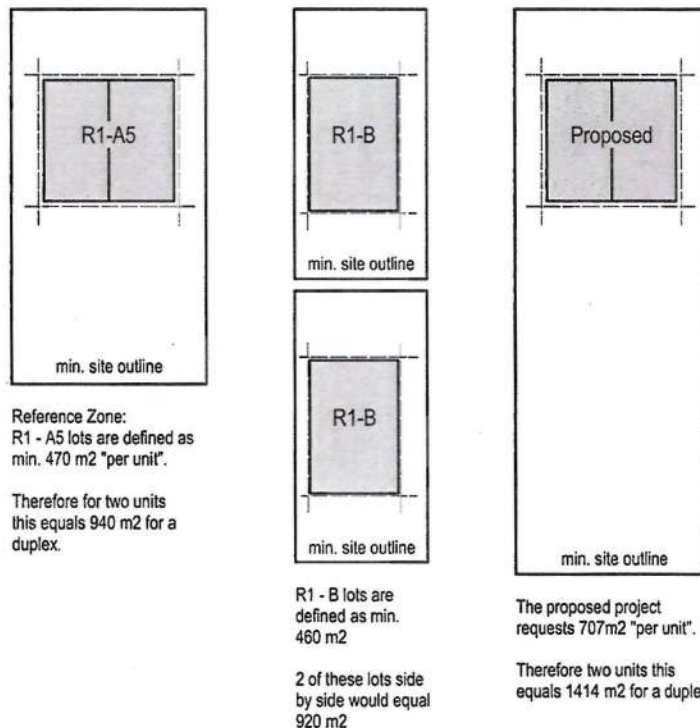
It exceeds R1 B min lot standards (all neighbouring properties) by 153% (our target reference)

It exceeds the reference zone standards of R1-A5 by 150% (City's target reference)

It closely follows the larger R1-A single family lot standards of 740m²: 95%

It is respectful of R1-A attached dwelling standards of 1670m²: 85%.

The project exceeds all setbacks of ALL zones above and substantially in many regards. .

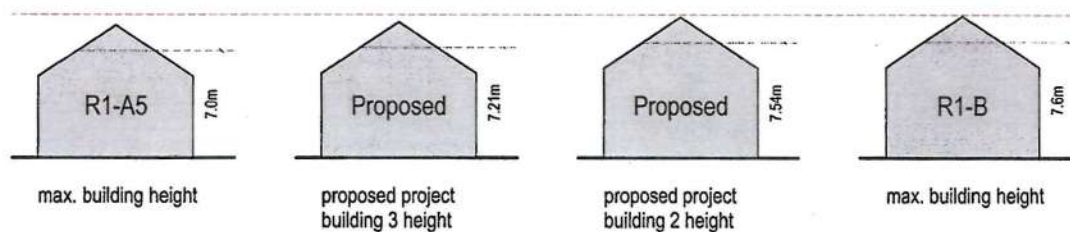


The intent was to respect the surrounding property owners, and R1-B standards therefore became our target reference for this development proposal. We exceed the permitted zoning density of the surrounding lots by 153%.

d) Building Height

The new buildings vary slightly in building height relative to their calculated average grade as you progress across the site, from a height of 7.21m to 7.54m. They have been designed to respect the surrounding neighbours and the permitted building heights of their zones.

Comparatively speaking, all three buildings are below the permitted ht. of 7.6 m defined by the R1-A. All three buildings are below the permitted ht. of 7.6 m defined by the R1-B zones of all surrounding properties. The City had asked that we compare this proposal with the R1-A5 zone in which the maximum permitted ht. is listed as 7.0m. The proposed buildings exceed this by a modest amount (from 210mm to 540mm: average 375mm). The diagram below shows the lower permitted ht. of the R1-A5 zone, lowest and the highest of the three proposed buildings in the centre of the diagram, and the higher permitted ht.s of both the R1-A and R1-B zones.

**e) Parking**

The amount of off-street parking provided exceeds the minimum requirements. A minimum of one stall per dwelling is required. We have officially provided double this requirement by providing 2 stalls per residence. One enclosed, and one guest stall. In addition, we have ensured that each driveway has sufficient length to accommodate parking outside of the garage, as an unofficial additional parking opportunity. Because the new residences are set back from Richmond Road, guests entering the private lane must all know with confidence, that when they enter this property that sufficient parking is available. We wished also to reassure residents along the busy parking corridor of Richmond Road (generated by new sports fields and new theatre), that this project is not adding to a parking burden in the community. Off-street parking has been designed using high quality, permeable and durable paving materials.

f) Greenspace and site coverage

The City has asked that we consider removing excess parking. Reducing the parking count is typically not encouraged by council and we would prefer to honour our parking as proposed. Part of the City's concern was increasing our green space. In reviewing this issue we must note that the current solution offers the following favorable site coverage, in comparison to its potential zoning criteria of its neighbours:

- 40% site coverage for R1-A,
- 40% site coverage for R1-B,
- 35% site coverage for R1-A5,
- 17.8% as proposed.

Our green space, the resultant percentage of landscaped areas after deduction of all paving, buildings, decks, stairs, and hard surfaces is approximately 34%. Not only would very few proposals provide the very significant setbacks we are able to provide, but now we also find herein a statistic which is again reflecting very well on the proposal submitted. A minimum green space is stated on the R1-A5 zone. We comply with this zone.

4. ZONING COMMENTARY AND DESIGN RATIONALE

a) Neighbourhood consultation

Over the course of developing the proposed scheme, a detailed analysis of other R1-B properties in close proximity was undertaken to better understand the context of the Rockland neighbourhood. This included a review of a more traditional four-lot subdivisions of fee simple lots at the rear of the property as an alternative to the three duplexes being pursued. The developer initiated a series of one on one interviews with neighbouring property owners, detailed drawings in hand, and of the 23 interviews which took place, 22 were supportive of the proposal to develop 3 duplexes vs 4 single family homes. The 23rd was a property for sale. The neighbours appreciated that a comprehensive, more controlled approach to site planning, circulation, building design, and the comprehensive site maintenance that would result from a strata development than would result from the creation of perhaps 4 fee simple R1-B lots. When separately developed, single family homes, their varying styles, their various fences, even the intent "to fence" one's private property would visually divide this lot and detract from the property openness and ambiance. The R1-B zone criteria, when applied to a 4 Lot solution resulted in much closer buildings to neighbours, much higher density of buildings, increases in site coverage, and substantial decreases in setbacks.

b) Breathing Room

Directly related to this point is the request of the City for more "breathing room" between heritage home and new work. The minimum 7.5m rear yard setback in both R1-A and R1-B lots is one form of breathing room that can be measured as a sign of acceptable local "distances" between building faces. With these two zones, two rear yards back to back would permit 15m between building faces. The proposal greatly surpasses this acceptable "breathing space":

Duplex units 6 & 7 building's faces are placed 30.6 meters from closest corner of the heritage home.

Duplex units 4 & 5 building's faces are placed 38.1 meters from closest corner of the heritage home.

Duplex units 2 & 3 building's faces are placed 43.0 meters from closest corner of the heritage home.

c) Privacy Impacts

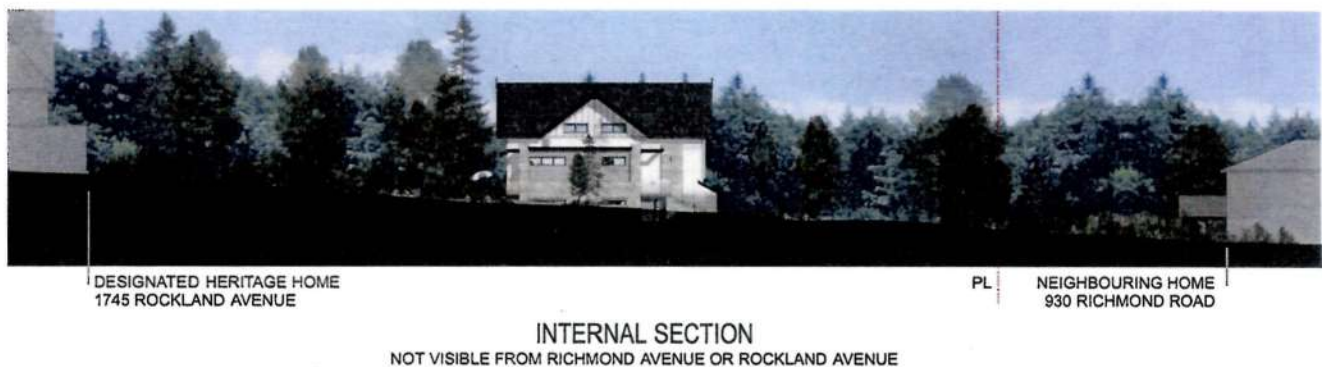
A second issue related to one's perception of neighbourhood density, is a request by the City that we show the location of adjacent houses and provide information related to privacy impacts. In the following photo can be found the distances between building faces and the approximate land area surrounding each building in the neighbourhood.



Similar to breathing space around the heritage building, the perception of privacy can be a result of understanding the distances between building faces. The minimum 7.5m rear yard setback in R1-A and R1-B surrounding properties combined with the front yard setback of 7.5m from the target reference zone, R1-B, is one form of breathing room that can be measured as a sign of acceptable and predictable privacy between new building faces and those existing outdoor private spaces of neighbouring homes. With this in mind, it would predict that 15m between the new building faces and the rear yard building faces of the existing homes is an acceptable measure of privacy. Our proposal greatly surpasses this "breathing space", or this measure of acceptable privacy:

- Duplex units 6 & 7: bldg front faces over 20.4 meters from property line, $\pm 40.3\text{m}$ to neighbour's building face
- Duplex units 4 & 5: bldg front faces over 12.7 meters from property line, $\pm 28.9\text{m}$ to neighbour's building face.
- Duplex units 3: bldg front faces over 18.7 meters from property line, 38.5m to neighbour's bldg face
- Duplex units 2: bldg front faces over 23 meters from property line, 38.5m to neighbour's bldg face.

These significant distances come from a proposal that voluntarily exceeds neighbouring zoned standards of front yards, rear yards, and side yards. Graphically these distances result in the proposal section shown below demonstrating the actual distances relative to building side elevations. The distances are dramatic, far exceeding expectations.



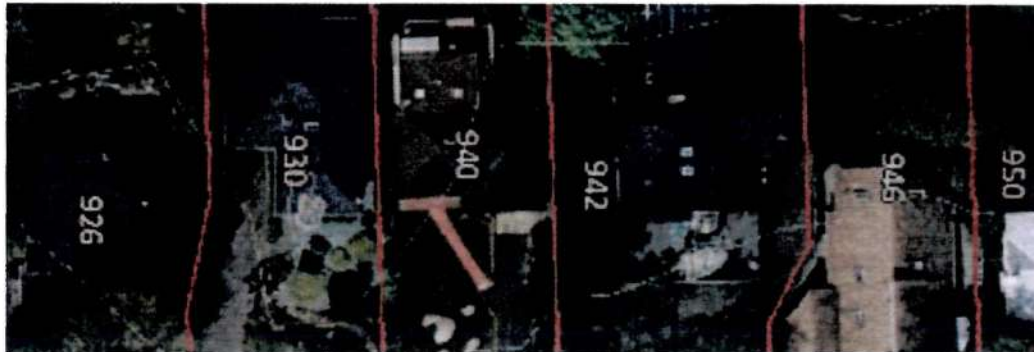
In addition, intentionally, no primary living spaces have windows overlooking the sideyards in this proposal.

Side yards

It should also be noted that another form of comparison of perceived privacy is understood from the sideyard setbacks. In this context, each surrounding R1-A or R1-B zone, the min side yard set back is 3m, so potentially homes could exist where there is 6m between building faces. Here again, the proposal provides the following distances between building faces;

- Duplex units 6 & 7: bldg faces $\pm 20.4\text{m}$ and $\pm 18.2\text{m}$ to neighbours building face
- Duplex units 4 & 5: (central building, internal to project, no impact on neighbours).
- Duplex units 2 & 3: bldg front faces over 12.4 meters and 7.4m to neighbours bldg face.

Once again, demonstrating this graphically reveals the much greater privacy between dwellings than existing zoning would create, and more privacy than existing neighbours currently enjoy. The diagram below demonstrates the Richmond Road Street edge adjacent to our proposal for 1745 Rockland Road.



The proposed streetscape shown above demonstrates the proposals more generous spacing of residences. We must also note that this "streetscape" is internal, and completely concealed from both Richmond and Rockland Roads.

All homes typically look into their neighbour's rear yards, and rear yard areas are also typically beside neighbouring rear yard areas, therefore compromising one's conversational privacy outdoors. In this proposal, neighbours private outside spaces are adjacent to this proposal's unoccupied side yards. In the other direction, a neighbouring private rear yard area is adjacent to our "unoccupied" and very generous front yard setbacks. It would appear that this proposal significantly exceeds privacy that could be anticipated by the current zoning(s) – all of them.

d) Sound

These very large distances are significant when mitigating noise (vehicles or conversation) which diminishes by the distance squared.

"Sound pressure is inversely proportional to the distance of the point of measurement from the source, so that if we double the distance we halve the sound pressure".

Sound Energy Quantities:

Sound intensity, sound energy density,

sound energy, acoustic power:

Inverse Square Law $1/r^2$

In a neighbourhood where rear yard building faces could be 15m from each other and meet zone regulations, we have a solution that is providing over double that distance; 40.3m, 38.5m, 38.5m, and one location just under double that distance: 28.9m. Similarly, our side yard distances also exceed acceptable zone standards and in some locations, these too, are over double the acceptable standards. The vehicle sound source location varies significantly from that which would be acceptable in this neighbourhood. Any home would be permitted to have a family car in a front yard driveway, or have a

driveway that passes by a home to enter a garage in their rear yard area. The proposed development places cars typically well away from neighbours windows, and far exceeding distances that would typically arise from cars in front yard driveways, or in rear access driveways.

The loudest sounds from cars are typically generated at their locking and unlocking (a high frequency alarm's beep), or from a car engine starting. In this proposal, these distances from vehicle parking where these sounds would be generated are well in excess the distance that is acceptable in these zones. Where a car could park within mere meters of a neighbouring window, this proposal provides the following distances from the sound source - the commonly parked car in a driveway, in front of a garage (not even an official stall) – to the closest window of a neighbouring residence: 19.8m, 35m, 35m , 26m, 26.9m, 35.5m, 9.2m. This averages $\pm 25m$ and exceeds that which would occur under the compared zones – all of them.

It should be noted that 976 Richmond Road has expressed a concern over the potential noise of vehicles passing their home in the proposed access lane. They have suggested, through a friend and consultant, that portions of this fence be built of concrete components similar to a sound attenuating barrier along a highway. The Developer has accepted this request and this portion of fencing has been demonstrated on revised landscaping plans. By the paragraph above this would appear completely acceptable in all of these zones.

5. ARCHITECTURAL INTENT, DESIGN RESOLUTION

The fabric of this community consists primarily of medium to large single family homes, where low-density residential infill development, such as duplex or small scale townhomes, as set out in the OCP have been given consideration where appropriate. For the owners of the existing heritage house, the developer, and the design team, the form and character of the new buildings, including sitting, scale, massing, exterior finish and detailing, must be sympathetic to its built and natural surroundings. There is no desire to impose on surrounding properties, especially those with heritage significance, nor undermine their prominence from the street.

A) Site Design

This proposal develops a site area of an existing competitive size tennis court, deep in the lot, and hidden within the property from both Richmond and Rockland Roads. The Court provides a large, clear, level area suitable for new development. This tennis court is 665.5 m² of asphalt in area. 7163 ft² of site coverage of a hard surface without the ability to absorb, retain, or even control its water run off. This water run off has also provided significant volumes of overland water flow into neighbouring rear yards.

As a comparison, the new development has a site coverage of 507 m² of new buildings. A reduction of this site coverage. Or one could compare the tennis court area with new planned paved areas. In this comparison, the former tennis court area of 665 m² would compare with the 709m² of all roads, all parking areas, all driveways, and pathways combined. The roads, however, are internally drained and will prevent surface water run off from all driveway surfaces. The buildings will, as expected, take all roof water flows and channel this volume to perimeter storm water systems. This development will therefore positively improve the current overland water flow issues that the owners became aware of only after interviewing the neighbours through this process. That tennis court over time has provided difficulties to neighbouring properties. We are amending this "found" issue.



Access location

This site has the unique benefit of access from two streets, therefore the new development will be accessed from Richmond Road. The new development is completely concealed from Rockland Road. In addition, the original home will be spared the usual condition of having to drive past it on a generous width road bed in order to new work typically built in rear yard portions. In this proposal a private lane off of Richmond Road will serve these new residences. This new access lane travels 71 meters into the property from Richmond Road before the face of the first garage door, ensuring this new "streetscape" is completely concealed from Richmond Road. Being concealed from both roads dramatically lowers the imposition of this project on the greater neighbourhood.

B) Housing Type

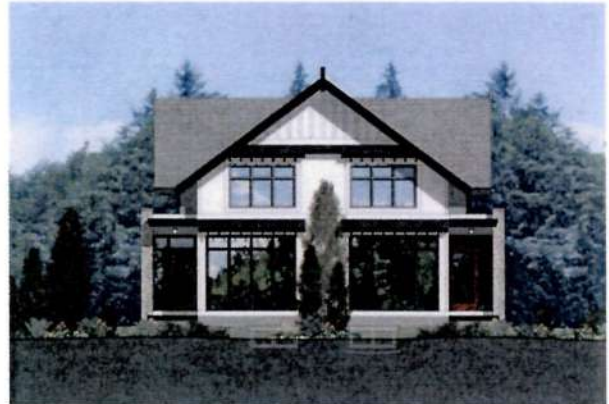
A duplex is a remarkable vehicle for providing the qualities of a single-family home in a typically more affordable manner. There is little or no compromise to the qualities of space, both indoors and extending outwards to private green spaces. The two plus bedroom homes are well suited to couples, young families, empty nesters and everyone in between. While children can play outdoors on quiet, safe drives with little traffic, the site is equally well-suited to those wanting an in-town locale but appreciative of the quietness that this retreat-like setting will provide being so removed from the neighbouring roads.

C) Architecture

The form and character of the new buildings are intended to respect this well-established neighbourhood. Much of the gable roof top and upper storeys reflect the more traditional architectural expressions and details of the neighbourhood context and tend to remain the most visible. The building volume takes a gable ended traditional roof with gable ended dormers referenced from the original heritage home, and places this volume on a flat roofed plinth similar to the original home.

As your eye travels down the exterior façade from this traditional roof to the building lines and glazing patterns of the lower storeys, the design evolves into a more contemporary expression, yet still reflecting those traditional materials and proportions. They present a more modern, more generously glazed, cleaner lined composition on this lower level. It is at the lower level that traditional stone is used, similar to heritage home and other homes in the community, to draw attention. Here that strong reference to the past (the stone) is used to define the proposals modern edge. A juxtaposition. A planned one.

Windows on the main floor, in keeping with contemporary open interior design, and a desire to maximize views, are generous in height. Provide a greater connection with the outside natural setting. They extend the more traditional window proportions of the upper, more private and traditional storeys. This is demonstrated best in the rear facades, and the front entry areas of the front facades.

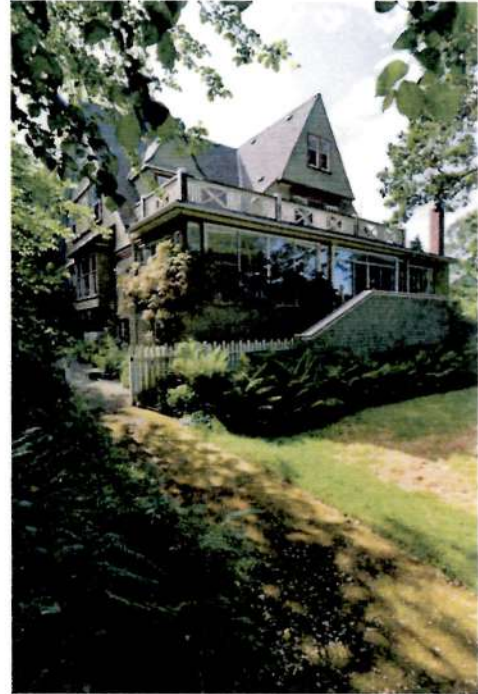


d) Response to Heritage Home

The City has asked how our design "is responsive to heritage home". The designated heritage home is designed by known respected architect, and is unique. We want to preserve that uniqueness - not copy or build on it. We wish to protect its uniqueness and this is the standard approach towards heritage buildings accepted worldwide, and as stated in the guide to the conservation of heritage buildings: new work is to be distinct so as to make clear that which is heritage from that which is new. But it can be the generator of some criteria, some design references. One just has to be careful NOT to reproduce it.



The original home contains gable ended main roofs and subordinate perpendicular gable ended dormer roofs. The original home places this roof over flat roof sections of the main floor. This basic volume was in fact the design influence for the new bldgs that were to respect but not copy that original home.



Our new buildings feature a prominent gable ended main roof, and twin perpendicular subordinate dormer roofs, each gable ended. The roof forms the same volume in plan as the original home. In addition, the roof volumes sits above the flat roofed main floor below as does the original home.

The main facade of the heritage home presents three part window divisions, as do the new buildings. The subordinate side gables of the heritage home offer two part divided windows, as do the new buildings. The original home contains stone feature elements on the ground floor to define key features and call attention to the main entry. So too, do the new buildings draw attention to the main entry by the use of stone features. Special attention should be noted here, that we do not use stone to appoint the garage entry. This element is slightly recessed, and purposefully understated. It is the front door to which the design brings one's focus.

In addition, many more design references were taken from the neighbourhood in order to blend with the larger neighbourhood's context and character as a whole. Features, trim patterns, materials, and typical design style were all considered. It was important to have some design references from the main house but not too many so as to seem as if we would undermine its uniqueness, and to have many design elements drawn from neighbourhood inspiration to ensure a "fit" that should result in these buildings being perceived as "always being there" as time passes.

e) Exterior finishes

The City has asked us to reconsider exterior finishes for durability and their fit with the heritage home. The exterior materials engaged are stone, cement based stucco with fine stone dashing, and solid wood trim. This same material palette is used extensively throughout Victoria, and is present on numerous, if not most, heritage homes. Many of which have lifetimes extending beyond 100 years. Few materials can exceed the durability of stone, or cement based stucco with fine stone dashing.

The exterior of the "Ashton" is unique, and green in colour. As this colour is unique its repeated use may detract from that uniqueness. In addition, this is the colour of the Ashton today. Tests have not been conducted on site to verify if this is in fact the original intent for the Ashton.



f) Varying housing design

The City has requested the owners consider different building designs for each building. Typically, zoning statements advocate that multi-family residential buildings project a cohesive, uniform architectural response. And that when a heritage building is present, that it provides some of those design references to tie the composition together. The proposed solution does make design reference to the existing designated residence, and also takes numerous references from the Rockland Neighbourhood as a whole.

We have illustrated in the previous page that the proposal has been edited to include three colour schemes for exterior materials to increase some variables in the buildings, and yet will also have both façade design and a selection of stonework and trim which carries over from building to building to tie the composition together. Individual colour schemes for the three buildings provide distinction on the more intimate scale of a resident returning to their "home". Three different driveway approaches also ensure a more individual setting to each new building. And at no time is the existing heritage home or its setting changed in anyway.

g) Paving materials

The City has asked that we not consider brick pavers because of their limited weight bearing potential. It should be noted that brick pavers can be used for full weight bearing capacity requirements of municipal roads, and can be engineered to withstand all imposed loads. The road base is engineered for the purposes intended. A local example: At the Selkirk Waterfront all roads are capable of municipal traffic and no vehicle damage has resulted over the years. What does result is the ability to lift the paving materials to amend the services below grade, and reinstall the paving materials.

The driveway at 1745 Rockland was designed as a fire access route to support fire fighting vehicles and would have handled those imposed loads. During the technical review, the Fire Department identified that sprinklering the buildings in exchange for this fire access route was permitted. The revised proposal exercises this option to sprinkler the buildings. As a result revised drawings reduce the width of the roadbed, and increase the landscaping by approximately 2000 ft2 over the original proposal. This was a good outcome, and a pleasure to amend the drawing herein.

Conclusion

We trust that the foregoing provides you with sufficient information for the Planning and Land Use Committee. The owners, the elected developer, and the architectural firm will gladly make ourselves available for a full presentation at the PLUC project review, and at any City Council meeting if the members believe this would help provide any further clarity. We certainly find that even though this submission correspondence is lengthy, there is even more design considerations that could be mentioned that have not made the "cut" to be enclosed herein.

We all believe, that this proposal has been designed with utmost care, respect for both the criteria of local zoning, but also the more important subjective criteria important to the neighbourhood. In many cases, as outlined above, we exceed zoning requirements several fold. Should you require additional information or clarification, please do not hesitate to contact us.

Regards,

Hillel Architecture Inc.,



Peter Hardcastle

Addressed to Mayor and Council,

Includes response to Planning Department commentary integrated throughout.

Hillel Architecture Inc.

page 15 of 16



10 DECEMBER 2013

Mayor and Council
CITY OF VICTORIA
1 Centennial Square
Victoria BC V8W 1P6

RE: **Rockland Avenue Residences**
1745 Rockland Avenue, Victoria BC

Hillel
architecture



101 1831 Oak Bay Avenue
Victoria BC V8R 1C3

phone: 250.592.9198
fax: 250.592.9178

Rezoning and Development Permit Applications

Mayor and Council,

We hereby submit, on behalf of developer Parry Street Developments Ltd. appointed by the owners of the property, a rezoning application and a concurrent development permit application for the redevelopment of a mature Rockland area property and the ongoing protection of a designated heritage home.

The subject property is located at 1745 Rockland Avenue and is a through property that connects to Richmond Road. The site is currently occupied by a single-family dwelling of heritage value. A winding path through mature landscaping leads to a large sunbathed tennis court to the rear of the home before eventually connecting to a narrow lane leading down towards Richmond Road. At 4,850 sq.m., the proposed site is generous though it largely remains concealed from both streets, and most of the surrounding neighbouring properties due to mature landscaping well above a storey in height.



Hillel Architecture Inc.

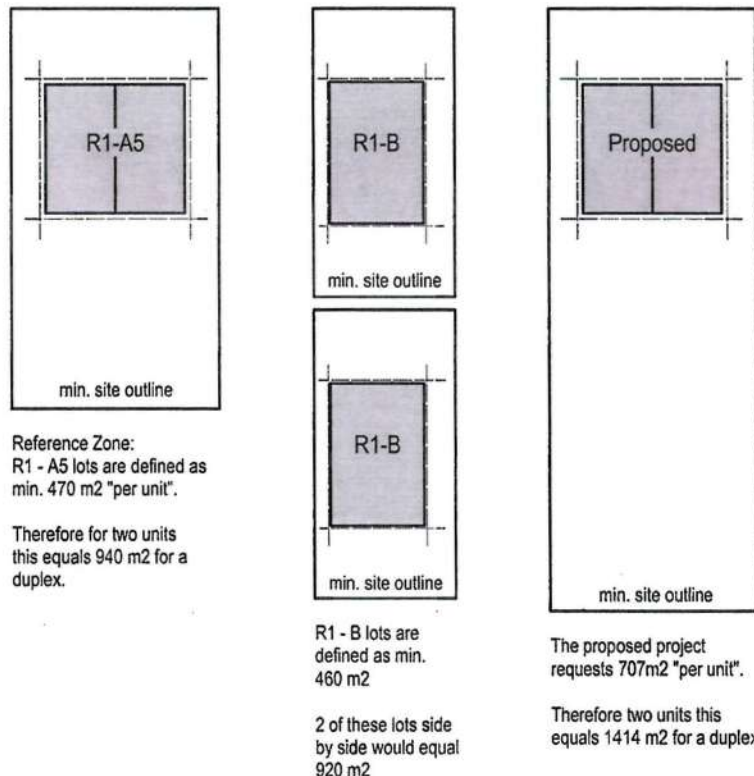
page 1 of 6

The site has been owned by a local family for generations and their ownership will remain; however, they have an opportunity to benefit from the careful redevelopment of the site, and in particular, the rear portion of the property currently occupied by a competitive size tennis court no longer enjoyed by the family. The proposed redevelopment of the site is designed to respect the prominence, siting and views associated with the original home, which is in keeping with design guidelines for low-density residential infill development, while providing an opportunity to create three two-family dwellings, sympathetic to surrounding buildings and landscape patterns.



CONTEXT

Currently, the site has two zone designations applied over portions of the property: R1-A and R1-B. Subsequent to a number of discussions with planning staff at the City of Victoria, preliminary discussions with the Rockland Neighbourhood Association and taking into consideration input received from surrounding neighbours, a site specific zone is being requested for the whole site, based on a modified R1-A5 zone, to permit the creation of 7 strata-titled units, to cover the existing heritage house and six new residences, each with exclusive parking spots and private green spaces. The R1-A5 zone, Rockland (St Charles) Townhouse District was deemed to be the most suitable for the site, for comparative purposes.



Over the course of developing the proposed scheme, a detailed analysis of other R1-B properties in close proximity was undertaken in an effort to better understand the context of the Rockland neighbourhood and expectations for future infill development. This included a review of a more traditional four-lot subdivision of fee simple lots at the rear of the property as an alternative to the three duplexes being pursued. The developer initiated a series of one on one interviews with neighbouring property owners, detailed drawings in hand, and of the 23 interviews which took place, 22 were supportive of the proposal to develop three duplexes. The 23rd interview was affected by a change in ownership although the new owners have since been informed about the proposal. The neighbours appreciated the comprehensive, more controlled yet shared approach to site planning, circulation, building design and landscape design that the creation of fee simples lots, separately developed and fenced, would not bring to the property.

The fabric of this community consists primarily of medium to large single-family homes, where low-density residential infill development, such as duplex or small-scale townhomes, have been given consideration where appropriate. For the owners of the existing heritage house and the design team, the form and character of the new buildings, including sitting, scale, massing, exterior finish and detailing, must be sympathetic to its built and natural surroundings. There is no desire to impose on surrounding buildings, especially those with heritage significance, nor undermine their prominence from the street.



SITE DESIGN

An existing competitive size tennis court deep and hidden within the property, provides a large, clear, level area suitable for new development.

Because the site has the unique benefit of access from two streets, the new development will be accessed from Richmond Road and the original home will be spared the usual condition of having to drive past it to access the residences beyond. A private road off Richmond Road, incorporated into the landscape design, will serve the new residences. This new access lane travels 71 meters into the property before the face of the first garage door, ensuring this new "streetscape" is very private completely concealed from Richmond Road.

The proposed scheme is based on three new buildings, each with a footprint similar in scale and density to those of surrounding properties. Each building is a two-family dwelling, for a total of 6 new residences. Each residence benefits from a private garage, a designated guest parking stall, and each private driveway is long enough to accommodate additional cars if necessary. The purpose here is to reassure neighbours, who expressed their concern over an abundance of street parking related to school activities close by, that this property is capable of handling its parking demand internally.



While sufficient breathing room has been considered for the existing heritage house, the proposed new development would be equally respectful of neighbouring properties and their need for privacy and access to views and natural light. The separation space between the new buildings and the new buildings and adjacent property lines has been carefully considered and mature, tall, trees and well established landscaping will remain in place to mitigate views between properties and between existing and new dwellings. Particular emphasis was paid to the sitting, exposure and quality of exterior patio and other social spaces.

HOUSING TYPE

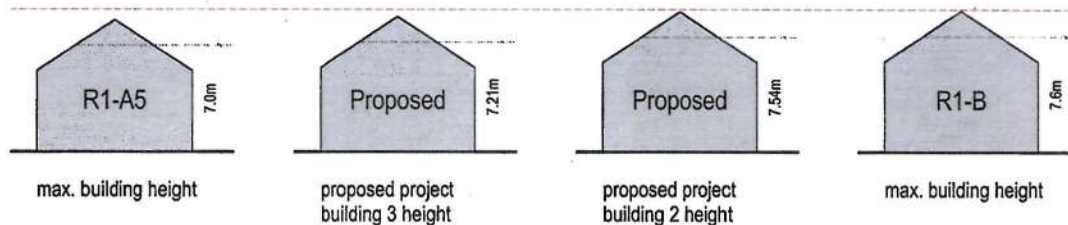
A duplex is a remarkable vehicle for providing the qualities of a single-family home in a typically more affordable manner. There is little or no compromise to the qualities of space, both indoors and extending outwards to green space. The two plus bedroom homes are well suited to couples, young families, empty nesters and everyone in between. While children can play outdoors on quiet, safe drives with little traffic, the site is equally well-suited to those wanting an in-town locale but appreciative of the quietness that this retreat-like setting will provide being so removed from the neighbouring roads.

PARKING

The amount of off-street parking provided exceeds the minimum requirements. A minimum of two spaces per dwelling has been provided along with additional spaces for visitors. Because the new residences are set back from Richmond Road, guests entering the private lane must all know with confidence, that when they enter this property that sufficient parking is available. Off-street parking has been designed to respect the existing and mature natural landscape features and will be incorporated into the new landscape design for the site, using high quality, permeable and durable paving materials.

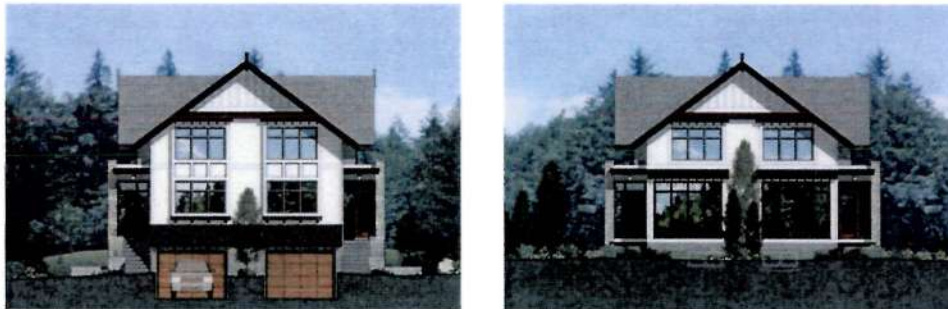
BUILDING HEIGHT

The buildings vary modestly in building height relative to calculated average grade, from a height of 7.21m to 7.54m. They have been designed to respect surrounding development and permitted building heights. Comparatively speaking, they are higher than the maximum permitted building height of 7.0 m defined in the R1-A5 zone but lower than the maximum building height of 7.6 m defined by the R1-B zone as illustrated in the diagram below.



ARCHITECTURE

The form and character of the new buildings are intended to respect this well-established neighbourhood. Much of the gable roof top and upper storeys reflect the more traditional architectural expressions and details of the neighbourhood context and tend to remain the most visible. As your eye travels down the exterior façade, the building lines and glazing patterns of the lower storeys, though more contemporary in their expression, still reflect traditional materials, including the introduction of stone masonry elements. Windows on the main floor, in keeping with open concept living, a more contemporary approach to interior design and a desire to maximize views, access to natural light and the connection to outdoor living spaces, are generous in height, extending the more traditional window proportions of the upper, more private storeys.



The palette of exterior materials, finishes and colour extends this more modern approach to tradition. From the details of how doors and window are trimmed, to stucco cladding, stone masonry features at the base and the warmth of clear finish fir entry and garage doors, the integrity and durability of materials and finishes will be paramount to the success of the project. The colour scheme is subdued and a blend of more traditional and natural tones which tend to age and weather well. The residences have been designed to nestle in to their surroundings as opposed to standing out in sharp contrast.

GREEN INITIATIVES

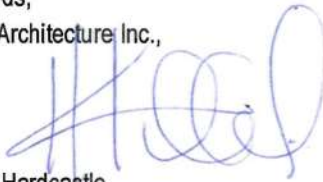
The proposed development will be built to Built Green BC standards. In addition, emphasis will be placed on:

- local and resourceful material selection
- water-conserving plumbing fixtures
- energy efficient / energy star appliances and fixtures
- low or zero VOC paints, finishes, and adhesives
- electric or gas fired radiant in-floor heating
- careful selection of windows to meet the BC Energy Efficiency Act
- native species landscaping

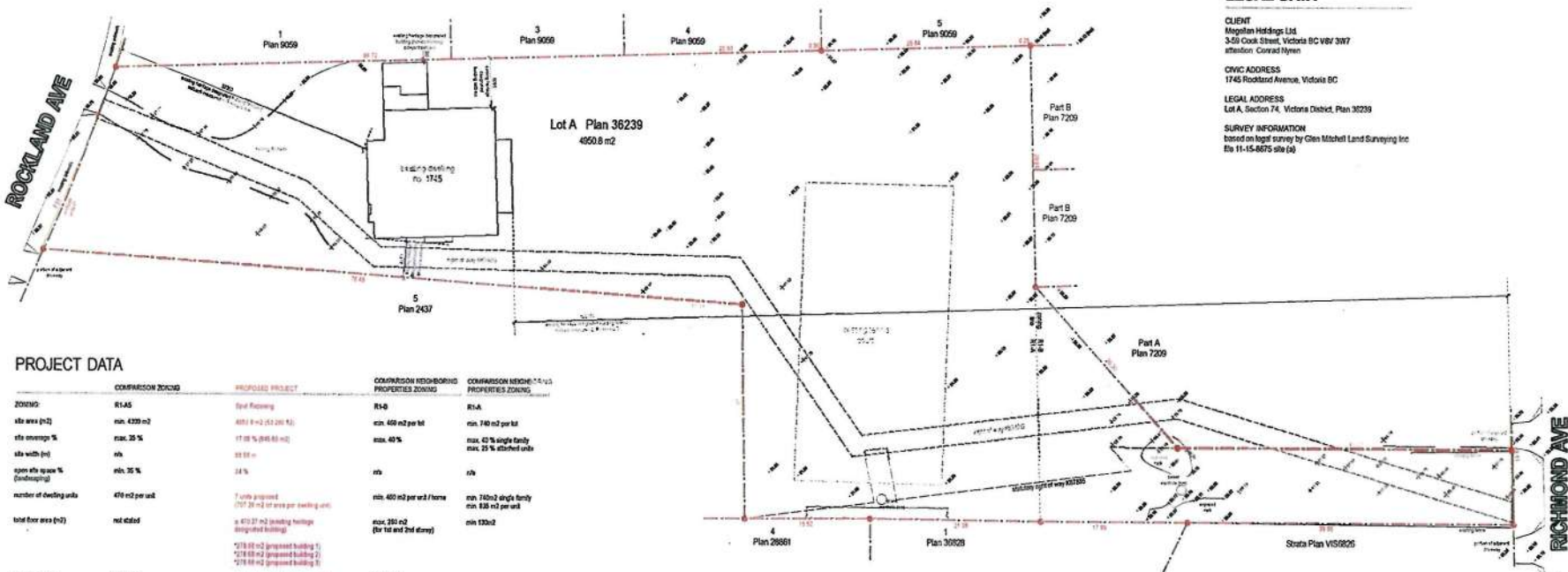
We trust that the foregoing provides you with enough information to proceed with your review process. Should you require additional information or clarification, please do not hesitate to contact us.

Regards,

Hillel Architecture Inc.,



Peter Hardcastle



PROJECT DATA

| COMPARISON ZONING | PROPOSED PROJECT | COMPARISON NEIGHBORING PROPERTIES ZONING | COMPARISON NEIGHBORING PROPERTIES ZONING |
|------------------------------------|--|---|--|
| ZONING: | R1-A5 | R1-B | R1-A |
| site area (m ²) | min. 4200 m ² | min. 400 m ² per lot | min. 740 m ² per lot |
| site coverage % | max. 35 % | max. 40 % | max. 40 % single family |
| site width (m) | n/a | n/a | max. 25 % attached units |
| open site space % (undeveloped) | n/a | n/a | n/a |
| number of dwelling units | 470 m ² per unit | min. 400 m ² per unit / home | min. 120m ² single family |
| total floor area (m ²) | not stated | max. 350 m ² (for lot and 2nd story) | min. 130m ² |
| floor space ratio | not stated | not stated | not stated |
| height of building (m) | max. 10.0 m (Buildings built before 1992) max. 7.0 m (Buildings built after 1992) | max. 7.0 m | max. 7.0 m 2 1/2 stories |
| number of stories | 2 stories (Buildings built after 1992) | 2 stories | 2 stories |

| PARKING: | PROPOSED PROJECT | COMPARISON NEIGHBORING PROPERTIES ZONING | COMPARISON NEIGHBORING PROPERTIES ZONING |
|------------------------|---|---|---|
| parking stalls on site | 1.5 spaces per dwelling unit and at least 18 spaces total | 18 spaces total (8 = 10 water spaces) 3 existing spaces + 4 guest spaces for existing heritage designated building & 2 spaces + 2 guest spaces for each new family dwelling (at three proposed buildings) | 18 spaces total (8 = 10 water spaces) 3 existing spaces + 4 guest spaces for existing heritage designated building & 2 spaces + 2 guest spaces for each new family dwelling (at three proposed buildings) |
| bicycle parking | n/a | 1 per residential unit | n/a |
| visitor parking | n/a | 10 visitor spaces, reflected in table above (an additional 4 spaces in residential driveway for occasional use are not counted) | n/a |

| SETBACKS EXISTING HERITAGE DESIGNATED BUILDING | PROPOSED PROJECT | COMPARISON NEIGHBORING PROPERTIES ZONING | COMPARISON NEIGHBORING PROPERTIES ZONING |
|--|------------------|--|--|
| front (west) | 10.5 m | 12.2 m (existing from Rockland Road) | 10.5 m |
| side (north & south) | 3.0 m | 4.5 m (combined) | 4.5 m (combined) |

| SETBACKS PROPOSED BUILDINGS | PROPOSED PROJECT | COMPARISON NEIGHBORING PROPERTIES ZONING | COMPARISON NEIGHBORING PROPERTIES ZONING |
|------------------------------------|------------------|--|--|
| rear (east) | 7.5 m | 7.5 m (or 20% of lot depth, whichever is greater) | 7.5 m |
| side (north & south) | 3.0 m | 5.0 m (existing) 3.0 m (proposed) | 3.0 m (combined) |
| separation space between buildings | not stated | 5.0 m "gap" between all three proposed buildings 30.37 m from building 1 to existing heritage designated building 20.00 m from building 1 to existing heritage designated building | not stated |

| RESIDENTIAL UNITS: PROPOSED NEW BUILDINGS | PROPOSED PROJECT | COMPARISON NEIGHBORING PROPERTIES ZONING | COMPARISON NEIGHBORING PROPERTIES ZONING |
|---|-------------------------|--|--|
| min. unit size (m ²) | min. 120 m ² | min. 120 m ² | min. 70.0 m ² |
| 2 bed m + den (ground enclosed access) | n/a | n/a | n/a |
| total units | n/a | n/a | n/a |

| FLOOR AREAS: PROPOSED BUILDINGS | building 1 (units 1 & 2) | building 2 (units 3 & 4) | building 3 (units 5 & 6) |
|--|--------------------------|--------------------------|--------------------------|
| lower (garage) floor | 120.37 m ² | 120.37 m ² | 120.37 m ² |
| main (1st) floor area | 120.31 m ² | 120.31 m ² | 120.31 m ² |
| upper (2nd) floor area | 120.34 m ² | 120.34 m ² | 120.34 m ² |
| *1st + 2nd levels total floor area | 240.65 m ² | 240.65 m ² | 240.65 m ² |
| *All Three Proposed Buildings Combined | 720.96 m ² | | |



LEGAL DATA

CLIENT:
Magellan Holdings Ltd
3-58 Cook Street, Victoria BC V8V 3W7
attention: Conrad Nymen

CIVIC ADDRESS:
1745 Rockland Avenue, Victoria BC

LEGAL ADDRESS:
Lot A, Section 74, Victoria District, Plan 36239

SURVEY INFORMATION:
based on legal survey by Glen Mitchell Land Surveying Inc.
file 11-15-6675 site (a)

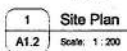


2 Site Context Plan
A1.0 Scale: 1:1000



| DATE | DESCRIPTION | APPROVED BY |
|------------|----------------------------|-------------|
| 10/06/2014 | Project Data / Site Survey | [Signature] |
| 10/06/2014 | Project Data / Site Survey | [Signature] |
| 10/06/2014 | Project Data / Site Survey | [Signature] |
| 10/06/2014 | Project Data / Site Survey | [Signature] |
| 10/06/2014 | Project Data / Site Survey | [Signature] |

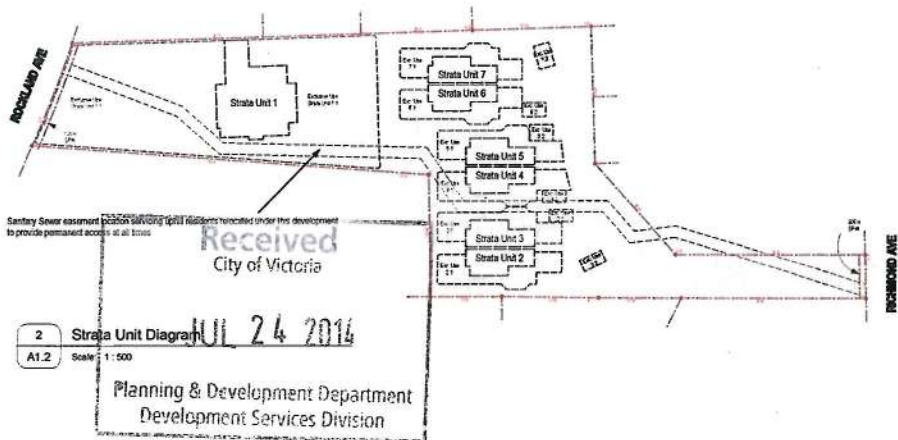
REZONING PERMIT APPLICATION SUBMISSION
1745 ROCKLAND AVENUE TOWNHOUSES
1745 ROCKLAND AVENUE, VICTORIA BC

[illegible]

| Average Grade Calculation - Proposed Building 1 | | | | | | | |
|---|-------|-------|-------|----------|-------|--------------|---------------------|
| Segment | Start | End | Area | Distance | Area | Total Factor | Avg grade (feet/ft) |
| CG1 | 25.11 | 25.12 | 20.33 | 4.94 | 54.74 | | |
| CG2 | 25.12 | 25.13 | 20.33 | 4.94 | 54.74 | | |
| CG3 | 25.13 | 25.14 | 20.33 | 4.94 | 54.74 | | |
| CG4 | 25.14 | 25.15 | 20.33 | 4.94 | 54.74 | | |
| CG5 | 25.15 | 25.16 | 20.33 | 4.94 | 54.74 | | |
| CG6 | 25.16 | 25.17 | 20.33 | 4.94 | 54.74 | | |
| CG7 | 25.17 | 25.18 | 20.33 | 4.94 | 54.74 | | |
| CG8 | 25.18 | 25.19 | 20.33 | 4.94 | 54.74 | | |
| CG9 | 25.19 | 25.20 | 20.33 | 4.94 | 54.74 | | |
| CG10 | 25.20 | 25.21 | 20.33 | 4.94 | 54.74 | | |
| CG11 | 25.21 | 25.22 | 20.33 | 4.94 | 54.74 | | |
| CG12 | 25.22 | 25.23 | 20.33 | 4.94 | 54.74 | | |
| CG13 | 25.23 | 25.24 | 20.33 | 4.94 | 54.74 | | |
| CG14 | 25.24 | 25.25 | 20.33 | 4.94 | 54.74 | | |
| CG15 | 25.25 | 25.26 | 20.33 | 4.94 | 54.74 | | |
| CG16 | 25.26 | 25.27 | 20.33 | 4.94 | 54.74 | | |
| CG17 | 25.27 | 25.28 | 20.33 | 4.94 | 54.74 | | |
| CG18 | 25.28 | 25.29 | 20.33 | 4.94 | 54.74 | | |
| CG19 | 25.29 | 25.30 | 20.33 | 4.94 | 54.74 | | |
| CG20 | 25.30 | 25.31 | 20.33 | 4.94 | 54.74 | | |
| CG21 | 25.31 | 25.32 | 20.33 | 4.94 | 54.74 | | |
| CG22 | 25.32 | 25.33 | 20.33 | 4.94 | 54.74 | | |
| CG23 | 25.33 | 25.34 | 20.33 | 4.94 | 54.74 | | |
| CG24 | 25.34 | 25.35 | 20.33 | 4.94 | 54.74 | | |
| CG25 | 25.35 | 25.36 | 20.33 | 4.94 | 54.74 | | |
| CG26 | 25.36 | 25.37 | 20.33 | 4.94 | 54.74 | | |
| CG27 | 25.37 | 25.38 | 20.33 | 4.94 | 54.74 | | |
| CG28 | 25.38 | 25.39 | 20.33 | 4.94 | 54.74 | | |
| CG29 | 25.39 | 25.40 | 20.33 | 4.94 | 54.74 | | |
| CG30 | 25.40 | 25.41 | 20.33 | 4.94 | 54.74 | | |
| CG31 | 25.41 | 25.42 | 20.33 | 4.94 | 54.74 | | |
| CG32 | 25.42 | 25.43 | 20.33 | 4.94 | 54.74 | | |
| CG33 | 25.43 | 25.44 | 20.33 | 4.94 | 54.74 | | |
| CG34 | 25.44 | 25.45 | 20.33 | 4.94 | 54.74 | | |
| CG35 | 25.45 | 25.46 | 20.33 | 4.94 | 54.74 | | |
| CG36 | 25.46 | 25.47 | 20.33 | 4.94 | 54.74 | | |
| CG37 | 25.47 | 25.48 | 20.33 | 4.94 | 54.74 | | |
| CG38 | 25.48 | 25.49 | 20.33 | 4.94 | 54.74 | | |
| CG39 | 25.49 | 25.50 | 20.33 | 4.94 | 54.74 | | |
| CG40 | 25.50 | 25.51 | 20.33 | 4.94 | 54.74 | | |
| CG41 | 25.51 | 25.52 | 20.33 | 4.94 | 54.74 | | |
| CG42 | 25.52 | 25.53 | 20.33 | 4.94 | 54.74 | | |
| CG43 | 25.53 | 25.54 | 20.33 | 4.94 | 54.74 | | |
| CG44 | 25.54 | 25.55 | 20.33 | 4.94 | 54.74 | | |
| CG45 | 25.55 | 25.56 | 20.33 | 4.94 | 54.74 | | |
| CG46 | 25.56 | 25.57 | 20.33 | 4.94 | 54.74 | | |
| CG47 | 25.57 | 25.58 | 20.33 | 4.94 | 54.74 | | |
| CG48 | 25.58 | 25.59 | 20.33 | 4.94 | 54.74 | | |
| CG49 | 25.59 | 25.60 | 20.33 | 4.94 | 54.74 | | |
| CG50 | 25.60 | 25.61 | 20.33 | 4.94 | 54.74 | | |

[illegible]

| Grade Point Average Calculations | | | | | | | | |
|----------------------------------|--------------------|----------------|------------|--------------------|----------------|------------|--------------------|----------------|
| Building 1 | | | Building 2 | | | Building 3 | | |
| Course | Ending Point Grade | Proposed Grade | Course | Ending Point Grade | Proposed Grade | Course | Ending Point Grade | Proposed Grade |
| A | 38.14 | 38.14 | A | 38.14 | 38.14 | A | 38.14 | 38.14 |
| B | 37.14 | 37.14 | B | 37.14 | 37.14 | B | 37.14 | 37.14 |
| C | 36.14 | 36.14 | C | 36.14 | 36.14 | C | 36.14 | 36.14 |
| D | 35.14 | 35.14 | D | 35.14 | 35.14 | D | 35.14 | 35.14 |
| E | 34.14 | 34.14 | E | 34.14 | 34.14 | E | 34.14 | 34.14 |
| F | 33.14 | 33.14 | F | 33.14 | 33.14 | F | 33.14 | 33.14 |
| G | 32.14 | 32.14 | G | 32.14 | 32.14 | G | 32.14 | 32.14 |
| H | 31.14 | 31.14 | H | 31.14 | 31.14 | H | 31.14 | 31.14 |
| I | 30.14 | 30.14 | I | 30.14 | 30.14 | I | 30.14 | 30.14 |
| J | 29.14 | 29.14 | J | 29.14 | 29.14 | J | 29.14 | 29.14 |
| K | 28.14 | 28.14 | K | 28.14 | 28.14 | K | 28.14 | 28.14 |
| L | 27.14 | 27.14 | L | 27.14 | 27.14 | L | 27.14 | 27.14 |
| M | 26.14 | 26.14 | M | 26.14 | 26.14 | M | 26.14 | 26.14 |
| N | 25.14 | 25.14 | N | 25.14 | 25.14 | N | 25.14 | 25.14 |
| O | 24.14 | 24.14 | O | 24.14 | 24.14 | O | 24.14 | 24.14 |
| P | 23.14 | 23.14 | P | 23.14 | 23.14 | P | 23.14 | 23.14 |
| Q | 22.14 | 22.14 | Q | 22.14 | 22.14 | Q | 22.14 | 22.14 |
| R | 21.14 | 21.14 | R | 21.14 | 21.14 | R | 21.14 | 21.14 |
| S | 20.14 | 20.14 | S | 20.14 | 20.14 | S | 20.14 | 20.14 |
| T | 19.14 | 19.14 | T | 19.14 | 19.14 | T | 19.14 | 19.14 |
| U | 18.14 | 18.14 | U | 18.14 | 18.14 | U | 18.14 | 18.14 |
| V | 17.14 | 17.14 | V | 17.14 | 17.14 | V | 17.14 | 17.14 |
| W | 16.14 | 16.14 | W | 16.14 | 16.14 | W | 16.14 | 16.14 |
| X | 15.14 | 15.14 | X | 15.14 | 15.14 | X | 15.14 | 15.14 |
| Y | 14.14 | 14.14 | Y | 14.14 | 14.14 | Y | 14.14 | 14.14 |
| Z | 13.14 | 13.14 | Z | 13.14 | 13.14 | Z | 13.14 | 13.14 |

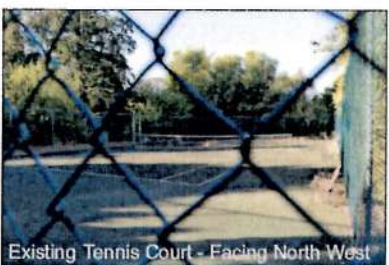


Hillel
architecture



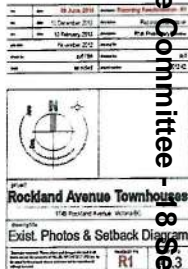
103-499 Oak Bay Avenue
Victoria BC V8R 1K3

phone 250-592-5098
fax 250-592-5079

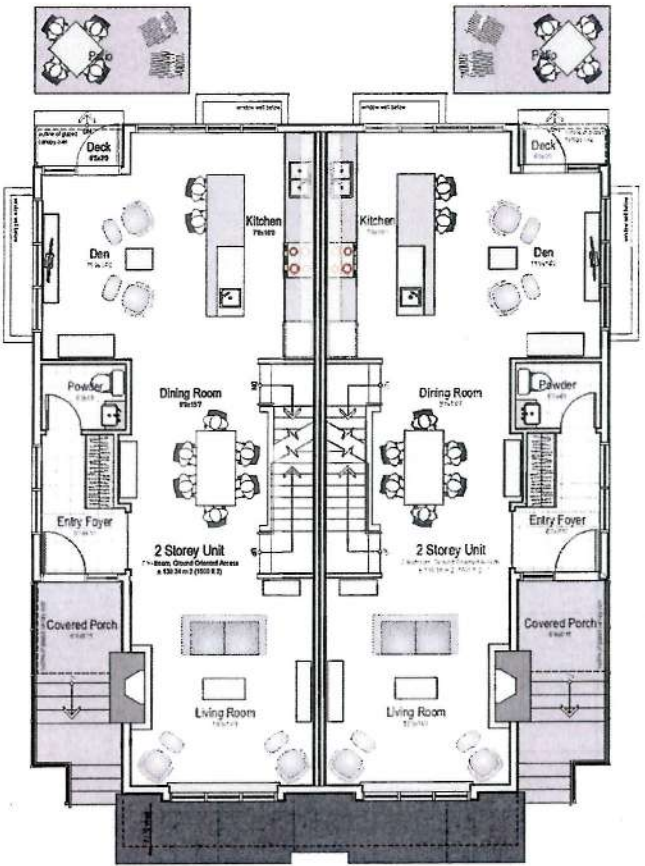


- The lot area surrounding the "Existing Heritage Designated Building" is roughly 1857 m². This area is consistent with R1-A.
- The lot area surrounding the "Proposed Building 1" is roughly 950 m². This area appears to be consistent with neighboring properties.
- The lot area surrounding the "Proposed Building 2" is roughly 825 m². This area appears to be consistent with neighboring properties.
- The lot area surrounding the "Proposed Building 3" is roughly 940 m². This area appears to be consistent with neighboring properties.

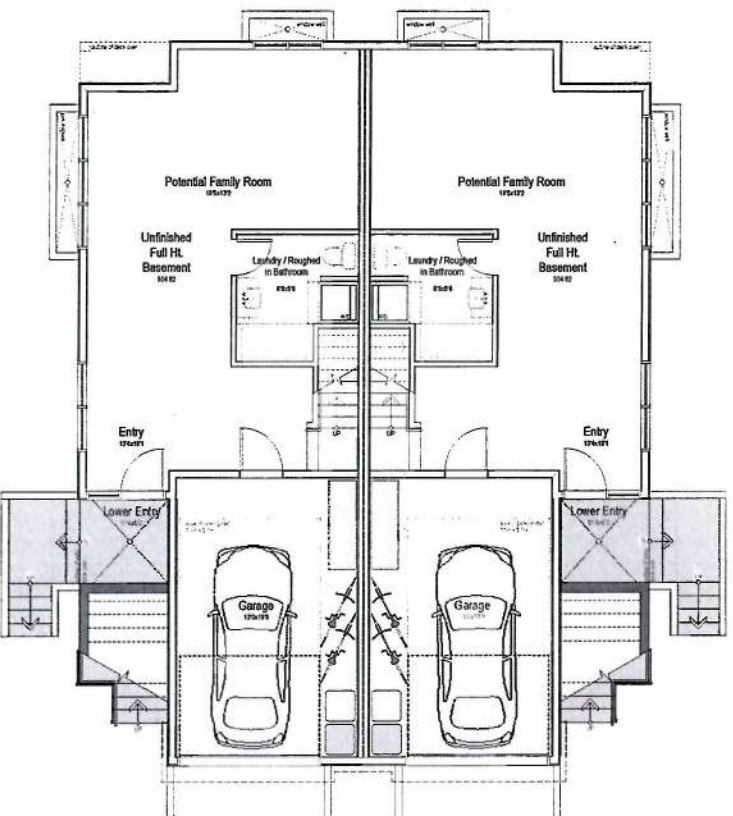
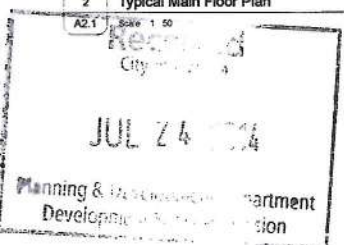
Received
City of Victoria
JUL 24 2014
Planning & Development Department
Development Services Division



Rockland Avenue Townhouses
1745 Rockland Avenue, Victoria BC
Typ. Lower & Main Floor Plans

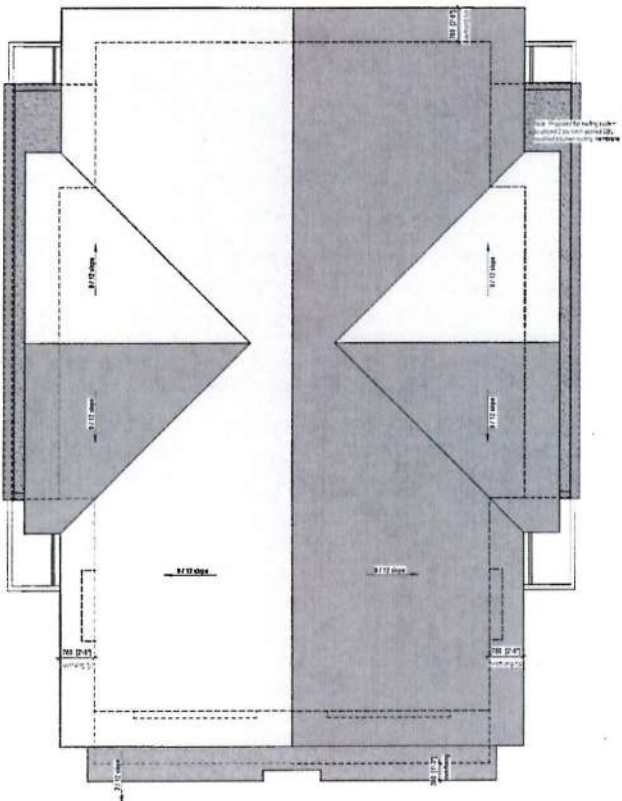


A2.1 Scale 1:50

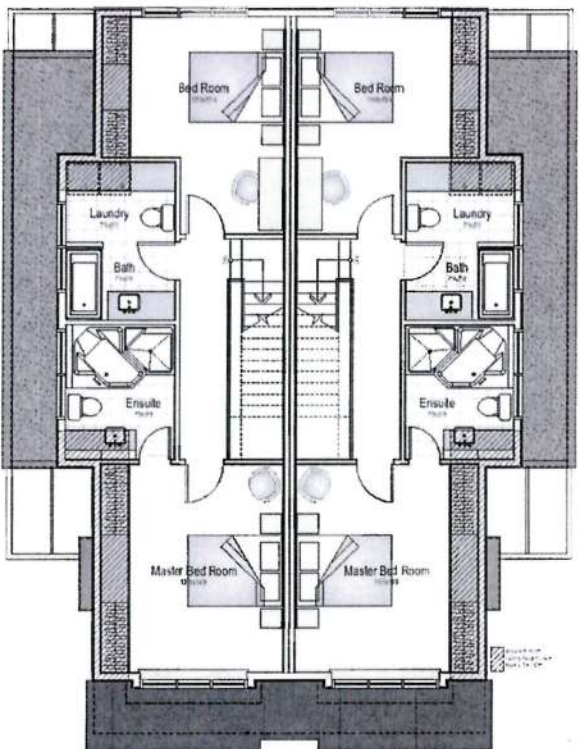


A2.1 Scale: 1 : 50

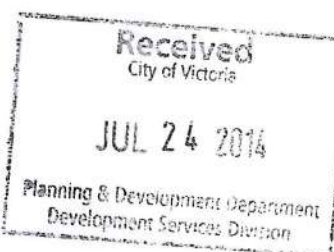
| | | | |
|-----|----|------------------|----------------|
| Rev | 1 | 20 June 2013 | Initial Design |
| Rev | 2 | 10 October 2013 | Revised Design |
| Rev | 3 | 10 February 2014 | Final Design |
| Rev | 4 | 10 February 2014 | Final Design |
| Rev | 5 | 10 February 2014 | Final Design |
| Rev | 6 | 10 February 2014 | Final Design |
| Rev | 7 | 10 February 2014 | Final Design |
| Rev | 8 | 10 February 2014 | Final Design |
| Rev | 9 | 10 February 2014 | Final Design |
| Rev | 10 | 10 February 2014 | Final Design |



2 Typical Roof Plan
 A2.2 Scale: 1:50



1 Typical Upper Floor Plan
 A2.2 Scale: 1:50





1 Concealed Streetscape Elevation
A3.1 Scale: 1 : 100



face of designated heritage building
1715 Rockland Avenue

Position of Building 3 relative to neighboring houses,
not visible from Richmond Avenue or Rockland Avenue

face of neighboring house
830 Richmond Road

2 Property Internal Section
A3.1 Scale: 1 : 200



Colour Scheme A

Colour Scheme B

Received
City of Victoria
JUL 24 2014
Planning & Development Department



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183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 524 | 525 | 526 | 527 | 528 | 529 | 530 | 531 | 532 | 533 | 534 | 535 | 536 | 537 | 538 | 539 | 540 | 541 | 542 | 543 | 544 | 545 | 546 | 547 | 548 | 549 | 550 | 551 | 552 | 553 | 554 | 555 | 556 | 557 | 558 | 559 | 560 | 561 | 562 | 563 | 564 | 565 | 566 | 567 | 568 | 569 | 570 | 571 | 572 | 573 | 574 | 575 | 576 | 577 | 578 | 579 | 580 | 581 | 582 | 583 | 584 | 585 | 586 | 587 | 588 | 589 | 590 | 591 | 592 | 593 | 594 | 595 | 596 | 597 | 598 | 599 | 600 | 601 | 602 | 603 | 604 | 605 | 606 | 607 | 608 | 609 | 610 | 611 | 612 | 613 | 614 | 615 | 616 | 617 | 618 | 619 | 620 | 621 | 622 | 623 | 624 | 625 | 626 | 627 | 628 | 629 | 630 | 631 | 632 | 633 | 634 | 635 | 636 | 637 | 638 | 639 | 640 | 641 | 642 | 643 | 644 | 645 | 646 | 647 | 648 | 649 | 650 | 651 | 652 | 653 | 654 | 655 | 656 | 657 | 658 | 659 | 660 | 661 | 662 | 663 | 664 | 665 | 666 | 667 | 668 | 669 | 670 | 671 | 672 | 673 | 674 | 675 | 676 | 677 | 678 | 679 | 680 | 681 | 682 | 683 | 684 | 685 | 686 | 687 | 688 | 689 | 690 | 691 | 692 | 693 | 694 | 695 | 696 | 697 | 698 | 699 | 700 | 701 | 702 | 703 | 704 | 705 | 706 | 707 | 708 | 709 | 710 | 711 | 712 | 713 | 714 | 715 | 716 | 717 | 718 | 719 | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 | 734 | 735 | 736 | 737 | 738 | 739 | 740 | 741 | 742 | 743 | 744 | 745 | 746 | 747 | 748 | 749 | 750 | 751 | 752 | 753 | 754 | 755 | 756 | 757 | 758 | 759 | 760 | 761 | 762 | 763 | 764 | 765 | 766 | 767 | 768 | 769 | 770 | 771 | 772 | 773 | 774 | 775 | 776 | 777 | 778 | 779 | 780 | 781 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 | 795 | 796 | 797 | 798 | 799 | 800 | 801 | 802 | 803 | 804 | 805 | 806 | 807 | 808 | 809 | 810 | 811 | 812 | 813 | 814 | 815 | 816 | 817 | 818 | 819 | 820 | 821 | 822 | 823 | 824 | 825 | 826 | 827 | 828 | 829 | 830 | 831 | 832 | 833 | 834 | 835 | 836 | 837 | 838 | 839 | 840 | 841 | 842 | 843 | 844 | 845 | 846 | 847 | 848 | 849 | 850 | 851 | 852 | 853 | 854 | 855 | 856 | 857 | 858 | 859 | 860 | 861 | 862 | 863 | 864 | 865 | 866 | 867 | 868 | 869 | 870 | 871 | 872 | 873 | 874 | 875 | 876 | 877 | 878 | 879 | 880 | 881 | 882 | 883 | 884 | 885 | 886 | 887 | 888 | 889 | 890 | 891 | 892 | 893 | 894 | 895 | 896 | 897 | 898 | 899 | 900 | 901 | 902 | 903 | 904 | 905 | 906 | 907 | 908 | 909 | 910 | 911 | 912 | 913 | 914 | 915 | 916 | 917 | 918 | 919 | 920 | 921 | 922 | 923 | 924 | 925 | 926 | 927 | 928 | 929 | 930 | 931 | 932 | 933 | 934 | 935 | 936 | 937 | 938 | 939 | 940 | 941 | 942 | 943 | 944 | 945 | 946 | 947 | 948 | 949 | 950 | 951 | 952 | 953 | 954 | 955 | 956 | 957 | 958 | 959 | 960 | 961 | 962 | 963 | 964 | 965 | 966 | 967 | 968 | 969 | 970 | 971 | 972 | 973 | 974 | 975 | 976 | 977 | 978 | 979 | 980 | 981 | 982 | 983 | 984 | 985 | 986 | 987 | 988 | 989 | 990 | 991 | 992 | 993 | 994 | 995 | 996 | 997 | 998 | 999 | 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 | 1012 | 1013 | 1014 | 1015 | 1016 | 1017 | 1018 | 1019 | 1020 | 1021 | 1022 | 1023 | 1024 | 1025 | 1026 | 1027 | 1028 | 1029 | 1030 | 1031 | 1032 | 1033 | 1034 | 1035 | 1036 | 1037 | 1038 | 1039 | 1040 | 1041 | 1042 | 1043 | 1044 | 1045 | 1046 | 1047 | 1048 | 1049 | 1050 | 1051 | 1052 | 1053 | 1054 | 1055 | 1056 | 1057 | 1058 | 1059 | 1060 | 1061 | 1062 | 1063 | 1064 | 1065 | 1066 | 1067 | 1068 | 1069 | 1070 | 1071 | 1072 | 1073 | 1074 | 1075 | 1076 | 1077 | 1078 | 1079 | 1080 | 1081 | 1082 | 1083 | 1084 | 1085 | 1086 | 1087 | 1088 | 1089 | 1090 | 1091 | 1092 | 1093 | 1094 | 1095 | 1096 | 1097 | 1098 | 1099 | 1100 | 1101 | 1102 | 1103 | 1104 | 1105 | 1106 | 1107 | 1108 | 1109 | 1110 | 1111 | 1112 | 1113 | 1114 | 1115 | 1116 | 1117 | 1118 | 1119 | 1120 | 1121 | 1122 | 1123 | 1124 | 1125 | 1126 | 1127 | 1128 | 1129 | 1130 | 1131 | 1132 | 1133 | 1134 | 1135 | 1136 | 1137 | 1138 | 1139 | 1140 | 1141 | 1142 | 1143 | 1144 | 1145 | 1146 | 1147 | 1148 | 1149 | 1150 | 1151 | 1152 | 1153 | 1154 | 1155 | 1156 | 1157 | 1158 | 1159 | 1160 | 1161 | 1162 | 1163 | 1164 | 1165 | 1166 | 1167 | 1168 | 1169 | 1170 | 1171 | 1172 | 1173 | 1174 | 1175 | 1176 | 1177 | 1178 | 1179 | 1180 | 1181 | 1182 | 1183 | 1184 | 1185 | 1186 | 1187 | 1188 | 1189 | 1190 | 1191 | 1192 | 1193 | 1194 | 1195 | 1196 | 1197 | 1198 | 1199 | 1200 | 1201 | 1202 | 1203 | 1204 | 1205 | 1206 | 1207 | 1208 | 1209 | 1210 | 1211 | 1212 | 1213 | 1214 | 1215 | 1216 | 1217 | 1218 | 1219 | 1220 | 1221 | 1222 | 1223 | 1224 | 1225 | 1226 | 1227 | 1228 | 1229 | 1230 | 1231 | 1232 | 1233 | 1234 | 1235 | 1236 | 1237 | 1238 | 1239 | 1240 | 1241 | 1242 | 1243 | 1244 | 1245 | 1246 | 1247 | 1248 | 1249 | 1250 | 1251 | 1252 | 1253 | 1254 | 1255 | 1256 | 1257 | 1258 | 1259 | 1260 | 1261 | 1262 | 1263 | 1264 | 1265 | 1266 | 1267 | 1268 | 1269 | 1270 | 1271 | 1272 | 1273 | 1274 | 1275 | 1276 | 1277 | 1278 | 1279 | 1280 | 1281 | 1282 | 1283 | 1284 | 1285 | 1286 | 1287 | 1288 | 1289 | 1290 | 1291 | 1292 | 1293 | 1294 | 1295 | 1296 | 1297 | 1298 | 1299 | 1300 | 1301 | 1302 | 1303 | 1304 | 1305 | 1306 | 1307 | 1308 | 1309 | 1310 | 1311 | 1312 | 1313 | 1314 | 1315 | 1316 | 1317 | 1318 | 1319 | 1320 | 1321 | 1322 | 1323 | 1324 | 1325 | 1326 | 1327 | 1328 | 1329 | 1330 | 1331 | 1332 | 1333 | 1334 | 1335 | 1336 | 1337 | 1338 | 1339 | 1340 | 1341 | 1342 | 1343 | 1344 | 1345 | 1346 | 1347 |
|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----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1 Typical Front Elevation (East)
A3.2 Scale: 1:50



2 Typical Rear Elevation (West)
A3.2 Scale: 1:50

ELEVATION FINISH LEGEND

List of finishes typical of all elevations

- | | |
|---|--|
| 01 Asphalt shingles - Arch spec colour | 10 Smooth face cementitious wood composite board and hidden siding - To match stucco colour |
| 02 Wood fascia & exposed rafter tails - Painted - Graphite colour | 11 Exposed architectural concrete elements - Painted - Arch spec colour |
| 03 Wood fascia & window casing - Painted - Clean white colour | 12 Aluminum window units - Clear anodized or prefinished black |
| 04 Smooth face cementitious wood composite soffit (upper roof) & prefinished metal ventilation strips - Painted - Graphite colour | 13 Clear finished, edge grain, wood entry door & glazed panels in black anodized aluminum frame - Arch spec colour |
| 05 19x89 T&G cedar (lower roof), rough sawn square face visible - oil based stain finish - Driftwood gray colour | 14 Clear finished, edge grain, overhead wood garage door in black anodized aluminum frame - Arch spec colour |
| 06 Natural stone veneer & retaining walls - Arch spec colour | 15 Side mounted frameless tempered glass railing system & glasshead textured tempered glass panels and stainless steel fasteners |
| 07 Cement based stucco, smooth trowel finish - Light gray colour | 16 Laminated glass canopy with dimpled surface in graphite colored structural framing |
| 08 Cement based stucco, smooth trowel finish - Warm Gray colour | 17 Building mounted down lighting & feature lighting |
| 09 19x89 T&G cedar siding, square face out, rough sawn face visible - oil based stain finish - Arch spec colour | 18 Raised unit numbering - Stainless steel |



| Rockland Drive Townhouses | |
|---------------------------|---|
| Project | Rockland Drive Townhouses |
| Location | 103-105 Oak Bay Avenue, Victoria, BC, V8P 1K3 |
| Phone | 250-757-7000 |
| Fax | 250-757-7000 |

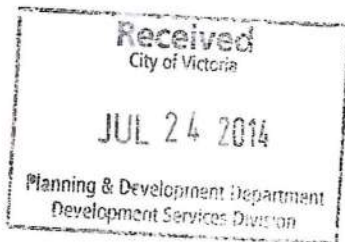


1 Typical Side Elevation (North & South)
A3.3 Scale: 1:50

ELEVATION FINISH LEGEND

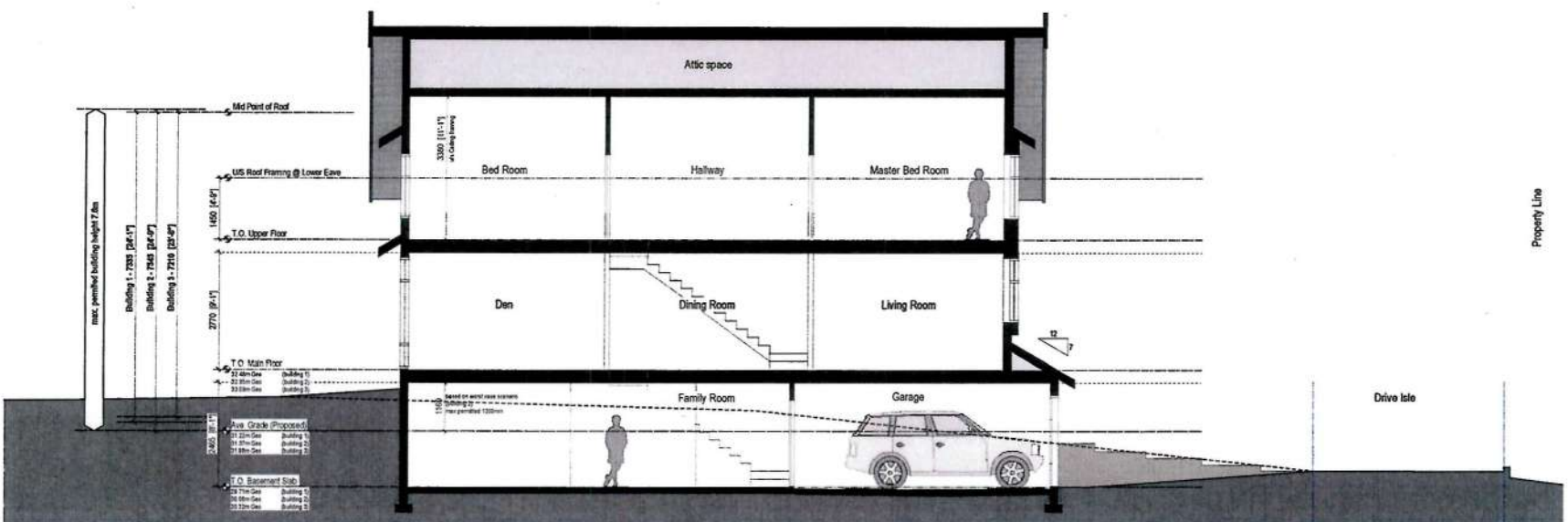
List of finishes typical of all elevations

- | | |
|--|---|
| 01 Asphalt shingles - Arch spec colour | 10 Smooth face cementitious wood composite board and batten siding - To match stucco colour |
| 02 Wood fascia & exposed rafter tails - Painted - Graphite colour | 11 Exposed architectural concrete elements - Painted - Arch spec colour |
| 03 Wood fascia & window casing - Painted - Clean white colour | 12 Aluminum window units - Clear anodized or prefinished black |
| 04 Smooth face cementitious wood composite soft (upper roof) or prefinished metal ventilation strips - Painted - Graphite colour | 13 Clear finished, edge grain, wood entry door or glazed panels in black anodized aluminum frame - Arch spec colour |
| 05 19x39 T&G cedar (lower roof), rough sawn square face visible - oil based stain finish - Driftwood gray colour | 14 Clear finished, edge grain, overhead wood garage door in black anodized aluminum frame - Arch spec colour |
| 06 Natural stone veneer & retaining walls - Arch spec colour | 15 Side mounted frameless tempered glass railing system or pitched leaded tempered glass panels and stainless steel fasteners |
| 07 Cement based stucco, smooth trowel finish - Light gray colour | 16 Laminated glass canopy with dimpled surface in graphite colored structural framing |
| 08 Cement based stucco, smooth trowel finish - Warm Gray colour | 17 Building mounted down lighting & feature lighting |
| 09 19x39 T&G cedar siding, square face out, rough sawn face visible - oil based stain finish - Arch spec colour | 18 Raised and numbered - Stainless steel |

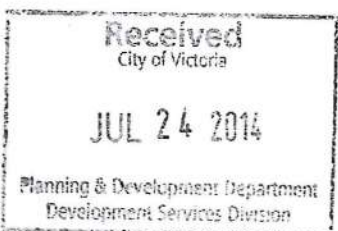


| Revision History | |
|------------------|----------------|
| Rev | Description |
| 01 | Initial Design |
| 02 | Revised Design |
| 03 | Final Design |
| 04 | Final Design |
| 05 | Final Design |
| 06 | Final Design |
| 07 | Final Design |
| 08 | Final Design |
| 09 | Final Design |
| 10 | Final Design |
| 11 | Final Design |
| 12 | Final Design |
| 13 | Final Design |
| 14 | Final Design |
| 15 | Final Design |
| 16 | Final Design |
| 17 | Final Design |
| 18 | Final Design |
| 19 | Final Design |

| Project Information | |
|---------------------|-----------------------------------|
| Project Name | Rockland Drive Townhouses |
| Project Address | 1148 Rockland Drive, Victoria, BC |
| Project Type | Typ. Side Elevation |
| Project Status | Rev. 1 |
| Project Date | 18 Sep 2014 |



1 Typical Building Section (Building 2 Shown)
A4.1 Scale: 1:50



| Rev | Date | By | Rev | Date | By |
|-----|--------------|-----------------------|-----|--------------|-----------------------|
| 1 | 18 June 2014 | Typ. Building Section | 1 | 18 June 2014 | Typ. Building Section |
| 2 | 18 June 2014 | Typ. Building Section | 2 | 18 June 2014 | Typ. Building Section |
| 3 | 18 June 2014 | Typ. Building Section | 3 | 18 June 2014 | Typ. Building Section |
| 4 | 18 June 2014 | Typ. Building Section | 4 | 18 June 2014 | Typ. Building Section |
| 5 | 18 June 2014 | Typ. Building Section | 5 | 18 June 2014 | Typ. Building Section |
| 6 | 18 June 2014 | Typ. Building Section | 6 | 18 June 2014 | Typ. Building Section |
| 7 | 18 June 2014 | Typ. Building Section | 7 | 18 June 2014 | Typ. Building Section |
| 8 | 18 June 2014 | Typ. Building Section | 8 | 18 June 2014 | Typ. Building Section |
| 9 | 18 June 2014 | Typ. Building Section | 9 | 18 June 2014 | Typ. Building Section |
| 10 | 18 June 2014 | Typ. Building Section | 10 | 18 June 2014 | Typ. Building Section |



BUILDING AREAS (by others)

| | FINISHED SQ. FT. | UNFINISHED SQ. FT. | TOTAL SQ. FT. |
|--------------------|------------------|--------------------|---------------|
| Main Floor | 2216 | 0 | 2216 |
| Upper Floor | 1819 | 0 | 1819 |
| Attic | 795 | 292 | 1087 |
| Total | 4830 | 292 | 5122 |
| Garage | 0 | 213 | 213 |
| Attic (unfinished) | 0 | 800 | 800 |

Note: Floor plans prepared by "True Measurement" for # 2012 measure June 15, 2014.
For disclosure purposes only, measurements and square footage are approximate.



600-475 Oak Bay Avenue
Victoria, BC V8M 4C3
phone 250-597-8999
fax 250-597-9578

Rockland Avenue Townhouses
1746 Rockland Avenue, Victoria BC
Existing Heritage Residence
NEW

Received
City of Victoria

JUL 24 2014

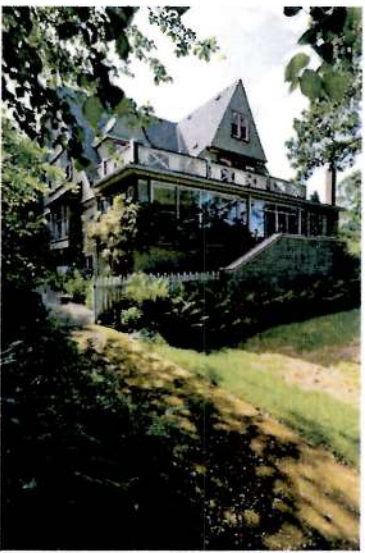
Planning & Development Department
Development Services Division

| | | | |
|-------|-----------------|---------|---------------------------------|
| to | 28 June 2014 | from | Planning and Land Use Committee |
| re | | subject | |
| date | 14 October 2013 | author | |
| notes | 201 104 | notes | 201 |
| date | 201 104 | notes | 201 |

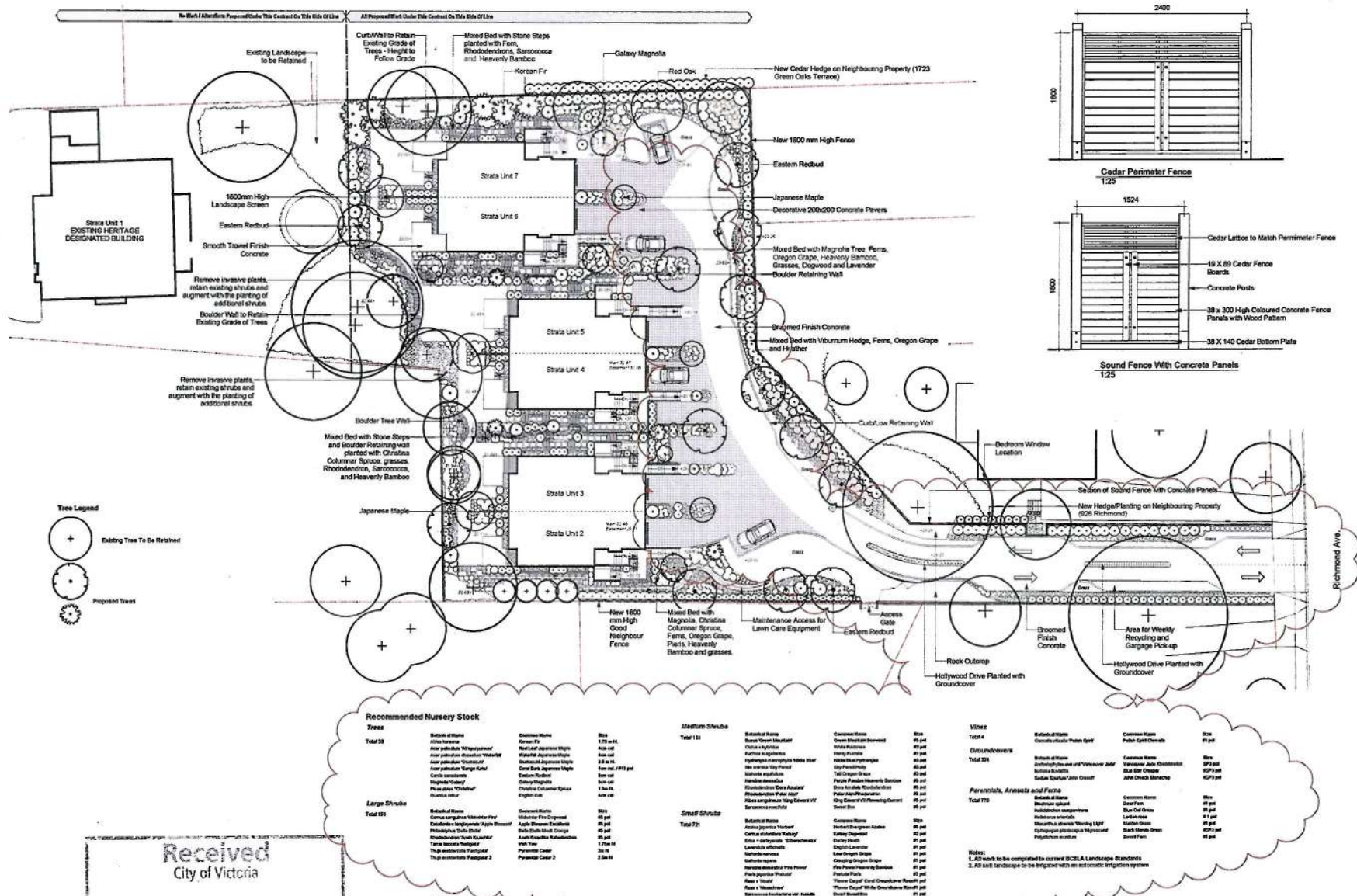
Hillel architecture

328-329 Oak Bay Avenue
Victoria BC V8N 4C3
phone 250-591-9999
fax 250-591-9978

Rockland Avenue Townhouses
1748 Rockland Avenue, Victoria BC
Existing Heritage Residence
NEW



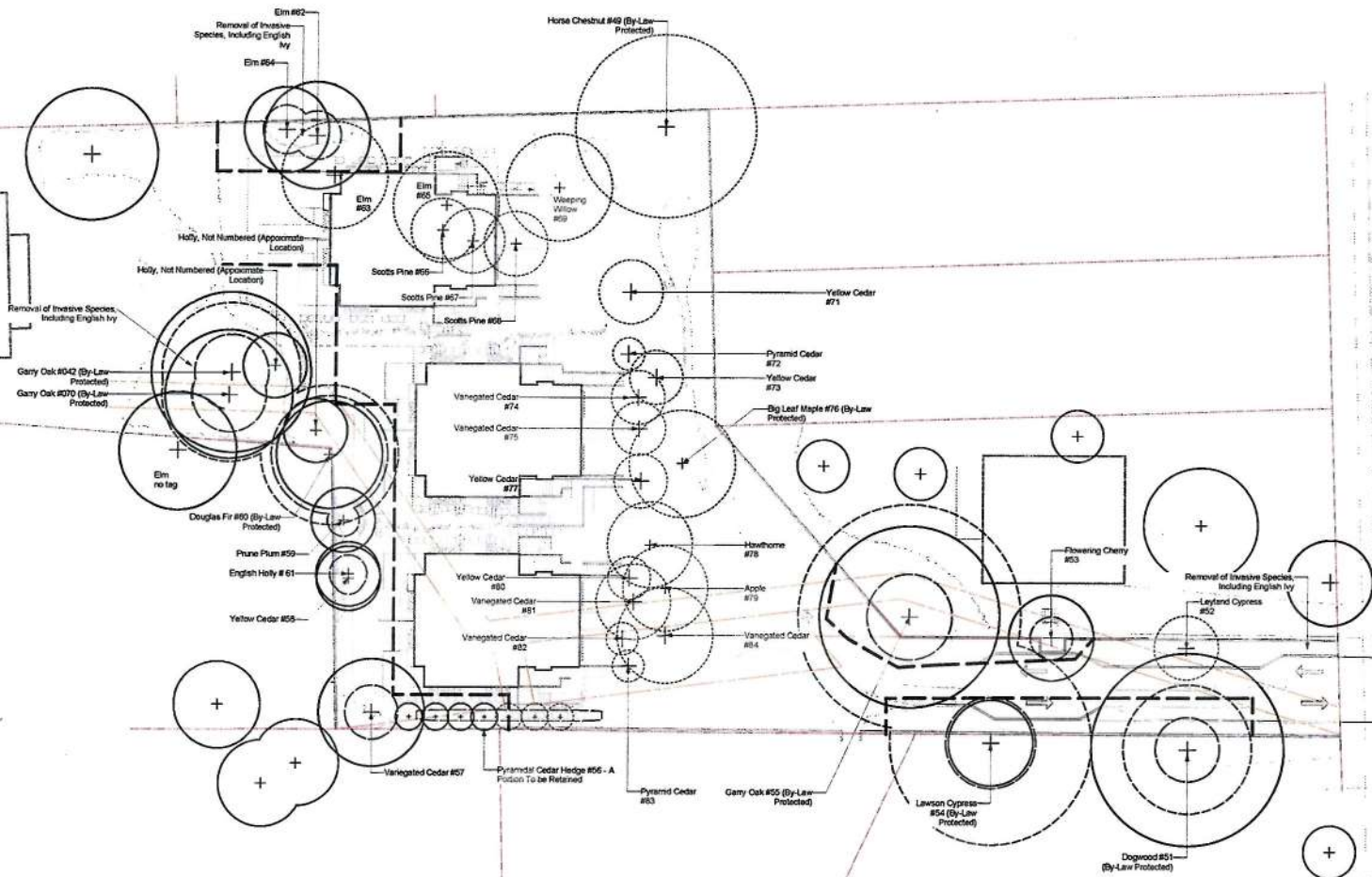
Received
City of Victoria
JUL 24 2014
Planning & Development Department
Development Services Division



1745 Rockland Drive Townhouses - Landscape Concept Plan

Received
City of Victoria
Planning & Development Department
Development Services Division

LADR LANDSCAPE ARCHITECTS
Project No: 1304 Nov-13-13
28-495 Dupplin Rd. Victoria B.C. V8T
Phone: (250) 599-0105 Fax: (250) 412-9105



Legend

- Trees to be Retained:**
- Extant of Critical Root Zone
 - Extant of Crown Spread
 - Extant of Protected Root Zone - Bylaw Protected Trees Only
- Trees to be Removed**
- Protective Fencing**

Notes:

1. Prior to any construction activity on site (i.e. demolition, excavation, construction), erect protective fencing around trees to be retained in locations shown on this plan. Fences are to remain in place until Project Arborist has approved their removal or through completion of the project. All protective fencing to be at least 1.2m (4') height. The barrier fencing must be of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The project arborist must be consulted before this fencing is removed or moved for any purpose.
2. All work within protective fencing to be approved and supervised by Project Arborist.
Tom Tait
Tait MacKenzie and Associates
Box 49153
Victoria, B.C. V8Z 7H6
phone: (250) 470-8733, email: taitmac@taimac.net
3. There shall be no storage or dumping of materials of any kind within the Protected Root Zone or Critical Root Zone.
4. There shall be no cutting or pruning of branches of trees at any time without approval of Project Arborist. All pruning to be undertaken by ISA Certified Arborist.
5. See Arborist Report for definition of Critical and Protected Root Zones. There should be no grade changes or excavation within the critical root zones of trees to be retained. If any additional excavation is required within critical root zones of trees, this excavation must be supervised by the project arborist. The arborist will determine which roots can be pruned and which roots must be retained.



Scale 1:200

Revised July 21, 2014
June 5, 2014
June 3, 2014
Mar 11, 2014



LADR LANDSCAPE ARCHITECTS

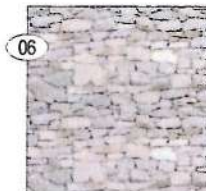
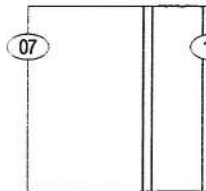
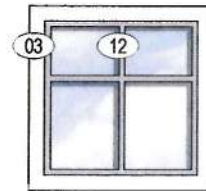
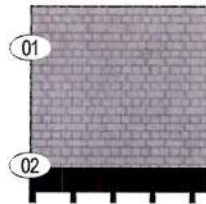
Project No: 1204 Nov-13-13

28-495 Dupplin Rd. Victoria, B.C. V8S 1G6
Phone: (250) 590-0105 Fax: (250) 412-0000

1745 Rockland Drive Townhouses - Tree Preservation Plan

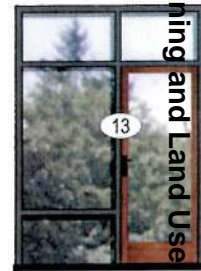
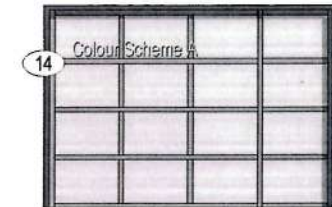
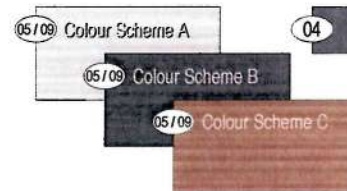
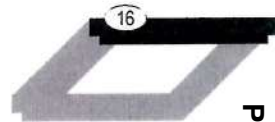
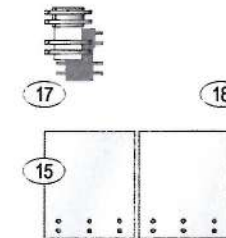
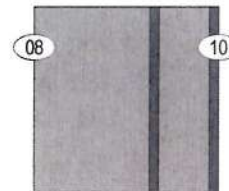


Colour And Materials Palette



- 01 Asphalt shingles - Arch spec colour
- 02 Wood fascia & exposed rafter tails - Painted - Graphite colour
- 03 Wood fascia & window casing - Painted - Clean white colour
- 04 Smooth face cementitious wood composite soffit (upper roof) c/w prefinished metal ventilation strips - Painted - Graphite colour
- 05 19x89 T&G cedar (lower roofs), rough sawn square face visible - oil based stain finish - Driftwood gray colour
- 06 Natural stone veneer & retaining walls - Arch spec colour
- 07 Cement based stucco, smooth trowel finish - Light gray colour
- 08 Cement based stucco, smooth trowel finish - Warm Gray colour
- 09 19x89 T&G cedar siding, square face out, rough sawn face visible - oil based stain finish - Arch spec colour

- 10 Smooth face cementitious wood composite board and baton siding - To match stucco colour
- 11 Exposed architectural concrete elements - Painted - Arch spec colour
- 12 Aluminum window units - Clear anodized or prefinished black
- 13 Clear finished, edge grain, wood entry door c/w glazed panels in black anodized aluminum frame - Arch spec colour
- 14 Clear finished, edge grain, overhead wood garage door in black anodized aluminum frame - Arch spec colour
- 15 Side-mounted frameless tempered glass railing system c/w pinhead textured tempered glass panels and stainless steel fasteners
- 16 Laminated glass canopy with dimpled surface in graphite colored structural framing
- 17 Building mounted down lighting & feature lighting
- 18 Raised unit numbering - Stainless steel



REZONING PERMIT APPLICATION SUBMISSION
1745 ROCKLAND AVENUE TOWNHOUSES
 1745 ROCKLAND AVENUE, VICTORIA BC



Talbot Mackenzie & Associates

Consulting Arborists

October 24, 2013

Parry Street Developments
c/o Homewood Constructors
160 - 4396 West Saanich Road
Victoria, BC V8Z 3E9

Attention: Conrad Nyren

Re: Arborist Report for 1745 Rockland Avenue

Assignment:

Prepare a tree retention report to be used during the construction of the proposed townhouse development located at 1745 Rockland Avenue. The property is composed of a parcel that fronts Rockland Avenue with the proposed townhouse site located on the eastern portion of the property and having a driveway access to Richmond Avenue.

Methodology:

For the purpose of this report, we reviewed the site plan outlining the building footprints, driveway and parking areas and the location of the service corridor. During our September 03, 2013 site visit, we examined and documented the resource of trees that are located within the boundaries of the subject property, and on the boundary of the neighbouring properties where they could potentially be impacted. The trees are identified by number on the site plan and in the field with a numbered metal tag. The information that was compiled including the tree number, the tree species, size (d.b.h.), protected root zone (PRZ), critical root zone (CRZ), crown spread, health and structural condition, relative tolerance to construction impacts and general remarks and recommendations was recorded in the attached tree resource spreadsheet.

Tree Resource:

The tree resource on the property is composed of a mixture of native and exotic tree species. There are only four (4) bylaw-protected trees located within the boundaries of the subject property.

- Garry oaks #42 and #70, Horse chestnut #49, and Big Leaf maple #76

There are four (4) bylaw-protected trees located on the neighbouring properties or on the property boundaries where they could potentially be impacted.

- Dogwood #51, Lawson cypress #54, Garry oak #55, and Douglas-fir #60

..../2

Box 48153 RPO Uptown
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net

Most of the trees are reasonably healthy and have structural characteristics that indicate that they are worthy of retention. One exception may be Horse chestnut #49 that has experienced numerous large scaffold limb failures, has weakness present at several scaffold limb unions in its upper canopy and shows evidence that the large stems have been topped or heavily reduced historically. The structure of the tree is difficult to assess due to the extent of ivy covering the canopy. We will assess the structure of this tree and determine the suitability for retention once the ivy has been removed from its canopy. The tree may require further canopy reduction, if it is deemed suitable to retain.

The trees remaining are exotic species not protected by size or by species under the Municipal Tree Protection bylaw.

As noted in our Tree Resource Spreadsheet, there is one elm tree located on the neighbouring property at 1737 Rockland Avenue that will not be impacted by the proposed development, but has a large broken scaffold limb hung up in its canopy that could strike the subject property when it fails. The property owner should be informed of the potential risk posed.

Potential impacts: Following our inspection of the tree resource and review of the plans that were supplied, we anticipate that the highest onsite impacts may occur during:

- Excavation for the proposed driveway footprint and parking areas.
- Excavation for the proposed building footprint.
- Excavation for the service corridors.

To facilitate the construction required for this project, it will be necessary to remove only one of the bylaw-protected trees, specifically, Big Leaf maple #76. It will also be necessary to remove all of the trees that are located within the footprints of these features, as shown on the site plan, that are not bylaw protected.

The exotic tree species along the property boundaries are located where it should be possible to isolate most from the construction impacts, and accordingly they can be retained, if desired. It may be necessary to remove the pyramidal cedar hedge along the southern property boundary; however, its function in the landscape can be easily duplicated by the installation of large nursery stock.

Mitigation of impacts

We recommend the following procedures be implemented, to reduce the impacts on the trees to be retained.

Barrier fencing: Areas, surrounding the trees to be retained, should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones as defined in our Tree Resource Spreadsheet. Where the building or driveway footprint and other features encroach within the critical root zone area, the fencing should be erected 1 metre off the edge of building footprint and 0.5 metre off the edge of the driveway footprint, or where determined by the project arborist.

..../3

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The barrier fencing to be erected must be a minimum of 4 feet in height and constructed of solid material or flexible safety fencing that is attached to wooden or metal posts. If a flexible fencing material is used, the top and bottom of the fencing must be secured to the posts by a wire or board that runs between these posts. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose. Solid hording material may also be required along the driveway access to protect the trunks of trees from mechanical injury if vehicles or machinery are permitted close to tree trunks and where blasting is required.

Building footprint: It is our opinion that the building footprints are located where the excavation required will not have a detrimental impact on the large Douglas-fir #60 and Garry oaks #42 and #70.

The plans show decks and other features that encroach within the critical root zone areas of these three bylaw-protected trees. It is our understanding that these are wooden decks that will be constructed at an elevation that is above the existing site grade. It may not be possible to excavate to a depth of load bearing soils in this location without disturbing the critical root structures. The project arborist must review the details for these features to determine that they can be constructed and installed without impacting the root zones of these bylaw-protected trees. Any excavation within the defined critical root zone areas must be supervised by the project arborist.

Driveway: The driveway is located where there is a potential to impact the bylaw-protected trees on the neighbouring properties, including dogwood #51, Lawson cypress #54, Garry oak #55 as well as Horse chestnut #49 on the subject property.

The canopies of the oak, cypress and dogwood trees extend over the footprint for the access driveway, and where pruning will be required to attain adequate clearance above the driveway. The location of the driveway outlined in the preliminary plans would have resulted in the removal of one of the large stems. During a subsequent review of the driveway with the architect and landscape architect, it was determined that the driveway footprint can be adjusted so that this large stem can be retained and protected. The project arborist must direct all of the pruning work required for clearance above and along the driveway footprint.

The footprint for the driveway also encroaches within the root zones of the trees that are located on either side of this footprint. A rock outcrop is located at the base of oak #55 that has diverted and limited the spread of roots from this tree into the footprint. Careful removal of this rock outcrop, if required, will be necessary to avoid damaging the roots that will be growing along the soil rock interface. Retaining a strip of rock between the driveway edge and the tree is recommended to protect these critical root structures.

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..../4

The plans call for permeable paving to be installed in the locations where the driveway encroaches into the root zones of the adjacent trees. It appears that the driveway corridor has been disturbed historically for the purpose of installing a storm water main along this corridor. It is likely that there was root disturbance and root loss resulting from this installation. There is also likely to be additional disturbance along this corridor to install an underground hydro service.

The project arborist must supervise the excavation for the driveway footprint and determine where permeable surfacing is required and what grades must be maintained to bridge any critical root structures that are located beneath the driveway footprint (we have attached typical floating driveway specification that could be adapted for your use). The end of the driveway and parking stall may encroach within the root zone of Horse chestnut #49, and where bank retention will be required to compensate for the grade change in this location. If it is determined that this tree can be retained, the project arborist should review the location of and requirements for the bank retention and determine how best to construct this feature while protecting and retaining any critical root structures in this location.

Blasting/rock removal:

Bedrock will be encountered within the driveway footprint and the service corridor, and may also be located within the building footprint. Where blasting is required to level rock areas, it must be sensitive to the root zones located at the edge of the rock. Care must be taken to assure that the area of blasting does not extend into the critical root zones beyond the building and driveway footprints and the service corridors. The use of small low-concussion charges and multiple small charges will reduce fracturing, ground vibration, and reduce the impact on the surrounding environment. Only explosives of low phytotoxicity (stick dynamite), and techniques that minimize tree damage, are to be used within the critical root zones of the trees that are to be retained. Provisions must be made to store blast rock, and other construction materials and debris away from critical tree root zones.

Servicing:

An existing service corridor runs the length of the driveway access. An increase in the width of this corridor will be required to accommodate additional underground services. We anticipate that locating these services on the north side of the existing storm water service may result in the least impact on the adjacent trees. The project arborist must supervise the excavation required to install these services. If any flexibility as to the location of these services is possible, the most suitable locations can be determined at the time of excavation. The arborist may determine that the use of hand digging and/or airspade excavation or the use of hydro excavation may be required where these services encroach within the root zones of the bylaw-protected trees. .

Offsite work: The plans did not show, and we are not aware of any upgrades or replacements of offsite municipal infrastructures. This offsite work will not impact any of the bylaw-protected trees but could impact trees on the municipal frontages of the adjacent properties.

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Pruning: The canopies of the trees on the adjacent properties extend over the property line and into the proposed driveway access of the subject property. It is likely that some pruning of the canopies of the retained trees will be required to attain adequate clearance from and above the area of excavation and construction. The project arborist must direct all of the pruning work required for clearance above and along the driveway footprint, and all pruning required must be completed by an ISA Certified arborist. All of the bylaw protected trees are located where there is unlikely to be any further pruning required to attain clearances from the buildings that are constructed on this site. Cyclical pruning will be required in future years to maintain adequate clearance above the driveway.

Work Area and Material Storage – It is important that the issue of storage of excavated soil, material storage, and site parking be reviewed prior to the start of construction; where possible, these activities should be kept outside of the critical root zones. If there is insufficient room for onsite storage and working room, the arborist must determine a suitable working area within the critical root zone, and outline methods of mitigating the associated impacts (i.e. mulch layer, bridging etc).

Arborist Role – It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- Locating the barrier fencing and hording
- Reviewing the report with the project foreman or site supervisor
- Locating work zones, where required
- Supervising excavation for the building footprint, driveway footprint, and service corridor where they encroach within the critical root zones of trees that are to be retained.
- Provide direction for the blasting contractor

Review and site meeting: Once the development receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any demolition, site clearing or other construction activity occurs.

Summary: It is our opinion that there is a high probability that the bylaw-protected trees that are designated for retention can be successfully protected and retained if the precautions and procedures that are outlined in this report are followed and implemented during the construction phase.

Please do not hesitate to call us at 250-479-8733 should you have any further questions. Thank you.

Yours truly,

Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists

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..../6

Enclosure: Tree Resource Spreadsheet, Floating driveway specifications and diagram, Barrier fencing diagram, reviewed plans.

cc: Bev Windjack/Julie Lommerse, LADR Landscape architects Ltd:

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

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September 03, 2013

**TREE RESOURCE
for
1745 Rockland Avenue**

1 of 5

| Tree # | d.b.h. (cm) | PRZ | CRZ | Species | Crown Spread(m) | Condition Health | Condition Structure | Relative Tolerance | Remarks / Recommendations |
|--------|------------------|------|-----|--------------------------------|-----------------|------------------|---------------------|--------------------|---|
| 51 | 67 | 12.0 | 6.0 | Dogwood | 18.0 | fair | fair | good | Located on the adjacent property at 924 Richmond Avenue. Anthracnose infection on foliage. Some weakness and included bark present at the stem unions. We anticipate that the removal of two 15 cm diameter lateral limbs from a 50 cm scaffold limb that extends over the property boundary will be required for clearance above the driveway. Bylaw-protected. |
| 52 | 21 | n/a | 2.0 | Leyland cypress | 6.0 | good | good | moderate | Young tree. May be located on the neighbouring property at 926 Richmond Avenue. Pruning of side limbs for clearance will be required if retained. Not bylaw-protected |
| 53 | 38 | n/a | 4.0 | Flowering cherry | 8.0 | fair/poor | fair | moderate | May be located on the neighbouring property at 926 Richmond Avenue. Indicators of Bacterial canker infection and Cherry Bark Tortrix infestation. Some side pruning of limbs for clearance will be required. Not bylaw-protected |
| 54 | 4 x 28 3 x 24 | 19.0 | 8.0 | Lawson cypress (Chamaecyparis) | 8.0 | fair | fair | good | Located on the adjacent property at 924 Richmond Avenue. Mature specimen. Some weakness at stem union and separation of stems in canopy present. The removal of 1 x 24 cm stem that extends over the property boundary may be required. Bylaw-protected. |
| 55 | 42/46/ 63 | 21.0 | 8.0 | Garry oak | 17.0 | fair | fair | good | May be located on the neighbouring property at 926 Richmond Avenue. 42 cm stem is weakly attached to the main trunk. Pruning to raise canopy over the proposed driveway or removal of one of the large stems may be required for driveway clearance. Bylaw-protected. |
| 56 | multiple | n/a | 1.0 | Pyramid cedar (Thuja) | 2.0 | fair/good | fair/good | good | 19 trees growing in a hedgerow. One tree dead and uprooted. One tree suppressed by adjacent variegated cedar. Not bylaw-protected |
| 57 | 3 x 33 | n/a | 5.0 | Variegated cedar (Thuja) | 10.0 | good | fair | moderate | Some weakness at union of main stems. Not bylaw-protected |

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September 03, 2013

**TREE RESOURCE
for
1745 Rockland Avenue**

2 of 5

| <i>Tree #</i> | <i>d.b.h. (cm)</i> | <i>PRZ</i> | <i>CRZ</i> | <i>Species</i> | <i>Crown Spread(m)</i> | <i>Condition Health</i> | <i>Condition Structure</i> | <i>Relative Tolerance</i> | <i>Remarks / Recommendations</i> |
|---------------|--------------------|------------|------------|------------------------------|------------------------|-------------------------|----------------------------|---------------------------|---|
| 58 | 28 | n/a | 3.0 | Yellow cedar (Chamaecyparis) | 6.0 | good | fair/poor | good | Split between main growth leader at midpoint in canopy height. Not bylaw-protected |
| 59 | 22 | n/a | 3.0 | Prune plum | 6.0 | fair | fair | moderate | Fruit tree. Some dead limbs in canopy. Not bylaw-protected |
| 60 | 74 | 13.3 | 10.0 | Douglas-fir | 11.0 | fair | fair | poor | Located on property boundary with 1737 Rockland Avenue. Some indicators of health stress, dead limbs, short annual shoot elongation. Surface roots lifting pavement. Ivy covering trunk. Bylaw-protected. |
| 61 | 32 | n/a | 3.5 | English Holly | 6.0 | good | fair | good | Topped historically. Ivy covering canopy. Not bylaw-protected |
| no tag | n/a | n/a | n/a | Elm | 11.0 | good | fair | moderate | Located on property boundary with 1737 Rockland Avenue. Grouping of large elm trees. Large scaffold limb failed and hung up in canopy. Poses risk to use of subject property. |
| 70 | 70 | 12.6 | 7.0 | Garry oak | 12.0 | fair | fair | good | Co-dominant stems removed historically. Decay visible in pruning wounds. Some health stress, seasonal infestation by Jumping oak Gall Wasp. Closer examination of structure recommended. Bylaw-protected. |
| 42 | 72 | 13.0 | 7.0 | Garry oak | 15.0 | good | fair/poor | good | Co-dominant stems and limbs removed historically. Decay visible in pruning wounds. Closer examination of structure recommended. Bylaw-protected. |
| 62 | 37 | n/a | 4.5 | Elm | 10.0 | good | fair | moderate | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. No visible defects. Not bylaw-protected |
| 63 | 42 | n/a | 4.5 | Elm | 10.0 | good | fair | moderate | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. May have been topped historically. Not bylaw-protected |

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**TREE RESOURCE
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1745 Rockland Avenue**

3 of 5

| <i>Tree #</i> | <i>d.b.h. (cm)</i> | <i>PRZ</i> | <i>CRZ</i> | <i>Species</i> | <i>Crown Spread(m)</i> | <i>Condition Health</i> | <i>Condition Structure</i> | <i>Relative Tolerance</i> | <i>Remarks / Recommendations</i> |
|---------------|--------------------|------------|------------|----------------|------------------------|-------------------------|----------------------------|---------------------------|--|
| 64 | 11/14/ 17/27 | n/a | 4.5 | Elm | 8.0 | good | fair/poor | moderate | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Possible weakness at stem unions. Not bylaw-protected |
| 65 | 2 x 35 | n/a | 6.5 | Elm | 10.0 | good | fair | moderate | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Not bylaw-protected |
| 66 | 34 | n/a | 3.5 | Scotts pine | 6.0 | good | fair | good | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Heavily end-weighted limbs in canopy. Not bylaw-protected |
| 67 | 29 | n/a | 3.5 | Scotts pine | 6.0 | good | fair | good | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Heavily end-weighted limbs in canopy. Not bylaw-protected |
| 68 | 31 | n/a | 3.5 | Scotts pine | 6.0 | good | fair | good | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Heavily end-weighted limbs in canopy. Not bylaw-protected |
| 69 | 60 | n/a | 6.0 | Weeping willow | 10.0 | fair | fair/poor | good | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. Numerous dead stems. Infected with willow leaf and twig blight. Heavy canopy lean. Not bylaw-protected |
| 49 | 80 | 14.4 | 8.0 | Horse chestnut | 17.0 | good | fair/poor | good | Ivy covering trunk and canopy. Difficult to assess structure due to extent of ivy. Assess structure and suitability for retention once site cleared and ivy removed. History of large scaffold limb failure. Weakness present at scaffold limb union in upper canopy. Large stems topped or heavily reduced historically. May require further canopy reduction, if retained. Bylaw-protected. |

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TREE RESOURCE
for
1745 Rockland Avenue

4 of 5

| <i>Tree #</i> | <i>d.b.h. (cm)</i> | <i>PRZ</i> | <i>CRZ</i> | <i>Species</i> | <i>Crown Spread(m)</i> | <i>Condition Health</i> | <i>Condition Structure</i> | <i>Relative Tolerance</i> | <i>Remarks / Recommendations</i> |
|---------------|--------------------|------------|------------|------------------------------|------------------------|-------------------------|----------------------------|---------------------------|--|
| 71 | 32 | n/a | 3.5 | Yellow cedar (Chamaecyparis) | 6.0 | good | good | good | Not bylaw-protected |
| 72 | 1 x 12 4 x 9 | n/a | 2.0 | Pyramid cedar (Thuja) | 3.0 | good | fair/poor | good | Weakness at stem union. Some separation of stems. Not bylaw-protected |
| 73 | 26 | n/a | 3.0 | Yellow cedar (Chamaecyparis) | 5.0 | good | good | good | Not bylaw-protected |
| 74 | 20/20/ 31 | n/a | 5.0 | Variegated cedar (Thuja) | 5.0 | good | fair | moderate | Some weakness at union of main stems. Not bylaw-protected |
| 75 | 19/24 | n/a | 5.0 | Variegated cedar (Thuja) | 5.0 | good | fair | moderate | Some weakness at union of main stems. Not bylaw-protected |
| 76 | 21/28/ 34 | 11.4 | 6.5 | Big Leaf maple | 10.0 | good | fair | good | Bylaw-protected. |
| 77 | 15 | n/a | 3.0 | Yellow cedar (Chamaecyparis) | 5.0 | good | good | good | Canopy covered with Polygonum vine. Not bylaw-protected |
| 78 | 12/15/ 15 | n/a | 3.5 | Hawthorne | 8.0 | fair | fair | moderate | Multiple stemmed tree, suppressed in grove. Leaf shedding due to insect infestation and fungal infection of foliage. Not bylaw-protected |
| 79 | 35 | n/a | 3.5 | Apple | 8.0 | good | good | moderate | Fruit tree. Not bylaw-protected |

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September 03, 2013

TREE RESOURCE
for
1745 Rockland Avenue

5 of 5

| <i>Tree #</i> | <i>d.b.h. (cm)</i> | <i>PRZ</i> | <i>CRZ</i> | <i>Species</i> | <i>Crown Spread(m)</i> | <i>Condition Health</i> | <i>Condition Structure</i> | <i>Relative Tolerance</i> | <i>Remarks / Recommendations</i> |
|---------------|--------------------|------------|------------|---------------------------------|------------------------|-------------------------|----------------------------|---------------------------|--|
| 80 | 23 | n/a | 3.0 | Yellow cedar (Chamaecyparis) | 4.0 | good | good | good | Not bylaw-protected |
| 81 | 2 x 30 1 x 5 | n/a | 5.0 | Variegated cedar (Thuja) | 7.0 | good | fair | moderate | Some weakness at stem union. Not bylaw-protected |
| 82 | 12\17 | n/a | 3.0 | Yellow cedar (Chamaecyparis) | 3.0 | poor | poor | good | Declining tree, one dead stem and stress in remainder. Recommend removal. Not bylaw-protected |
| 83 | 13/17 | n/a | 2.0 | Pyramid cedar (Thuja) | 3.0 | good | fair | good | Some weakness at union of main stems. Not bylaw-protected |
| 84 | 13/17/ 32 | n/a | 4.5 | Variegated cedar (Thuja) | 9.0 | good | fair | moderate | Some weakness at union of main stems. Not bylaw-protected |

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Key to Headings in Resource Table

d.b.h. – **diameter at breast height** - diameter of trunk, measured in centimetres at 1.4 metres above ground level

PRZ – **protected root zone** - the area of land surrounding a bylaw-protected tree that contains the bulk of the critical roots of the tree. Indicates the radius of a circle of protected land, measured in metres, calculated by multiplying the diameter of the tree by 18.

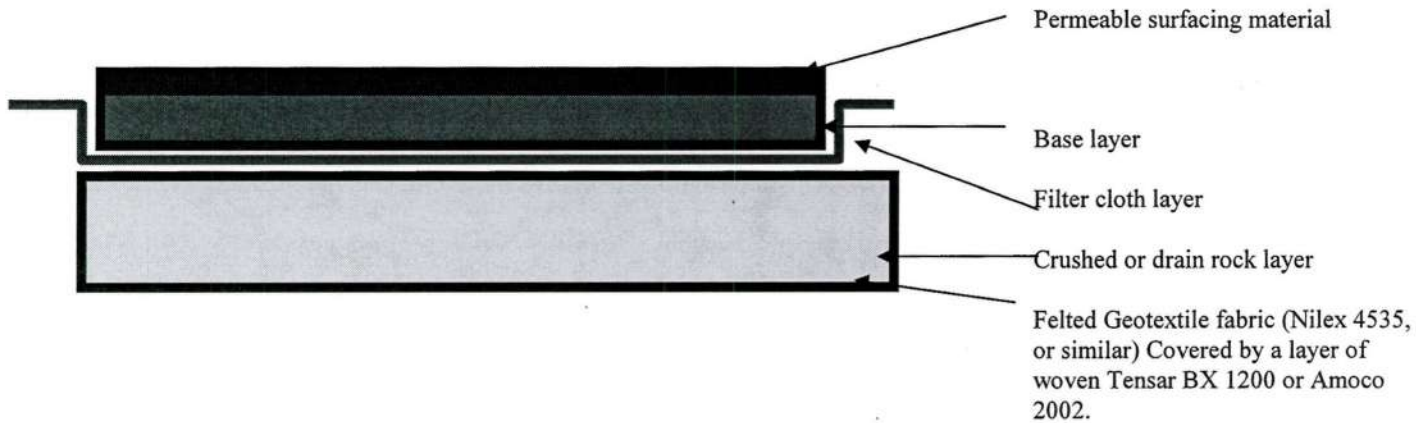
CRZ – **critical root zone** - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Condition health/structure –

- Good – no visible or minor health or structural flaw
- Fair – health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor – significant health or structural defects that compromise the long-term survival or retention of the specimen.

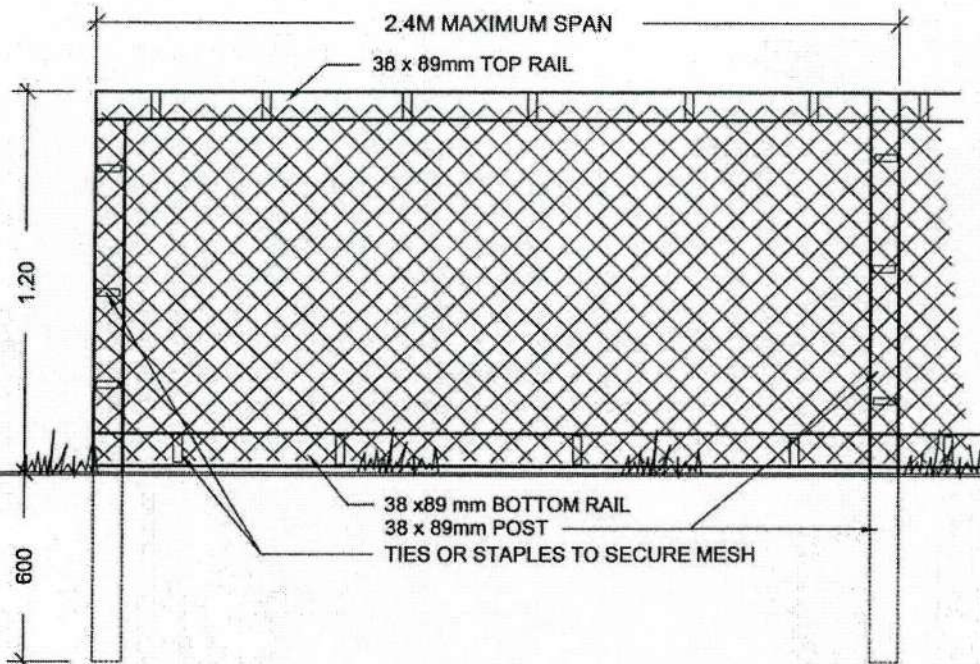
Relative Tolerance – relative tolerance of the selected species to development impacts.

Diagram – Site Specific Floating Driveway, Parking and Sidewalk Areas



Specifications for Floating Driveway and Parking Areas

1. Excavation for sidewalk construction must remove the sod layer only, where they encroach on the root zones of the protected trees
2. A layer of medium weight felted Geotextile fabric (Nilex 4535, or similar) is to be installed over the entire area of the critical root zone that is to be covered by the driveway. Cover this Geotextile fabric with a layer of woven Amoco 2002 or Tensar BX 1200. Each piece of fabric must overlap the adjoining piece by approximately 30-cm.
3. A 10cm layer of torpedo rock, or 20-mm clean crushed drain rock, is to be used to cover the Geotextile fabric.
4. A layer of felted filter fabric is to be installed over the crushed rock layer to prevent fine particles of sand and soil from infiltrating this layer.
5. The bedding or base layer and permeable surfacing can be installed directly on top of the Geotextile fabric.



TREE PROTECTION FENCING
 FENCE WILL BE CONSTRUCTED USING
 38 X 89 mm (2"X4") WOOD FRAME:
 TOP, BOTTOM AND POSTS. *
 USE ORANGE SNOW-FENCING MESH AND
 SECURE TO THE WOOD FRAME WITH
 "ZIP" TIES OR GALVANIZED STAPLES

* IN ROCKY AREAS, METAL POSTS (T-BAR
 OR REBAR) DRILLED INTO ROCK WILL BE
 ACCEPTED

DETAIL NAME:

TREE PROTECTION FENCING

DATE: Oct 30/07
 DRAWN: DM
 APP'D: RR
 SCALE: N.T.S.

E105
 DRAWING



ROCKLAND NEIGHBOURHOOD ASSOCIATION

April 8, 2014

Mayor and Council
Helen Cain, Senior Planner
City of Victoria

Regarding 1745 Rockland Avenue

On March 5th, a CALUC meeting was held with the proponent, Conrad Nyren of Parry Street Developments, and Peter Hardcastle of Hillel Architecture Inc. Nineteen residents attended, along with five attendees from the Rockland and Fairfield Gonzales LUC's.

Peter Hardcastle presented a strata development of the property to include the original 1901 heritage-designated Rattenbury home and three duplexes housing six individual families. The current tennis court would be removed along with the existing perimeter hedging and trees. A panhandle entrance would access the new duplexes off of Richmond Avenue.

Neighbourhood concerns included

- A request for clarification of how stratifying the lot precludes the criteria of the panhandle regulations. The property fits the definition of a panhandle lot as described in Schedule A of the zoning regulations. The Rockland LUC said they would be requesting clarification from the city.
- That with housing, parking and driveway, the development significantly reduces green space.
- That the proposed duplexes are built with the minimum setbacks, seriously encroaching on neighbours' privacy.
- That the significant increase in height and breadth over what is appropriate in a panhandle lot would aesthetically dwarf the existing homes on Richmond and shadow their rear gardens.
- That secondary suites might be installed, increasing density. Mr. Nyren stated that to reassure neighbours, specifics could and would be written into the strata by-laws disallowing secondary suites.

- That it is of paramount importance that new landscaping be truly effective in maintaining neighbours' privacy and that standards be binding. Mr. Nyren stated that landscaping specifics could and would be written into the strata by-laws to enforce strict standards to ensure privacy going forward.
- That there would be additional road noise of multiple residents coming and going through the Richmond Avenue panhandle driveway. Mr. Nyren stated that discussion of fencing standards would take place with the neighbours and that the fencing to be installed would be of a sufficient calibre to mitigate traffic noise. In addition, the developers plan to landscape the driveway edges for additional sound baffling.
- That parking will be insufficient for guests and trades if each residence has two cars and parking is restricted on Richmond.
- That the driveway is located too close to the curve on Richmond Avenue for safe entrance and exit.
- Blasting may be required on the driveway. Where will the power pole in the driveway entrance be moved to?
- Drainage from the property is currently a problem. What will be done to alleviate that? Mr. Hardcastle stated that the current civil plan calls for storm drains and three catch basins.
- Despite requests, the developers have yet to provide the land-use committee with legible plans.

It is the Rockland Neighbourhood Association's position that proposals such as this, which attempt to profit from degrees of densification not allowed in the existing zoning, threaten to destabilize a neighbourhood. Not only do they ignore the very measures in our bylaws that ensure green space, privacy, property value, and protection from traffic noise, but they also lead to feelings of cynicism and frustration in the neighbourhood. People need reassurance that the zoning that was in place when they purchased their properties will be respected in the future. Site-specific zoning undermines their sense of confidence in their neighbourhood.

We therefore ask that this proposal be rejected.

Sincerely,



Janet Simpson
President, Rockland Neighbourhood Association

July 15, 2014

City of Victoria

Attn: Mayor & Council

1 Centennial Square

Victoria, BC V8W 1P6

Dear Mayor Fortin and Councillors:

Re: 1745 Rockland Ave.

I have had the opportunity to carefully review Mr. Nyren's development application for the above referenced property.


Of course, I agree that this land should not be left fallow, and I believe that his plan makes excellent use of this important property.

The proposed development provides beautiful housing in a much sought after area of the city, and at the same time is sensitive to the needs and concerns of surrounding neighbours.

I am his primary neighbour in that my property adjoins the subject land along the full length of both the northerly and easterly lot boundaries. In addition, because of the elevation of my home, I look down on the entire development that he proposes. I note with gratitude that he has lowered the building by setting the foundation below ground level, thereby lessening the impact from my perspective.

The consideration and care Mr. Nyren has shown in dealing with all the neighbours has resulted in a design that works for everyone. His efforts in this regard are much appreciated.

I fully support Mr. Nyren's proposed development, and urge Council to approve his application.

A handwritten signature in black ink, appearing to read 'Earl Large', with a stylized flourish extending to the right.

Earl Large
1737 Rockland Ave.

Development proposal 1745 Rockland Ave.

I (we) REED PRIDY, have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) REED PRIDY

ADDRESS: 1723 Green Oaks Terr.

Are you the registered owner? Yes ☒ no ☐

☒ I support the application

☐ I am apposed to the application

Comments

We appreciate the consultation with the developers and the accomodation of tall cedar hedging along our property boundary with the development.

Date Aug 16, 2014

Signature [Signature]

Development proposal 1745 Rockland Ave.

I (we) ART CELUSZAK + MONICA COTTON have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) ART CELUSZAK

ADDRESS: 1701 GREEN OAKS TERRACE

Are you the registered owner? Yes ☒ no ☐

☒ I support the application

☐ I am apposed to the application

Comments

GREAT PROJECT!

Date 2014 AUG 16

Signature 

Development proposal 1745 Rockland Ave.

I (we) DAVID BUCHMAN, have had the opportunity to review
the plans prepared by Hillel Architects for the proposed 7 unit strata development at
1745 Rockland avenue, dated June 6, 2014

NAME:(please print) DAVID BUCHMAN,
ADDRESS: 1749 ROCKLAND AVE

Are you the registered owner? Yes ☒ no ☐

☒ I support the application
☐ I am apposed to the application

Comments

Date 16/8/14

Signature JMBuchman

Development proposal 1745 Rockland Ave.

I (we) Carolyn Wilson, have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) Carolyn Wilson

ADDRESS: 924 B Richmond Ave.

Are you the registered owner? Yes ☒ no ☐

☒ I support the application

☐ I am opposed to the application

Comments

Date August 16, 2014 Signature Carolyn Wilson

Development proposal 1745 Rockland Ave.

I (we) JOSEPHINE Bywater, have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) JOSEPHINE Bywater
ADDRESS: 940 RICHMOND AVE.

Are you the registered owner? Yes ☒ no ☐

☒ I support the application
☐ I am apposed to the application

Comments

I appreciate the consultation process,
and the points I raised were all
addressed to my satisfaction.

Date Aug. 16/2014

Signature J Bywater

Development proposal 1745 Rockland Ave.

I (we) DOUG/JENNIFER KOLOR, have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) DOUG KOLOR

ADDRESS: 1703 Green Oaks Terrace

Are you the registered owner? Yes ☒ no ☐

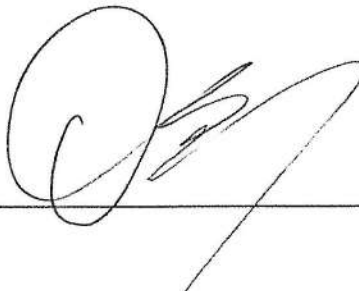
☒ I support the application

☐ I am apposed to the application

Comments

In support of this development, and looking
forward to it going ahead!

Date 2014 03 16

Signature 

Development proposal 1745 Rockland Ave.

I (we) PEGGY CLARK, have had the opportunity to review
the plans prepared by Hillel Architects for the proposed 7 unit strata development at
1745 Rockland avenue, dated June 6, 2014

NAME:(please print) PEGGY CLARK

ADDRESS: 1711 GREEN OAKS TERR

Are you the registered owner? Yes ☒ no ☐

☒ I support the application

☐ I am apposed to the application

Comments

Date JULY 16/14

Signature M. M. Clark

Development proposal 1745 Rockland Ave.

I (we) MIKE BURNS , have had the opportunity to review
the plans prepared by Hillel Architects for the proposed 7 unit strata development at
1745 Rockland avenue, dated June 6, 2014

NAME:(please print) MIKE BURNS

ADDRESS: 1730 LYMAN DOFF LANE

Are you the registered owner? Yes ☐ no ☒

☒ I support the application

☐ I am apposed to the application

Comments

Date 2014 08 17

Signature M Burns

Development proposal 1745 Rockland Ave.

I (we) Kerry Krich (POA), have had the opportunity to review the plans prepared by Hillel Architects for the proposed 7 unit strata development at 1745 Rockland avenue, dated June 6, 2014

NAME:(please print) KERRY KRICH (ALLAN SENIOR)

ADDRESS: 930 RICHMOND AVE

Are you the registered owner? Yes ☒ no ☐

☐ I support the application

☐ I am apposed to the application

Comments

We neither support or oppose. Our concerns
are loss of privacy w demo of 2 cedar
trees & Maple tree and sound factor
as property is directly adjacent to new
road.

Date Aug 18 2014 Signature Kerry Krich

September 16, 2014
Mayor and Council, Victoria

Re:1745 Rockland Rezoning

Regarding the Rezoning and Development Permit Application for this property, the RNA wishes to supplement its letter of July 12, 2014, with several additional points.

The RNA preference is always to respect in-place zoning assigned with community consultation and a social licence under the Rockland Neighbourhood Plan. While the RNA can agree that five units are slightly preferable to six, it remains deeply suspicious that this reduction is an “end run” around the currently existing R1-A zoning and that the proposed stratification of the lot is but a ploy to circumvent the panhandle regulations that should be required on this property.

At the CALUC meeting, neighbours, in noting that Richmond Road is already crowded with parked vehicles, expressed concern about additional on-street demand and wanted provision for plentiful parking on-site, particularly since many homes in the Rockland neighbourhood have more than one vehicle. Having additional visitor parking makes sense. The site coverage which would be required by all this parking is further evidence that the level of density being proposed is inappropriate on this site.

As stated in the RNA letter of July 12, "The applicant acknowledged concerns around the future of the property as strata and agreed to include legal language in the strata bylaws that would

1. protect the common property trees which provide privacy to the adjacent residents, including replacing them with equivalent species beyond their natural life and maintaining and replacing Good Neighbour Fencing as required, and
2. provide strata bylaw language preventing the development of secondary living units."

It is important that language including these covenants be part of any approval.

Further, the RNA would note in the Planning and Land Use Committee Report that the project is proposed to be BuiltGreen-certified. There are several levels of certification. Abstract Development has committed to BuiltGreen Silver. The RNA expects this to be the minimum level for any development that substantially increases density.

The public invests considerable effort in accommodating land-use processes; therefore, we ask that these points be given due consideration on the 18th. A review of the video of the discussion around 1082 Richmond Avenue at the July 17 PLUC revealed that scant attention was paid to the concerns forwarded from neighbours by the RNA.

Sincerely,

Janet Simpson, President
Rockland Neighbourhood Association



Planning and Land Use Committee Report

For Meeting of September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Leanne Taylor, Planner, Development Services Division
Subject: **Rezoning Application #00443 and Development Permit Application for 1725 Carrick Street** – Application to construct a garden suite and accessory building.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 1725 Carrick Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District) to permit the construction of a garden suite and accessory building in the rear yard of an existing lot.

The following factors were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan 2012* (OCP) and related objectives for sensitive infill in Development Permit Area 15E: Intensive Residential - Garden Suites.
- The garden suite provides an alternative form of rental housing in an area that supports a variety of housing types.
- The subject property will be included within Development Permit Area 15E: Intensive Residential - Garden Suites regulating the exterior design, finish and landscaping.
- The proposal is consistent with the policies and design specifications of the *Garden Suite Policy* (2011).
- There are no variances associated with this application.

Staff recommend that the Planning and Land Use Committee advance this Rezoning Application to a Public Hearing as the proposal is consistent with the OCP land use policy and applicable design guidelines.

Recommendations

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00443 for 1725 Carrick Street and bring it forward to a Council Agenda for consideration.

Respectfully submitted,



Leanne Taylor
Planner
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

Date: Sept. 11/14

LT:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00443\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

1.0 Purpose

The purpose of this application is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 1725 Carrick Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District) to permit the construction of a garden suite and accessory building in the rear yard of an existing lot.

2.0 Background

2.1 Description of Proposal

Details of the proposal are:

- An existing deck attached to the principal dwelling unit and a detached garage will be removed in order to construct a garden suite and new accessory building.
- The proposed garden suite will be located in the centre of the rear yard in response to feedback from neighbours regarding privacy, sightlines and shading.
- Siding materials include HardiePlank, painted wood trim and fascia, and fiberglass shingles.
- New landscaping will be introduced and a permeable paver walkway located along the eastern property boundary which will provide access to the garden suite and accessory building from the street.

2.2 Sustainable Features

Sustainable features will be incorporated into the design of the garden suite. A comprehensive list of the green building features is attached to this report. The features being proposed relate to building orientation, roof design and obtaining an EnerGuide Rating of 80 or higher.

2.3 Land Use Context

The immediate neighbourhood is characterized by single family homes. The surrounding properties to the north, east and west are currently zoned R1-B. The property directly south of the subject property is zoned R2-15 (Haultain Duplex District) and occupied by a duplex.

2.4 Community Consultation

In accordance with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, the applicant consulted the Oaklands Community Association at a meeting held on March 5, 2014. The summary of this meeting is attached.

2.5 Existing Site Development and Development Potential

The current zoning for the property is the R1-B Zone, Single Family Dwelling District, which allows a single family dwelling with a secondary suite. The parcel qualifies as a "plus site" since it is over 557 m² in size and, therefore, the floor area of a garden suite may be increased to 56 m². Should the rezoning proceed in compliance with the *Garden Suite Policy*, a single family dwelling and a garden suite will be permitted, thus precluding the use of the main dwelling for the inclusion of a secondary suite.

The following data table compares the proposal with the R1-B-GS2 Zone. There are no variances associated with this application.

| Zoning Criteria | Proposal | Zone Standard R1-B-GS2 "Plus site" |
|--|----------|--|
| Site area (m ²) - minimum | 689 | 557 |
| Floor area of single family dwelling for first and second storeys combined (m ²) - maximum | 118 | 280 |
| Garden suite floor area (m ²) - maximum | 55.7 | 56 |
| Accessory building floor area (m ²) - maximum | 23.41 | 37 |
| Total site coverage (%) - maximum | 31.4 | 40 |
| Rear yard lot coverage (%) - maximum (includes garden suite and accessory building) | 23.8 | 25 |
| Height of garden suite (m) - maximum | 3.4 | 5.5 |
| Height of accessory building (m) - maximum | 3.35 | 3.5 |
| Number of storeys of garden suite - maximum | 1 | 1.5 |
| Separation space between single family dwelling and garden suite (m) - minimum | 12.6 | 2.4 |
| Parking stalls for single family dwelling | 1 | 1 |
| Bicycle storage for garden suite | 4 | 0 |
| Garden suite setbacks | | |
| Side yard (m) (west) – minimum | 2.9 | 0.6 |
| Side yard (m) (east) – minimum | 2.9 | 0.6 |
| Rear yard (m) (south) – minimum | 3.0 | 0.6 |
| Accessory building setbacks | | |
| Side yard (m) (west) – minimum | 10.2 | 0.6 |
| Side yard (m) (east) – minimum | 1.2 | 0.6 |
| Rear yard (m) – minimum | 13.8 | 0.6 |
| Setback to proposed garden suite | 1.5 | N/A |

2.5 Legal Description

Lot 1, Section 25, Victoria District, Plan 7761.

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The *Official Community Plan 2012 (OCP)* Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, garden suites are subject to DPA 15E: Intensive Residential – Garden Suites. The proposal is also consistent with the objectives of DPA 15E to achieve new infill that respects the established character in residential areas.

2.6.2 Garden Suite Policy

The proposed development is consistent overall with the relevant land use policies of the *Garden Suite Policy*. Further details are provided in the following sections of this report.

2.7 Consistency with the Design Guidelines

2.7.1 Siting and Shading

According to the *Garden Suite Design Guidelines*, a garden suite located on a lot should be at least partially visible from the street. Locating the garden suite in the centre of the rear yard as proposed and constructing a 25 m² accessory building for bicycle storage adjacent to the suite on its northeast side will result in the suite not being visible from the street. However, the roofline of the garden suite will be noticeable from the street. Other locations for the accessory building were explored; however, locating the new accessory building on the east side of the property in line with the garden suite was the most acceptable to the neighbours as it maintains the approximate current orientation of buildings on the subject property.

An arbour, gate and address sign for the suite will be installed on the pathway and will be visible from the street. Motion-activated lighting along the pathway from the arbour to the suite will also be installed. The pathway and pavers provide directional cues to the entrance of the garden suite.

To minimize the amount of shading on adjacent parcels (1719 and 1727 Carrick Street), the garden suite will be located in the centre of the rear yard resulting in a side yard setback of 2.9 m to mitigate shading on adjacent parcels.

3.1.2 Character

The proposed finishes for the garden suite include horizontal HardiePlank siding, painted wood trim and fascia. The proposed exterior cladding would result in an appropriate design response to the existing single family dwelling unit. The roofline proposed for the garden suite is hip-shaped to preserve views and sightlines for the neighbours to the south. For comparison, the roofline of the main dwelling unit is pitched.

3.1.3 Windows and Entries

The proposed garden suite includes a front door facing Carrick Street. The size and number of window openings are maximized on the northern and southern elevations to provide access to natural light. Window openings on the east and west elevations have been minimized to reduce privacy impacts on neighbouring properties.

3.1.4 Outdoor Space and Landscape

Landscape features include a permeable pathway to the front entry of the garden suite. New landscaping includes a mix of native and non-native deciduous shrubs and groundcover plants. The south side of the garden suite includes a private patio finished with permeable pavers.

4.0 Resource Impacts

There are no resource impacts anticipated with this application.

5.0 Conclusions

This proposal to construct a new garden suite at 1725 Carrick Street is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. The garden suite creates an opportunity for another form of rental housing.

Although the proposal is inconsistent with the *Garden Suite Policy* with respect to the suite's visibility from the street, the garden suite will provide a liveable environment for its occupants with minimal infringement on the neighbouring dwellings. Both the main dwelling and the garden suite will enjoy private outdoor space in the rear yard. Staff recommend that Council support this application.

6.0 Recommendations

6.1 Staff Recommendations

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00443 for 1725 Carrick Street and bring it forward to a Council Agenda for consideration.

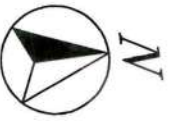
6.2 Alternate Recommendations

That Rezoning Application #00443 for 1725 Carrick Street be declined.

7.0 List of Attachments

- Air photo
- Zoning map
- Applicant's letter to Council dated June 23, 2014
- Submission drawings dated June 23, 2014 and August 20, 2014
- Oaklands Community Association Land Use Committee, March 17, 2014 and May 6, 2014.
- Green Building Features.





1725 Carrick Street
Rezoning #00443
Bylaw #





June 23, 2014

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

**Regarding: Revised Application for Garden Suite Rezoning for
1725 Carrick Street**

Dear Mayor and Council,

Please accept the enclosed application and plans for a Garden Suite at the subject property. I am considering a garden suite because the house has no basement, only a crawl space, so it does not lend itself to a secondary suite. My lot area exceeds 557 sq m and, therefore, I ask that it be considered as a "Plus Site," as defined under the City of Victoria *Garden Suite Policy*.

Kindly note that the garden suite design assumes other changes in the rear yard, as shown on the attached plans. I intend to remove an existing deck, and replace an existing garage with a **bicycle storage shed** that can be used by occupants of both the main residence and the garden suite.

I consulted my immediate neighbours and incorporated their comments, as follows:

East – Keep garden suite away from property line to decrease shadow effects. Increase setback distance from the 0.6 m allowed by the Policy to 2.9 m. Replace existing garage, currently located immediately adjacent to the east lot line, with a storage/workshop that is set back 1.2 m. Privacy is protected through including high "piano" windows in east wall of the bedroom, with no other windows on the east side.

West – Reduce shadowing by using a garden suite set back of 2.9 m, equal to the east side. Enhance privacy through landscaping and setting kitchen on west side.

South – Mitigate visual impacts for neighbours to the south by moving the building away from the property line to a setback distance of 3.0 m. The set back of 2.9 m from the east lot line also helps preserve the view by these neighbours. In addition, the roof line was changed from a gable to a hip shape to protect these views.

I would like to draw your attention to one element of the design: Under Item 4, "Design Guidelines," the *Garden Suite Policy* states, "Where possible, the garden suite should be located to be at least partially visible from the street."

My lot is long and narrow, about 46 m long by 15 m wide. Because the garden suite would be wholly constructed in the rear of the yard, it would be mostly hidden by the main residence and existing garage. Even the replacement bicycle storage shed would somewhat obscure direct sight of the garden suite from the northeast.

I considered a number of options for siting the garden suite and future bicycle storage shed before selecting the proposed orientation, as summarized below.

Options Considered for Orientation of Bicycle Storage Shed Relative to Garden Suite:

#1, Garden Suite on East – First, I considered locating the garden suite on the east side of the rear yard to increase its visibility from the road. However, that location would shade our neighbours to the east and impair the sight lines of my neighbours to the south. In consulting with them, I have centred the garden suite in the rear yard.

#2, Shed on East (proposed) – The next option is most acceptable to my neighbours because it maintains the approximate current orientation of buildings on my property. The bicycle storage shed would essentially replace the existing garage. This also optimizes the travel to the garden suite by bicycle and preserves privacy.

#3, Shed on West – Another option would place the shed on the west side of the rear property to enhance the visibility along the driveway to the garden suite. However, the shed would shade the centre rear yard earmarked for the prime residence patio and vegetable garden. It would also separate the bicycle storage shed from the driveway and result in privacy conflicts.

#4, Path to Garden Suite on West – I considered constructing the garden suite path on the west side of the principal dwelling, but that would result in conflicts with privacy and in difficult access by garden suite residents to the parking stall and Storage/Workshop.

#5, Shed on South – It would be possible to centre the shed along the rear property line. However, that siting would push the garden suite closer to the main residence and impair the green buffer and garden space between the two dwellings. It would also lead to conflict with my neighbours on the rear property line.

#6, No Shed – Because I am removing the existing garage and offer no off-street parking for tenants, I feel it is important to provide space for the storage and maintenance of bicycles for both the principal residence and the garden suite.

Under the proposed option (#2 above), I plan to enhance the visibility of the garden suite from the road. The enclosed plans (pages 1, 2, and 4) include an arbour with clear address sign and gate to the Suite that will be immediately visible from the street. In addition, the design will include motion-activated lighting along the pathway from the arbour to the Suite entrance. In addition, the garden suite would be fully visible from the road on the west side of the main residence.

Thank you for considering my application for rezoning. Please let me know if you require further information.

Sincerely,



Nicola LaMorte
1725 Carrick Street
Victoria, BC V8R 2M1
Tel: 250-889-8492
nlamorte@telus.net



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C., V8R 2L2

March 17, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W 1P6

Re: Proposed Rezoning 1725 Carrick Street...Garden Suite

Dear Mayor Fortin and Council:

The North Jubilee Neighbourhood Association hosted a CALUC meeting on March 5, 2014 re a rezoning proposal for 1725 Carrick Street from R1-B Residential to R1-B-GS2 Zone, Single Family Dwelling with Garden Suite. Six residents attended this meeting.

The applicant has been in contact with close-by neighbours and has worked with the neighbour, whose backyard is adjacent, with lowering the roof line on the proposed suite. The patio on this South side of the property will be landscaped as well. There is one parking spot available for the suite. A new storage shed is to be added at a later date with half the space for the use of the owner and half for the garden suite. The applicant has advised that when the present house requires painting it will be repainted the same colour as the garden suite and cedar trim will be added. The plans indicate "paver patio" and walkway which is preferred to concrete, as this property is in the Bowker Creek Watershed and the City has adopted the Bowker Creek Blueprint.

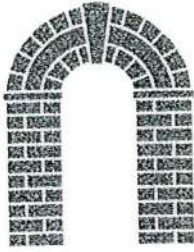
Concerns voiced at the meeting included loss of privacy; height of structure; prefer long-term renters as sense of community is lost with high turnover; encourage renting to tenant that does not have a vehicle; and determining that there is adequate drainage on the property. As presented, neighbours attending the meeting seemed to be in favour of this type of added density, but are also interested in being kept informed as to the plans meeting City requirements. A garden suite leads to the least amount of lost green space.

Yours truly,

Jean Johnson, Land Use Chair on behalf of Committee Members, Wilma Peters and Pat May

Cc: Lucina Baryluk, Senior Planner; Councillor Shellie Gudgeon

Jim and Nicola LaMorte



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C.

May 6, 2013

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W 1P6

Re: Proposed Rezoning 1725 Carrick Street...REZ00443

Dear Mayor Fortin and Council:

In reply to the Sustainable Planning and Community Development Department's April 8, 2013 letter re the above proposed rezoning, North Jubilee's Land Use Committee is in agreement that this application is supported by the community as a rezoning that would lead to the least amount of lost green space or privacy by the neighbours. The location of this proposed garden suite and the added patio add to the livability of this proposal.

There were concerns voiced at the March 5, 2013 CALUC meeting which were outlined in our March 17, 2013 letter to you.

Yours truly,

Jean Johnson, Land Use Chair on behalf of Committee Members, Wilma Peters and Patrick May

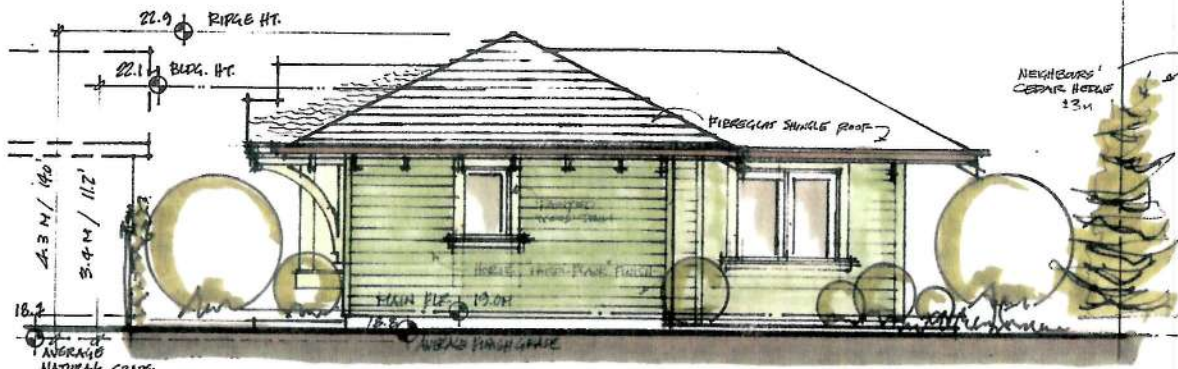
Cc: Lucina Baryluk, Senior Planner; Councillor Shellie Gudgeon, NJ Council Liaison



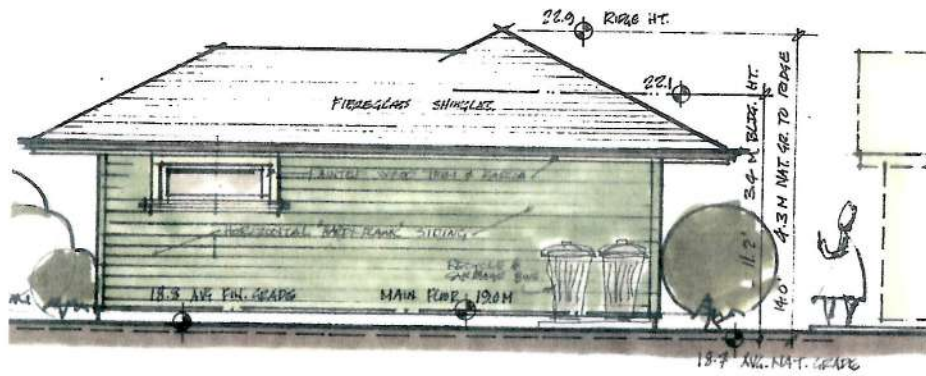
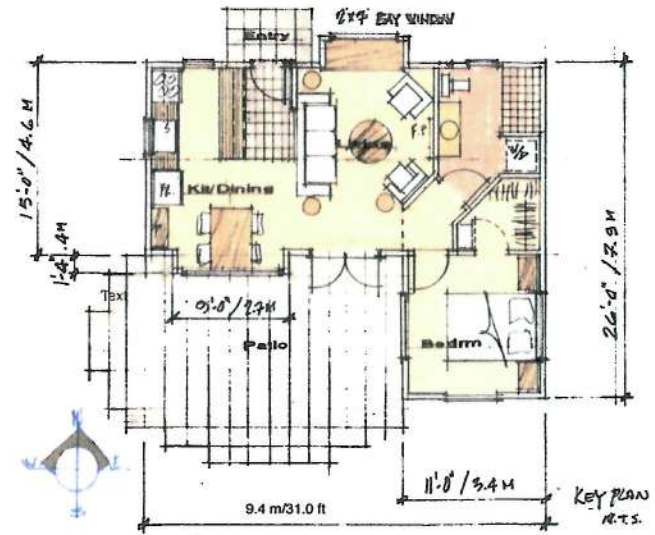
GARDEN SUITE

VICTORIA BC

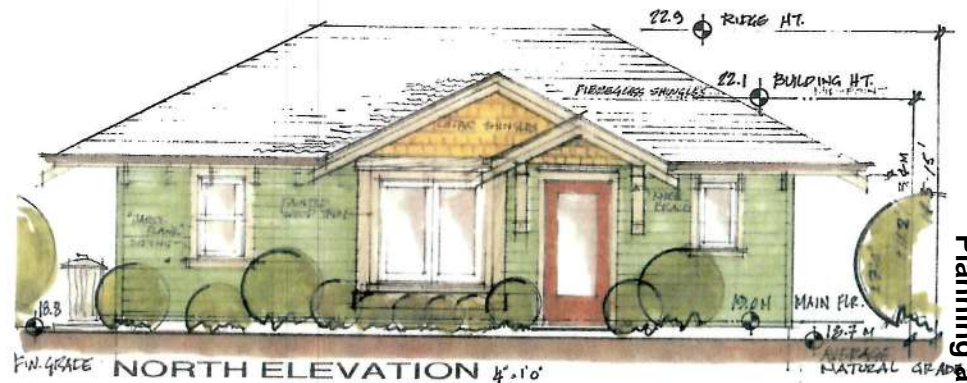




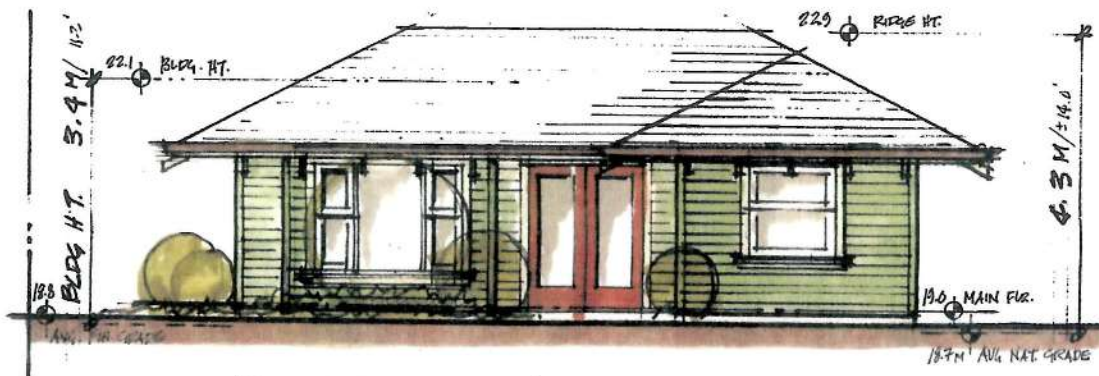
WEST ELEVATION 4'-11.5"



EAST ELEVATION 4'-11.0"



NORTH ELEVATION 4'-10"



SOUTH ELEVATION 4'-11.0"

PROPOSED

GARDEN SUITE

LAMORTE RESIDENCE
1725 CARRICK STREET

VICTORIA BC



Planning and Land Use Committee - 18 Sep 2014



| Grade Points | Avg. of Points | Distance Between | Total |
|--------------|---|--|---------------------|
| A & B | $(18.0\text{mi} + 18.7\text{mi})/2 = 18.35$ | $\times 9.4\text{ mi}$ | 176.25 |
| B & C | $(18.7\text{mi} + 18.8\text{mi})/2 = 16.75$ | $\times 4.6\text{ mi}$ | 86.25 |
| C & D | $(18.8\text{mi} + 18.8\text{mi})/2 = 18.80$ | $\times 6.0\text{ mi}$ | 112.80 |
| D & E | $(18.8\text{mi} + 18.7\text{mi})/2 = 18.75$ | $\times 3.3\text{ mi}$ | 61.86 |
| E & F | $18.7\text{mi} \times 10 = 187\text{mi}$ | $\times 3.4\text{ mi}$ | 635.58 |
| F & A | $(18.7\text{mi} + 18.0\text{mi})/2 = 18.35$ | $\times 9.4\text{ mi}$ $\times 6.0\text{ mi}$ | 148.13 $+ 48.60$ |

Average natural grade: $648,69 : 34 \text{ t} = 18,75 \text{ metres}$

NO SCALE



PROPOSED

GARDEN SUITE

1725 CARRICK STREET

VICTORIA



existing HOME $1^{\circ}, 5^{\circ}, 0^{\circ}$

| area | sq ft | | |
|--------|----------|------------|-------|
| | finished | unfinished | total |
| exam | 931 | 0 | 931 |
| upst | 339 | 0 | 339 |
| hdw | 1270 | 0 | 1270 |
| deck | | 427 | |
| garage | | 325 | |



MASTER BEDROOM
12'3" X 12'0"
CEILING HEIGHT
7'6"

BEDROOM
12'3" X 10'7"
CEILING HEIGHT
7'6"

WALK-IN CLOSET
4'0" X 7'9"

BATH

CL.

CL.

ATTIC STORAGE



Green Building Features

Garden Suite at 1725 Carrick Street
Applicant: Nicola LaMorte, 250-889-8492

| Category | Feature | Notes |
|---------------------------|---|--|
| Site Selection and Design | Design with long axis oriented east-west, enhancing southern exposure. | https://vancouver.ca/files/cov/passive-home-design.pdf |
| | Orient large kitchen window, French doors, and bedroom window to the south for direct solar warming of the interior. | |
| | Set back suite 3 m from the south property line to reduce shadow effects of neighbour's trees and garage structure. | |
| | Orient south-facing roof to allow for future solar hot water panel. | |
| Transportation | <p>Replace existing garage with storage/workshop, including weather-protected and secure bicycle storage for Garden Suite tenants.</p> <p>No additional parking for Garden Suite.</p> | |
| Energy Efficiency | <p>Obtain EnerGuide Rating of 80 or higher.</p> <p>Install only energy-efficient appliances.</p> <p>Install windows that can be opened to promote passive ventilation.</p> | <p>Power Smart New Home Grant of \$2,000 for EnerGuide Rating of 80 or higher.</p> <p>Energy Star Package, \$150 grant for energy efficient 1) Refrigerator, 2) Clothes Washer, 3) CFL or LED lighting, and 4) Bathroom fan.</p> |

| | | |
|-------------------------------------|---|--|
| | Build roof overhang to shield windows from direct sunlight in summer, moderating interior temperatures. | |
| Renewable Energy | Pre-plumb Garden Suite to be solar hot water ready. | About \$500 – "Solar Hot Water Ready," City of Victoria Contractors: Pacific Solar Smart Island Energy Savings |
| Water | Install faucets and shower head with flow rate of 8 l/min or less. | |
| | Install dual flush toilet with ultra-low flow (4.5 L/flush) Use rain barrels to collect non-potable water for landscaping. | |
| Site Permeability | Install permeable pavers for Garden Suite pathway and patio. | |
| Landscaping and Urban Forest | Increase the number of trees on the lot. Plant deciduous trees to enhance solar gain in winter and shoulder seasons. | |
| Urban Agriculture | Include raised beds to support vegetable gardening at Garden Suite. Add fruit trees and berry patch on lot. | |



Planning and Land Use Committee Report

For Meeting on September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Lucina Baryluk, Senior Process Planner
Subject: **Rezoning Application #00432 and Development Permit Application #000345 for 2340 Richmond Road** - Application to allow commercial uses and a request for additional density

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 2340 Richmond Road. The proposal is to allow a range of commercial uses (office, retail, 50-seat restaurant, studio and daycare) within an existing building (CNIB Building), and to increase the density. The existing zoning of the subject property limits the use of the building to a non-profit facility.

The following factors were taken into consideration in reviewing this application:

- Allowing a range of commercial uses is consistent with the *Official Community Plan* policies which support freestanding commercial uses at the intersection of major roads. Permitting a broader range of uses will also allow adaptive reuse of the existing building. The recommended range of permitted uses will generate a parking demand that can be satisfied on site.
- As the existing building is to remain and no specific redevelopment proposal is provided, the proposed site-specific zone will recognize the existing density and siting. The applicant has requested additional density; however, there is not sufficient justification to merit the additional density.
- The property is subject to Development Permit Area 16: General Form and Character. Only minor changes to the existing structure are proposed and the landscaping would be renewed which would open up the views to the building.

Staff recommend that Committee support the request to allow a limited range of commercial uses on the subject property, however, decline the request for additional density.

Recommendations

1. That Council instruct City Staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00432 for 2340 Richmond Road to allow the following uses: daycare, medical offices, professional offices, retail, restaurant, veterinarian clinic (without kennelling) and a single family dwelling and advance it to a Public Hearing subject to:
 - a) Registration of a Statutory Right-of-Way of 2.44 m on Richmond Road and 1.5 m on Bay Street to the satisfaction of the Director of Engineering and Public Works.

2. Following consideration of Rezoning Application #00432, that Council considers authorizing the issuance of Development Permit Application #000345 in accordance with:
- a) plans date stamped June 10, 2014;
 - b) development meeting all *Zoning Regulation Bylaw* requirements;
 - c) final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

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: September 10, 2014

LB:aw

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 2340 Richmond Road.

2.0 Background

2.1 History of the Building and Description of Proposal

In the early 1980's, the subject property was rezoned to allow the Canadian National Institute for the Blind (CNIB) to construct a purpose-built facility for their operations. The existing building on the site was constructed in 1986, with a further expansion in 2001 for additional office and storage space. The CNIB has sold the building but will continue to lease space.

The applicant proposes to retain the existing building. The existing building has 820 m² floor area on the main floor and 266 m² on the second storey, for a total floor area of 1086 m². It is intended that the CNIB will remain a tenant in a portion of the building and two other tenant spaces will become available for other commercial uses. Should CNIB vacate their lease space, the space can be leased to any commercial or non-profit users as an office use. The proposal is to allow a range of commercial uses (office, retail, 50-seat restaurant, studio and daycare) within an existing building (CNIB Building). The full range of allowable uses is detailed in the Issues section of this report.

The applicant is further requesting an increase in density up to 1:1 FSR. There are no specific development plans to accompany this request.

The existing parking lot accommodates 29 parking stalls. Bicycle parking would be provided in compliance with the Schedule C requirements of the *Zoning Regulation Bylaw*.

No building expansion is contemplated at this time. Only minor changes to the exterior of the building are proposed, which would result in changes to window and door placement. Changes to the landscaping include thinning the vegetation along Richmond Road and Bay Street to open up views to and from the building, as well as creating a path from Bay Street to the existing outdoor seating area.

2.2 Existing Site Development and Development Potential

The *Zoning Regulation Bylaw* is very restrictive as it applies to this property: limiting the use, users and operators. Under the current R1-C Zone, Single Family Dwelling District (Extended Use), the permitted uses allow for a building that may be used for the relief of the poor, aged or infirm or as a home for the care of children or a hostel or centre for young persons provided that:

- a) such use is exclusive of all other uses and is not carried on for profit or gain, and
- b) such building is held or occupied by a charitable or philanthropic organization, supported in whole or in part by public funds.

In terms of other allowable uses on the site, the R1-C Zone also permits a single family dwelling, subject to the regulations within the R1-B Zone. In order to provide more flexibility for the use of this property and to remove the non-profit limitation on the leaseholders, a rezoning is required.

2.3 Improvements to the Transportation Network

The subject property is located at a critical intersection. Both Richmond Road and Bay Street are classified as secondary arterials. Both of these roads are 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 will secure a 1.5 m Statutory Right-of-Way on Bay Street and a 2.44 m Statutory Right-of-Way on Richmond Road as a condition of rezoning.

2.4 Data Table and Parking Requirements

2.4.1 Data Table

The following data table provides data based on the existing building. The existing building is compared to the OCP Urban Place Designation, Traditional Residential, as the OCP provides the most relevant guidance for development of the site. "N/A" indicates that the OCP does not provide direction or standards.

| Zoning Criteria | Existing building (As- built) | OCP Traditional Residential |
|--|----------------------------------|---|
| Site area (m ²) - minimum | 2627.0 | N/A |
| Total floor area (m ²) - maximum | 1087.0 | 2627.0 (if maximum density is permitted for mixed use development along arterial and secondary arterials) |
| Density (Floor Space Ratio) - maximum | 0.4:1 | Up to approximately 1:1 (if maximum density is permitted for a mixed use development along arterial and secondary arterials) |
| Height (m) - maximum | 7.8 | N/A |
| Site coverage (%) - maximum | 32 | N/A |
| Storeys - maximum | 1.5 | 3 |
| Setbacks (m) - minimum | | |
| North - Emerson | 13.2 | N/A |
| South - Bay | 8.9 | N/A |
| East - Richmond | 4.8 | N/A |
| West - interior lot line | 4.9 | N/A |

2.4.2 Off-Street Parking, Schedule C, Zoning Regulation Bylaw

Based on Schedule C of the *Zoning Regulation Bylaw*, the following data table details both the "required" and "provided" number of parking stalls based on the proposed uses:

| <i>Existing Permitted Use</i> | <i>Number of stalls provided</i> | <i>Number of stalls required</i> |
|-------------------------------|----------------------------------|----------------------------------|
| Auditorium | 15 | 15 |
| Office | 14 | 13 |
| Total | 29 | 28 |

2.5 Land Use Context

The dominant building in the neighbourhood is the Royal Jubilee Hospital, which is directly across Richmond Road from the subject parcel. It is noted that Richmond Road forms the eastern boundary between the District of Saanich and the City of Victoria.

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.

Bay Street, to the south, between Shelbourne Street and Richmond Road, is residential with some multiple dwelling units interspersed among the single family homes. Emerson Street, to the north, is not a through street. There are approximately 45 single family homes on Emerson Street.

2.6 Legal Description

Lot A, Section 25, Victoria District, Plan 43084.

2.7 Consistency with 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.

As the subject property is at the intersection of two major roads, freestanding commercial is within the guidelines of the OCP. The OCP places arterials and collectors within the major road category.

The OCP also places the property within Development Permit Area 16, General Form and Character, for the purposes of establishing objectives for the form and character of commercial development. The applicable guidelines are Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012). As this is an existing building and the applicant

is proposing only minor changes to the building exterior (window and door placement) to accommodate potential leaseholders, no further analysis of the application with respect to the Development Permit Guidelines, as they relate to this building, is deemed necessary.

With respect to landscaping, the existing buffer between the subject property and the residential buildings to the west will be retained and the existing trees on the property will also be retained. The vegetation at the corner of Bay Street and Richmond Road will be thinned to provide visibility to the building and the proposed restaurant use.

It is noted that if the property is redeveloped under the proposed site-specific zoning or as part of a future rezoning, a new development permit will be required.

2.7.2 Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* (1996) places the subject property in a category of maintaining the current zoning. On Plan Summary Map 1, a notation indicates that there should be limited expansion of non-profit societies along Richmond Road. By inference, the issues behind this notation would appear to be that non-profit societies are regional in nature and, therefore the users are heavily dependent on car trips and the use does not contribute to “enlivening” the local community.

The subject property is not recognized as commercial in the *Jubilee Neighbourhood Plan*. Therefore, the most relevant guidance relating to the commercial use of the property has been taken from the Neighbourhood Directions section of OCP, which includes the following strategic directions:

- *Explore complementary commercial and other employment land uses that can be located adjacent to and within the Royal Jubilee Hospital site.*
- *Improve land use transitions and minimize impacts of Royal Jubilee Hospital redevelopment and expansion on adjacent ground-oriented general residential areas.*

2.8 Community Consultation

The North Jubilee Neighbourhood Association hosted a Community Association Land Use Committee (CALUC) Community Meeting on December 12, 2013. A follow-up letter from the Neighbourhood Association, dated February 12, 2014, is also attached to the report.

3.0 Issues

The following are the key issues associated with this application:

- density
- range of uses.

4.0 Analysis

4.1 Density

The application, at this time, does not involve increasing the size of the building or removing and replacing the existing building. The life expectancy of the existing building has not been determined. The existing density on the site would, therefore, simply be reflected in the new zone with the expanded range of uses as outlined in this report, within the existing building or within a new building with the same density allowance. This means that, if there is redevelopment of the site that results in an increase in density, a rezoning would be required. At that time, the development proposal would receive a full analysis that would also address changes to traffic volumes and parking demands.

The applicant is contending that a density allowance for public buildings should be a consideration for the site. It is noted that public buildings are intended to accommodate the non-profit sector (such as the CNIB). As the applicant is proposing commercial uses without the limitation of non-profit operators or clients, specific regulations are appropriate controlling such things as density, site coverage and height. In the R1-B Zone, where most public buildings occur in the City, the building size is regulated by site coverage, setbacks, number of storeys and parking.

The upper limit for density considered within the *Official Community Plan (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". In short, in a Traditional Residential designation, the emphasis is on fostering the residential potential and higher density would be considered for development that introduces or maintains residential uses. By limiting the zone to the current building size, the intent of the OCP to create a transition to the single family residential neighbourhood is achieved.

The OCP does provide direction and latitude in determining the appropriate density for a site.

The OCP states the following:

While the designations described in policy 6.1 and Figure 8 establish the general pattern of land use, it is the Zoning Bylaw that regulates the specific uses and density of development that are permitted to occur on the land. Within each designation, there will be a range of uses, densities and built forms. Decisions about the use, density and scale of building for an individual site will be based on the site-specific evaluations of proposed developments in relation to the site, block and local area context, and will include, but not limited to, consideration of: Consistency of proposal with all relevant policies within the Official Community Plan; City policies; and Local area plans.

In this context, in the absence of a residential component and specific development plans for the site and the benefit of an updated local area plan, the increase in density is not supportable.

4.2 Range of Uses

There are two key issues in determining the appropriate uses for the building. The first issue is the appropriateness to the context and the OCP Urban Place Designation of Traditional Residential. The second issue is the parking demand for the use. The on-street parking situation in the neighbourhoods bordering the Royal Jubilee Hospital is a major consideration in any application as parking demand spills over into the adjoining streets. It is, therefore, critical that any development provides adequate off-street parking to serve the users within the development and by extension it is important that uses that are known to create a significant parking demand are not introduced onto the site until a comprehensive redevelopment of the site occurs.

The applicant has requested a broad range of uses including: daycare, doctors' office, business and professional office, financial institution, retail, restaurant, high tech, call centre and veterinarian clinic. For the most part, this range of uses will contribute to the local neighbourhood and the required parking can be provided on the site as long as there is a combination of tenants that have varying parking requirements as specified in Schedule C – Off Street Parking Requirements of the *Zoning Regulation Bylaw*. In other words, if the entire building were occupied by a use which has a high parking demand and hence a high parking requirement as established in Schedule C (e.g. restaurant), a parking variance would be required.

Given these considerations, the range of uses noted above is appropriate, with the exception of the request for high-tech, call centres and financial services as these uses are typically associated with more intense designations such as Core Employment or Town Centre.

The staff recommendation advances the more limited list of uses described above; however, an alternate motion is provided for Committee's consideration should the full range of commercial uses be preferable.

It is noted that the existing right for a single family dwelling will be included in the proposed zone. This is common practice in the *Zoning Regulation Bylaw* to allow single family use as a default use.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Conclusions

The current zoning of the property is very restrictive and limits the permitted uses to a non-profit care facility. This restriction reflected the ownership and purpose of the building at the time of construction. This building has now been sold to a private developer who wishes to have a broader range of uses to enable the commercial viability of the building. Permitting a broader range of uses will also allow adaptive reuse of the existing building; however, allowing high tech, call centre and financial services are seen to go beyond the intent of the OCP Traditional Residential land use designation. Staff therefore recommend that Committee support broadening the range of uses for the property to allow daycare, office, retail, restaurant and veterinarian clinic (without kennelling). The property may be redeveloped within the proposed site-specific zone at the same density, however, a development permit would be required at that time. It would be appropriate to consider a more extensive range of uses and a higher density

when the site is fully redeveloped for a specific redevelopment, requiring a further review by the local community.

7.0 Staff Recommendations

1. That Council instruct City Staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00432 for 2340 Richmond Road to allow the following uses: daycare, medical offices, professional offices, retail, restaurant, veterinarian clinic (without kennelling) and a single family dwelling and advance it to a Public Hearing, subject to:
 - a) Registration of a Statutory Right-of-Way of 2.44 m on Richmond Road and 1.5 m on Bay Street to the satisfaction of the Director of Engineering and Public Works.
2. Following consideration of Rezoning Application #00432, that Council considers authorizing the issuance of Development Permit Application #000345 in accordance with:
 - a) plans date stamped June 10, 2014;
 - b) development meeting all *Zoning Regulation Bylaw* requirements;
 - c) final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

7.1 Alternative Recommendation (decline)

That Rezoning Application #00432 for 2340 Richmond Road be declined.

7.2 Alternate Recommendation (Applicant's preferred range of uses)

That staff be directed to include the full range of permitted uses as requested by the applicant in the applicant's letter.

7.3 Alternative Recommendation (Applicant's preferred density)

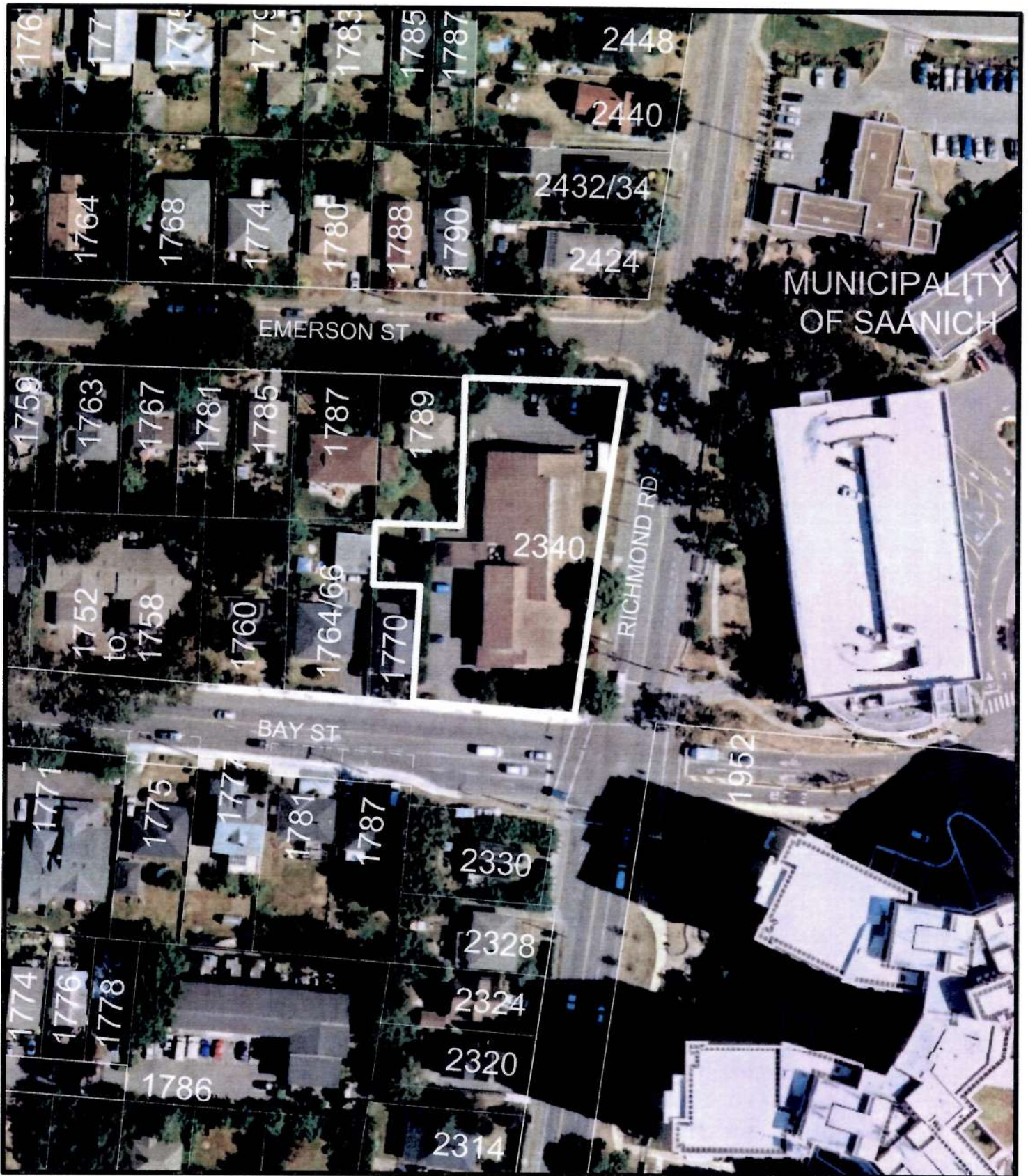
That staff be directed to include the request for density of a maximum of 1:1 FSR as requested in the applicant's letter.

7.4 Alternative Recommendation (Applicant's preferred range of uses and density)

That staff be directed to include the full range of permitted uses and density of a maximum of 1:1 FSR as requested in the applicant's letter.

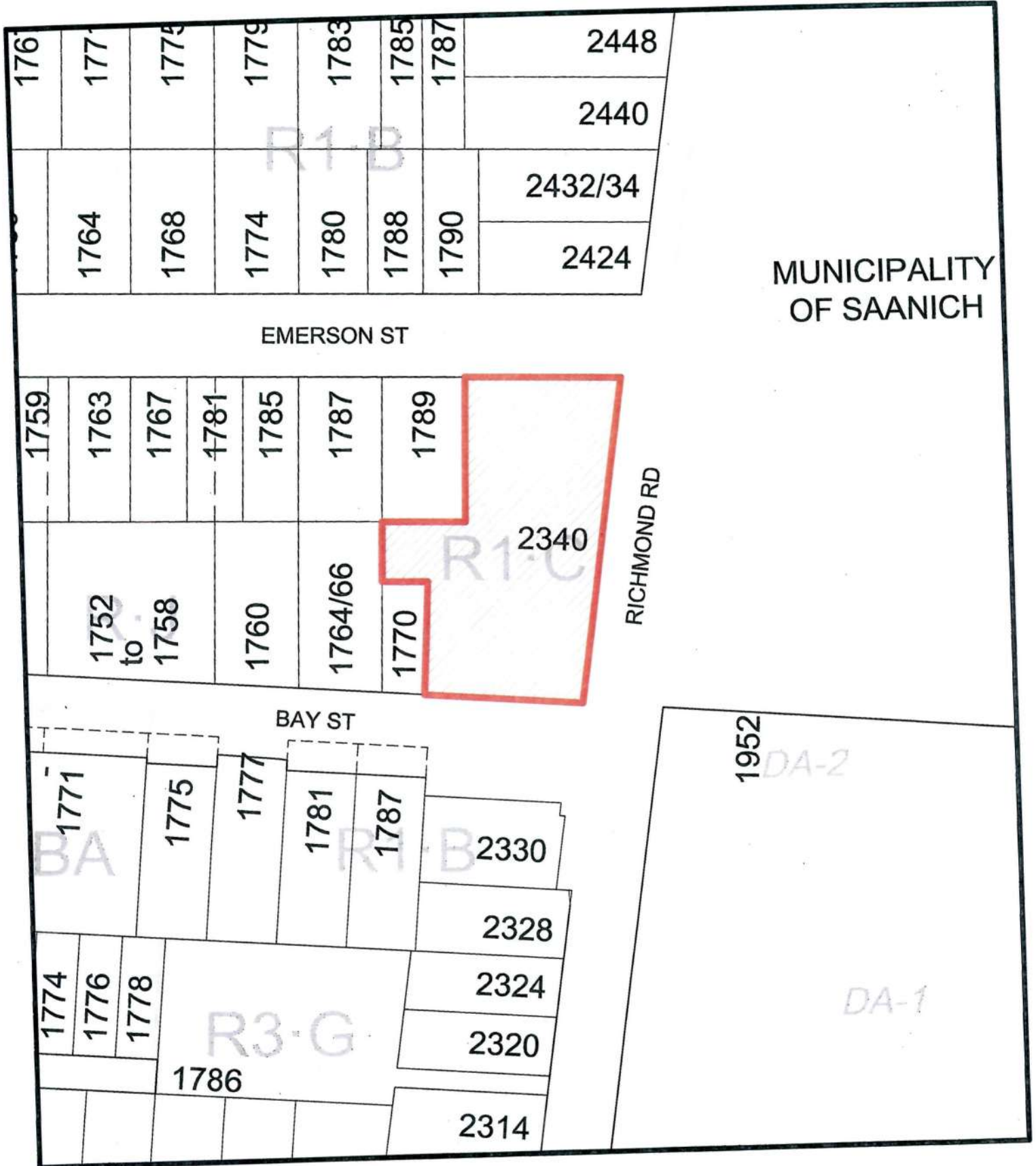
8.0 List of Attachments

- Aerial Map
- Zoning Map
- Plans dated June 10, 2014
- Letters from applicant dated August 8, 2014 (revised from previous submission)
- North Jubilee Neighbourhood Association, letters dated January 17, 2014, February 12, 2014, and June 30, 2014.



2340 Richmond Road
Rezoning #00432
Bylaw #





MUNICIPALITY
OF SAANICH

EMERSON ST

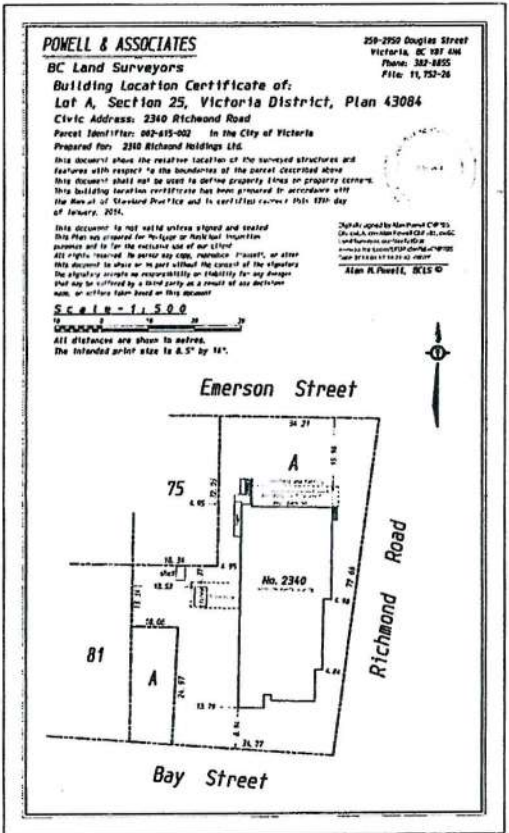
RICHMOND RD

BAY ST

2340 Richmond Road
Rezoning #00432
Bylaw #



Received
City of Victoria
JUN 10 2014
Planning & Development Department
Development Services Division



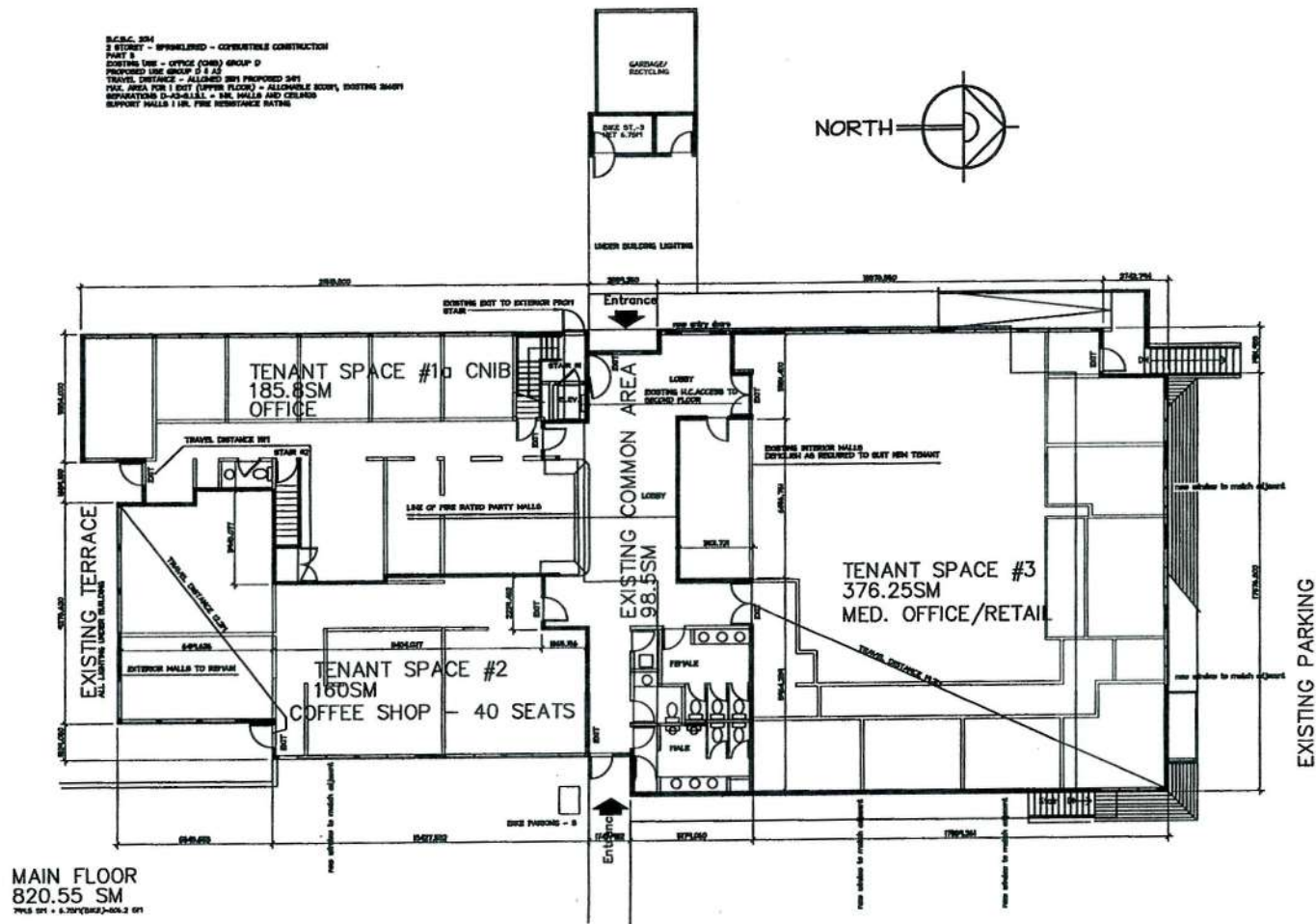
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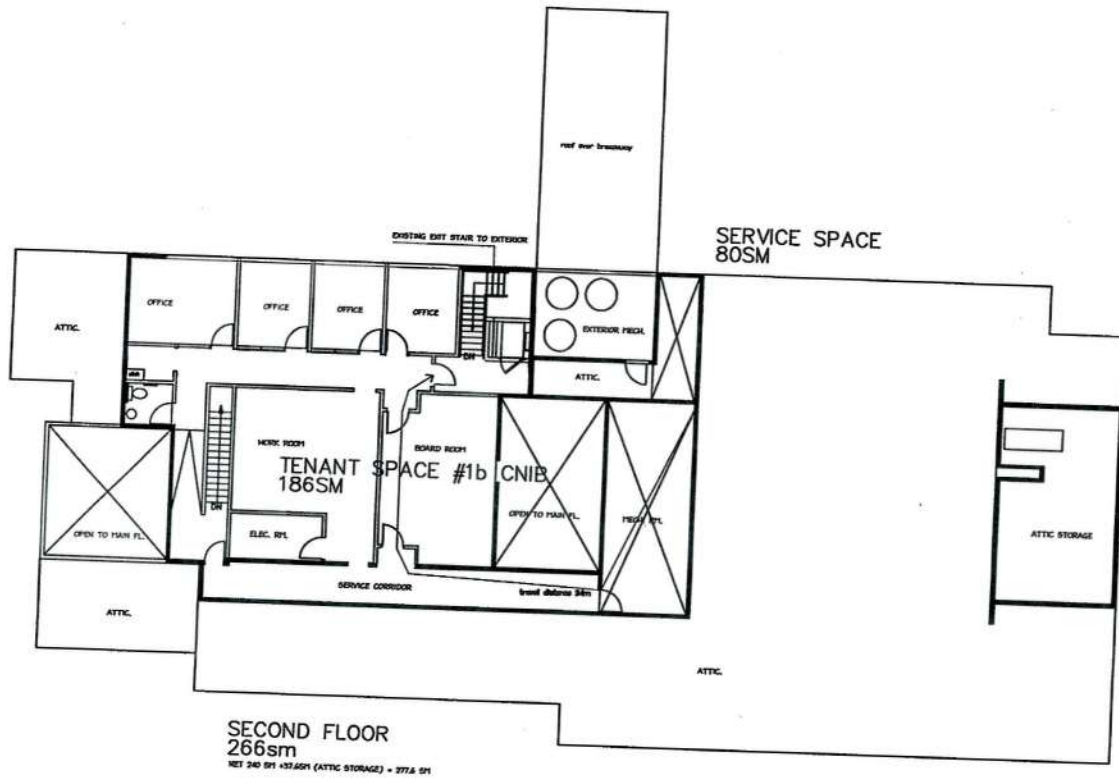
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Planning and Land Use Committee - 18

Planning & Development Department
Development Services Division

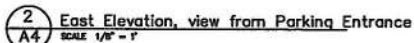
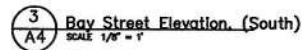
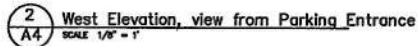
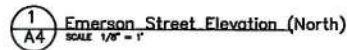






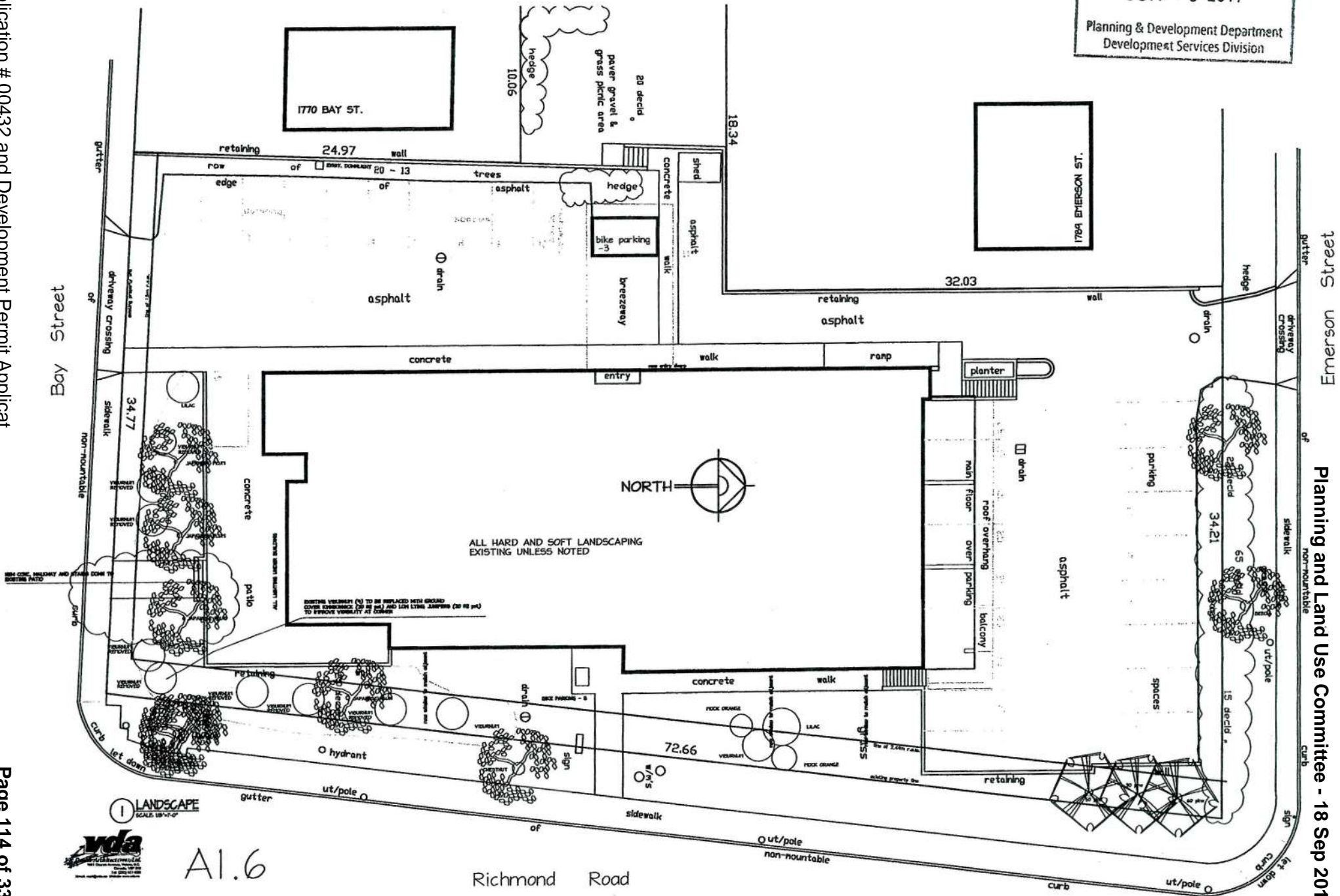
SECOND FLOOR
266sm
NET 240 SM + 126SM (ATTIC STORAGE) = 377.6 SM

Planning & Development Department
Development Services Division



UPPER FLOOR PLAN (EXISTING)

Received
City of Victoria
JUN 10 2014
Planning & Development Department
Development Services Division



1 LANDSCAPE
SCALE: 1/8" = 1'-0"



A1.6

Richmond Road

August 8, 2014

Mayor Fortin and Council
City of Victoria
#1 Centennial Square
Victoria, BC



Mayor Fortin and Members of Council,

RE: 2340 RICHMOND ROAD - REZONING AND DEVELOPMENT PERMIT APPLICATION

I respectfully request your consideration of my application to rezone the property at 2340 Richmond Road from R1-C, Single Family Dwelling Extended Use to a new zone based on the R1-C that would permit a number of commercial uses for the existing Canadian National Institute for the Blind (CNIB) building, in order to support its ongoing economic viability. The existing zone limits the use of the property to non-profit societies. The building is not economically viable for CNIB to continue to own or maintain as a non-profit society and has sold the building, downsized into 40% of the building space and is staying on site a tenant.

The proposal is in keeping with policies under the Traditional Residential Land Use Designation in the *Official Community Plan* (OCP) which supports commercial, mixed and multi-unit buildings along arterial and secondary arterial roads and at the intersection of major roads at densities up to 1.0:1 fsr. The OCP also calls for the adaptive reuse of existing buildings as an important part of sustainability. The *Jubilee Neighbourhood Plan* recommends limiting the expansion of non-profit societies on Richmond Road.

The existing 1,039 m² (11,183 ft²) 1 and ½ storey building was purpose built for the CNIB in the 1980's. The 2,627 m² (28,273 ft²) property encompasses the entire western frontage (72.5 m/238 ft) on Richmond Road from Emerson Street (north) to Bay Street (south). There are 2 driveways one at the rear of the property on Emerson Street and one on Bay Street which access 2 different parking areas. There is parking for 30 cars on site. The properties immediately adjacent to the site and which face onto both Emerson and Bay Street are single family dwellings. The Jubilee Hospital complex is across Richmond Road to the east.

My request is to modify the existing **R1-C zone** to permit daycare, kindergarten, office (including medical and dental), retail, high tech and restaurant uses in addition to the non-profit uses already permitted. I also request that the other provisions of the R1-C zone including building size limits for "**public buildings**"* (2 and ½ storeys with 40% site coverage/approximately 1.0:1 fsr) be maintained so that the future expansion potential of building, under the current zoning, will be retained. The existing building is approximately 0.40:1 fsr. Any future development of the site would require a separate Development Permit.

* **Public Building** means the non-commercial use of land, building and structures for art or cultural exhibits, cemetery, church, community centre, court of law, fire station, hospital, legislative chambers, library, outdoor recreation use, police station, recreation facility, or school.

August 8, 2014
2340 Richmond Road
Page 2 of 2

Possible tenants include a daycare, doctors' offices and a coffee shop; uses that would compliment the neighbourhood and the major institution across the street. The key for making this building economically viable and sustainable over the long term will be to provide greater flexibility for its use. This is critical for the future of the building.

The non-residential pattern of use of the site is well established and it is ideally located for commercial activity; Bay Street and Richmond Road are both arterial roads and are well served by transit. The driveways and parking already existing and have an established relationship with adjacent properties. The building, floor space and current use were approved with 30 on-site parking spaces. Any new use will have to comply with the current parking requirements or seek variance. As already mentioned, the site is well served by transit and many of the people likely to access the uses will already be coming to or from the hospital.

Few changes are contemplated to the exterior of the building except minor changes to the windows, entries and the potential for future signage to make the spaces more leasable. The materials used will be in keeping with the materials already on the building. These are described in the attached drawings. I have made a concurrent application for a Development Permit for these changes to facilitate the timely leasing of the spaces. The internal space will be reconfigured to meet potential tenant's needs. The landscaping will also be improved on the street frontages.

In conclusion, the properties location and established pattern of use lends itself to providing the flexibility to permit these additional uses. The adaptive reuse of this building will not only support its long-term economic viability but will complement other uses in the neighbourhood. This proposal could also reintroduce the property, or portions of it, into the City's tax base; as a commercial property it would no longer require a tax exemption.

I thank you for your consideration of my application and look forward to discussing it with you.

Leonard Cole,
Urban Core Ventures Ltd.



North Jubilee
Neighbourhood
Association

1766 Haultain Street
Victoria, B.C., V8R2L2
January 17, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: Proposed Rezoning 2340 Richmond Road (CNIB Building)

Dear Mayor and City Council:

The North Jubilee Neighbourhood Association's Land Use Committee hosted a Community meeting in connection with the proposed rezoning for 2340 Richmond Road which was held December 12, 2013 in the Woodward Room, Begbie Hall, 2101 Richmond Road, RJH Campus. Four North Jubilee residents were in attendance. Leonard Cole, Urban Core Ventures and Des Bazett, Vic Davies Architect Ltd. made the presentation for the proponent. Undated plans were viewed which outlined 30 parking spaces; tenant spaces #1, 2000 sq. ft., #2, 1700 sq. ft., and #3, 3860 sq. ft. There is also a 930 sq. ft. common area on the upper level. The CNIB will be leasing space #1 for a 5-year leasing term. The working drawing presented for the exterior elevations was prepared for the alterations and renovations for the CNIB in 2000. Also shown was an enlarged photo of the surrounding properties. Copies of these plans were not available for NJNA after the meeting, but were delivered to the Association on January 8, 2014 and the Land Use Committee requested an extension for providing comments from this meeting.

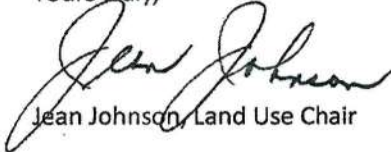
As this is an application to rezone the property from R1-C, Single Family Dwelling Extended Use to a new zone that would permit a number of commercial uses and not limited to non-profit societies, possible options only were discussed at the meeting. These included a daycare, doctor's offices, pharmacy, coffee shop, dance center, retail, and financial institutions. As a coffee shop could be located in Tenant Space #2 which has an existing outdoor terrace, smoking at this location is a concern due to its close proximity to the hospital campus. The proponent advised that few changes would be made to the exterior of the building and these would be done on the windows, entries and for signs required by new tenants. Improvements are to be made to the present landscaping.

CNIB requires 6 parking spaces which leaves 24 on-site spaces for other tenants. As all residential streets in North Jubilee are restricted to "resident parking only", parking problems and concerns were discussed at length. The parking lot is not large and has not generated a great deal of car trips in the past due to the original intended use of the building. On behalf of the community, the Land Use Committee would recommend that the applicant constantly monitor all parking issues. Parking by non-residents in the North Jubilee neighbourhood requires constant awareness by residents due to parking on our streets by hospital campus staff and visitors. RJH also generates a heavier traffic volume on Richmond Road, Bay and Fort Streets and the proposed commercial use of this building will also

generate increased traffic. The intersection at Bay and Richmond would be pressed to tolerate the level of activity that would be take place with some of the proposed tenants and thus the impact of traffic and parking is a major concern.

The applicant, Leonard Cole, advised that he had personally made contact with many of the adjacent neighbours in the area prior to the Community Meeting.

Yours truly,



Jean Johnson, Land Use Chair

(Wilma Peters and Pat May...NJNA Land Use Committee)

Cc: Lucina Baryluk

Leonard Cole, Urban Core Ventures

Shellie Gudgeon, North Jubilee City Council Liaison



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

February 12, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1

Re: REZ #00432 and DP#000345 for 2340 Richmond Road

Dear Mayor and City Council:

In reply to the January 10, 2014 letter from Anita Walper, Administrative Assistant in connection with the above proposed rezoning and development permit, please be advised that the North Jubilee Land Use Committee did examine the attachments forwarded to us. It was noted on the landscape plan that the existing hedging is to be replaced with ground cover along Richmond Road and Bay Street to improve visibility at the corner. Is the removal of the mature shrubs necessary to meet criteria set by the Traffic Department? These landscape changes were not shown on the plans at the Community Meeting. Future landscaping is an important part of this corner development in our neighbourhood and ground cover replacement appears minimal.

On Plan A1.5 the bottom elevation shown is from Richmond Road, not from the Parking Entrance.

Neighbourhood concerns raised at the December 12, 2013 Land Use Community Meeting re parking were outlined in our January 17, 2014 letter to you and they still remain a major concern. As the RJH Campus forms part of North Jubilee, the traffic in our area generated by staff, patients and visitors already leads to very busy streets. Mr. Cole lists a daycare, doctors' offices, coffee shop, financial institutions, retail stores, bakery, veterinarian clinic, etc. as possible future tenants. Such uses will all add to North Jubilee traffic especially on heavily travelled Richmond Road.

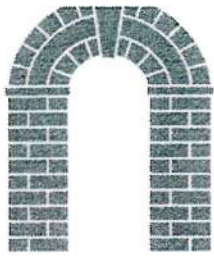
As North Jubilee already has a predominance of medical offices, there is a concern about further commercial development that is closed to the neighbourhood after hours.

Yours very truly on behalf of the North Jubilee Neighbourhood Association Land Use Committee,

Jean Johnson, Chair

Cc: Lucina Baryluk

Shellie Gudgeon, North Jubilee Council Liaison



North Jubilee
Neighbourhood
Association

Planning and Land Use Committee - 18 Sep 2014

1766 Haultain Street

Victoria, B.C.

June 30, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: REZ #00432 and DP#000345 for 2340 Richmond Road

Dear Mayor and City Council:

In reply to Anita Walper's May 30, 2014 letter in connection with the above rezoning proposal and development permit application, please be advised that the plans in the 8 1/2"x11" format included with her letter are difficult to read even while using a magnetic sheet. The legibility of the printing re the landscaping is therefore a problem, but in the community's February 12, 2014 letter, we questioned the replacement of existing hedging by ground cover along Richmond Road to Bay Street to improve visibility at the corner which still appears to be taking place. Is the removal of mature landscaping necessary to meet criteria set by a City Department?

On Plan A1.5 the east elevation shown is from Richmond Road, not from the Parking Entrance.

Neighbourhood concerns raised at the December 12, 2013 Land Use Community Meeting re parking were outlined in our January 17, 2014 letter to you and again in our February 12, 2014 letter and they still remain a major consideration. However, Silver Threads will be leasing a portion of the space in this building and the community association has met with them and is looking forward to their presence in our community. They are aware of the parking limitations in the residential streets, but as the bus service in the area is plentiful; and their clients are often dropped off and picked up by family or the handi-dart, it was felt that the parking spaces available to them are adequate. The statement re the traffic generated in this area by the RJH campus is still valid as is the concern re the needs of the third lessee still to be named.

Yours very truly on behalf of the North Jubilee Neighbourhood Association Land Use Committee,

Jean Johnson, Chair for Wilma Peters and Patrick May

Cc: Lucina Baryluk

Shellie Gudgeon, North Jubilee Council Liason



Planning and Land Use Committee Report

For Meeting of September 18, 2014

To: Planning & Land Use Committee **Date:** September 4, 2014
From: Leanne Taylor, Planner, Development Services Division
Subject: **Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street** – Application to vary lot width and rear yard setback in order to allow a three lot residential subdivision in the R1-B Zone.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding the subdivision of two existing lots into three lots located at 1066 and 1070 Finlayson Street. To facilitate this subdivision under the R1-B Zone, Single Family Dwelling District, a reduction in the minimum lot width from 15 m to 14 m for Proposed Lot A and a reduction in the rear yard setback at 1070 Finlayson Street from 8.98 m to 5.67 m have been requested.

The following points were considered in assessing this application:

- the proposed three lots are larger than the minimum lot size required in the R1-B Zone
- the proposed lot width variance is minor in nature and does not adversely affect the potential to accommodate a single family dwelling on the proposed new lot.
- the proposed rear yard setback variance at 1070 Finlayson Street would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property.
- an existing carport, deck and a portion of the concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.

For the above reasons, staff recommend that the Committee consider supporting this application.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit Application requires notification, sign posting and a Hearing.

Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street.
2. That the following motion be the subject of a Hearing:

That Council authorize the issuance of Development Variance Permit #00138 subject to:

- a. plans dated May 21, 2014, for Development Variance Permit Application #00138;
- b. the development meeting all Zoning Regulation Bylaw requirements, except for the following:
 - i. Part 1.2, Section 1.2.2. b: Lot width of Proposed Lot A be varied from the required 15 m to 14 m,
 - ii. Part 1.2, Section 1.2.5. b: Rear yard setback of 1070 Finlayson Street be varied from the required 8.98 m to 5.67 m,
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Leanne Taylor
Planner
Development Services



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: Sept. 11/14

LT:aw

S:\ATEMPEST_ATTACHMENTS\PROSPERO\PL\DVP\DVP00138\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit Application for the properties at 1066 and 1070 Finlayson Street.

2.0 Background

2.1 Description of Proposal

The proposal is for lot width and rear yard setback variances to facilitate a subdivision application for the subject properties, which are zoned R1-B, Single Family Dwelling District.

2.2 Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone. Two asterisks are used to indicate existing non-conformities. As plans for a new house on the proposed lot are not being advanced at this time, "n/a" is used to indicate that the requirements are not applicable at this time; however, a future house on this lot would be subject to the R1-B Zone standards.

| Zoning Criteria | 1066 Finlayson | 1070 Finlayson | Proposed New Lot on Jackson | R1-B Zone Standard |
|--|-------------------|-------------------|-----------------------------------|-----------------------------|
| Site area (m ²) – minimum | 591.7 | 591.8 | 462.9 | 460 |
| Lot width (m) - minimum | 16.52 | 16.52 | 14 * | 15 |
| Total floor area (m ²) – maximum | 300 | 180 | n/a | 300 |
| Height (m) – maximum | 6.4 | 5.6 | n/a | 7.6 |
| Site coverage (%) – maximum | 20 | 30 | n/a | 40 |
| Storeys – maximum | 2.5** | 2 | n/a | 2 |
| Setbacks (m) - minimum | | | | |
| Front | 6.19** | 12.32 | n/a | 7.5 |
| Rear | 10.67 | 5.67* | n/a | 8.98 /8.98 /8.27 |
| Side (west) | 3.42 | 1.55** | n/a | 3.0 or 10% of the lot width |
| Side (east) | 1.72 | n/a | n/a | 1.65 |
| Side on flanking street (east) | n/a | 3.43** | n/a | 3.5 |
| Parking – minimum | 1 | 1 | n/a | 1 |

2.2 Existing Site Development and Development Potential

The two subject properties have a site area of 823 m² and both are occupied by single family dwellings and accessory structures.

Under the R1-B Zone, all three properties could be developed with a single family dwelling unit and a secondary suite.

2.3 Land Use Context

The properties are located in the Hillside-Quadra Neighbourhood on the north side of Finlayson Street. The immediate neighbourhood is generally characterized by single family homes.

2.4 Legal Descriptions

- The westerly ½ of lot 29, Section 4, Victoria District, Plan 796
- The easterly ½ of lot 29, Section 4, Victoria District, Plan 796.

2.5 Consistency with other City Policy

2.5.1 Official Community Plan, 2012

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Traditional Residential. The strategic direction in the OCP for Hillside-Quadra Neighbourhood encourages the preservation of the ground-oriented Traditional Residential character in the majority of the neighbourhood. The proposed three-lot residential subdivision is consistent with the Traditional Residential Urban Place Designation in the OCP.

2.5.2 Hillside-Quadra Neighbourhood Community Plan (1996)

The application is consistent with the *Hillside-Quadra Neighbourhood Community Plan (1996)*, which recommends that much of the neighbourhood should be kept as low-density housing, such as single family homes with secondary suites, single family homes on small lots and duplexes. In the Plan, the R1-B Zone is considered to be an appropriate zone for this neighbourhood.

3.0 Community Consultation

In compliance with the Community Association Land Use Committee (CALUC) Procedures for Processing Variances, the application was referred to the Hillside-Quadra Neighbourhood CALUC on August 19, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit Application requires notification, sign posting and a Hearing.

4.0 Issues

The primary issues associated with this application are:

- lot width variance
- rear yard setback variance.

5.0 Analysis

5.1 Lot Width Variance

The minimum requirement for lot width permitted in the R1-B Zone is 15 m. The proposed new lot has a lot width of 14 m and, therefore, a relaxation of one metre is required. The lot width of the two existing parcels is 16.52 m. The main items for analysis are to what extent this affects the potential to accommodate a single family dwelling on the new lot, the impact to the established pattern of development and neighbourhood character.

While taking into account the setback and parking requirements in the R1-B Zone, a 14 m lot width will support a building envelope width of 9.5 m to 10 m. A building envelope width of 9.5 m is adequate to achieve a building design where the massing and proportion of the house can resemble the existing character of the neighbourhood. For comparison, some examples of lots in the neighbourhood and in close proximity to the subject properties with lot widths less than 15 m include: 1124, 1126, 1130, 1132, 1204, 1208 and 1212 Finlayson Street. These properties are occupied by single family dwelling units.

The majority of the existing housing stock on Jackson Street was built in the 1950s and 1960s. The established neighbourhood pattern of development is ground-oriented single family dwellings. A single family dwelling with surface parking could be accommodated on the new proposed lot and fit in with the existing neighbourhood character.

5.0 Rear Yard Setback Variance

The minimum rear yard setback permitted in the R1-B Zone, Single Family Dwelling District, is 8.98 m. In order to subdivide 1070 Finlayson Street to create the proposed new lot with 1066 Finlayson Street, the request is to reduce the rear yard setback at 1070 Finlayson Street from 8.98 m to 5.67 m. A relaxation of 3.31 m is required. The proposed rear yard setback variance would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property. An existing carport, deck and a portion of concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.

6.0 Resource Impacts

There are no resource impacts anticipated.

7.0 Conclusions

This application is for a Development Variance Permit to allow a three-lot subdivision. There is sufficient lot area to create three R1-B lots. The reduced lot width will not compromise the potential to create an attractive and functional house design and is consistent with the established character of the neighbourhood.

The proposed rear yard setback variance at 1070 Finlayson Street would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property. An existing carport, deck and a portion of concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.

8.0 Recommendations

8.1 Staff Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street.

2. That the following motion be the subject of a Hearing:

That Council authorize the issuance of Development Variance Permit #00138 subject to:

- a. plans dated May 21, 2014, for Development Variance Permit Application #00138;
- b. the development meeting all Zoning Regulation Bylaw requirements, except for the following:
 - i. Part 1.2, Section 1.2.2. b: Lot width of Proposed Lot A be varied from the required 15 m to 14 m,
 - ii. Part 1.2, Section 1.2.5. b: Rear yard setback of 1070 Finlayson Street be varied from the required 8.98 m to 5.67 m;
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

8.2 Alternate Recommendations

That Development Variance Permit Application #00338 for 1066 and 1070 Finlayson Street be declined.

9.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 21, 2014
- Plans dated May 21, 2014.





**1066 and 1070 Finlayson Street
Development Variance Permit #00138**

Development Variance Permit Application # 00138 for 1066 and...

Lissa Laing Punnett
Christopher David Punnett
1066 Finlayson Street
Victoria, BC
V8T 2T7
250-701-7089

C.J. Van Elslande
Gordon Van Elslande
1070 Finlayson Street
Victoria, BC
V8T 2T7
250-384-4862

May 20, 2014

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



Dear Mayor and Council:

**Re: 1066 and 1070 Finlayson Street, Victoria, BC
Development Variance Permit Application**

Enclosed herein please find our completed Development Variance Permit Application, together with all required documentation, for your consideration. We are the owners of the above-noted properties and the applicants herein.

It is our intention, upon receipt of the approved permit, to follow through with a subdivision and create three full sized R1B lots out of our existing two R1B lots. We are not requesting a rezoning of the lots. The proposed subdivision is consistent with the City's Official Community Plan (OCP) which envisions the Hillside-Quadra community as maintaining its primarily "traditional residential nature". The OCP also indicates that within the traditional residential area, new development, infill and redevelopment will be considered providing it complies with the plan for the area.

We provide the following information for your reference:

1. 1066 and 1070 are located at the northwest corner of Finlayson Street at Jackson Street. Both 1066 and 1070 are significantly larger lots than the minimum required under the current R1B zoning. From these two properties we propose to create three lots, with all three exceeding the minimum lot size required under the current zoning.
2. Similar subdivision has occurred in the immediate neighbourhood with no apparent negative impact; namely, at northeast corner, (directly across Jackson Street from 1070), where the side yard of 3105 Jackson Street was combined with the backyard of 1110 Finlayson Street to create a new lot facing Jackson Street. At the southwest corner, directly across from 1066 and 1070 Finlayson Street, the backyards of 1079 and 1085 Finlayson Street were also combined to create a new lot, facing Jackson Street.

3. The home at 1066 faces Finlayson Street, whereas the home at 1070 faces Jackson Street. The proposed new lot will front on Jackson Street. A variance will be requested to relax the new lot's width from 15m to 14m. We feel that this variance request is reasonable given that, in the adjacent block of Finlayson Street, there are several properties with approx. 14m. frontages; namely at 1124, 1126, 1130, and 1132 Finlayson Street. There is another at 3125 Fifth Street.
4. The home at 1070 faces the 3100 block of Jackson Street. Both its front and rear yards appear to be side yards. A variance will be requested to relax its rear yard setback from 8.98 m to approximately 5.2m, which will allow for a single driveway and a strip of landscaping between it and the proposed new lot.

We feel that these variance requests are reasonable given that most of the homes along this block of Jackson Street are separate from each other by a similar distance, that being a single driveway and a narrow strip of landscaping. A home on the proposed new lot would not therefore look out of place. We have enclosed a "proposed" workup photo of how a home may look on the lot, as well as actual photos of how the property looks today.

The proposal has been discussed with all immediate neighbours - those who abut the proposed lot and those who are directly across from 1066 and 1070. None of those contacted oppose the proposed subdivision, although the neighbour abutting the north lot line indicated that he is not opposed providing the privacy in his backyard is preserved. Currently there is an almost 20' established hedge between his backyard and the proposed lot and there are no plans to remove that hedge which will provide for privacy for both lots.

There are no significant trees on the property.

The City's utilities are nearby.

The proposed subdivision is within easy walking distance of both Quadra Village centre and Tolmie Village at Quadra.

Jackson Street is the City's designated bike route.

Finlayson at Jackson is serviced by Transit bus #8 on Finlayson and #6 on Quadra.

Over the years there have been several re-zonings and development in the immediate neighbourhood.

At the northeast end of the 3100 block of Jackson Street, 3149 Jackson Street was rezoned and it now supports a large front to back duplex. The duplex at 3159 Jackson Street was converted to 4 strata titled units. Neither of these developments appear to have had a negative impact on our community. We as applicants also live on the properties and participate in this community with our families.

Currently, there is a townhouse development being proposed for Tolmie Avenue, between Fifth and Jackson.

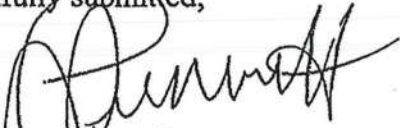
If the subdivision is approved, the double carport and deck at 1070 Finlayson Street will be removed after a demolition permit is obtained from the City.

We presented preliminary plans to the Neighbourhood Action Group at the Blanshard Community Association on November 4, 2013.

Thank you for your consideration of our permit application. Please do not hesitate to contact us should you require any further information or clarification of materials provided.

Respectfully submitted,

Per:



Lissa Laing Punnett

On behalf of all registered owners – see Letter of Authority on File

B. C. LAND SURVEYOR'S SITE PLAN TO ACCOMPANY SUBDIVISION PROPOSAL FOR:

THE EAST AND WEST HALVES of LOT 29,
SECTION 4, VICTORIA DISTRICT, PLAN 796

FILE: 10945 - 32
DATE: 10/05/12 / 2013-12-15
Brad Cunin Land Surveying
4100 - 407 Swift Street
Victoria, BC V8W 1S2
ph. 381-8257 / 381-2289

SCALE = 1 : 200



All distances are in metres and decimals thereof.

LEGEND

Elevations are geodetic based on The City of Victoria
Integrated Survey Monument 32-26 (Elev. = 38.169m)

Grade shot are taken at the point marked x,
grade shots at a curb line are in gutter.

Tree bases and canopies approximately to scale.
Where tree location is critical, tree species
and canopy should be confirmed by qualified arborist.

- UPL ○ - denotes Utility Pole with Light
- CB ■ - denotes Catch Basin
- M/S ○ - denotes Manhole (Sanitary)
- M/D ○ - denotes Manhole (Storm)
- MV ⊙ - denotes Meter Valve
- TS ○ - denotes Traffic Sign
- ICV ■ - denotes Irrigation Control Valve
- x - denotes fence-line

SITE AREA

1646.4m²
17721 s. f.

MUNICIPALITY

Victoria

ZONING

R1-B

PID No.

E'y 1/2 Lot 29 - 001-885-464
W'y 1/2 Lot 29 - 003-224-198

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This document was prepared for the exclusive
use of our client, Punet / Elands

This document is intended for use as a topographic plan.
It is based on Land Title Office records, and does not
represent a boundary survey. Critical lot dimensions
and areas must be confirmed by a proper cadastral survey.

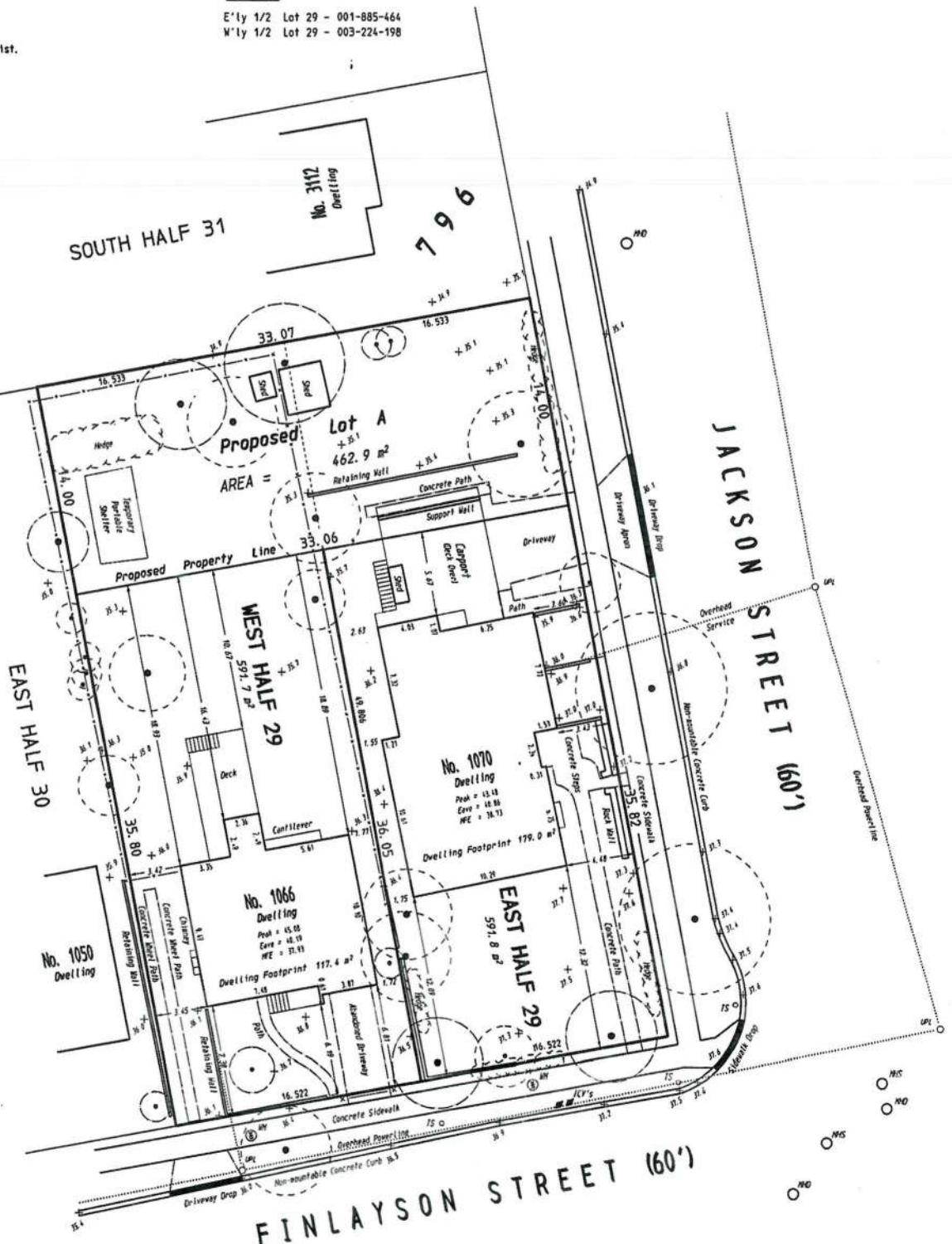
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by a third party as a result of any decisions
made or actions taken based on this document.



PLAN

CERTIFIED CORRECT

Bradley W. Cunin, BCLS
Field Survey - 8 November, 2013.
Dated this 15th day of December, 2013.
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This document is copyrighted and may not be copied, transmitted,
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The signatory accepts no responsibility or liability for any damages
that may be suffered by a third party as a result of any
decisions made or actions taken based on this document.



Planning and Land Use Committee Report For the Meeting of September 18, 2014

To: Planning & Land Use Committee **Date:** September 4, 2014
From: Lucina Baryluk, Senior Process Planner
Subject: **Development Variance Permit Application #00142 for 2611 Scott Street**
Application for a parking variance for a single family home in the R1-B Zone, Single Family Dwelling District

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding a Development Variance Permit Application to allow a parking space in the front yard of a single family house at 2611 Scott Street. The applicant is proposing to convert the existing attached garage into living space. The City's parking regulations require one parking space for a single family dwelling, which must be located behind the front wall of the house.

The following points were taken into consideration in reviewing this application:

- The front yard parking will provide the required off-street parking space for the single family dwelling.
- Due to grade changes and retaining walls, the existing driveway does not provide an adequate parking surface. The proposal involves creating a level surface for a parking stall. This reconfiguration of this space in front of the house will create a more useable space in the front yard space.
- Creating a parking stall on either side of the house is not a practical solution due to the width of the side yards.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit application requires notification, sign posting and a Hearing.

Staff recommend that Council support this application.

Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit Application #00142 for 2611 Scott Street.
2. Following the Hearing, that Council considers passing the following resolution to authorize the issuance of a Development Variance Permit Application #00142 in accordance with:
 - a. plans date stamped July 9, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - Schedule "C" Section 3 - Relaxation to permit one parking stall to be located in the front yard.

- c. final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development, subject to final approval of the driveway surface material to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division

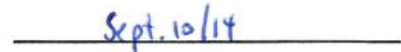


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date:



LB:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DV\DV00142\DV 2611 SCOTT.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit Application to allow a parking space in the front yard of a single family house located at 2611 Scott Street. The City's parking regulations require one parking space for a single family dwelling, which must be located behind the front wall of the house.

2.0 Background

As a result of proposed renovations to convert the garage to living space in this single family dwelling, the required off-street parking will be eliminated. The *Zoning Regulation Bylaw*, Schedule C, does not permit the off-street parking stall for a single family dwelling to be located in the front yard. The planning rationale for this regulation is to create an inviting streetscape that is not dominated by vehicles and garages.

2.1 Description of Proposal

The current owners wish to convert the garage to a living space. Due to grade changes, the garage door will be replaced with a window, and the existing driveway will be filled in to create a level parking stall in front of the house. In order to obtain a building permit for this construction, a Development Variance Permit must be obtained for the front yard parking.

More details of the applicant's proposal are contained within their letter (attached).

2.2 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Oaklands Community Association on July 17, 2014 for a 30-day comment period. No comments were received at the time of writing this report.

The applicant has provided a petition, thus exceeding the consultation requirements for a variance application.

In accordance with the City's *Land Use Procedures Bylaw*, a Development Variance Permit Application requires notification, sign posting and a Hearing.

3.0 Issues

There are no significant issues associated with this application as there are no other practical solutions for creating a parking stall at the side of the house. The placement of the house does not provide for a sufficient driveway and parking area on either side of the house. In the context of Scott Street, many of the homes have a driveway with a level grade providing access to off-street parking.

The width of the existing driveway and garage do not lend themselves to ease of vehicular parking. This situation is compounded by the change in grade, which requires concrete retaining walls. Filling in the driveway to create a parking stall at grade will improve the existing situation and improve the visual character of the front yard. In order to soften the appearance of the driveway, staff is recommending that the applicant provide decorative paving for a portion of the driveway or grass strips.

4.0 Conclusions

The parking stall proposed in front of the house provides a suitable alternative location for off-street parking for the occupants and enables the owners to increase the living space in this dwelling. As there are limited practical options for off-street parking on the subject parcel, this application to allow front yard parking represents a supportable solution. As such, staff recommend to Council that this application can be supported.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Recommendation

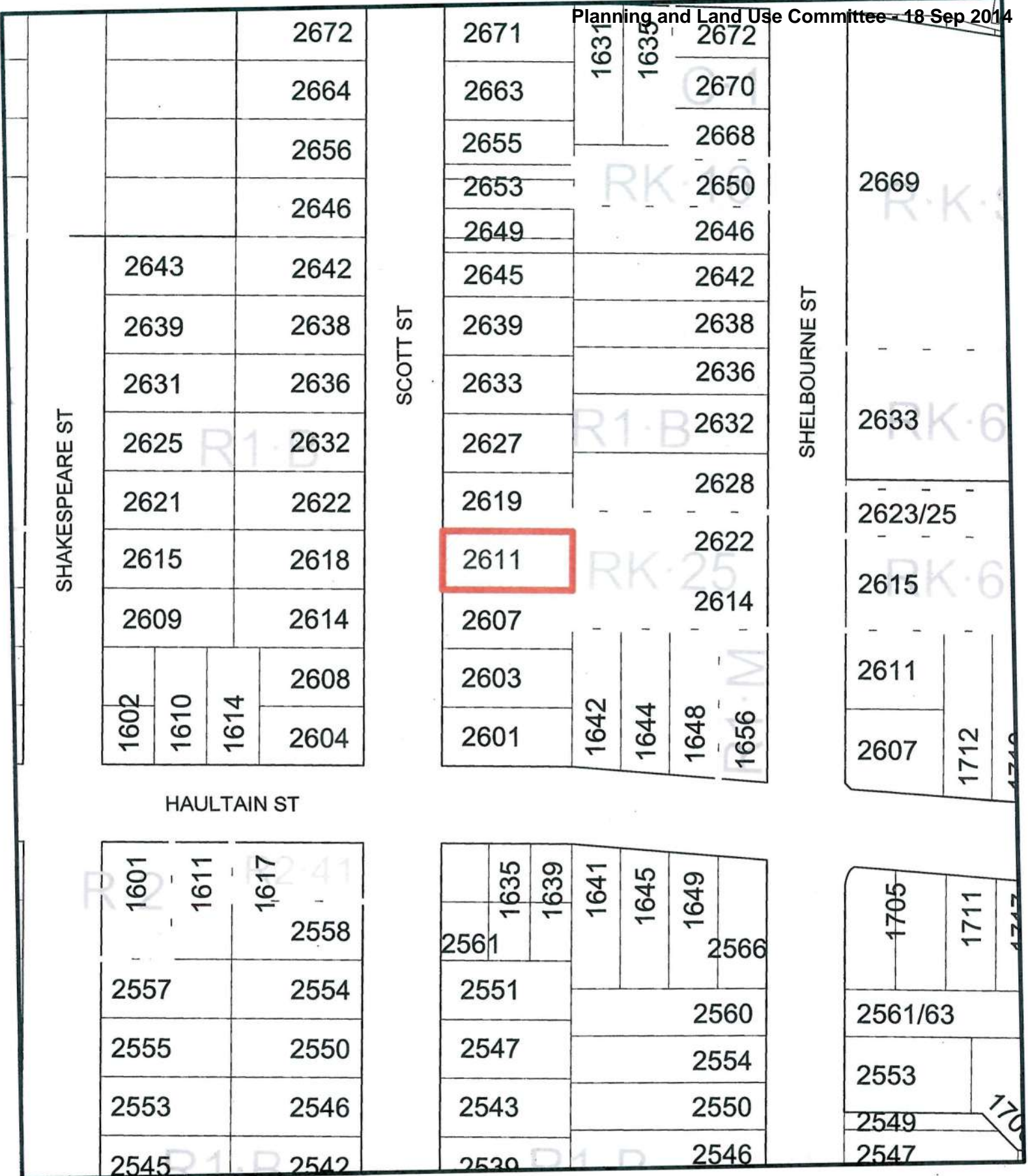
1. That Council schedule a Hearing to consider Development Variance Permit Application #00142 for 2611 Scott Street.
2. Following the Hearing, that Council considers passing the following resolution to authorize the issuance of a Development Variance Permit Application #00142 in accordance with:
 - a. plans date stamped July 9, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - Schedule "C" Section 3 - Relaxation to permit one parking stall to be located in the front yard.
 - c. final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development, subject to final approval of the driveway surface material to the satisfaction of the Director of Sustainable Planning and Community Development.

6.1 Alternative Recommendation

That Council decline Development Variance Permit Application #00142 for 2611 Scott Street.

7.0 List of Attachments

- Zoning Map
- Aerial Map
- Applicant's letter to Council dated June 17, 2014
- Submission drawings.



2611 Scott Street
Development Variance Permit #00142

Development Variance Permit Application # 00142 for 2611 Sco...





2611 Scott Street

Development Variance Permit #00142

Development Variance Permit Application # 00142 for 2611 Sco...





2611 Scott St.
Victoria, BC V8R 4J1
17 June 2014

Dear Mayor and Council,

I have lived at this address for approximately 10 years. My home was built in 1948 and is of the style where a parking space ("garage") was created in the basement with a driveway sloping down from the street. I have never been able to use this "garage" as such for the following reasons:

1. The "garage" space in the basement is not separated from the remaining space in the basement, nor is it sealed from the main floor living space. Thus fumes from a running car in the "garage" would permeate the interior of the house.
2. The "garage" door dimensions (width 7' 4", height 5' 10 ") are too minimal to facilitate vehicles.
3. The width of the driveway below grade is 7' 10", which is barely adequate for a small car to pass and is less than the 8' 6 3/4" (2.6 m) required for city parking stalls (see attached photo).

The driveway also is too narrow to allow a car to be parked there because it is not possible to open the car doors. Thus there is no parking space available on my property and I have had to park on the street.

To address the parking limitations on my property, I am proposing to remove the existing garage doors, replace these with a foundation and basement wall (with window) similar to the remainder of the basement, and raise the driveway to ground level by removing and infilling the present driveway, and resurfacing the infilled area to provide a usable driveway.

This proposal has the following advantages:

1. My car will no longer need to be parked on the street.
2. Closure of the basement will help retain heat in my home, making it more energy efficient.

After meeting with the planning department, I have become aware that we must apply for, and hopefully receive, a parking variance to meet bylaw specifications that a parking space be available behind the front line of the house. I have consulted with my neighbours on Scott Street who are supportive of the proposed changes to my garage and driveway described above, and I have provided a signed letter of support from my neighbours.

I would appreciate the City of Victoria giving this application consideration, and trust the Mayor and Council will find the justification for the requested parking variance reasonable and grant this variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy Muir".

Judy Muir

owner/resident: 2611 Scott St. Victoria, V8R 4J1

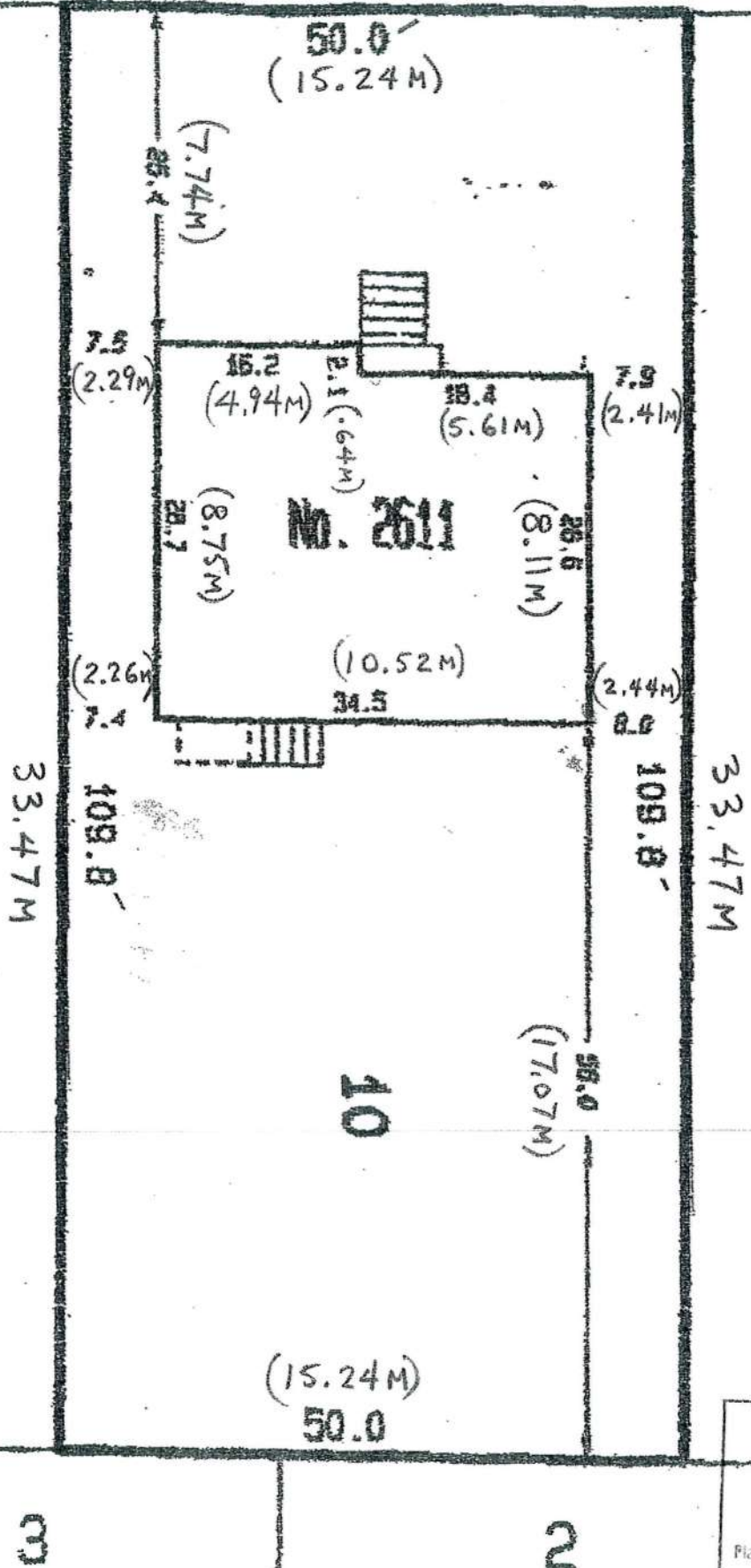
SCOTT

STREET

PLAN

835

Scale $\frac{3}{4}'' = 10'$



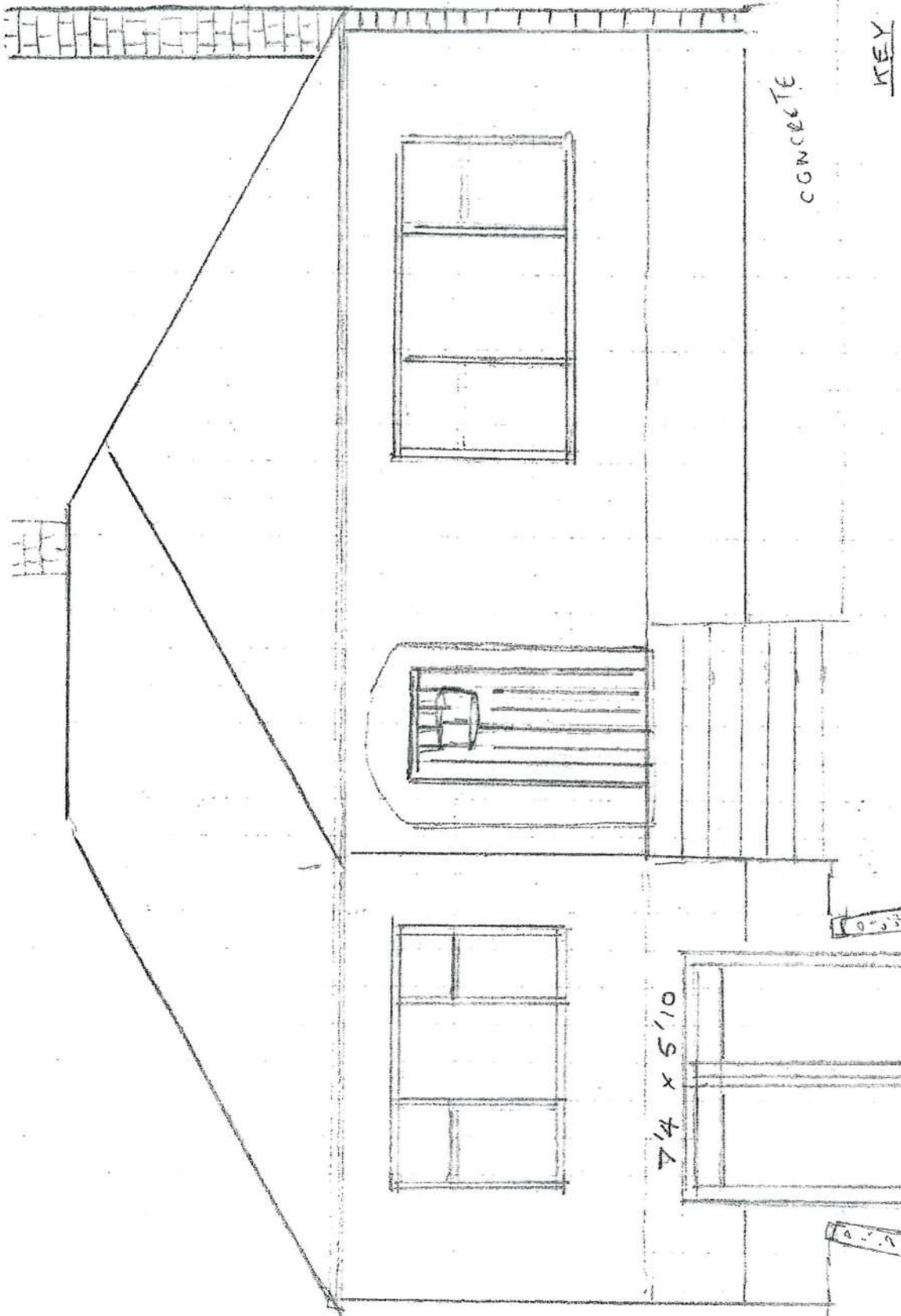
Received
City of Victoria
JUL 09 2014
Planning & Development Department
Development Services Division

July 8, 2014

"
EXISTING" DRAWINGS

- ① FRONT ELEVATION
- ② North ELEVATION
- ③ North ELEVATION showing approach & grade
- ④ Plan view of parking area (approach)
- ⑤ Section of existing garage wall opening





CONCRETE

KEY

SCALE 1/4" = 1'

traced from

original drawings

2611 SCOTT ST.

VICTORIA B.C.

JULY 8, 2014

#1 FRONT ELEVATION

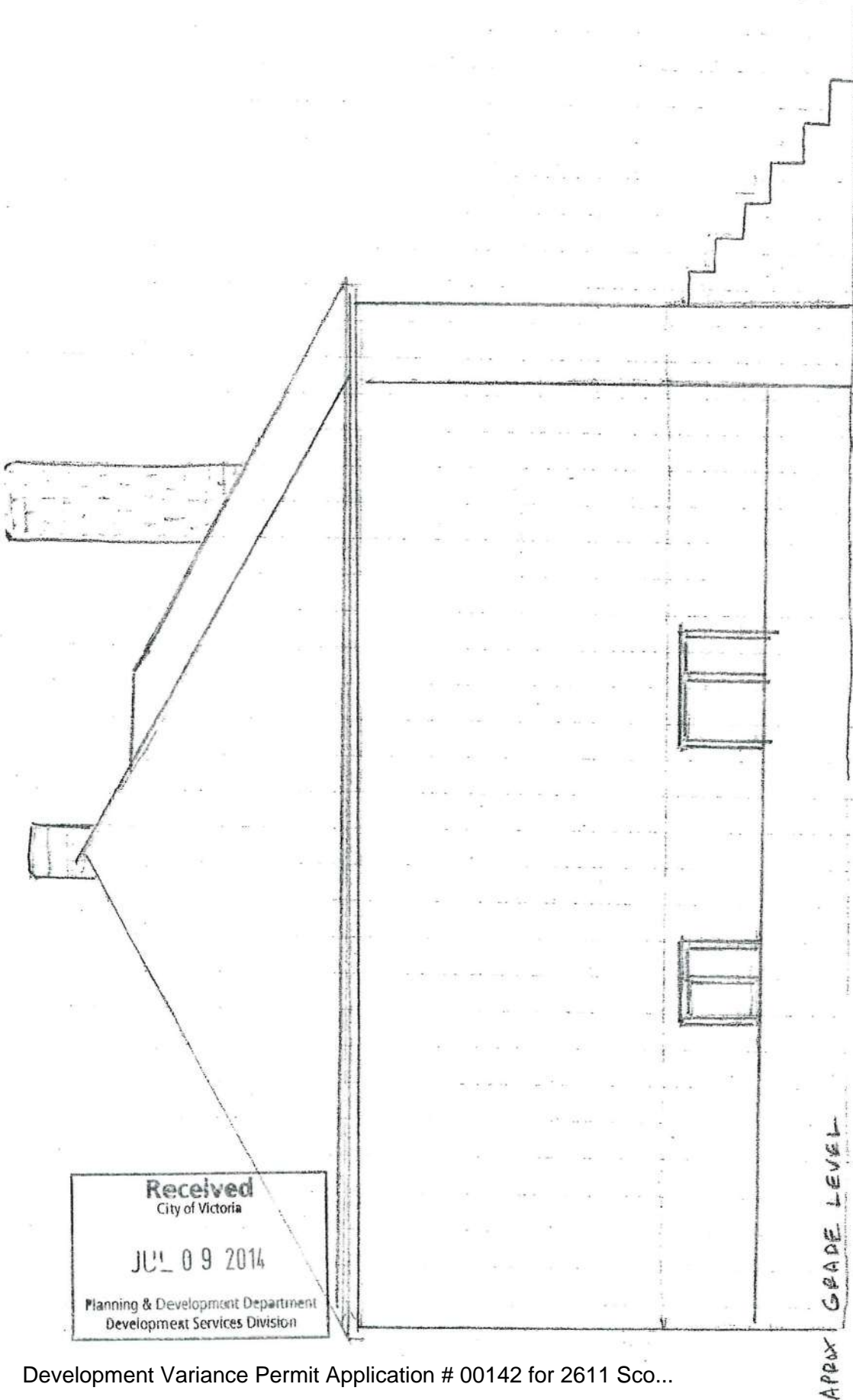
FRONT ELEVATION

existing retaining walls:
(dilapidated)

Received
City of Victoria

JUL 09 2014

Planning & Development Department
Development Services Division



SIDE ELEVATION
SCALE 1/4" = 1'

APPROX GRADE LEVEL

KEY

2611 SCOTT STREET
North Elevation
SCALE = 1/4" = 1'
traced from original

2611 SCOTT ST,
VICTORIA B.C.
#2 North Elevation

July 8, 2014

Received
City of Victoria

JUL 09 2014

Planning & Development Department
Development Services Division

KEY

2611 Scott Street
 Existing North Elevation
 showing approach & grade
 Scale 1/4" = 1'
 #3 North Elevation
 showing approach & grade
 July 8, 2014

Property line

grade

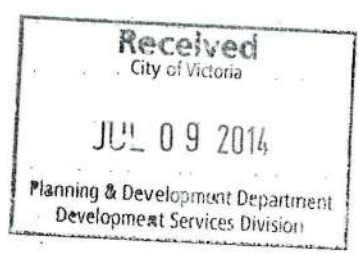
(dilapidated)

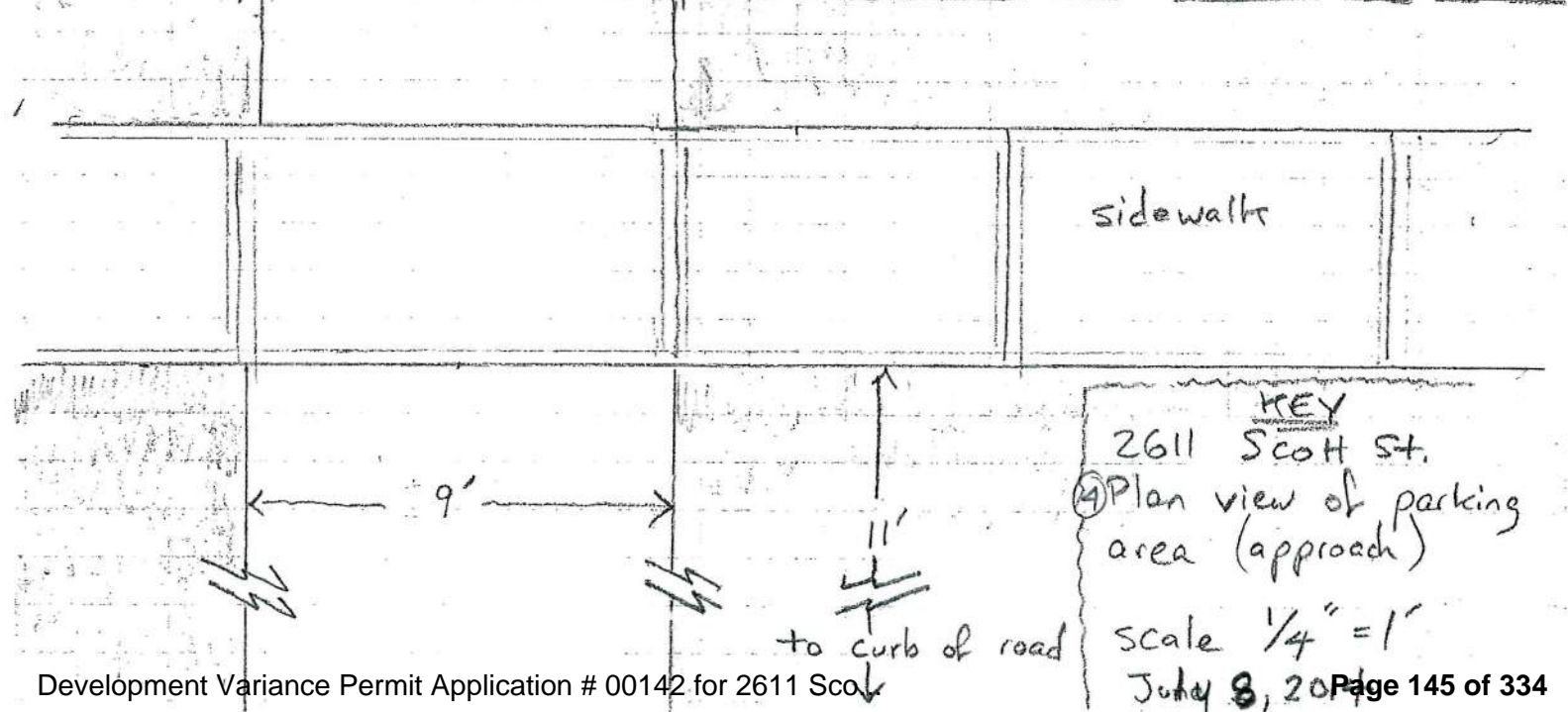
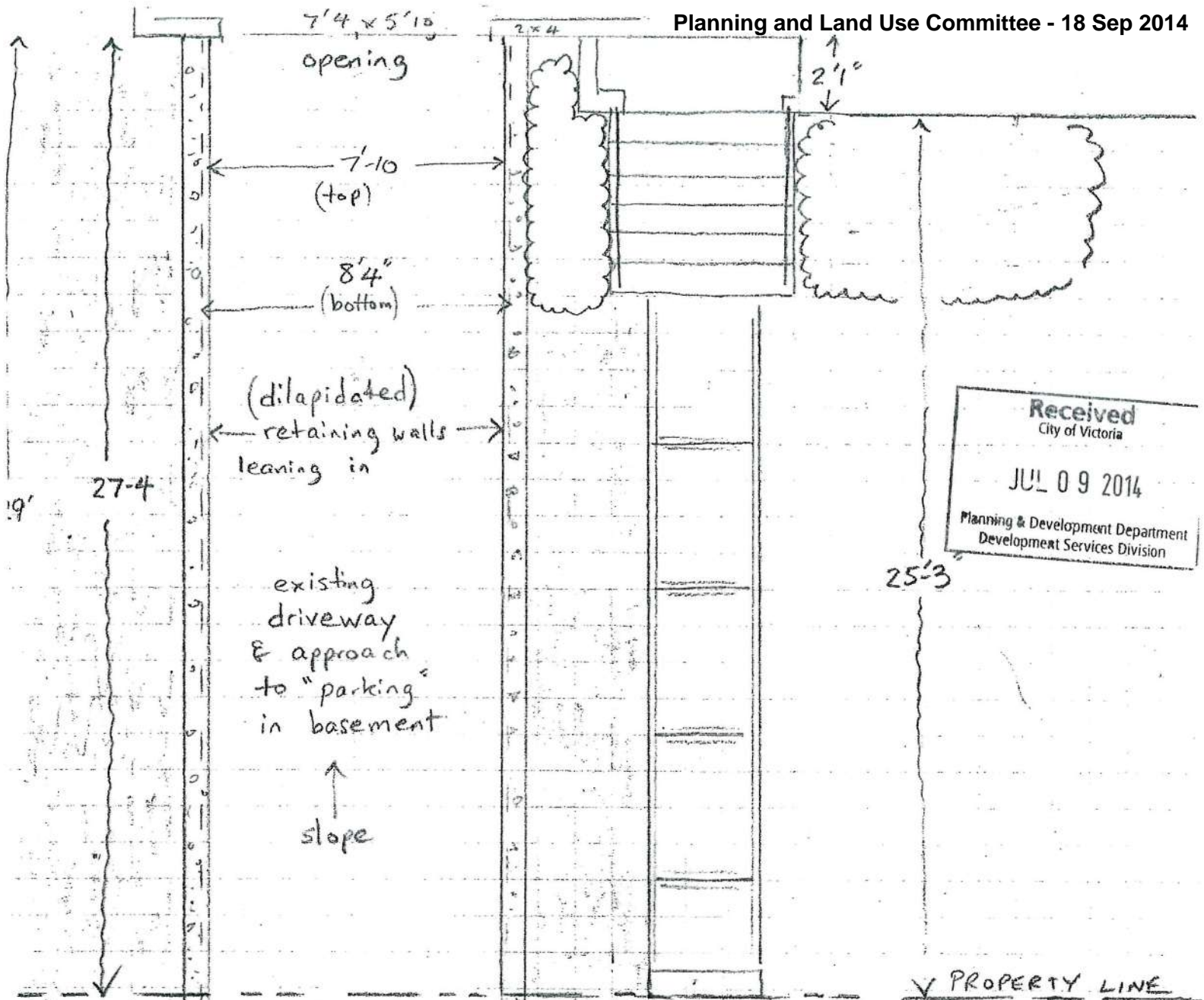
existing concrete wall

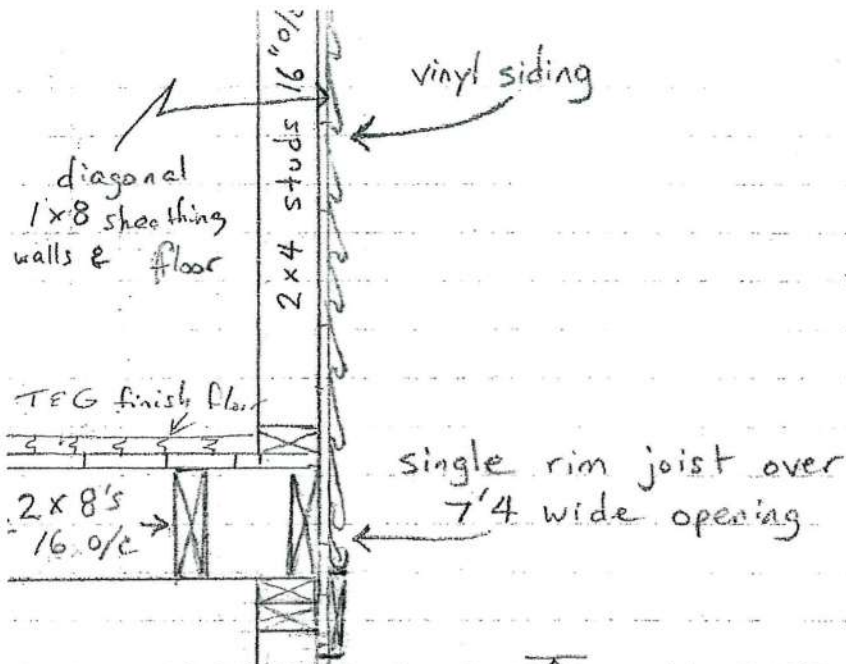
existing approach to "parking area" in house

sidewalk

27'-4"







KEY
 2611 SCOTT STREET
 (#5) SECTION of existing
 garage wall opening
 scale 1" = 1'

July 8, 2014

existing garage
 door opening is
 5'10" in height

existing (dilapidated)
 retaining walls.

8" foundation wall

driveway drain

| |
|--|
| Received City of Victoria |
| JUL 09 2014 |
| Planning & Development Department Development Services Division |

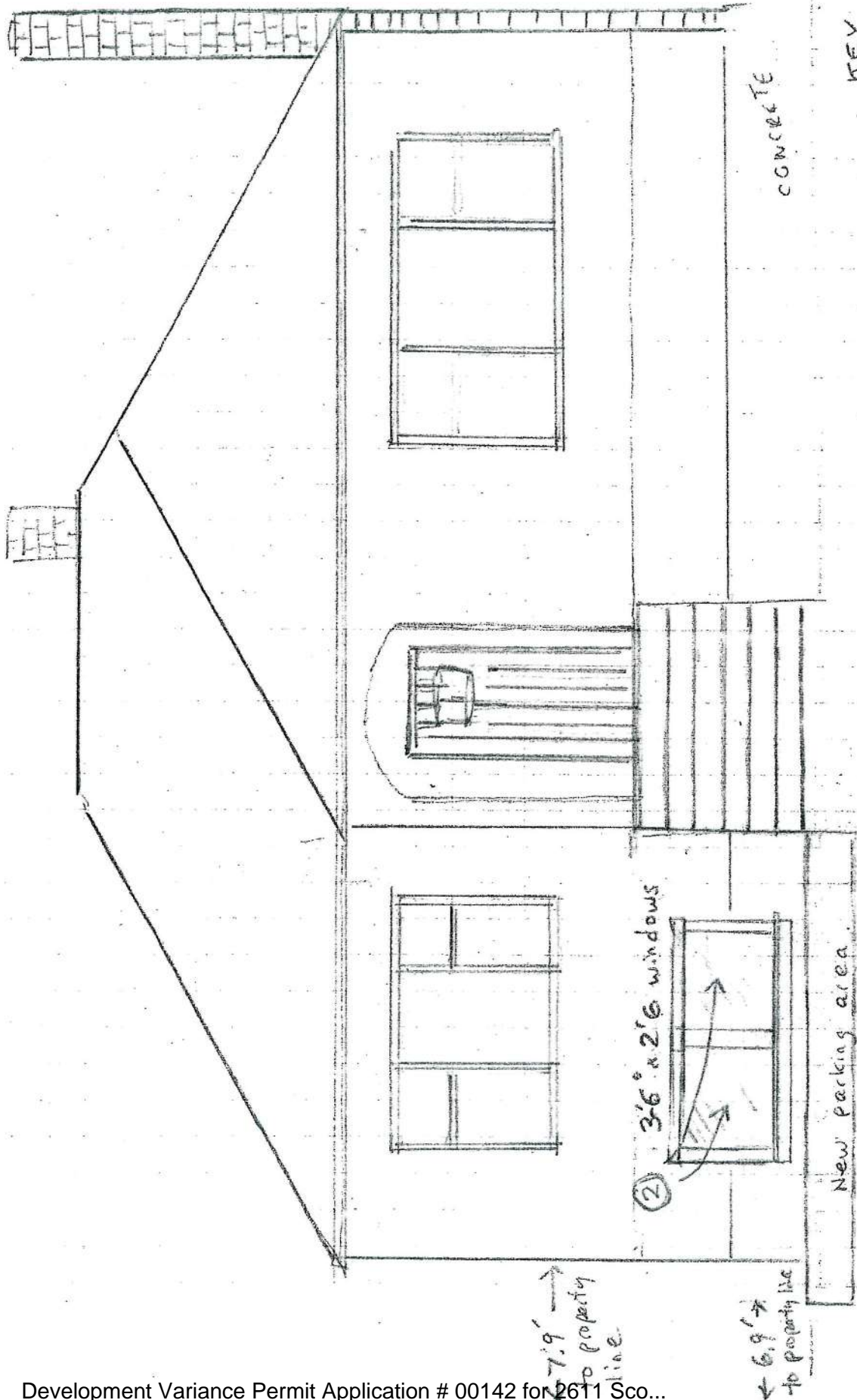
2611 Scott Street

July 8, 2014

"New" drawings

- ①A FRONT ELEVATION New parking area with new windows
- ②A New North ELEVATION / new parking space
- ③A New PLAN VIEW of NEW PARKING AREA
- ④A DETAIL Section drawing showing "infill wall, new windows & new parking area.





KEY

SCALE 1/4" = 1'

#1A New parking area
with new windows,
2611 SCOTT ST.
VICTORIA BC
July 8, 2014

FRONT ELEVATION

13'



KEY
2611 SCOTT STREET
#2a New NORTH ELEVATION
New PARKING SPACE
Scale 1/4" = 1'
July 8, 2014

PROPERTY LINE

see detail section drawing

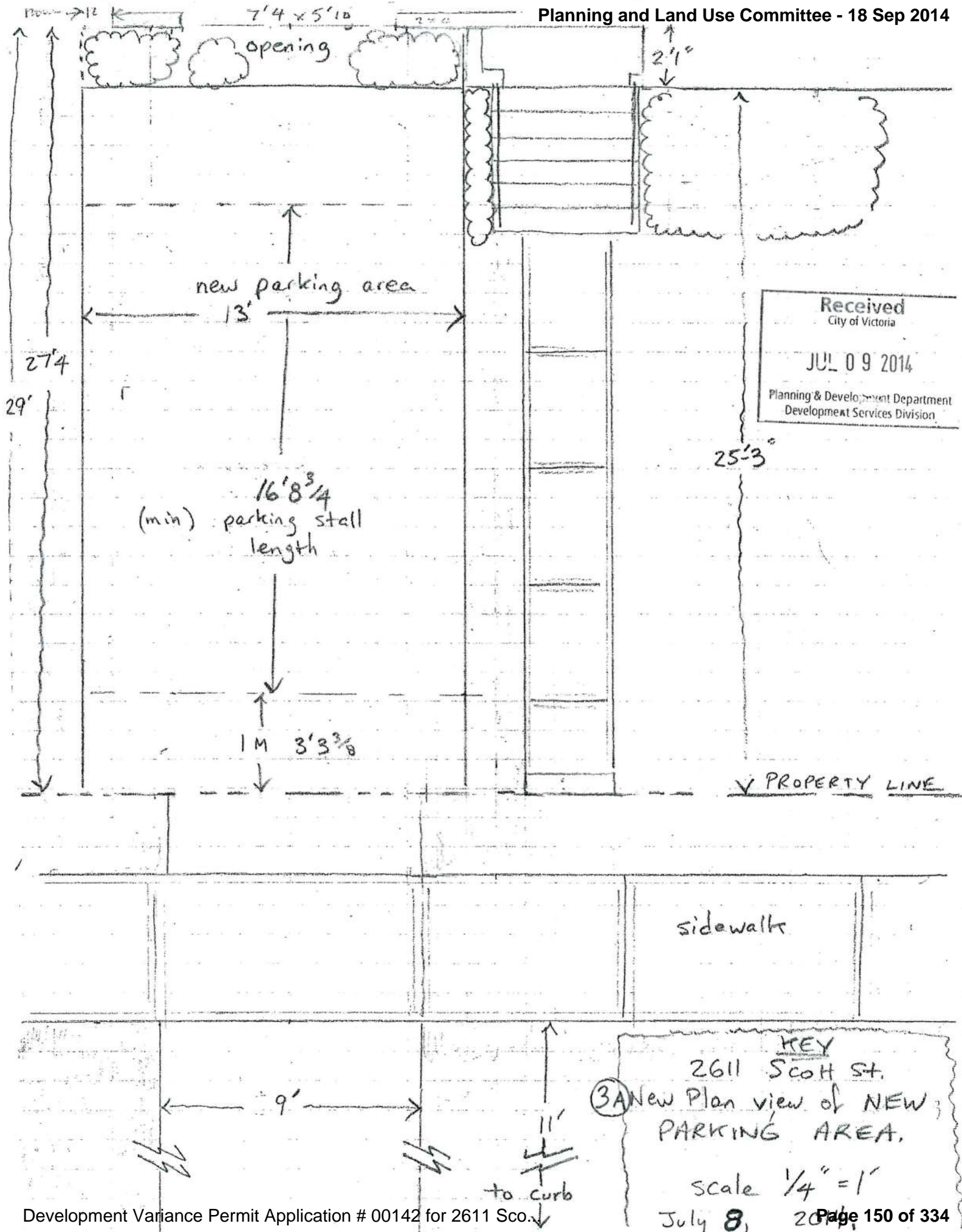
NEW PARKING AREA

16' 8 3/4"
5.1M
(minimum parking stall length)
3' 3 3/8"

COMPACTED FILL

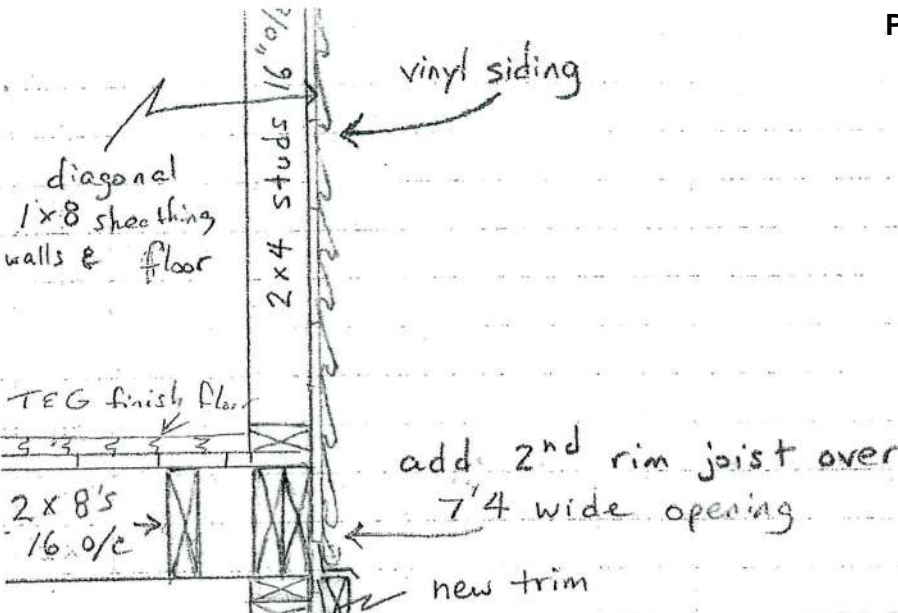
2 new
3' 6" x 2' 6"
windows





KEY

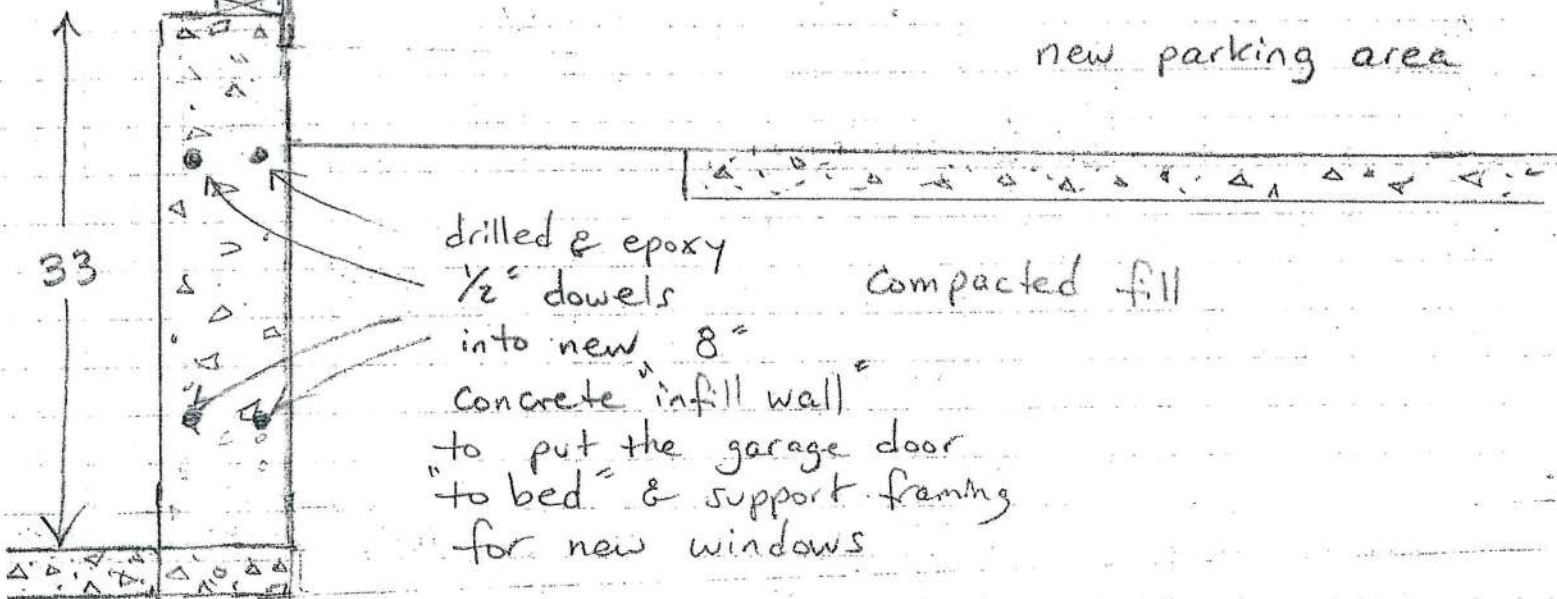
#4A Detail section drawing showing "infill wall" new windows & new parking area
July 8, 2014
scale 1" = 1'



② New 3'-6" x 2'-6" vinyl windows to be installed separated by ② new "cripples".

new trim

new parking area





Planning and Land Use Committee Report

For the Meeting on September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Helen Cain, Senior Planner
Subject: Development Permit Application with Variances #000359 for 1479 Fort Street

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1479 Fort Street. The applicant is requesting variances to reduce off-street parking requirements and setbacks for a bike shelter.

The following points were considered in assessing this application:

- The applicant wishes to undertake interior improvements to increase the number of suites in the apartment from eight to nine self-contained dwelling units, which would require 12 parking stalls to comply with the zoning regulations in Schedule C.
- Six on-site parking stalls would be retained and a new, covered bike rack structure ("bike shelter") would be located within the side yard setback.
- Staff have no concerns about the proposed reduction in vehicle parking because the property is located on a major transit route along Fort Street and the proposed bike shelter would provide double the required spaces.
- The variances related to the accessory structure will have little impact on the neighbouring properties and have partially arisen from the applicant working with staff to ensure protection of a mature Cedar tree.

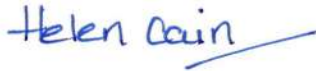
Staff recommend that the Planning and Land Use Committee support the Development Permit Application with Variances advancing to a Hearing.

Recommendations

1. That Council schedule a Hearing to consider Development Permit Application with Variances #000359 for 1479 Fort Street.
2. Following the Hearing, that Council consider authorizing the issuance of the Development Permit with Variances for 1479 Fort Street, in accordance with:
 - a. plans for Development Permit Application with Variances #000359, stamped August 28, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - Part 3.10 – R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
 - minimum off-street parking requirements reduced from 12 to six stalls for a multiple dwelling with not more than nine rental units

- o minimum setback from the street for an accessory building reduced from 7.50 m to 6.46 m
 - o minimum separation distance between an accessory building and principal building reduced from 2.40 m to 1.50 m; and,
- c. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division



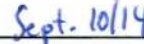


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____


Jason Johnson

Date: _____



HC:aw/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PLIDP\DP000359\PLUC_FORTSTREET_1479_AUG21_2014.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1479 Fort Street.

2.0 Background

2.1 Description of Proposal

The applicant wishes to undertake interior improvements to increase the number of suites in an existing apartment building from eight to nine rental units, which would require 12 parking stalls to comply with the Schedule C (Parking Requirements) of the *Zoning Regulation Bylaw*. Six parking stalls on the subject site would be retained and a new covered bike rack ("bike shelter") would be located within the south side yard setback. Three variances are requested to reduce the minimum number of parking stalls and the distance of the bike shelter from the street and between the bike shelter and apartment building.

In an early version of the proposal, the bike shelter was sited in the front yard near a Bylaw-Protected Cedar tree in the northeast corner of the lot. Following staff direction to ensure tree retention, the applicant shifted the bike shelter to the south side yard, near the side entrance of the apartment building.

2.1.1 Sustainability Features

To offset impacts of the shortfall in parking stalls on surrounding streets, the applicant also proposes to install two bicycle racks (12 spaces) whereas the regulations only require one rack. The proposal also includes some new trees and plantings in the front and south side yards.

2.2 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R3-AM-2 Zone (Mid-Rise Multiple Dwelling District). The proposal is less stringent than zone standards for the criteria identified with an asterisk (*) and a double asterisk (**) identifies legal non-conforming existing conditions.

| Zoning Criteria | Proposal | Zone Standard R3-AM-2 |
|--|----------|--------------------------|
| Site area (m ²) – minimum | 741.00** | 920.00 |
| Total floor area (m ²) – maximum | 578.00 | n/a |
| Density (Floor Space Ratio) – maximum | 0.56:1 | 0.6:1 |
| Height (m) – maximum | 8.50 | 12.00 |
| Storeys – maximum | 2 | 4 |
| Site coverage of main building (%) – maximum | 32.80* | 30.00 |
| Open site space (%) – minimum | 30.50 | 30.00 |
| Setbacks (m) – minimum | | |
| Front (principal building) | 3.48** | 7.50 |
| Rear (principal building) | 20.00 | 4.26 |
| East side (principal building) | 1.54** | 4.26 |
| West side (principal building) | 1.01** | 4.26 |

| Zoning Criteria | Proposal | Zone Standard R3-AM-2 |
|--|---------------|--------------------------|
| From street (accessory building) | 6.47* | 7.50 |
| Separation space between accessory building and principal building | 1.51* | 2.40 |
| Vehicle parking – minimum | 6* | 12 |
| Bicycle rack – minimum | 2 (12 spaces) | 1 (6 spaces) |
| Bicycle storage - minimum | 0** | 9 |

2.3 Land Use Context

The immediately adjacent land uses are:

- North: commercial offices and one self-contained dwelling unit
- South: three single-family dwellings
- West: apartment building
- East: apartment building.

2.4 Legal Description

Lot 4, Section 74, Victoria District, Plan 309, except that part outlined in red on Plan 127 BL

2.5 Consistency with City Policy

2.5.1 Official Community Plan, 2012

The *Official Community Plan, 2012* (OCP) designation for the subject property is Urban Residential, where the OCP envisions housing growth along major public transit routes. It should also be noted that the OCP provides direction in Policy 7.11 to support transportation development management measures, including reduced parking requirements.

2.6 Consistency with Design Guidelines

The proposed bike shelter, which is an accessory structure, and new landscaping are subject to OCP Development Permit Area 7B Corridors Heritage. In DPA 7B, the form, character, finishes and landscaping details for new development are controlled and regulated in relation to the *Advisory Design Guidelines for Buildings, Signs and Awnings 1981*. Staff have no concerns about the appearance or siting of the bike shelter and the new landscaping would improve the current site conditions.

2.7 Community Consultation

In accordance with Council's *Community Association Land Use Committee (CALUC) Procedures* for processing Development Permit Applications with Variances, staff referred this application to the Fernwood CALUC. No comments were received prior to this report.

This Development Permit Application has variances; therefore, consistent with the City's *Land Use Procedures Bylaw*, it requires notification, sign posting and a Hearing.

3.0 Issues

The key issues related to this application are:

- vehicle parking shortfall
- bike shelter siting.

4.0 Analysis

4.1 Vehicle Parking Shortfall

Staff consider the requested variance for reduced parking to be acceptable. Alternate modes of transportation would be available given that the subject property is located along the Fort Street transit corridor. The applicant would install two bicycle racks to promote bicycle usage as an alternate mode of transportation.

4.2 Bike Shelter Siting

While the bike shelter would require variances to reduce the setback from the street and the separation distance between the accessory building and the apartment, the choice of location next to the side entrance would be convenient for residents and visitors. This siting would also help to ensure personal safety as the bike racks would be relatively visible from Fort Street. Moreover, the construction of the bike shelter in the south side yard would not impact the Bylaw-Protected Cedar tree.

5.0 Resource Impacts

There are no resource impacts associated with this development.

6.0. Conclusions

Staff recommend that the Planning and Land Use Committee consider supporting this Development Permit Application with Variances advancing to a Hearing. The requested shortfall in parking stalls would be offset with the provision of twice the required amount of bicycle racks, and the subject property is located near public transit. The bike shelter would comply with design guidelines.

7.0 Recommendation

7.1 Staff Recommendations

1. That Council schedule a Hearing to consider Development Permit Application with Variances #000359 for 1479 Fort Street.
2. Following the Hearing, that Council consider authorizing the issuance of the Development Permit with Variances for 1479 Fort Street, in accordance with:
 - a. plans for Development Permit Application with Variances #000359, stamped August 28, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - Part 3.10 – R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
 - minimum off-street parking requirements reduced from 12 to six stalls for a multiple dwelling with not more than nine rental units

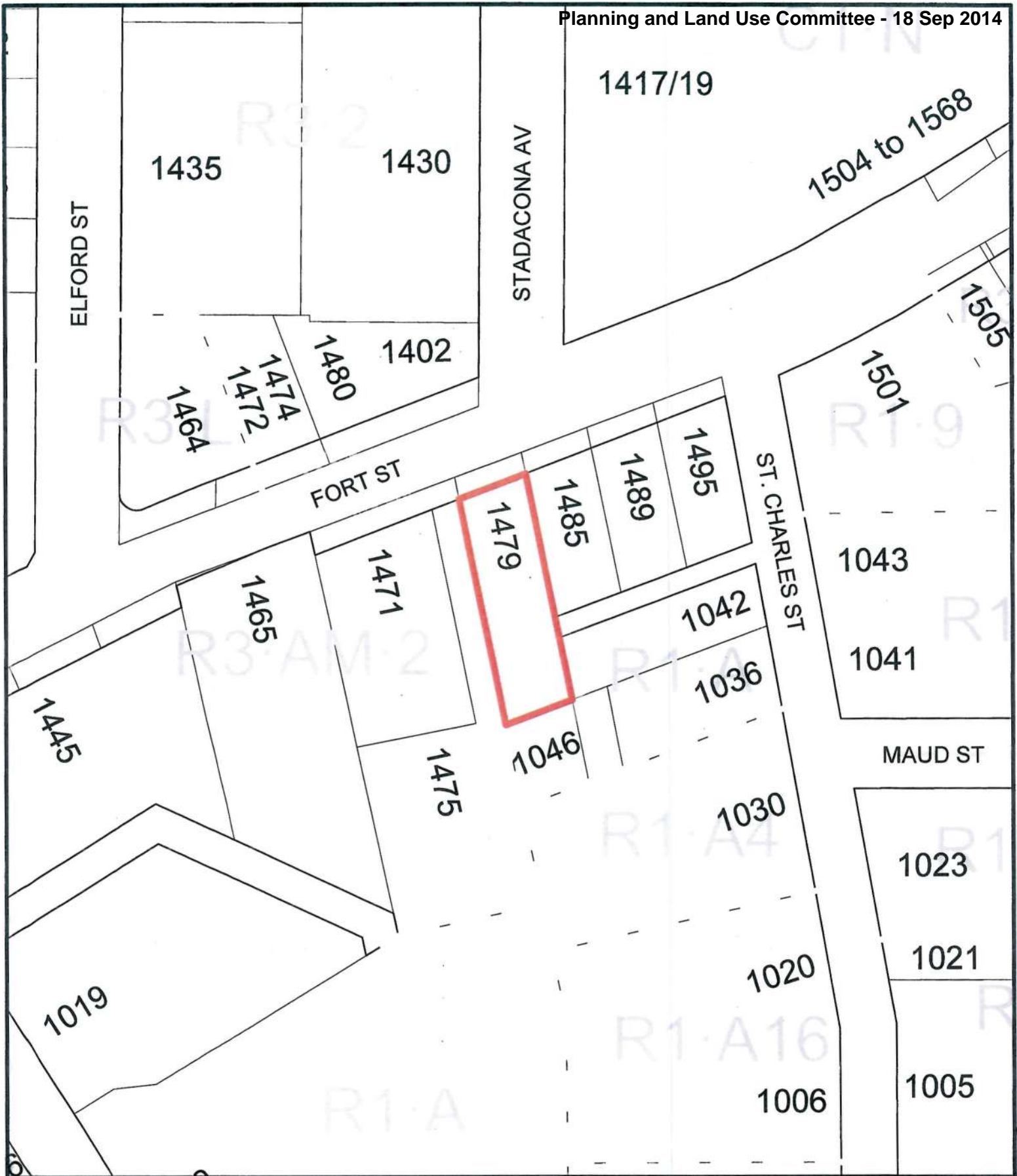
- minimum setback from the street for an accessory building reduced from 7.50 m to 6.46 m
 - minimum separation distance between an accessory building and principal building reduced from 2.40 m to 1.50 m; and,
- c. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendation (decline)

That Council decline Development Permit Application with Variances #000359 for the property located at 1479 Fort Street.

8.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Eric Barker, stamped August 28, 2014 and March 31, 2014
- Plans for Development Permit Application with Variances #000359, stamped August 28, 2014.



1479 Fort Street

Development Permit #000359

Development Permit Application with Variances # 000359 for 1...





1479 Fort Street
Development Permit #000359

Development Permit Application with Variances # 000359 for 1...



March 27, 2014

Mayor and Council
City of Victoria
1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: 1479 Fort Street

Dear Mayor and Council,

We are applying for a development variance permit approval to add 1 suite to the existing 8 suites currently in the house. The suite is being added into the basement and therefore does not change the building footprint or appearance other than adding windows in the basement wall. The variance is required because the current house with 8 suites and 6 parking stalls doesn't meet schedule 'C' of the Zoning By-law and the addition of our suite adds to the variance.

The argument for this variance is that the house, in its central location, serves young singles and couples working in the downtown area. This is an important component to supporting the vitality of the working population downtown. Unusual to most houses like this, there are 6 parking stalls behind the house accessible by a lane off St. Charles. The addition of the suite in this context will not create additional pressure for parking on site nor in the neighbourhood.

Regards,
Eric Barker Architect Inc.

A handwritten signature in black ink, appearing to be "Eric Barker", written over the printed name.

Eric Barker, Architect AIBC, LEED AP

EJB/ab

ERIC BARKER, MAIBC
ARCHITECT inc.

August 28, 2014

Mayor and Council
City of Victoria
1 Centennial Square
Victoria, B.C.
V8W 1P6



Re: 1479 Fort Street

Dear Mayor and Council,

We are applying for a development variance permit approval to add 1 suite to the existing 8 suites currently in the house. The suite is being added into the basement and therefore does not change the building footprint or appearance other than adding windows in the basement wall. The variance is required because the current house with 8 suites and 6 parking stalls doesn't meet schedule 'C' of the Zoning By-law and the addition of our suite adds to the variance.

The argument for this variance is that the house, in its central location, provides rental accommodation for young singles and couples working in the downtown area. This is an important component to supporting the viability of the working population downtown. Unusual to most houses like this, there are 6 parking stalls behind the house accessible by a lane off St. Charles. The addition of the suite in this context will not create additional pressure for parking on site nor in the neighbourhood.

ERIC BARKER, MAIBC
ARCHITECT inc.

We also request the granting of five variance to bring the structure into compliance with zoning regulations. The site coverage and vehicle parking are pre existing conditions

The variances requested are as follows:

Vehicle parking

11 required 6 provided

Bicycle storage (Class 1 facility)

req'd 9 class 1 plus 6 class 2, provided 10 class 2

Site coverage

req'd 30%, provided 27.8%

Setback from the street for the accessory building

Req'd 7.5m, provided 6.47m

Separation distance between the accessory building and the principal building

Req'd 2.4m, provided 1.51m

Regards,
Eric Barker Architect Inc.



Eric Barker, Architect AIBC, LEED AP

EJB/ab

ERIC BARKER, MAIBC
ARCHITECT inc.



FORT STREET FACADE

REAR YARD FACADE



| Sheet List | | | |
|--------------|----------------------|------------------|---------|
| Sheet Number | Sheet Name | Sheet Issue Date | Revised |
| A100 | Cover Sheet | 06/26/2014 | |
| A101 | Site Plan | 06/26/2014 | |
| A102 | Basement and L1 & L2 | 10/06/2013 | |
| A104 | Elevations | 11/07/13 | |
| A105 | Building Section | 11/12/13 | |

Basement Proposed Unit

| Unit # | Type | Size | Occupants | Car |
|-------------|-----------|--------|-----------|-----|
| 9 | 1 Bedroom | 503 sf | N/A | 0 |
| Total Areas | | 503 sf | | 0 |

Level 1 Existing Units

| Unit # | Type | Size | Occupants | Car |
|-------------|------------|----------|----------------|-----|
| 1 | 1 bedroom | 346 sf | Business owner | 1 |
| 2 | 2 bedrooms | 674 sf | Self employed | 1 |
| 3 | 2 bedrooms | 924 sf | Students | 0 |
| Total Areas | | 2,224 sf | | 2 |

Level 2 Existing Units

| Unit # | Type | Size | Occupants | Car |
|-------------|-----------|----------|---------------|-----|
| 4 | 1 bedroom | 318 sf | Self employed | 0 |
| 5 | 1 bedroom | 455 sf | Student | 1 |
| 6 | 1 bedroom | 448 sf | Student | 1 |
| 7 | 1 bedroom | 367 sf | Student | 0 |
| 8 | 1 bedroom | 332 sf | Students | 0 |
| Total Areas | | 1,971 sf | | 2 |

RELATION OF PROJECT TO OCP:

The building meets the criteria of the Urban Residential zone in the OCP which foresees buildings detached or attached up to 3 stories as well as multi-unit buildings up to 6 stories.

- Variable setbacks with primary downways facing the street.
- Front yard landscaping and street tree planting
- on street parking and collective driveway to the rear yard.
- ground oriented multi-unit residential.
- FSR up to 1.2

Project description:

Currently the house has 8 approved suites providing rental accommodations for younger single and two person households, either attending educational institutions or working downtown. The house is well located, being on a major bus route and within a block of a commercial centre.

It is proposed to add 1 (one) additional 1 Bedroom Suite, in the basement, to an existing 8 Unit apartment building.

Total number of proposed units: 9
 1 Bedroom: 5 Units (5, 6, 7, 8 & 9)
 2 Bedrooms: 2 Units (2 & 3)
 Bachelor: 2 Units (1 & 4)

DATA:

Zone: R3-AM-2

Building Footprint approx.: 222 sm

Min. Allowable Site Area: 920 sm

Current Site Area: 741 sm

Current Floor Area: 389.7 sm

FSR: (Not including added Suite)
 Floor area / Lot Area =
 389.7 sm / 741 sm = 0.52

FSR Allowable: 0.6:1 (2 Storeys)

Max. Allowable Site Coverage: 30%

Current Site Coverage: 32.8%
 (243 sm of 741sm)

Min. Req'd open Site Space: 30%
 (222.3 sm of 741 sm)

Current Open Site Space: 27.8 %
 (534.69 sm non-open leaves
 206.31 sm of 741 sm open)

Required Parking: 12 stalls

Parking on Site: 6 stalls

Bicycle Parking: 10

Building Height approx. 10.49m (34'-6")
 Midpoint of roof. 8.52m (28'-0")

Existing: 8 units
 Proposed: 9 units

CURRENT SETBACKS:
 Front setback: 3.48 m
 Side setbacks (East): 1.54 m
 Side setbacks (West): 1.01 m

ALLOWABLE SETBACKS:
 All sides: 9m

REQUIRED VARIANCES:

Parking Variance
 Required: 12 (1.3 stalls per Dwelling Unit)
 Current: 6

Site Coverage Variance: 31.8 %

Open Site Space Variance: 28%



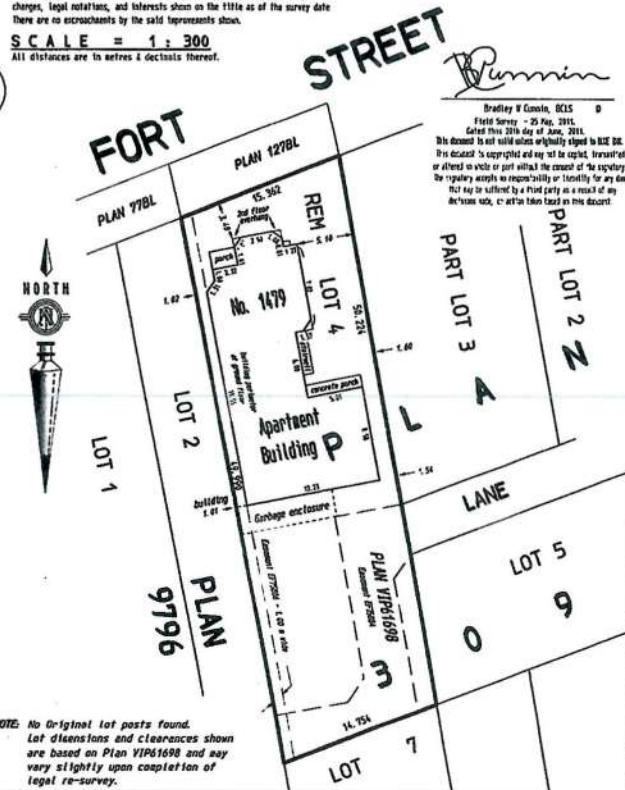
B. C. Land Surveyor's Certificate of Location for: LOT 4, SECTION 74, VICTORIA DISTRICT, PLAN 309. EXCEPT THAT PART OUTLINED IN RED ON PLAN 127 BL

Parcel Identifier: 000-099-996
 In the City of Victoria

Prepared For: Apartments R Us

I have inspected the residential premises shown at 1479 Fort Street and hereby certify that the said structure is situated with respect to nearby boundaries as shown on this sketch. This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition, and should not be used in a manner which would assume so. The property is subject to charges, legal notices, and interests shown on the title as of the survey date. There are no encroachments by the said improvements shown.

SCALE = 1 : 300
 All distances are in metres & decimals thereof.



NOTE: No Original lot posts found.
 Lot dimensions and clearances shown are based on Plan V1916108 and may vary slightly upon completion of legal re-survey.

c100 - 407 Swift Street
 Victoria, BC V8W 1S2
 Phone: 381-8255/2257
 Facsimile: 381 - 2289
 File: 6367 - 15

09/02/2014 12:27:10 PM

ER C BARKER
 ARCHITECT INC.
 1811 AVONDA AVENUE VICTORIA B.C.
 V8M 1A5

Civic Address:

1479 Fort Street
 Victoria, BC
 V8S 1Z4

Legal Address:

Lot 4, Section 74
 Victoria District, Plan 309

Project Owner:

Apartments R Us

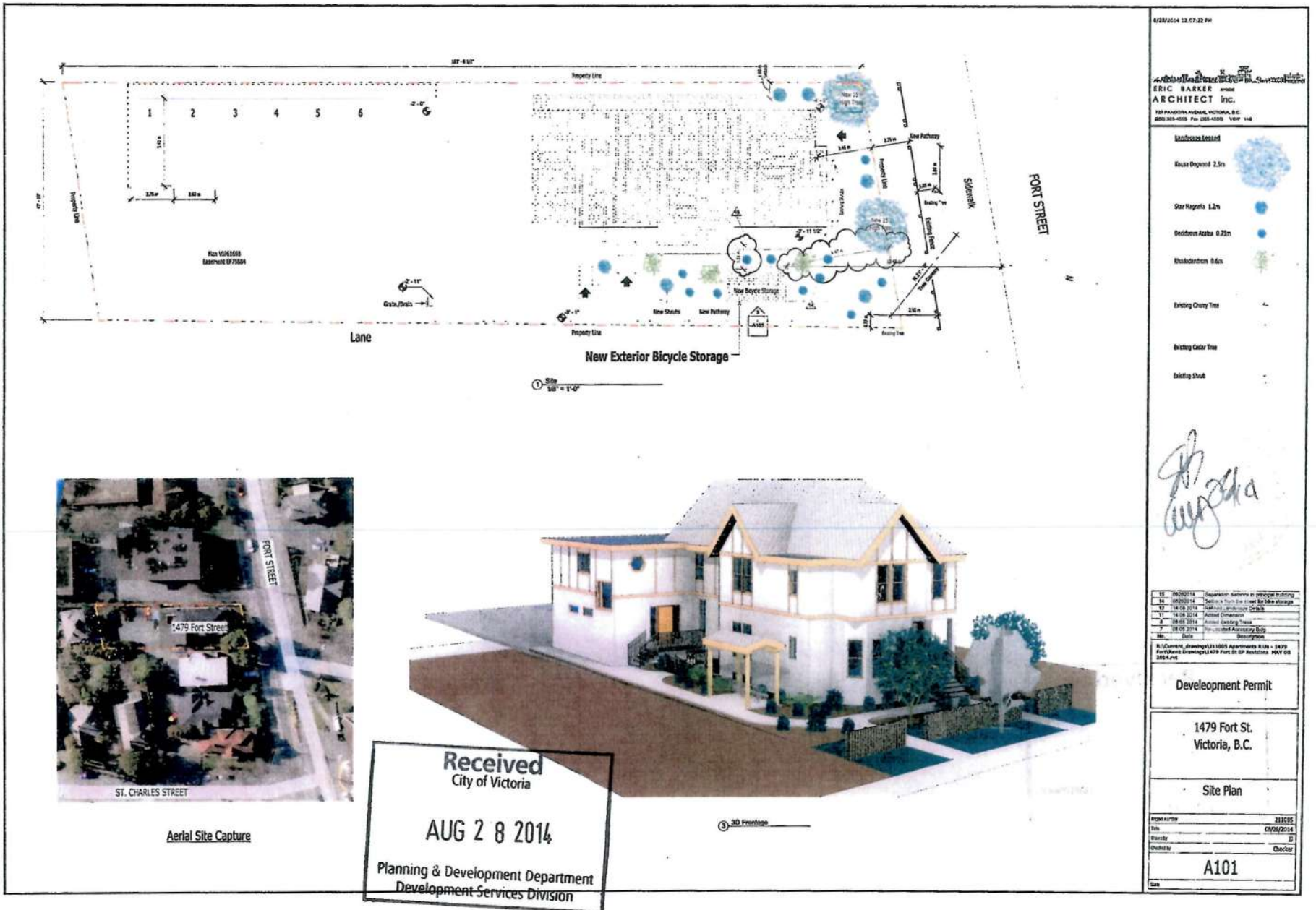
| By | Date | For |
|------------|------------|------------|
| 18/05/2014 | 18/05/2014 | 18/05/2014 |
| 18/05/2014 | 18/05/2014 | 18/05/2014 |
| 18/05/2014 | 18/05/2014 | 18/05/2014 |

Development Permit

1479 Fort St.
 Victoria, B.C.

Cover Sheet

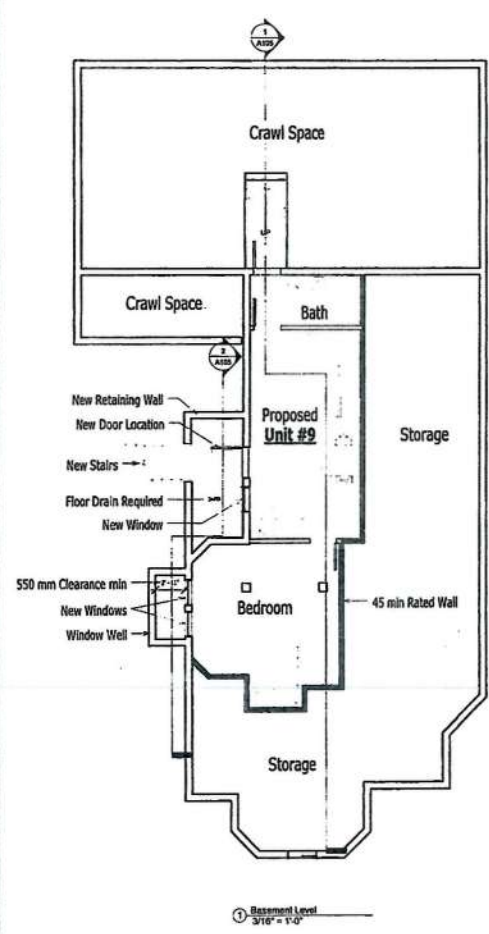
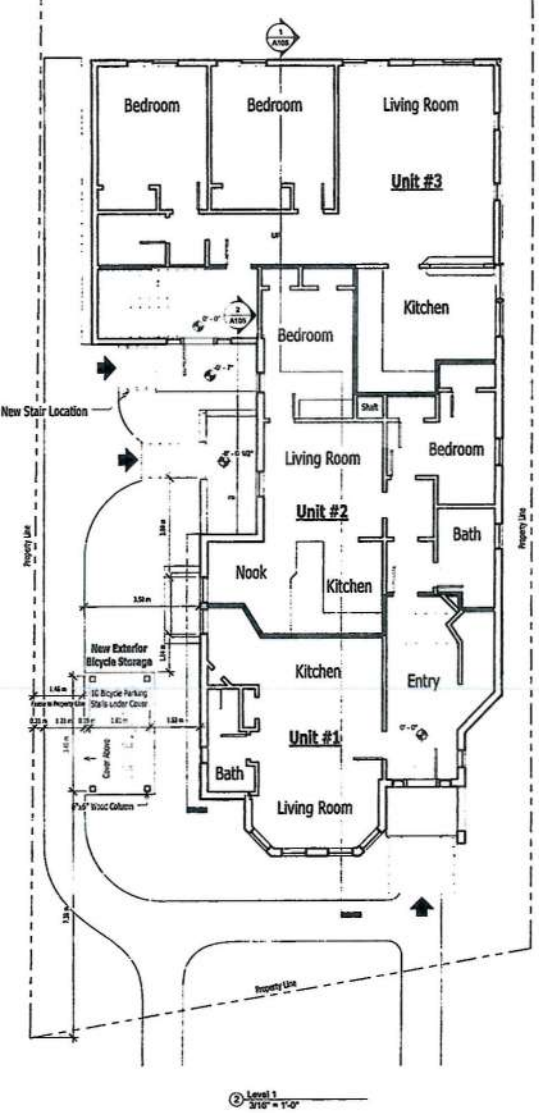
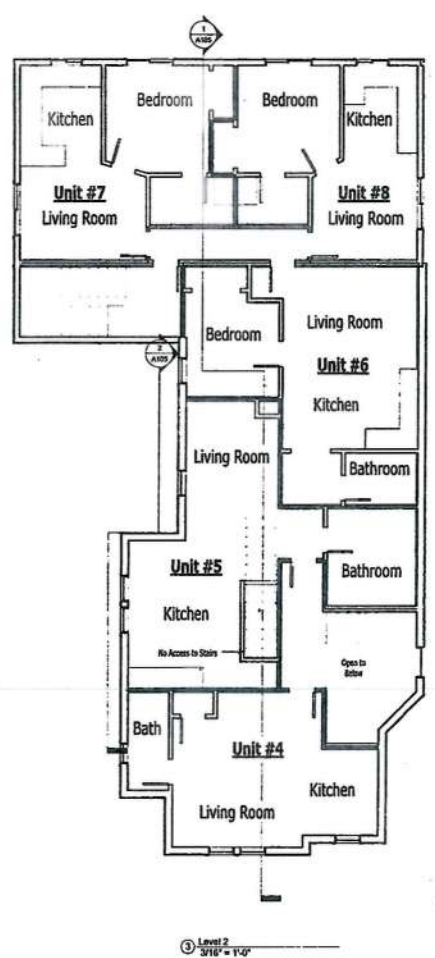
| | |
|----------------|------------|
| Project number | 211055 |
| Date | 09/02/2014 |
| Drawn by | JB |
| Checked by | Checker |
| Scale | A100 |



6/28/2014 12:07:26 PM
 ERIC BARKER
 ARCHITECT Inc.
 137 PAVILION AVENUE, VICTORIA B.C.
 (250) 548-4055 Fax: (250) 490-1191

Handwritten signature: Eric Barker

| | | | |
|--|--------|--------------------------------|------------|
| 18/09/2014 | | Non-Residential Assembly Bldg. | |
| Rev | Scale | Author | Checked |
| R/C Comment: Drawing 1211005 Approved: R.18 - 1479 FortKnox Drawings 1479 Fort St. B.P. Revision: MAY 08 2014-01 | | | |
| Development Permit | | | |
| 1479 Fort St. Victoria, B.C. | | | |
| Basement and L1 & L2 | | | |
| Project Number | 211005 | Date | 18/09/2013 |
| Drawn by | Author | Checked by | Checker |
| A102 | | Date: 10/10/14 | |



Received
 City of Victoria
 AUG 28 2014
 Planning & Development Department
 Development Services Division

02/08/2014 12:07:30 PM

ERIC BARKER
ARCHITECT INC.
127 PALOMAR AVENUE VICTORIA B.C.
250 589-4467 Fax 250-455-1306 1/20



| No. | Date | Description |
|-----|------------|-----------------------|
| 1 | 18-05-2014 | Added Existing Trees |
| 2 | 18-05-2014 | Revised driveway gate |

A:\Current_dwg\1479 Apartments A 10 - 1479
FortStArch Drawing\1479 Fort St AP Renditions 1479 08
2014.rvt

Development Permit

1479 Fort St.
Victoria, B.C.

Elevations

| | |
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| Project number | 211005 |
| Date | 18/09/13 |
| Drawn by | Aut/ur |
| Checked by | Checker |

A104

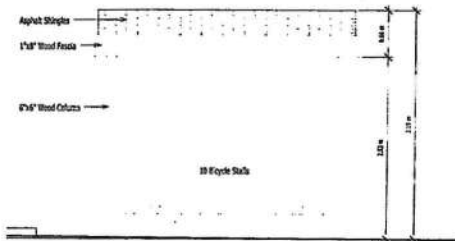
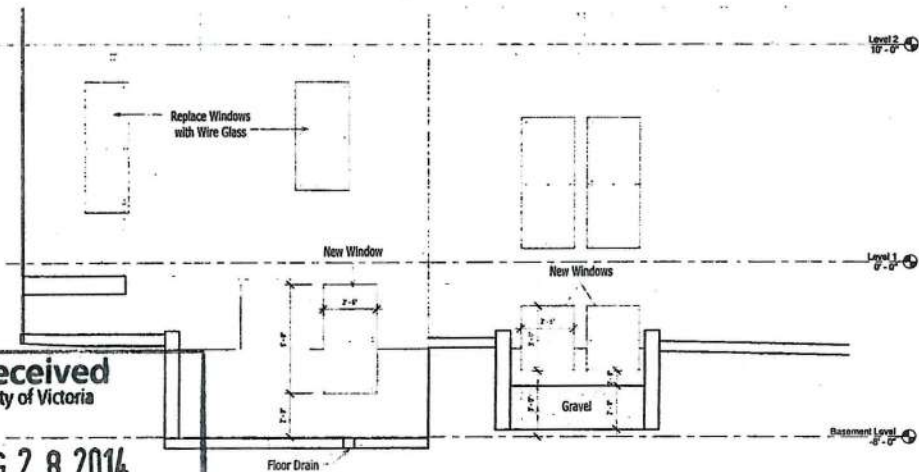
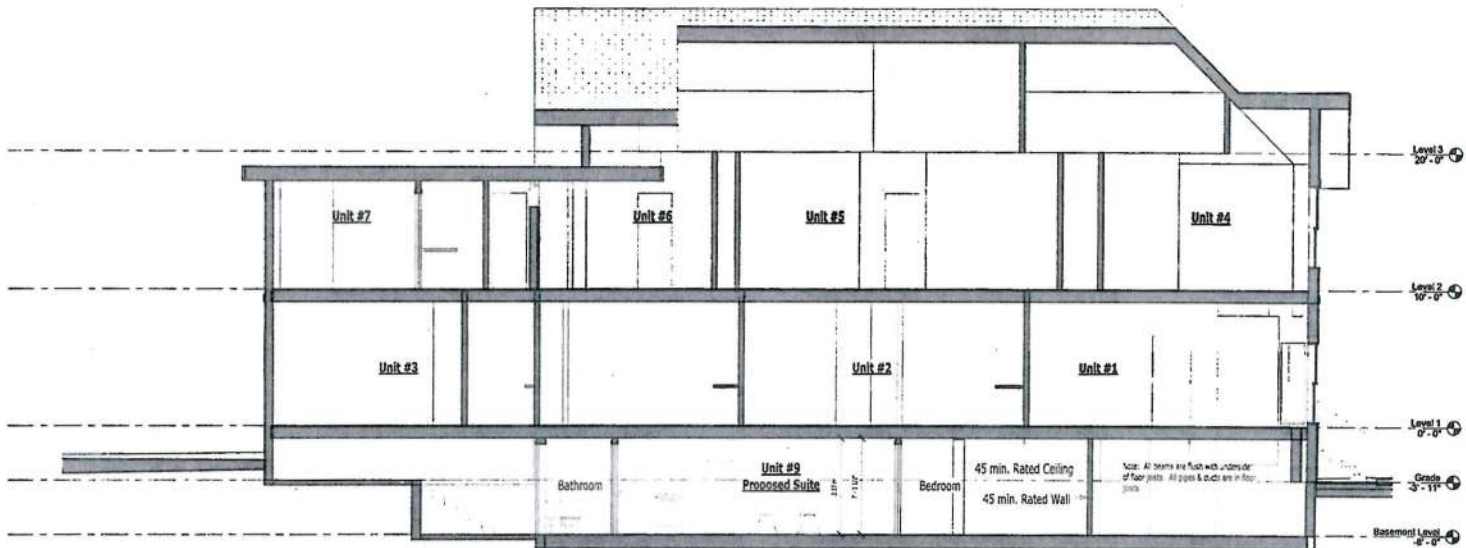
Received
City of Victoria

AUG 28 2014

Planning & Development Department
Development Services Division

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ERIC BARKER ARCHITECT INC.
187 PAULSON AVENUE VICTORIA B.C.
250.355.4565 Fax 250.455.1501



187 PAULSON AVENUE VICTORIA B.C.
250.355.4565 Fax 250.455.1501

Development Permit

1479 Fort St.
Victoria, B.C.

Building Section

Project number: 211205
Date: 11/12/13
Drawn by: Author
Checked by: Checker

A105

Sub

Received
City of Victoria

AUG 28 2014

Planning & Development Department
Development Services Division



Planning and Land Use Committee Report For the meeting on September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Murray G. Miller, Senior Heritage Planner
Subject: **Heritage Alteration Permit Application #00186 with Variance for 448 Moss Street** – Proposal to make exterior alterations to a Heritage-Designated building and vary the location of parking

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit (HAP) Application for the property located at 448 Moss Street. The proposal is to shore up the existing house, excavate the basement and construct a new foundation. In order to construct the new foundation, the existing sound shingles that characterize the lower elevation of the house are proposed to be removed. Parking is proposed to be located in the front yard to allow for the use of the basement as living space. The key issues associated with this application are the replacement of sound material and parking.

While the replacement of sound material diminishes the historic integrity of the place, this aspect of the proposed work is mitigated by an in-kind replacement. The impact of parking within the front yard setback would be minor. For these reasons, staff recommend that the application be supported.

The application was reviewed by the Heritage Advisory Panel at its August 12, 2014 meeting and was recommended for approval.

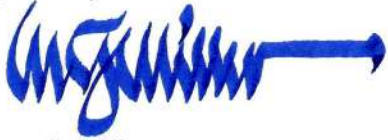
Since this HAP Application has a variance, it requires notification, sign posting and a Public Hearing.

Recommendations

1. That Council advance Heritage Alteration Permit Application #00186 with Variance for 448 Moss Street for consideration at a Public Hearing.
2. Following the Public Hearing, that Council consider passing the following resolution to authorize the Heritage Alteration Permit Application #00186, subject to:
 - a. Revised plans, dated July 31, 2014 for Heritage Alteration Permit #00186; and

- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance from Schedule C, Section 3, to permit required parking in the front yard.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning

Alt.



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____
Jason Johnson

Date: _____
Sept. 10/14

MGM/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAPI\HAP00186\PLUC REPORT 448 MOSS ST HAP.DOC

1.0 Purpose

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit Application for the property located at 448 Moss Street.

2.0 Background

2.1 Description of Proposal

The proposal is to shore up the existing house, excavate the basement and construct a new foundation. Alterations to the exterior are outlined in the revised letter from the applicant, dated July 31, 2014, and depicted in the revised drawings, dated July 31, 2014. Parking is proposed to be located in the front yard to allow for the use of the basement as living space.

The application was reviewed by the Heritage Advisory Panel at its August 12, 2014 meeting and was recommended for approval.

2.2 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Planning and Zoning Committee of the Fairfield Gonzales Community Association on July 11, 2014, for a 30 day comment period. No comments were received at the time of writing this report.

2.3 Consistency with City Policy

2.3.1 Official Community Plan (OCP)

The proposed development will conserve the heritage property consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

3.0 Issues

The key issues associated with this application are:

- the replacement of repairable historic material
- parking in the front yard.

4.0 Analysis

4.1 Replacement of Repairable Historic Materials

The proposed development uses materials that are consistent with the character of the house. The modifications proposed for the lower portion of the exterior walls to accommodate an expanded use includes the replacement of aluminum windows with traditional wood windows and the restoration of existing wood windows.

4.2 Parking in the Front Yard

Currently, the parking space is considered to be within the garage, however, the applicant has not utilized it and currently parks within the front yard driveway. The applicant is proposing to develop the basement, leaving the required parking within the front yard setback. The applicant therefore seeks a variance for the required parking stall. The applicant has been advised of the

sightline requirements for vehicle movement that will need to be in compliance with the *Highway Access Bylaw* upon application for a Building Permit.

Due to the available site area, it is not possible to provide the required parking elsewhere on the property that is beyond the front yard setback. Staff have considered the proposed variance and recommend that the Planning and Land Use Committee support this aspect of the proposal given that the impact of allowing one front yard parking stall within the front yard is considered to be relatively minor.

5.0 Conclusions

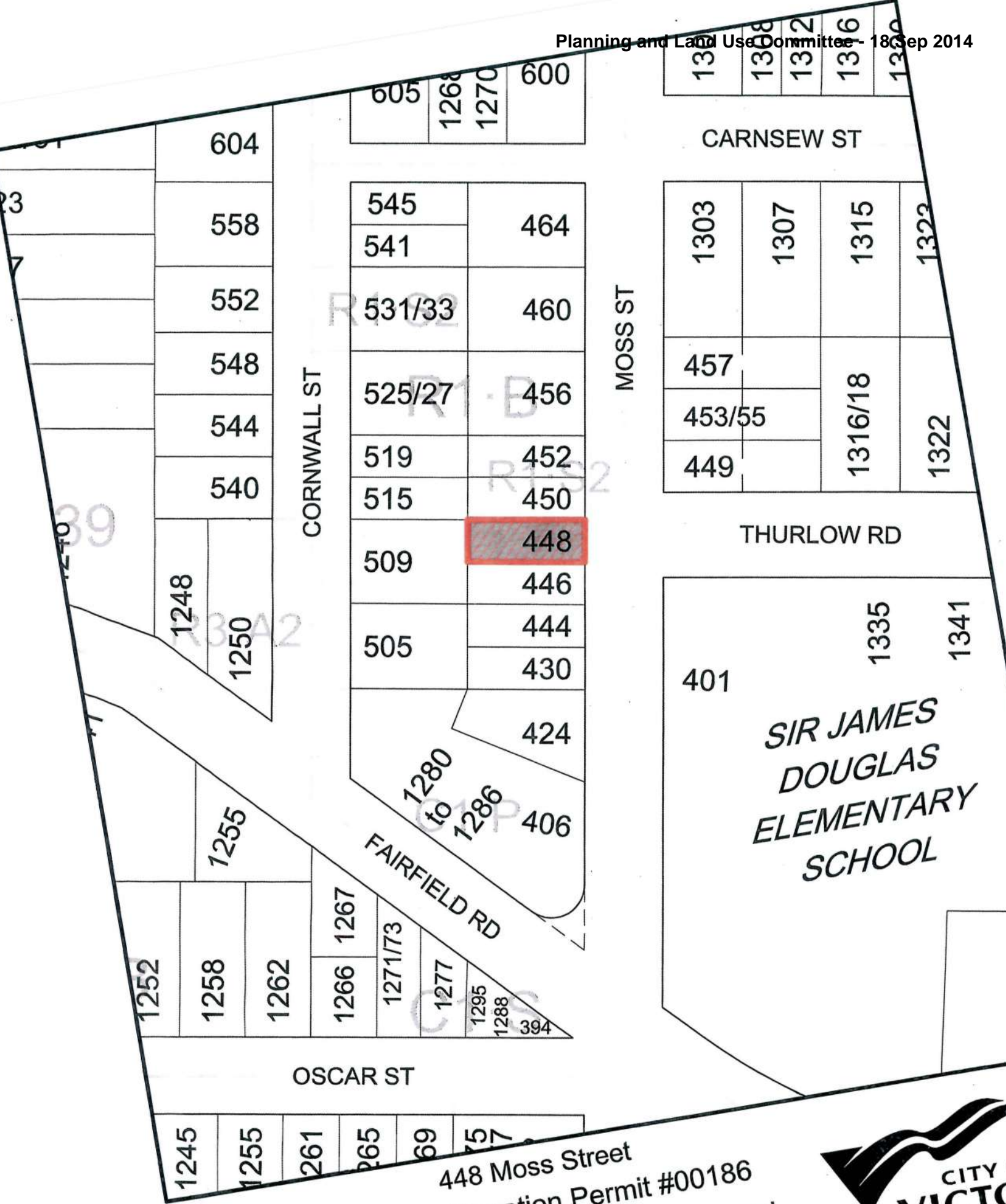
The impact of allowing one front yard parking stall is considered to be relatively minor. Staff acknowledges that the replacement of sound historic material diminishes the historic integrity of the place. The proposed work is, however, mitigated by in-kind replacement, leaving the character and appearance of the proposed work compatible with the historic place. This application is generally in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, therefore, it is recommended that the application be approved subject to the conditions outlined below.

6.0 Recommendations

1. That Council advance Heritage Alteration Permit Application #00186 with Variance for 448 Moss Street for consideration at a Public Hearing.
2. Following the Public Hearing, that Council consider passing the following resolution to authorize the Heritage Alteration Permit Application #000136, subject to:
 - a. Revised plans, dated July 31, 2014 for Heritage Alteration Permit #00186; and
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance from Schedule C, Section 3, to permit required parking in the front yard.

7.0 List of Attachments

- Subject map
- Aerial map
- Photos
- Letter, dated July 31, 2014
- Revised plans, dated July 31, 2014
- Excerpt from *This Old House, Volume Four: Fairfield, Gonzales & Jubilee*, 2009.



SIR JAMES DOUGLAS ELEMENTARY SCHOOL

448 Moss Street
Heritage Alteration Permit #00186
Registered
Designated



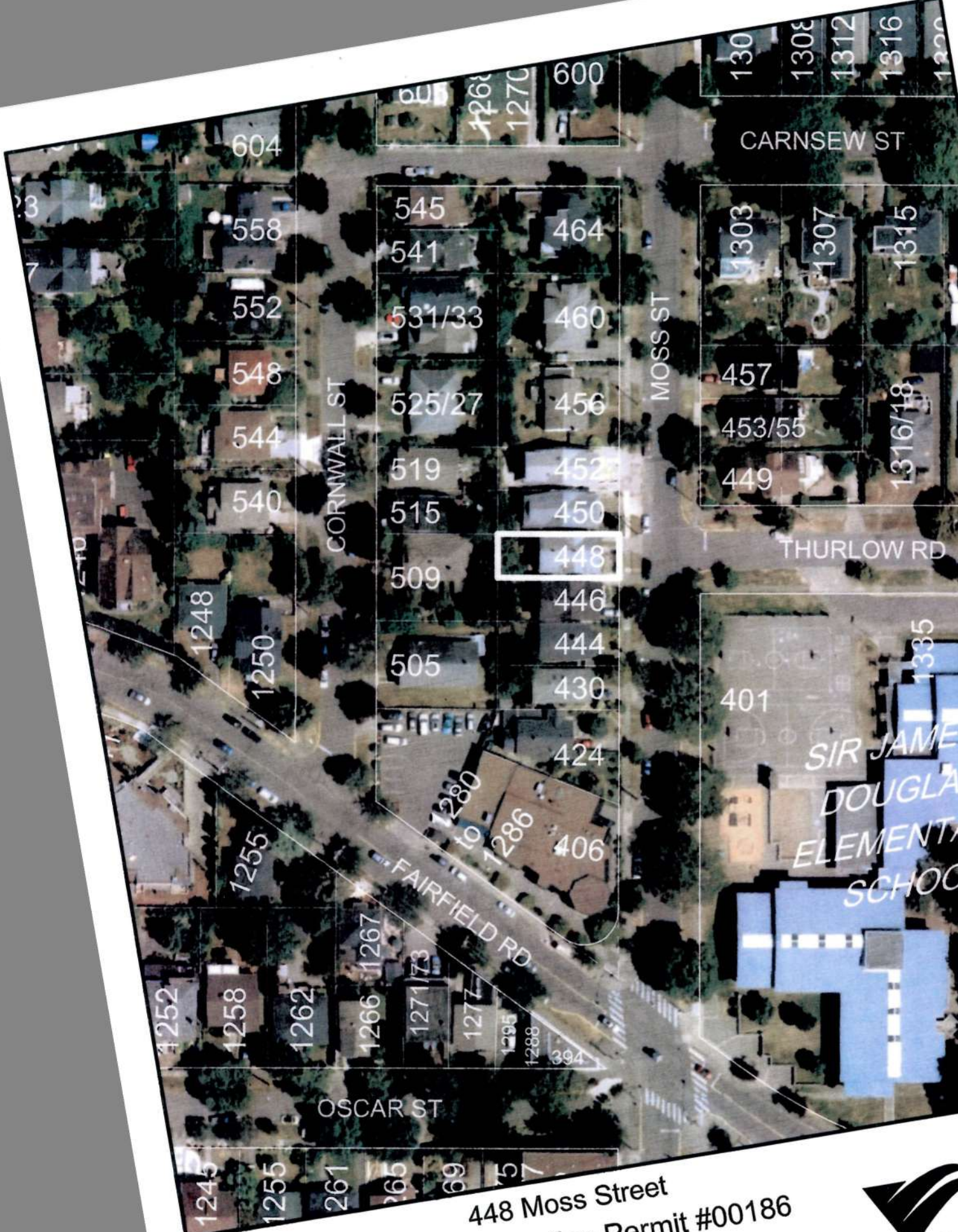




Figure 3: 448 Moss St 1910



Figure 4: Existing Front Elevation



Figure 5: Existing Rear Elevation



Figure 1: Existing Basement Door



Figure 6: Existing Left Side Elevation



Figure 7: Existing Right Side Elevation

Date: July 31, 2014

City of Victoria
 Planning and Development Department
 Permits and Inspections Division
 1 Centennial Square
 Victoria, BC V8W 1P6



Re: Heritage Alteration permit, 448 Moss Street

To whom it may concern:

This letter is in reference to a heritage alteration permit for 448 Moss Street and is intended to provide additional details regarding proposed changes to the exterior of the house. The proposed scope of the project is to shore up the existing home and dig down and install a new concrete foundation. The current basement ceiling height is 6'11" and the proposed ceiling height is 8'2" finished. The current stairs leading to the basement are unsafe and would be rebuilt to code standards which require modifying the stairwell opening on the main floor. New perimeter drain, rainwater leaders and foundation damp proofing will be installed to help protect the newly renovated space from water damage. Our intention is to use materials and styles that are consistent with the Edwardian style of the house. Specifically:

- The exterior finish on the first floor will be the same colour and materials as existing. We are not changing the existing finish on the 2nd and 3rd floors.
- New wood shingles will be No.1 Grade, stained on both sides, following the existing pattern;
- Trim and moulding will be matched to existing heritage wood trim.
- Basement level exterior door on Eastern face (front) will be restored to original condition and lengthened from 6'0" to 6'8". See 'Figure 1: Existing Basement Door'
- Basement level exterior door on Western face (rear) will be replaced with new heritage style full lite wood door. The current door height is 6' and the door is in poor condition.
- Aluminum framed windows on the south side basement will be replaced with heritage style wood windows.
- Wood framed casement windows on the north side basement will be restored to original condition
- The existing paver stone driveway will require re-grading from the back of sidewalk

- Rock mortar walls adjacent to the driveway will require modification to allow for a deeper foundation due to re-grading of the driveway but will be restored as per existing condition
- A sunken patio at the rear of the home to allow access to the proposed lowered floor elevation

Figures 4 through 7 show the existing areas of the home that will be affected.

We also request the grant of a Variance for the requirement for parking beyond the front façade of the building. The existing basement has not been used for parking since the current owners acquired the property in 2007. The low height and width of the existing garage doors make it difficult to park a vehicle safely within the home. Furthermore, available evidence would suggest the building was not designed to accommodate interior parking. The installation of the garage doors were most likely a 1920's alteration as suggested in the 'Victoria's Heritage Neighborhoods; Volume 4: Fairfield, Gonzales & Jubilee' publication and therefore were not original to the home (see Figure 2: This Old House'). The attached photograph, 'Figure 3: 448 Moss St 1910' is conclusive with the above information as it shows that the retaining wall runs along the entire frontage of the building with no driveway access. This house is one of 4 nearly identical homes built on Moss Street between Thurlow and Fairfield situated on half sized lots, including 448, 446, 444 and 430.

To create a parking space within the existing home would require the loss of nearly half of the proposed living space to parking, making this project economically unfeasible. The Variance requested is relatively minor, and will not affect the parking conditions on Moss St.

If you require any further information, please do not hesitate to let me know.

Best Regards,

Josh Collins, ASCT
Collins Designs
250-883-3835



PREPARED FOR THE EXCLUSIVE USE OF:



| SITE DATA | |
|------------------------------|--------------|
| YEAR BUILT - | 1910 |
| EXISTING GT A - | 2962 SQ. FT. |
| PROPOSED GT A - | 2009 SQ. FT. |
| ZONING - | R-B |
| LOT AREA - | 2970 SQ. FT. |
| EXISTING LOT COVERAGE - | 75.56% |
| PROPOSED LOT COVERAGE - | UNIMPAVED |
| EXISTING FLOOR SPACE RATIO - | 1.07 |
| PROPOSED FLOOR SPACE RATIO - | UNIMPAVED |
| BUILDING HEIGHT - | |
| TAX PACE No. - | 00P44-740 |

448 MOSS ST

VICTORIA, BC

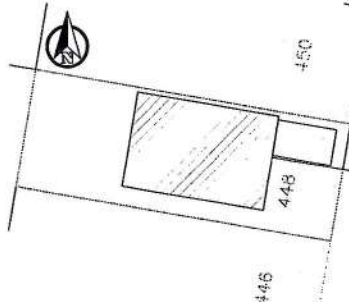
LOT 18 DISTRICT 57 PLAN VIP 350

PID: 009-141-740

LOT 18
VIP 350
RI-B

| SITE PLAN LEGEND | |
|------------------|--|
| | EXISTING HOME |
| | REQUIRED PARKING DIMENSIONS (3m X 5m) |
| | EXISTING DRIVEWAY |

MAY 2014

APPROVAL
SUBMISSIONPROJECT LOCATION
Scale: 1/8" = 10'EXISTING SITE PLAN
Scale: 1/8" = 10'PROPOSED SITE PLAN
Scale: 1/8" = 10'

| NOTES | |
|--|---|
| <p>GENERAL NOTES</p> <p>ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE (BCBC), 2000 CONSTRUCTION PRACTICE, AS WELL AS ANY OTHER LOCAL BUILDING CODES OR BYLAWS WHICH MAY HAVE PRECEDENCE.</p> <p>ALL MEASUREMENTS TO BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION. COMMENCEMENT OF CONSTRUCTION OR ANY FURTHER WORK CONSTITUTES ACCEPTANCE OF THE DRAWINGS, SITE CONDITIONS AND MEANS, METHODS & ELEVATIONS HAVE BEEN VERIFIED & ARE ACCEPTABLE.</p> <p>IF ANY DISCREPANCIES ARISE, THEY SHOULD BE REPORTED TO THE DESIGNER.</p> <p>DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE.</p> <p>FOUNDATIONS SHALL BE GRADED #2 OR BETTER UNLESS OTHERWISE SPECIFIED.</p> <p>ALL INTERIOR FINISHES, CORNICES, WINDOW TYPES AND MILLWORK TO OWNERS' APPROVAL.</p> <p>SKYLIGHTS TO BE IN WOOD OR OTHER ENGINEERED PRODUCT AND SECURED WITH SCREWS AND SUB-FLOOR ADHESIVE.</p> <p>TEMPORARY HEAT REQUIRED PRIOR TO DRYWALL INSTALLATION TO AVOID IN DRYING OF FRAMEWORKS. MINIMUM TEMPERATURE MUST NOT EXCEED 50°F.</p> <p>SITE PLAN</p> <p>LAYOUT TO BE CONTROLLED BY A CURRENTLY REGISTERED BRITISH COLUMBIA LEGAL LAND SURVEYOR.</p> <p>ALL SET BACKS TO BE CONTROLLED BY THE OWNER AND BUILDER.</p> <p>ALL GRADE ELEVATIONS ARE THE RESPONSIBILITY OF THE OWNER AND BUILDER.</p> <p>VERIFY EXISTING AND PROPOSED GRADINGS PRIOR TO CONSTRUCTION.</p> <p>FOUNDATION</p> <p>THE BUILDER IS RESPONSIBLE FOR LOCATING THE FOOT PRINT OF THE STRUCTURE IN THE PROPER PLACE AS PER PLAN.</p> <p>CONCRETE FOUNDATION WALLS NOT SUBJECT TO SLOTTING SHALL BE REINFORCED ON COMPLETED, UNPAVED, UNCOVERED SHOWN SOLES BELOW THE DEPTH OF FROST PENETRATION WITH AN ALLOWABLE BEARING CAPACITY OF 75 TONS OR GREATER. IF SOFTER CONDITIONS APPLY, THE BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER.</p> <p>THE SKILL PLATE IS TO BE APPLIED TO THE FOUNDATION WALL WITH NOT LESS THAN 12.7mm (1/2") AND ANCHOR BOLTS SPACED NOT MORE THAN 24" O.C. OR FOR BRICKED WALL FINISHES 215mm (8 1/2") AND ANCHOR BOLTS PER BRICKED WALL PANEL. 500mm FROM THE EDGES OF THE FOUNDATION AND SPACED 1.7m O.C. UNIMPAVED 100mm (4") MIN.</p> <p>ALL CLIMBER IN CONTACT WITH CONCRETE SHALL BE TREATED OR PROTECTED BY A INHIBITOR RESISTANT GARBET.</p> <p>IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE SOIL CONDITIONS INSPECTED AND ADVISE THE DESIGNER OF ANY SOIL CONDITIONS WHICH MAY REQUIRE ENGINEERING.</p> <p>ALL FOUNDATION WALLS ARE 200mm (8") THICK 20Mpa CONCRETE UNLESS OTHERWISE SPECIFIED.</p> <p>FOUNDATION WALLS MAY BE A MAXIMUM OF 4' HIGH FROM GRADE TO UNDERSTORY OF FLOOR IF LATERALLY UNRESTRICTED AT TOP. ALL OTHER CONCRETE FOUNDATION WALLS TO BE ENGINEERED.</p> <p>FINISHES</p> <p>ALL FINISHED COMPONENTS TO BE SIZED BY SUPPLIER.</p> <p>ALL SPINDS AND LOUVERES SHALL CONFORM TO THE CURRENT VERSION OF THE BCBC. VERIFICATION OF ALL COMPONENTS IS THE RESPONSIBILITY OF THE OWNER/BUILDER. ANY COMPONENTS WHICH CANNOT BE DESIGNED WITH THE BCBC SHALL BE DESIGNED BY A QUALIFIED ENGINEER.</p> <p>ROOFES AND LAYOUT ARE TO BE ENGINEERED AND REVALUED ACCORDING TO MANUFACTURERS SPECIFICATIONS.</p> <p>IT IS ASSUMED THAT THE CONTRACTOR IS FAMILIAR WITH THE 2012 BCBC AND INDUSTRY STANDARDS FOR WOOD FRAME CONSTRUCTION. NOT EVERY DETAIL OF WOOD FRAMING IS SHOWN ON THESE DRAWINGS.</p> <p>ALL LINES DOUBLE 2X10 S.S. 9" FOR CLEAR SPANS IF 10' TO 9' UNLESS OTHERWISE NOTED.</p> | <p>ROOFING</p> <p>ALL ROOFING SHALL BE APPLIED TO THE MANUFACTURERS SPECIFICATIONS AND SHALL INCLUDE SAFE PROTECTION FROM ICE DAMMING AND SNOW BUILD UP.</p> <p>PLUMBING AND ELECTRICAL</p> <p>ANY PLUMBING AND ELECTRICAL SHOWN ON THESE PLANS IS FOR ILLUSTRATIONAL PURPOSES ONLY AND MUST BE DESIGNED AND INSTALLED BY A QUALIFIED PROFESSIONAL.</p> <p>FLASHING</p> <p>ALL PENETRATIONS THROUGH THE ROOF WILL REQUIRE FLASHING.</p> <p>ALL ROOFING TO INCLUDE STEP FLASHING.</p> <p>ALL EXPOSED OPENINGS TO INCLUDE FLASHING.</p> <p>ALL FLASHING DETAILINGS TO BE 25mm (1") HIGH.</p> <p>DOORS</p> <p>FRAME OPENINGS TO BE 1 1/2" WIDER THAN DOOR.</p> <p>FRAME HEIGHT 69" FOR EXTERIOR DOORS AND 80.5" FOR INTERIOR DOORS.</p> <p>FRAME OPENING 1 1/2" WIDER THAN DOOR. DOORS AND FRAME HEIGHT 68.5" FOR INTERIOR DOORS TO BE 50" WIDE UNLESS OTHERWISE SPECIFIED.</p> <p>WINDOWS</p> <p>ALL WINDOWS, DOORS & SKYLIGHTS TO CONFORM TO NFPA-68 AND THE CANADIAN SUPPLEMENT TO NFPA-68.</p> <p>FEEDBACK ON PERFORMANCE REQUIREMENTS ARE BASED ON VICTORIA CODES AND NFPA-68.</p> <p>CLASS R - 15.25 - 1/2" O.P. - 1200mm (48") - WATER PENETRATION RESISTANCE - 250Pa - CANADIAN AIR INFILTRATION/EXFILTRATION - A2.</p> <p>CLASS R - 15.40 - 1/2" O.P. - 1200mm (48") - WATER PENETRATION RESISTANCE - 250Pa - CANADIAN AIR INFILTRATION/EXFILTRATION - A2.</p> <p>WINDOW/DOOR JAMBES TO BE LEFT IN PLACE UNTIL FINAL INSPECTION.</p> <p>SUPPLY AND INSTALL ALL WINDOW TYPES, INTERIOR CORNICES AND MILLWORK TO OWNERS' APPROVAL.</p> <p>ALL WINDOWS ADJACENT TO BATH TUBS TO BE SAFETY GLASS.</p> <p>GLAZING/HANDRAILS</p> <p>MINIMAL GLAZING MINIMUM TO ALL INTERIOR STAIRS AT 54" TO 56" ABOVE FINISHING.</p> <p>TOPLESS GLASS HANDRAILS TO BE ENGINEERED WITH SEALED ENDINGS.</p> <p>VENTILATION</p> <p>PROVIDE ATTIC AND CRAWL SPACE ACCESS AND VENTILATION IN ACCORDANCE WITH BCBC.</p> <p>PROVIDE HEATING, MECHANICAL VENTILATION, AND AIR CONDITIONING WHERE REQUIRED IN ACCORDANCE WITH BCBC AND LOCAL BYLAWS.</p> <p>MECHANICAL CONTRACTOR TO PROVIDE MECHANICAL EQUIPMENT COMPLETE WITH FAN & DUCT SIZES PRIOR TO FINISHING INSPECTION.</p> <p>WALLS</p> <p>SHOCK / CARBON MONOXIDE ALARMS TO BE PROVIDED ON EVERY FLOOR AND ARE TO BE WIRELESS AND WITHIN 5m OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. SMOKE ALARMS TO ALSO BE PROVIDED IN EVERY BEDROOM. ALL SMOKE ALARM LOCATIONS WILL HAVE BOTH PHOTOELECTRIC AND ION DETECTION SYSTEMS.</p> <p>BEDROOM WINDOWS FOR EGRESS SHALL HAVE OPENINGS WITH AREAS NOT LESS THAN 5.7m² WITH AN OPENING LESS THAN 19".</p> <p>IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND/OR OWNER TO CHECK AND VERIFY ALL ASPECTS OF THESE PLANS PRIOR TO START OF CONSTRUCTION OR DEMOLITION.</p> <p>JDBC DOES NOT ACCEPT RESPONSIBILITY FOR THE FOLLOWING:</p> <ul style="list-style-type: none"> ANY INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE. CONFORMITY OF PLANS TO SITE. DISCREPANCIES AND/OR OMISSIONS. ANY OTHER BUILDING FROM THESE PLANS. <p>THESE PLANS BEAR THE PROPERTY OF JDBC AND CAN BE RECALLED AT ANY TIME.</p> |



WWW.COLLINSDESIGNS.CA
VICTORIA, BC
250-483-3833

RENOVATION
MAC RENO
448 MOSS STREET

SITE PLAN

DESIGNED BY: JDBC
DATE: 11-02-14
SCALE: Noted
PROJECT: 201402

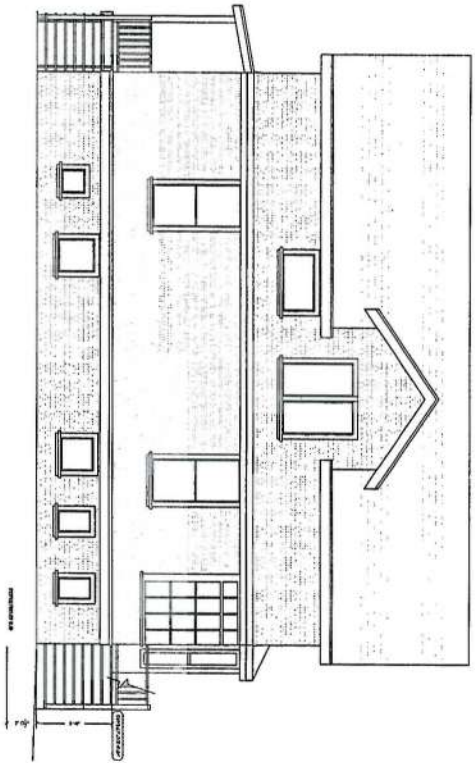
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448 MOSS ST
VICTORIA BC
LOT 18 DISTRICT 57 PLAN VP 550
PB: 009-144-740



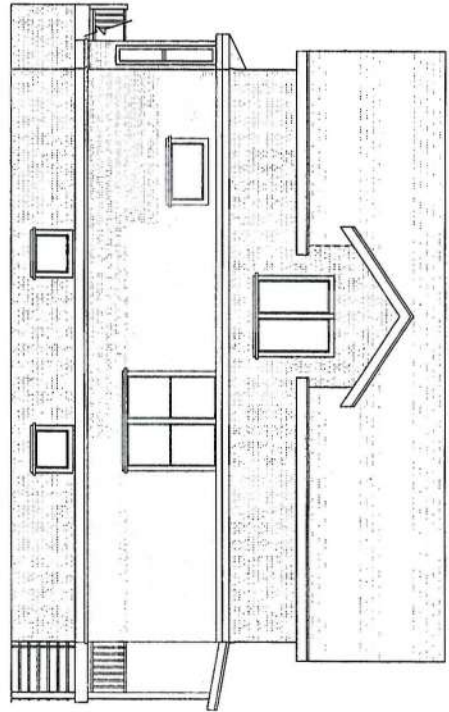
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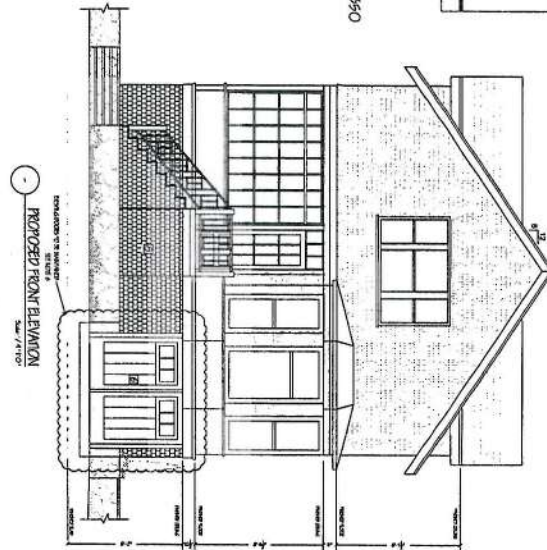
JULY 2014
APPROVAL
SUBMISSION

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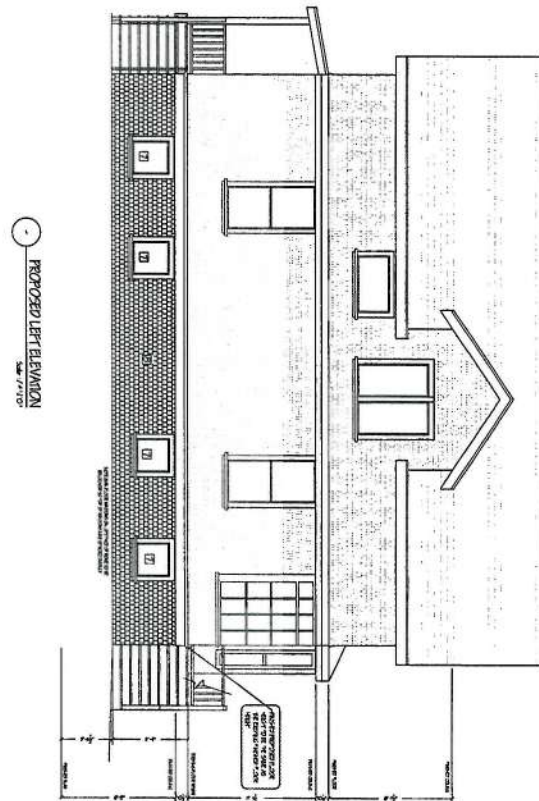


448 MOSS ST
VICTORIA, BC
LOT 18 DISTRICT 57 PLAN WP 550
P2: 009-441-740

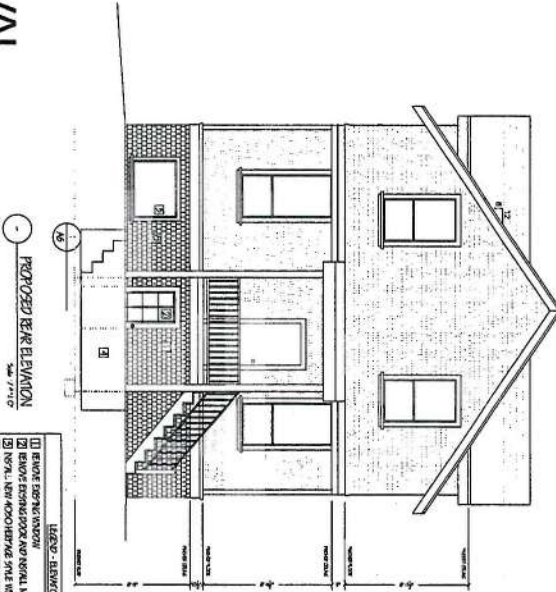
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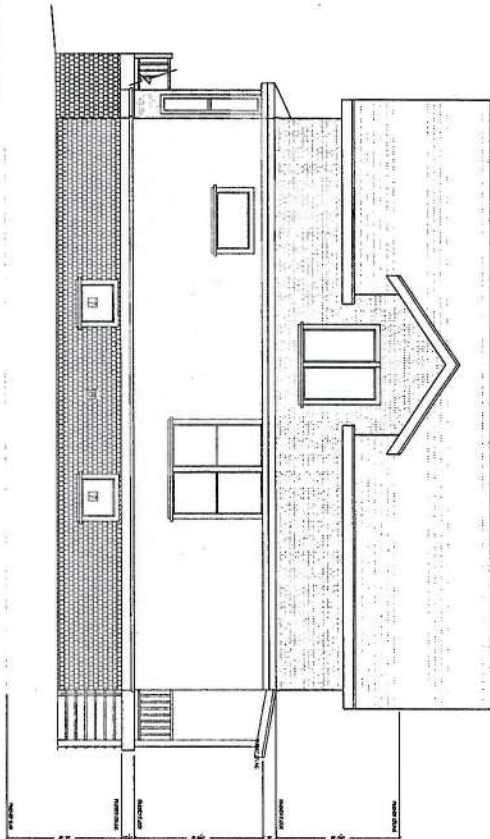
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PROPOSED REAR ELEVATION
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PROPOSED RIGHT ELEVATION
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JULY 2014
**APPROVAL
SUBMISSION**

- LEGEND - ELEVATIONS**
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| A4 | DATE: 11-02-14 DRAWN: NICK CHECKED: NICK 2014-02-14 | PROPOSED EXTERIOR ELEVATIONS | RENOVATION MAC RENO 448 MOSS STREET | WWW.COLLINSDESIGNS.CA VICTORIA, BC 250-881-3835 | COLLINS DESIGN & CONSTRUCTION |
| | | | | | |
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448 MOSS ST
VICTORIA BC
LOT 18 DISTRICT 57 PLAN VP 350
P/P: 009-141-740

SYNOPSIS

EXTRUSION APPARATUS
EXTRUSION ROOM NO. PAPER
EXTRUSION 1" BOF SEPARING
HAND REARED BY BRS AT 24" O.C.
EXTRUSION C-40 INJECTION
EXTRUSION 6 IN POLYPROPYLENE
EXTRUSION 1" GPM 5M POWER

REDACTED

EXISTING FLOOR FINISH
EXISTING 1" TONGUE AND GROOVE PLANKS
SUB-FLOOR GLED AND SCREED
EXISTING 2" X 10" JOISTS AT 16" O.C.
EXISTING 1" Gypsum Board Parted
TO MATCH EXIST.

PLATE CONSTRUCTION

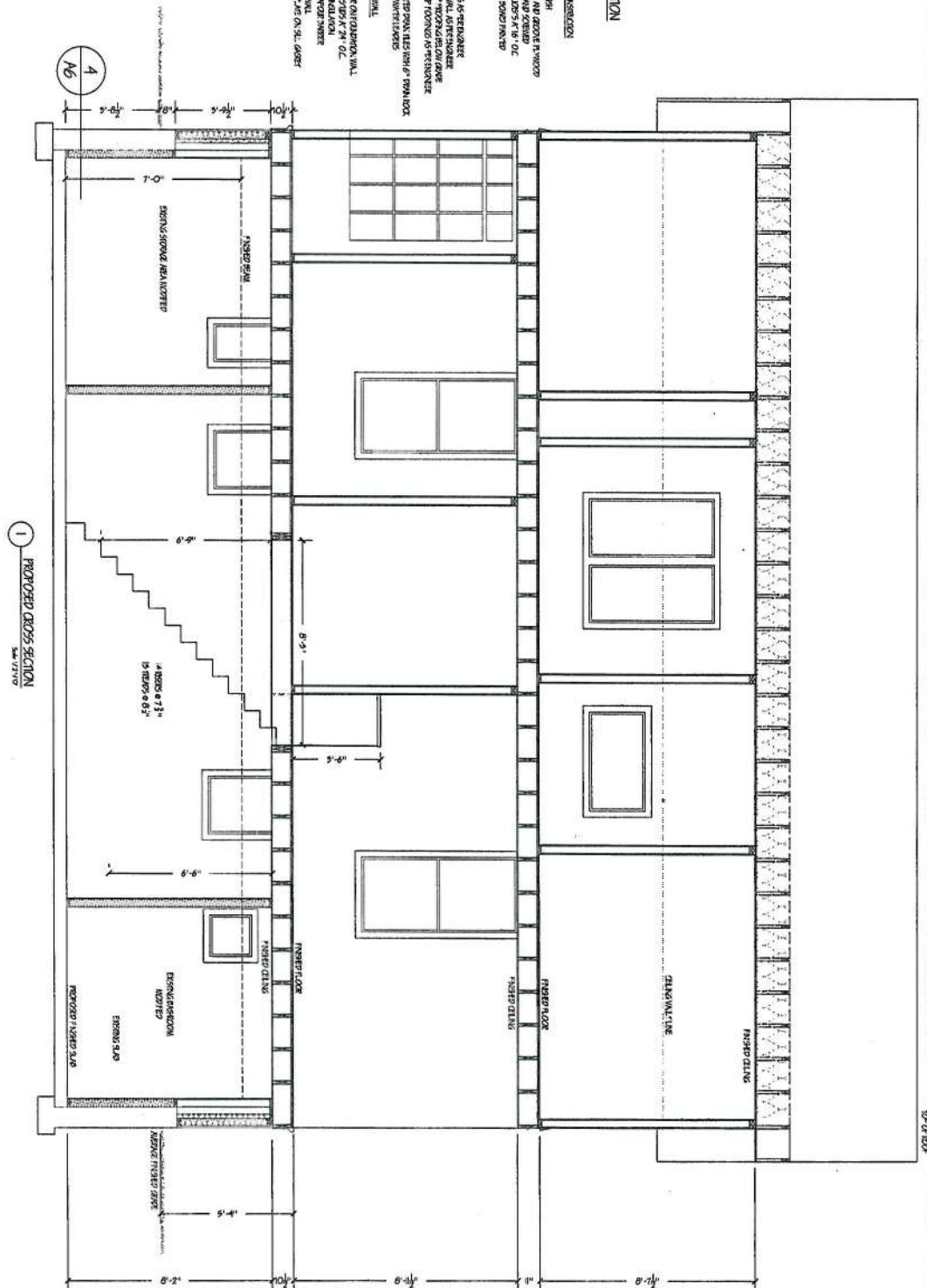
POSSING WOOD SCAFF (UNBED) & CENTER
POSSING 2" X 6" BRIDGE OVER RAIL
POSSING RAILS PROTECTIVE BRIDGE HEAD WALL.
POSSING WALL CONNECTION

EXERCISE WILL CORRECTION

[illegible]

MANAGEMENT CURTAIN WALL

NEW BROS SUS PAPER ON FOUNDATION WALL
NEW 204 NORMAL STIPS K 74 °C
NEW 27 F / GEMT BELAION
NEW 6 ML POLYVOPOR MAREE
NEW 3 TWE X DOWALL
NEW 204 BOTTOM PLATE ON SILL CASSET



1 PROPOSED CROSS SECTION
Scale 1/2" = 1'-0"

JULY 2014
APPROVAL
SUBMISSION

WWW.COLLINSDESIGNS.CA
VICTORIA, BC
250-881-3835

RENOVATION
MAC RENO
448 MOSS STREET

CROSS SECTIONS

A5

W. McGregor**Builder: W. McGregor, likely**

This modest Edwardian Arts & Crafts-style, 2-storey house is viewed at the end of Thurlow Rd. It sits high on its rocky site, as its basement is above ground. It is finished in double-bevelled wood siding on the main level and wood shingles on the second storey and basement levels. The front elevation features a shallow octagonal bay window and an inset porch which has been enclosed. The basement level has two wooden garage doors, possibly a 1920s alteration.

McGregor apparently built the house, as he did the plumbing. He sold it to English immigrant Thomas Cornelius Smart, who paid the 1913 taxes, but rented it out for some time. Thomas married Elizabeth McDonald in 1922, and they then lived in the house many years. Thomas died in 1948 at 83, Elizabeth in 1972 at 90. She owned the



448 Moss St, 2002

VHF / Derek Trachsel

house until 1965. Then Roy and Edith Smardon, who had lived in the mirror-image 446 Moss since 1955, bought it from the family in England. It had been rented for about five years, and was so rundown that the City had declared it unfit for human habitation. The Smardons fixed up and maintained the house, and in 2000 applied for heritage designation.



Planning and Land Use Committee Report For the Meeting of September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Helen Cain, Senior Planner, Development Services Division
Subject: **Zoning Regulation Bylaw Amendments** – City-initiated amendments to further clarify provisions in the R1-A Zone, Rockland Single Family Dwelling District

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding minor amendments that are proposed to the R1-A Zone, Rockland Single Family Dwelling District and Schedule A (Definitions). The proposed amendments would clarify the intent of the Bylaw, confirming regulations that were more clearly stated in the pre-2011 *Zoning Regulation Bylaw*. The proposed changes are to:

- identify that the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are considered in addition to an existing or proposed single family dwelling.
- amend the term “semi-attached dwelling” in Schedule A (Definitions) to reference self-contained dwelling units.

When the City initiates significant changes to the zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are consistent with the previously approved Bylaw and it is important to make the amendments expeditiously, so no further consultation is proposed.

Recommendations

That Council direct staff to prepare *Zoning Regulation Bylaw* amendments to the R1-A Zone, Rockland Single Family Dwelling District, and Schedule A.

1. To identify the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are being considered in addition to any existing or proposed single family dwelling.

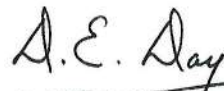
2. To clarify the definition of "semi-attached dwelling" to reference "self-contained dwelling units".

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/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00444\ZRBAMENDMENTS_PLUC_SEP5_2014 DOC_FINAL.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding *Zoning Regulation Bylaw* amendments to further clarify provisions in the R1-A Zone, Rockland Single Family Dwelling District and Schedule A (Definitions).

2.0 Background

2.1 Relevant History

The R1-A Zone sets out regulations related to land use and development potential. In 2011, Council approved amendments to the R1-A Zone that unintentionally affected the clarity of how minimum site area per dwelling unit is determined in that zone. Related to this matter, the *Zoning Regulation Bylaw* Schedule A (Definitions) defines various types of housing forms; these definitions should be amended to clarify that "semi-attached dwellings" are self-contained dwelling units.

Since Council has previously directed staff to prepare amendments to address other issues in a number of low-density residential zones related to minimum lot size and lot width requirements for single family dwellings, it is recommended that these newly proposed revisions be rolled into the work that is already underway.

3.0 Issues

The main issues related to the *Zoning Regulation Bylaw* amendments are:

- minimum site area per dwelling unit
- definition of "semi-attached dwelling"
- community consultation.

4.0 Analysis

4.1 Minimum Site Area per Dwelling Unit

In 2011, Council approved amendments to the R1-A Zone that unintentionally affected the clarity of how minimum site area per dwelling unit is determined in that zone. Previously the site area requirement was set at 835 m² per dwelling unit, which as a practice had included any existing single family dwelling on the lot in the calculations of the required minimum site area per unit. Staff are recommending that the R1-A Zone be amended to clarify that the minimum site area for every permitted type of self-contained dwelling unit, including single family dwellings, is 835 m² when semi-attached and attached dwelling units are included on a site with a single family house. This will help ensure that the Bylaw is applied as originally intended.

4.2 Definition of "Semi-Attached Dwelling"

In the *Zoning Regulation Bylaw*, a "semi-attached dwelling" is defined as "a building used or designed for use as two dwelling units, each having direct access to the outside at grade level and where neither unit is wholly or partly above the other". An "attached dwelling" means "a building used or designed as three or more self-contained dwelling units, each having direct access to the outside at grade level, where no dwelling unit is wholly or partly above another dwelling unit". Staff are recommending that the definition of "semi-attached dwelling" be amended to also reference "self-contained dwelling units" given this is current wording to denote

a dwelling rather than another type of use such as housekeeping units.

4.3 Community Consultation

When the City initiates significant changes to the zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are consistent with the previously approved Bylaw and it is important to make the amendments expeditiously, so no further consultation is proposed.

5.0 Resource Impacts

There are no resource impacts associated with this development.

6.0. Conclusions

Staff are recommending that amendments to the R1-A Zone be prepared to set the minimum site area requirement for every type of dwelling unit on the site, including any existing single family dwelling, at 835 m² on sites where attached or semi-attached dwelling units are being considered in addition to single family dwelling units, consistent with the pre-2011 zoning practice. An amendment to Schedule A to clarify the definition of "semi-attached dwelling" to reference self-contained dwelling units is also recommended.

7.0 Recommendations

7.1 Staff Recommendations

That Council direct staff to prepare *Zoning Regulation Bylaw* amendments to the R1-A Zone, Rockland Single Family Dwelling District, and Schedule A.

1. To identify the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are being considered in addition to any existing or proposed single family dwelling.
2. To clarify the definition of "semi-attached dwelling" to reference "self-contained dwelling units".

7.2 Alternate Recommendations (decline)

That Council postpone a decision on preparation of amendments to the R1-A Zone and Schedule A (Definitions).

8.0 List of Attachments

- Zoning Regulation Bylaw Part 1.1 R1-A Zone, Single Family Dwelling District
- R1-A Zone, prior to 2011 amendments.

1.1.1 Permitted Uses

- a. Single family dwelling with no more than one of the following accessory uses:
Secondary suite subject to the regulations in Schedule "J"; or
Roomers and/or Boarders up to a maximum of 4
- b. Attached and semi-attached dwellings
- c. The uses created as a result of a house conversion, subject to the regulations in Schedule "G"
- d. Home occupation subject to the regulations in Schedule "D"
- e. Accessory buildings subject to the regulations in Schedule "F"
- f. Private garage
- g. Public building
- h. Garage sales limited to no more than 2 in any year
- i. Commercial exhibits existing prior to January 1, 2011

1.1.2 Site Area, Lot Width

- a. Lots subdivided prior to May 24, 1956 (minimum) 230m² in site area and 7.5m average lot width
- b. Lots subdivided after May 24, 1956 (minimum) 740m² in site area and 24m average lot width
- c. Site area for each attached or semi-attached dwelling unit (minimum) 835m² in site area
- d. Site area for any lot with a pre 1970 building which can accommodate house conversions (minimum) 2800m² in site area or the total floor area of the building multiplied by 3.63 which ever is less
- e. Panhandle lot for lots subdivided after July 10, 2009 Subject to regulations in Schedule "H"

1.1.3 Floor Area of the Principal Building

- a. Floor area, of all floor levels combined, of a single family dwelling, attached or semi-attached dwelling (minimum) 130m²
- b. Private garage, floor area of all floor levels combined (maximum) 37m²
- c. Public building Not applicable

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

1.1.4 Height, Storeys, Roof Decks

- | | |
|---|---|
| a. Residential <u>building</u> (maximum) | 7.6m in <u>height</u> and 2 ¹ / ₂ storeys |
| b. <u>Attached</u> and <u>semi-attached dwellings</u> (maximum) | 7.6m in <u>height</u> and 2 ¹ / ₂ storeys |
| c. <u>Public building</u> (maximum) | 11m and 2 ¹ / ₂ storeys |
| d. <u>Roof deck</u> | Not permitted |

1.1.5 Setbacks, Projections

- | | |
|---|---|
| a. <u>Front yard setback</u> (minimum) except for the following maximum projections into the <u>setback</u> : | 10.5m except for <u>lots</u> less than 30.5m in depth which require a 7.5m |
| • steps less than 1.7m in <u>height</u> (maximum) | 2.5m |
| • <u>porch</u> (maximum) | 1.6m |
| b. <u>Rear yard setback</u> (minimum) | 7.5m or 25% of <u>lot depth</u> whichever is greater |
| c. <u>Rear yard setback</u> for <u>attached</u> and <u>semi-attached dwellings</u> (minimum) | 7.5m |
| d. <u>Side yard setbacks</u> from interior <u>lot lines</u> (minimum) | 3.0m |
| e. <u>Side yard setback</u> on a flanking <u>street</u> for a <u>corner lot</u> (minimum) | 10.5m, except on <u>lots</u> less than 35m in <u>width</u> , where the <u>setback</u> may be reduced by an amount equal to the difference between the <u>lot</u> <u>width</u> and the minimum <u>setback</u> , but shall be no less than 6m |
| f. Eave projection into <u>setbacks</u> (maximum) | 0.75m |

1.1.6 Site Coverage, Location of Uses, Parking

- | | |
|---|---|
| a. <u>Site coverage</u> (maximum) | 40% |
| b. <u>Site coverage</u> of <u>attached</u> and <u>semi-attached dwellings</u> (maximum) | 25% |
| c. <u>Attached</u> and <u>semi-attached dwellings</u> siting and connection | Must be sited in the <u>side</u> or <u>rear yard</u> when there is an existing residential <u>building</u> ; and Must be connected by a common roof |
| d. Separation of <u>attached</u> and <u>semi-attached dwellings</u> | Notwithstanding the provisions of Schedule "A", <u>attached</u> and <u>semi-attached dwellings</u> may be horizontally separated within an existing <u>building</u> |
| e. Parking | Subject to the regulations in Schedule "C" |

(Amended Bylaw 14-041 adopted July 10, 2014)

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

PART 1.1 - R1-A ZONE, ROCKLAND SINGLE FAMILY DWELLING DISTRICT**Permitted uses**

- 1(1) The uses permitted in this zone are the same as those permitted in the R1-B Zone, Single Family Dwelling District (Part 1.2), and attached and semi-attached dwellings, subject to the regulations in this Part, and if there is any conflict then the regulations contained in this Part prevail.
- (1)(a) secondary suites in single family dwellings
- (2) A garage or shed that is not accessory to a building on the lot is a permitted use of a lot referred to in Section 7(2) provided the total floor area of the garage or shed must not exceed 37m².
- (3) A garage or shed referred to in Section 1(2) may be used for the parking of motor vehicles.

Floor area

- 2 (1) The following minimum floor area restrictions apply to all buildings other than attached and semi-attached dwellings:

Bungalow

130m² minimum ground floor area

1½ Storey

111m² minimum ground floor area

18.5 m² minimum second floor area

2 Storeys

92.5m² minimum ground floor area

92.5m² minimum second floor area

Split Level Dwelling

130m² minimum floor area, except that where living accommodation is provided on two levels one vertically below the other, a maximum of 18.5m² of such accommodation may be considered as contributory to the minimum of 130m² area. The level of any part of such contributory area must be not more than 0.3m below the grade of the immediately adjoining ground.

- (2) For the purpose of determining floor area, a first storey includes a basement the floor area of which is less than 1.2m below grade.

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| Setbacks | 3 | The minimum <u>setback</u> shall be 10.5m except in the case of lots in existence on May 24, 1956, which <u>lots</u> are 30.5m or less in depth and in such case the minimum <u>setback</u> shall be 7.5m. |
| Rear yard | 4 | A rear yard of not less than 25% of the site depth shall be provided, but in no case shall it be less than 7.5m. |
| Side yard | 5 | On a <u>site</u> other than a <u>corner lot</u> , a <u>side yard</u> shall be provided on each side of the principal <u>building</u> of not less than 3m. |
| Side yard on a corner lot | 6 | The <u>side yard</u> facing the flanking <u>street</u> shall be not less than 10.5m in width, except that on <u>lots</u> of less than 35m in average <u>width</u> , the minimum <u>width</u> of the <u>side yard</u> may be reduced by a dimension equal to that by which the average <u>width</u> of the <u>lot</u> is less than 35m but the <u>width</u> of the <u>side yard</u> shall in no case be less than 6m |
| Accessory buildings | | <u>Accessory buildings</u> shall in all cases be located in the <u>rear yard</u> and shall be located so as to provide a passage of at least 2.4m between the <u>accessory building</u> and the principal <u>building</u> . |
| Site area and lot width | 7 (1) | Except in the case of a <u>lot</u> , the title of which was registered in the Land Titles Office before May 24, 1956, there shall be provided within the <u>lot</u> a <u>site</u> area of not less than 740m ² with an average <u>width</u> of not less than 24m for each <u>single family dwelling</u> . |
| | (2) | A <u>single family dwelling</u> may be located on a <u>lot</u> the title to which was registered in the Land Title Office before May 24, 1956, only if that lot has |
| | (a) | an <u>area</u> of at least 230m ² , and |
| | (b) | a <u>width</u> of a at least 7.5m. |
| | 8 | No <u>boarding house</u> , <u>rooming house</u> , <u>housekeeping apartment building</u> , <u>rest home</u> , <u>kindergarten</u> , <u>two-family dwelling</u> or <u>multiple dwelling</u> shall be used or maintained on a <u>lot</u> having a superficial <u>area</u> of less than 740m ² or a <u>width</u> of less than 24m. |
| | 9 | <u>Attached</u> and <u>semi-attached dwellings</u> are permitted provided that: |
| | a) | the minimum <u>setback</u> from the <u>street</u> frontage is 10.5m. |

- b) the minimum setback from the rear lot line is 7.5m.
- c) the minimum setback from other lot boundaries is 3m.
- d) the height of such buildings shall not exceed 10.5m nor shall such a building have more than 2½ storeys; and
- e) the number of dwelling units on the lot shall not exceed a number equal to the area of the lot in m² divided by 835.
- f) the dwelling units within such buildings are connected by a common roof, pergola, breeze-way or arbour; and
- g) the site coverage may not exceed 25%.

Site Coverage

- 10 A satellite dish antenna shall be sited only on the ground level of a rear yard; and

Satellite Dish

- (a) is subject to the siting and site coverage restrictions for accessory buildings contained in Section 1(f) and Section 11 of Part 1.2 of this By-law;
- (b) shall not exceed 2.15m measured from ground level to its highest point.

Height

- 11(1) No single family dwelling shall exceed 11m, nor 2½ storeys, nor shall it exceed the width of the site on which it is situate.
- (2) For the purpose of determining height, the first storey of all buildings includes basements which have a floor area less than 1.2m below grade.

- 12 The provisions of Sections 17, 18 and 19 of Part 1.2 do not apply in this zone.

Attached and Semi-Attached Dwellings

- 13 Notwithstanding the provisions of Schedule A and for the purposes of this Part, attached and semi-attached dwellings may include any dwelling units in an existing house which are horizontally separated.

Siting

- 14 Notwithstanding the provisions of Section 9 (a) no attached or semi-attached dwellings may be sited in any front yard where they are constructed, placed or erected on any lot on which there is an existing residential building.

Note: For parking requirements refer to Schedule "C".

1.1

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| Panhandle Lot Regulations | 15 | Sections 16 to 23 apply only to a <u>panhandle lot</u> for which the title is registered in a Land Title Office or its predecessor after this By-law is adopted. |
| Lot Area | 16 | The <u>area</u> of a <u>lot</u> , excluding the area of its <u>panhandle driveway</u> , must be at least 850m ² . |
| Lot Width | 17 | A <u>lot</u> must have a <u>width</u> of at least 24m. |
| | 18 | (1) A <u>building</u> must not have a <u>height</u> of more than 5m nor 1 <u>storey</u> . (2) For the purpose of subsection (1), the <u>storey</u> includes any <u>basement</u> that has a floor that is less than 1.2m below <u>grade</u> . (3) A garage or <u>car shelter</u> must not have a <u>height</u> of more than 3m. (4) An <u>accessory building</u> that is not a garage or carport must not have a <u>height</u> of more than 2.4m. |
| | 19 | The sum of the <u>total floor area</u> of a <u>building</u> plus the area of the <u>basement</u> of that <u>building</u> must not exceed 280m ² . |
| | 20 | The <u>site coverage</u> must not exceed 25%. |
| Setbacks | 21 | The minimum <u>setbacks</u> required are: (a) despite paragraphs (b) and (c), 10.5m between the main <u>building</u> on a <u>lot</u> and at least one of the <u>lot lines</u> ; (b) for a room that is designed to be used as a <u>habitable room</u> : (i) 4m for a wall that faces the <u>boundary</u> of a <u>lot</u> and that does not have any windows, and (ii) 7.5m for a wall that faces the <u>boundary</u> of a <u>lot</u> and that does have windows; (c) 4m for a room, including a garage or car shelter, that is attached to the main <u>building</u> on a <u>lot</u> , and that is not designed to be used as a <u>habitable room</u> . (d) for a garage or a car shelter that is an <u>accessory building</u> and that is not attached to the main <u>building</u> on a <u>lot</u> , the greatest of the minimum <u>setbacks</u> required under paragraphs (b) and (c) for a room's exterior wall that faces the same lot line as the garage or car shelter. (e) 1m for an <u>accessory building</u> other than that described in paragraph (d). |

- 22 An accessory building that is a garage or a car shelter and that is not attached to the main building on a lot must not be located closer than 2.4m to that main building.
- 23 A lot must contain at least one parking space for every dwelling unit located on that lot.

Secondary Suites Secondary Suites in a Single Family Dwelling Regulations

- | | |
|-----------------------------|---|
| Floor Area | 24 The floor area of a <u>secondary suite</u> must not exceed the lesser of: (a) 90 m ² . (b) 40% of the habitable floor space of the <u>building</u> . |
| Habitable Floor Area | 25 A <u>building</u> containing a <u>secondary suite</u> must have a habitable floor area of at least 150 m ² and comply with the applicable British Columbia Building Code requirements. |
| Exterior Changes | 26 The following exterior changes cannot be made to a <u>building</u> used as a <u>single family dwelling</u> within the period of 5 years before or at any time after the date a secondary suite is installed in the <u>building</u> : (a) an extension to the <u>building</u> that creates more than 20 m ² (215 ft ²) of enclosed floor <u>area</u> , including a dormer; (b) raising the <u>building</u> more than 60 cm (2') in height; (c) the addition of steps and an entranceway more than 1.5 m (4.9') in height. |
| Parking | 27 No off-street parking spaces is required for a <u>secondary suite</u> . |

Amended November 18, 2004 (Bylaw 04-55)
 Amended June 14, 2007 (Bylaw 07-48)
 Amended September 20, 2007 (Bylaw 07-067)
 Amended March 26, 2009 (Bylaw 09-015)



Planning and Land Use Committee Report

For the Meeting on September 18, 2014

To: Planning and Land Use Committee **Date:** September 11, 2014
From: Deb Day, Director, Sustainable Planning and Community Development
Subject: Development Summit - Results and Action Plan

Executive Summary

The purpose of this report is to present Council with the results of the Development Summit held on July 7, 2014 and to present a recommended Action Plan. The Development Summit, facilitated by CitySpaces Consulting Ltd., was attended by members of the development and building industry and Community Association Land Use Committee representatives, as well as City of Victoria Council and staff.

The common themes and issues that were identified at the Development Summit were to reduce application processing times; assess land use and development application requirements; improve building permit and land development processes; provide consistent and clear information to assist the industry, the Community Associations and the public; delegate greater approval authority to staff; improve relationships; and reconsider some policies and regulations perceived to hinder development. Based on these themes and issues, an Action Plan has been formulated to follow up on the input received and ideas have been generated to implement improvements and to build better relationships.

On the basis of the positive response to the Development Summit by participants and the potential positive outcomes, regular reporting on progress related to the Action Plan and convening an annual Development Summit are recommended to Council for consideration.

Recommendations

That Council:

1. Review and provide feedback to the draft Development Summit Action Plan, and based on that feedback and any amendments, approve the Development Summit Action Plan.
2. Direct staff to provide an update to Council on the status of the action items outlined in the attached Action Plan in March 2015 and as part of the ongoing Quarterly Updates (2015).

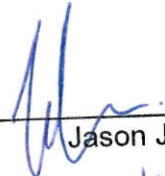
3. That Council, as part of the Annual Operational Plan, include an annual Development Summit to monitor progress on the Action Plan and to continue to strengthen relationships among the development industry, Community Association Land Use Committee representatives, City Council and staff.

Respectfully submitted,



Deb Day, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Jason Johnson
Date: Sept. 11/14

LT:aw

W:\Work Plans & Performance Measures\Development Summit\PLUC Report for Sept 18 2014.doc

1.0 Overview

Through the Development Summit discussions, the development industry, community representatives, City Council and staff identified key areas of consensus on certain values and productive topics for further work and collaboration. These ideas and opportunities can be generally summarized as:

- effective meetings at key stages
- clearer information
- refined project requirements
- improved processing
- greater customer service orientation and facilitation
- stronger relationships and better understanding
- policy and regulatory reviews.

A general consensus among the Development Summit participants also emerged that the process and the meeting were useful and should be held on a regular basis. As a result it is recommended that Council include a Development Summit as part of the Annual Operational Plan.

2.0 Action Plan

The attached "Development Summit: Summary of July 7, 2014 Event," prepared by the consultants outlines eight improvement suggestion themes that served as the basis for the workshop discussions:

- reducing application processing time
- improving developer/community association relationships
- addressing attitudes and behaviours
- assessing rezoning requirements
- delegating to/empowering staff
- providing consistency and clarity of information
- improving permitting processes
- bonus amenity requirement impacts.

Based on these themes and the general areas of consensus that emerged, overall themes are:

- improving processes
- improving customer service orientation and facilitation
- fostering better relationships and understanding
- improving policies, regulations and practices.

To formulate the Development Summit Action Plan, City staff have worked with the consultant to systematically respond to each of the common themes and issues with meaningful action that can be undertaken, primarily by City staff but also by Council, the development and building industries and the community representatives (CALUCs). Staff have confirmed with the Urban Development Institute (UDI), a key association representing the development industry, that they would be willing to spearhead a number of the actions related to Relationships, which will involve the CALUCs and the City.

The draft Development Summit Action Plan sets out the recommended actions comprehensively in the attachment to the consultant's report entitled "Development Summit: Final Report and Action Plan." The draft Action Plan has the following key components organized into the chart columns:

- overall themes
- improvement suggestion theme
- action
- group responsible
- indicators of progress.

Once Council reviews and provides feedback and amendments leading to approval, the Action Plan can provide strong direction to implement improvements and to continue to strengthen relationships. Staff propose to update Council on the status of the action items in six months (March 2015) and as part of the ongoing Quarterly Update Reports (2015). Staff will operationalize the Action Plan through more detailed work plans involving interdepartmental implementation teams, potentially including other processes related to development such as business licensing.

3.0 Options and Impacts

The draft Action Plan reflects outcomes from the Development Summit that can be pursued effectively by City Council and staff as well as the development industry and Community Association representatives (CALUCs). There may be further feedback and direction that Council wishes to provide to amend or add to the Action Plan.

4.0 Conclusions

The Development Summit and related processes have provided an opportunity for meeting the objectives set by Council related to building better relationships and understanding among the development industry, CALUCs, City Council and staff; identifying concerns and problems as well as potential improvements; and then putting forward an Action Plan to work together on improvements. At the Development Summit, there emerged a general consensus that the Development Summit process was worthwhile and a regular event was suggested, which is reflected in the Recommendations.

5.0 Recommendations

That Council:

1. Review and provide feedback to the draft Development Summit Action Plan, and based on that feedback and any amendments, approve the Development Summit Action Plan.
2. Direct staff to provide an update to Council on the status of the action items outlined in the attached Action Plan in March 2015 and as part of the ongoing Quarterly Updates (2015).
3. That Council, as part of the Annual Operational Plan, include an Annual Development Summit to monitor progress on the Action Plan and to continue to strengthen relationships among the development industry, Community Association Land Use Committee representatives, City Council and staff.

6.0 Attachments

- Council Direction, June 12, 2014
- Development Summit Final Report and Action Plan prepared by CitySpaces Consulting Ltd.

5.5 Proposed Work Plan to Host a Development Summit

Committee received a report regarding a proposed work plan to host a Development Summit. On May 8, 2014, the Governance & Priorities Committee made the following motion:

That Council direct staff, on a timely basis, to bring forward a work plan to host a facilitated Development Summit Workshop dedicated to strengthening the relationship between the City, development firms that are active in Victoria, and community association land use chairs.

The following objectives for the Summit are:

- To understand any concerns or problems regarding services, including their scale and prevalence, and to identify key issues.
- To understand the roles and responsibilities as well as the perspectives, pressures and realities of all parties involved.
- To provide opportunities to identify changes to improve the processes, information and understanding as well as relationships.
- To consider and agree on broad principles to guide behaviours and approaches for moving forward.
- To analyze input and prepare an Action Plan for improvements with timelines for Council's approval.

An external consultant will be engaged to assist in the summit to enable a timely and focused response as well as enabling the discussions to involve all parties. The consultant would be responsible for leading and facilitating the session to ensure that the session is organized and structured to be effective. The consultant would summarize the input received and prepare a report with analysis, findings and recommendations for action with timelines for consideration by Council.

Committee discussed:

- How this will help improve customer service.
- The dialogue created would also provide a forum for continuing improvements.
- If there is a way to help the CALUCs provide more consistent reporting.

Action:

It was moved by Councillor Alto, seconded by Councillor Gudgeon, that Committee recommends that Council direct staff to undertake the Development Summit work plan as proposed with a target date for holding the Summit in late June 2014.

CARRIED UNANIMOUSLY 14/PLUC0124

REPORTS OF THE COMMITTEE

4. Planning and Land Use Committee – June 5, 2015

4. Proposed Work Plan to Host a Development Summit

It was moved by Councillor Helps, seconded by Councillor Alto, that Council direct staff to undertake the Development Summit work plan as proposed with a target date for holding the Summit in late June 2014. Carried Unanimously



DEVELOPMENT SUMMIT FINAL REPORT & ACTION PLAN

Prepared for the City of Victoria | September 2014

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TABLE OF CONTENTS

INTRODUCTION1

BACKGROUND.....1

SUMMIT PURPOSE & OBJECTIVES1

 Purpose.....1

 Objectives2

TOPIC AREAS FOR SUMMIT DISCUSSION2

PREPARING AN ACTION PLAN.....3

DEVELOPMENT SUMMIT ACTION PLAN.....5

APPENDICES

 APPENDIX A: CITY OF VICTORIA DEVELOPMENT SUMMIT SUMMARY, JULY 2014

 APPENDIX B: DEVELOPMENT SUMMIT PARTICIPANT LIST

 APPENDIX C: SURVEY COMMENTS



INTRODUCTION

This brief report summarizes the issues identified and suggestions gathered from the Development Summit held in July 2014; and provides an Action Plan, which has been developed collaboratively with key staff of the City of Victoria.

While the Action Plan is focused on the steps that city staff will undertake to improve the application process, it is important to note that the success of these initiatives depends on the support and cooperation of the other participants. For example, Council to examine its role; developers to commit to providing complete, accurate applications; Land Use Committees to avail themselves of opportunities to learn about the development process and requirements; and, most importantly, for the continued commitment of the parties to work together.

Attached to this report are the following:

- City of Victoria Development Summit Summary, July 2014.
- Development Summit participant list.
- All issues and suggestions from pre-summit survey and key informant interviews.

BACKGROUND

The City of Victoria hosted a Development Summit on July 7, 2014 that brought together key stakeholders involved in the development process: developers and builders, Community Association Land Use Committee chairs (or their designate), City Council members, and members of City of Victoria staff. Fifty participants signed in at the event.

Holding the Development Summit was not an impromptu idea; rather the culmination of initiatives that Council, staff, and community members have engaged with in recent years. Improving customer service remains an important strategic priority for the City's broad range of services as outlined in the Customer Service Action Plan (2012). Victoria's Economic Development Strategy (2011-2012) identified approaches for improving the City's economic footprint that included the need to "ensure the city has a competitive and business-supportive environment in terms of property taxes, development costs and development approvals." The Summit is one part of implementing those objectives as well as being a focused forum for obtaining feedback on other programmes the City has adopted to improve its service delivery.

SUMMIT PURPOSE & OBJECTIVES

PURPOSE

At its May 22, 2014 meeting, Council adopted the following motion:

"that Council direct staff, on a priority basis, to bring forward a work plan to host a Development Summit facilitated workshop dedicated to strengthening the relationship between the City, development firms that are active in Victoria, and community association land use chairs".

Further, on June 12, 2014, Council adopted the following motion:

"that Council direct staff to undertake the development summit work plan as proposed with a target date for holding the Summit in late June 2014."



OBJECTIVES

With the primary purpose being to build and strengthen relationships, the following specific objectives were set for the Summit:

- Understand any concerns or problems raised regarding services, including their scale and prevalence, and to identify key issues;
- Better understand the roles, perspectives, and realities of all parties;
- Identify changes to improve development processes;
- Consider and agree on broad principles to guide behaviours and approaches moving forward; and
- Analyze input and prepare an Action Plan for improvements with timelines, for Council's approval.

The Development Summit, and the subsequent Action Plan, were informed from three sources:

1. A pre-summit survey sent to all invited participants, asking them to anonymously identify any problems or concerns with current application processes;
2. Several key informant interviews with both development industry and community association representatives; and
3. The July 7th, 2014 Development Summit event.

TOPIC AREAS FOR SUMMIT DISCUSSION

The basis for the Summit discussions and the development of the Action Plan were created by the analysis of the issues identified through the pre-summit survey and the key informant interviews held. The topics discussed at the Summit were:

1. Application processes take too long. There is increased cost and risk. Other jurisdictions are faster; Victoria loses development. *What things can be done to speed up the process? Are there specific pinch points that cause delays? How can these be addressed?*
2. Developers generally want to address concerns and build relationships with the neighbourhoods in which they build. This doesn't always occur. *What things can the parties do differently to improve relationships? What role should the City play?*
3. Need to address attitudes and behaviours that are interpreted as "looking for problems rather than seeking solutions". *What can be done to change attitudes? How to deal with difficult behaviours?*
4. The amount of detail (submission requirements) for rezoning is excessive and costly, particularly for small applications. *What requirements could be reduced?*
5. Council is involved in too many aspects of the development process, and don't delegate or empower staff. *What things could be/need to be delegated to staff? How could staff be more empowered?*
6. There are perceived inconsistencies and lack of clarity in information provided by different departments to applicants and by applicants to Community Association Land Use Committees (CALUC). Both applicants and Community Associations have difficulty tracking where an application is in the process. *How could internal communication and consistency of information be improved? How could information be simplified? What mechanisms could assist in tracking applications? How could information be better communicated?*



7. Improvements to permitting processes have been acknowledged by some (e.g. Certified Professional). Further improvements are needed (e.g., building, site servicing, sign). *What further improvements can be made?*
8. Negative impacts of bonus amenity requirements. *Are amenity requirements helping or hindering achievement of OCP objectives? What can be changed?*

There were many repeated suggestions and recommendations for improvements that applied to more than one of the identified key topics, implying the real synergy to Action Plan measures. Overall, issues and suggestions for improvement generally fall into 4 broad themes, and are reflected in the Action Plan matrix: 1) Improving Processes; 2) Improving Customer Service Orientation and Facilitation Role; 3) Fostering Better Relationships and Understanding; and 4) Improving Policies, Regulations, and Practices.

PREPARING AN ACTION PLAN

In response to suggestions from Summit participants, the following Action Plan provides recommended actions. The Plan, in part, builds on initiatives already underway or recently completed, such as the Development Business Review Process (2011), that are designed to address a number of suggestions raised at the Development Summit. Several Summit participants noted improved application processes over the last number of years.

Since the Summit, the consultants have:

1. Summarized the suggestions and proceedings from the Development Summit, in report form, and forwarded it to all participants and those invited, but unable to attend; and
2. Over the past months, worked closely with key staff members to prepare the Action Plan. In the development of the Action Plan, the consultants have met with staff on 6 different occasions. We are aware that our key staff contacts have additionally met extensively with others internally to confirm the working relationship between departments in terms of being able to commit to deliverables for implementation of the Action Plan.

From the consultant's perspective, staff have favourably approached the opportunity provided through the Summit process and have embraced the City's commitment to continuous improvement. The Action Plan lists many initiatives that staff will need to either continue to implement, or be engaged through a team process to meet the commitments set out in the Action Plan.

Many of the suggestions identified respond to more than one area of the City's processes or requires responses by more than city staff. The Action Plan has been organized by overall theme, or general area of action and identifies specific suggestion(s) related to the theme. The matrix then broadly describes the action item or tasks needed to implement the suggestion and what group (or groups) needs to champion or take the lead role.

The responsibility for implementing some of the items identified at the Summit goes beyond the purview of City Staff. In some instances it relates more directly to Council's approach and level of involvement. There was a clear message from the pre-summit survey, the key informant interviews, and from Summit discussion, that Council's "hands-on approach" can significantly delay application processes and is disempowering of staff. We are aware that Council is working on and is considering a "delegation policy" that should improve and expedite approval processes and address some of the identified concerns. Other matters are imbued more deeply in Council's view of its roles and responsibility. It was noted by more than one participant, for example, that



members of the public (be it from the community or a developer) go directly to a member of Council on matters where, in other jurisdictions, someone with the same question or issue would more likely seek staff assistance. Additional areas identified where Council, for example, will need to address its policies in order to fulfill the suggestions raised at the Summit, including priority projects (where the application moves to the top) and bonus amenity contributions.

Developers/builders also have a role and responsibility in improving the development process. Those action items where developer/builders have a role includes: submitting complete applications and providing accurate and up-to date information to City Staff; being informed and aware of what the requirements are; and being engaged at the policy level, when for example, planning and other relevant policies and bylaws are being reviewed. Finally, building relationships, trust and understanding requires mutual effort, and regular communication helps build those relationships.

Finally, the Summit also identified areas where Community Associations (CALUCs) can challenge themselves to be more informed of the development process, respond in timely ways and commit to work together. It was acknowledged that community association members are volunteers and there are, at times, resource limitations. Mutual understandings between the development community and community associations can foster improved processes.

One of the key ways to foster a positive relationship among the development industry, CALUC, and City staff is to encourage ongoing and regular dialogue. A number of the actions mentioned (including proposed coffee meetings, training sessions with Land Use Committees and liaison with UDI) work towards that. However, bringing all the parties together on a regular basis to report progress on actions and to work to resolve any new or outstanding issues is very important. It is therefore recommended that the approved Action Plan be distributed to all Development Summit participants, and that the City host such an event on a regular (perhaps annual) basis.



DEVELOPMENT SUMMIT ACTION PLAN



DEVELOPMENT SUMMIT ACTION PLAN

| Overall Theme | Improvement Suggestion Theme | Action | Group Responsible | Indicators of Progress |
|---------------------|--|---|---------------------------------|---|
| Improving Processes | Providing Consistency and Clarity of Information | <ul style="list-style-type: none"> Improve information and use technology to facilitate greater understanding for applicants and public regarding: <ul style="list-style-type: none"> Application requirements and forms Fees and charges including estimates Relevant policies and regulations Tracking of applications in process Decisions before Council | City Staff | <ul style="list-style-type: none"> Reduced delays due to incomplete information and subsequent need for revisions or "late hits" On-line tracking of applications available to applicants and public Improved reports with greater focus and clarity on relevant factors |
| | | <ul style="list-style-type: none"> Ensure complete applications | Developers | <ul style="list-style-type: none"> Reduced delays due to incomplete information |
| | Improving Permitting Processes/Reducing Application Processing Times | <ul style="list-style-type: none"> Use technology to facilitate and enable processing efficiencies including associated potential training and budget needs | City Staff | <ul style="list-style-type: none"> On-line tracking and other electronic tools available for efficiencies and matching the needs of customers and the public |
| | | <ul style="list-style-type: none"> Tailor type and level of information detail required for each permit stage/type | City Staff | <ul style="list-style-type: none"> Appropriate information provided consistently |
| | | <ul style="list-style-type: none"> Focus feedback based on approved design guidelines | City Staff/ Advisory Committees | <ul style="list-style-type: none"> Improved effectiveness and focus on achieving results |
| | | | | |

| Overall Theme | Improvement Suggestion Theme | Action | Group Responsible | Indicators of Progress |
|---------------------|--|--|--|---|
| Improving Processes | Improving Permitting Processes/Reducing Application Processing Times | <ul style="list-style-type: none"> Establish service levels and turnaround time targets for different types of permit applications | Council sets standards for Staff to implement | <ul style="list-style-type: none"> Undertake appropriate benchmarking to review service levels and resources for Council's direction Monitor and report on performance metrics |
| | | <ul style="list-style-type: none"> Review potential phasing of or other adjustments to requirements including payment of charges and securities | City Staff/Developers | <ul style="list-style-type: none"> Enable development to proceed while protecting public interest |
| | | <ul style="list-style-type: none"> Convene effective and timely meetings at key project stages: <ul style="list-style-type: none"> pre-application intake meetings interdepartmental review including establishment of project teams decision-making steps | City Staff/Developers/City Volunteers and CALUCs | <ul style="list-style-type: none"> Encourage meetings with applicants at key stages, particularly intake Work collaboratively with CALUC and Developer representatives to identify ways to improve/foster effective meetings in early project stages Examine any possible process efficiencies to achieve City decisions |

| Overall Theme | Improvement Suggestion Theme | Action | Group Responsible | Indicators of Progress |
|--|------------------------------------|--|-------------------|---|
| Improving Customer Service Orientation and Facilitation Role | Addressing Attitudes and Behaviors | <ul style="list-style-type: none"> Ensure "point person"-facilitator assigned for each application with responsibility/mandate to coordinate an effective interdepartmental effort | City Staff | <ul style="list-style-type: none"> Greater organizational responsiveness/responsibility for results |
| | | <ul style="list-style-type: none"> Adopt "better is always possible" approach and regularly reach out for customer feedback | City Staff | <ul style="list-style-type: none"> Customer input/surveys analyzed, shared and used to spur improvements |
| | | <ul style="list-style-type: none"> Convey a welcoming and facilitative message by ensuring appropriate communication and customer service training | City Staff | <ul style="list-style-type: none"> Exit survey results reflect positive reception |
| | | <ul style="list-style-type: none"> Ensure staff are available and responsive to customer needs | City Staff | <ul style="list-style-type: none"> Development Business Centre open and staffed appropriately for effective service |
| | | <ul style="list-style-type: none"> Train staff and reinforce adherence to customer service standards related to returning messages and correspondence and provide ways for customers to contact if concerns arise | City Staff | <ul style="list-style-type: none"> Service standards are known by customers, and they are advised of opportunities to address any concerns Customers aware of contact and roles |

| Overall Theme | Improvement Suggestion Theme | Action | Group Responsible | Indicators of Progress |
|--|---|--|---|--|
| Fostering Better Relationships and Understanding | Improving Developer/Community Association Relationships | <ul style="list-style-type: none"> Recognize variety of relationships that are important to City and community building by the following actions | All | <ul style="list-style-type: none"> Better understanding and relationships as various roles in community building are fulfilled as follows |
| | | <ul style="list-style-type: none"> Meet early when considering project ideas, when refining projects, and updating on progress | Developers/CALUCs | <ul style="list-style-type: none"> Better shared information and feedback opportunities |
| | | <ul style="list-style-type: none"> Share information and perspectives on development and building through information and workshop sessions by UDI and City of Victoria | Developers (UDI) with CALUCs and/or with City (Staff and Council) | <ul style="list-style-type: none"> Variety of meetings and sessions held that have a range of stakeholders involved |
| | | <ul style="list-style-type: none"> Attend key meetings like Community Association or provide a CALUC Orientation | Staff with CALUCs/Community Associations | <ul style="list-style-type: none"> Better shared knowledge and dialogue among participants |
| | | <ul style="list-style-type: none"> Hold regular UDI/Municipal Liaison meetings | City Staff/Developers | <ul style="list-style-type: none"> Better shared information and feedback opportunities |
| | | <ul style="list-style-type: none"> Hold annual Development Summit to continue dialogue | City to Convene | <ul style="list-style-type: none"> Advancing shared objectives for improvements and monitoring progress |

| Overall Theme | Improvement Suggestion Theme | Action | Group Responsible | Indicators of Progress |
|---|---------------------------------|--|---------------------------------|--|
| Improving Policies, Regulations and Practices | Assessing Rezoning Requirements | <ul style="list-style-type: none"> Confirm that rezoning applications can be considered without a concurrent development permit application and revise report templates to reflect this direction | Staff to seek Council direction | <ul style="list-style-type: none"> Reports more clearly reflect different application types |
| | Delegating to/Empowering Staff | <ul style="list-style-type: none"> Consider report options for delegation of some applications and decisions | Staff to seek Council direction | <ul style="list-style-type: none"> Council's decision made and implemented by staff |
| | Bonus Amenity Requirements | <ul style="list-style-type: none"> Consider report on options for density bonus amenity outside downtown and fine-tune downtown zoning project Determining strategic processing priorities for expediting applications | Staff to seek Council direction | <ul style="list-style-type: none"> Council's decision made and implemented by staff Application processing priorities clearly acted on |

APPENDIX A

CITY OF VICTORIA DEVELOPMENT SUMMIT SUMMARY, JULY 2014





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DEVELOPMENT SUMMIT

Summary of July 7, 2014 Event

City of Victoria | July 21, 2014

Mohammed Ghouri via Creative Commons

TABLE OF CONTENTS

| | |
|--|-----------|
| Background..... | 1 |
| Summit Purpose & Objectives | 1 |
| <i>Purpose</i> | <i>1</i> |
| <i>Objectives</i> | <i>1</i> |
| Summit Format | 2 |
| Morning Plenary Session | 2 |
| Improvement Suggestions (Group A)..... | 3 |
| <i>Reducing Application Process Time</i> | <i>3</i> |
| <i>Improving Developer/Community Association Relationships</i> | <i>5</i> |
| <i>Addressing Attitudes & Behaviours</i> | <i>5</i> |
| <i>Assessing Rezoning Requirements</i> | <i>6</i> |
| Improvement Suggestions (Group B)..... | 7 |
| <i>Delegating To/Empowering Staff</i> | <i>7</i> |
| <i>Providing Consistency & Clarity Of Information</i> | <i>8</i> |
| <i>Improving Permitting Processes.....</i> | <i>8</i> |
| <i>Bonus Amenity Requirement Impacts.....</i> | <i>9</i> |
| Concluding Comments | 10 |
| Next Steps | 10 |
| Appendices | 11 |



BACKGROUND

The City of Victoria hosted a Development Summit on July 7, 2014 that brought together key stakeholders in the development process – developers and builders, Community Association Land Use Committees, City Council, and members of City of Victoria staff.

Continuous, quality improvement is a high priority for the City, and a number of strategic initiatives have been undertaken in recent years to make Victoria the best it can be. These initiatives include:

- Adoption of the Official Community Plan (OCP);
- Development Business Processes: Phases 1 and 2;
- Customer Service Action Plan;
- Strategic Plan 2013-2015;
- OCP Implementation Strategy;
- Economic Development Strategy; and
- Citizen and business satisfaction surveys.

SUMMIT PURPOSE & OBJECTIVES

Purpose

At its May 22, 2014 meeting, Council adopted the following motion:

“that Council direct staff, on a priority basis, to bring forward a work plan to host a Development Summit facilitated workshop dedicated to strengthening the relationship between the City, development firms that are active in Victoria, and community association land use chairs”.

Objectives

The objectives of the Development Summit were to:

- Strengthen relationships among the City, the development industry, and Community Associations;
- Better understand the roles, perspectives, and realities of all parties; and
- Identify changes to improve development processes.

Input for the Summit came from three sources:

1. A pre-summit survey went out all invited participants, asking them to anonymously identify any problems or concerns with current application processes;
2. Several key informant interviews with both development industry and community association members; and
3. The July 7th, 2014 Development Summit event.

The input received will inform an Action Plan for improving development processes to be considered by Council in Fall 2014.



A summary of the facilitated responses follows. It should be noted that there are a number of areas of overlap in the identified solutions for different questions, which suggests the potential for one change to have a positive “ripple” effect in other areas.

SUMMIT FORMAT

- A summary of the issues identified through the pre-summit survey and key informant interviews was provided to each participant, along with the session agenda. Both of these documents are included as appendices to this report.
- After a welcome address from Mayor Fortin, a plenary session was held in which participants were asked to identify any issues not already captured by the survey, or to explain/comment on any of the those already provided.
- Participants were then asked to join one of four group discussion tables. The eight most frequently raised issues from the survey were divided into two groups of questions. Participants had the opportunity to speak to one set of questions in the morning group session, and to the other four questions during the second session after lunch.
- A final plenary session gave participants an opportunity to comment on the Summit, and to share their group discussion highlights.
- Mayor Fortin thanked attendees for their participation.

MORNING PLENARY SESSION

The following comments were provided during the first plenary session:

- Need to streamline processes and eliminate excessive costs of the pre-application stage.
- “Closed for business” feeling is prevalent in the community; need more of a “how can we make this happen?” attitude.
- More helpful if developers come to Community Associations at the concept stage, but not all associations want developers at an early stage.
- Developers are uncertain of outcomes with the City of Victoria.
- Create an Action Plan to compete with other municipalities; be welcoming of new ideas.
- Too many decisions go to Council; staff do an excellent job and Council needs to have more confidence in staff.
- There is increasing collaboration between staff and developer, but is more complicated now than in the past.
- Conflict/contradiction between housing as a source of revenue for the City, and affordability of housing.
- Change of use requirements are almost impossible; help people understand how these work



- Need to look at all aspects of applications, not just land use and density; significant improvements in process over last 10 years; new, younger staff are good and attuned to modern visions, but seems they are being held back.
- Density bonus payments don't improve the vitality of downtown.
- Lagging on the retail side downtown; need to encourage small, interesting retail.

IMPROVEMENT SUGGESTIONS (GROUP A)

Group A participants were asked the following questions:

1. Application processes take too long. There is increased cost and risk. Other jurisdictions are faster; Victoria loses development. *What things can be done to speed up the process? Are there specific pinch point that cause delays? How can these be addressed?*
2. Developers generally want to address concerns and build relationships with the neighbourhoods in which they build. This doesn't always occur. *What things can the parties do differently to improve relationships? What role should the City play?*
3. Need to address attitudes and behaviours that are interpreted as "looking for problems rather than seeking solutions". *What can be done to change attitudes? How to deal with difficult behaviours?*
4. The amount of detail (submission requirements) for rezoning is excessive and costly, particularly for small applications. *What requirements could be reduced?*

1. Reducing Application Process Time

- Introduce an on-line tracking system that keeps the applicant, Community Associations, Council and staff up-to-date on the status of each application; ensuring all parties are better informed will help the process.
- Establish clear and precise guidelines/benchmarks for each stage of the application process, against which an application can be measured; commit to specified timelines (unless applicant retracts or has not fulfilled requirements) – this will create a greater degree of accountability for all parties involved, and greater certainty for the applicant.
- Consider different application requirements and timelines for different size projects. An application to rezone for a duplex, for example, should not have the same submission requirements, or take as long as a large commercial or mixed-use application.
- Make requirements and expectations for applicants very clear... currently, things are too vague.
- Reduce the number of staff reports and lead-up time required to get onto committee or Council agendas.
- Greater discretion and decision making powers to staff will help expedite the process; empower staff.



- Pre-meetings with staff representatives from key departments will speed things up (e.g., this is done in Colwood).
- Extensions to Development Permit times should not go back to Council.
- Community Associations often do not have the capacity or resources (financial in particular) to expedite the CALUC process quickly; financial assistance from the applicant could assist with accessing resources to speed up the process.
- Ensure that speed and efficiency don't impact quality assurance: don't lower the bar.
- Pre-zone land consistent with Local Area Plans (LAPs), which need to be clear and specific, and should include potential amenity options.
- City and Community Associations should understand it may take more than one project to achieve the desired amenities.
- Consider and communicate the uniqueness of Victoria – small geographic zone, small market, local involvement.
- Look for efficiencies within the existing structure.
- Provide more education around the Official Community Plan (OCP); have more specific LAPs.
- Need an 'OCP ambassador' to help the community understand what the OCP means for their neighbourhoods, and where flexibility and tolerance are required.
- Make it priority for planning to support and expedite OCP and LAP updates.
- Review how priority projects are set; staff resources should not be a limiting factor to moving these forward.
- Critically review the number of steps required to obtain a Development Permit (DP) and look for efficiencies/redundancies.
- Reduce reliance on legal agreements; legal department is under-resourced for development, causing a timeline pinch-point.
- Develop a streamlined process for less complicated projects that uses staff more and Council less, e.g. Tenant Improvement and Development Permits.
- Coordinate the response process.
- Include garden suites in the bylaw so staff can deal with them.



2. Improving Developer/Community Association Relationships

- Easy access feedback loop/tracking system would be very positive.
- Develop principles/rules of engagement with Community Associations (CAs); better define what should/shouldn't be sent to CAs.
- Early engagement; provide guidelines for what a developer should bring to a preliminary meeting with a Community Association.
- Provide education/engagement with CAs about development; encourage conversations about the contributions/role development plays in community-building – not necessarily bad or adversarial; offer UDI membership/programs to Land Use Committees; build relationships.
- Conduct a 4-hour, City-led session for CAs to explain how the OCP pertains to their neighbourhoods (and presumably their LAPS).
- To help CALUC members better understand an application, consider providing CALUC with a simple fact sheet that includes baseline information, such as current zoning, OCP/LAP land use designation, property size, proposed use.
- Inconsistency in staff attending CALUC meetings; issue of staff resources.
- Need to have at least one member of each LUC well-versed in OCP, planning, etc.

3. Addressing Attitudes & Behaviours

- Culture begins at the top – Council and senior management; development helps to realize the vision of the OCP and needs to be valued.
- Design review deals too much with minutiae, which can compromise the vision of a project; need to provide reasonable limits on design review.
- Perceived or real conflict between development industry applicants and City staff, in terms of values and approaches, can be mitigated by staff providing friendly advice and being welcoming; set aside “stereotypes”.
- Need to get to know staff; should have “meet and greet” session(s).
- Give more control to staff; lack of empowerment affects morale.
- Need to set/establish a positive tone – “We want investment in Victoria”.
- Cut down on engineering submission requirements for site servicing at the front-end; very cumbersome; site servicing inspections can be difficult and unbalanced.
- Set mutual expectations (staff and developer) for timelines.
- Everyone makes mistakes; when a mistake is made by staff, a system is needed to expedite the correction and move on.



4. Assessing Rezoning Requirements

- Allow for a progressive (phased) submission, rather than all at once to make the process more affordable for small developers/builders.
- Review and identify what is needed for a land use decision (zoning); is there need for final design drawings at the zoning stage?
- Develop different submission requirements for different size projects.
- Pre-zoning vs. development permit; should pre zone and have the Development Permit deal with design.



IMPROVEMENT SUGGESTIONS (GROUP B)

Group B participants were asked the following questions:

1. Council is involved in too many aspects of the development process, and don't delegate or empower staff. *What things could be/need to be delegated to staff? How could staff be more empowered?*
2. There are perceived inconsistencies and lack of clarity in information provided by different departments to applicants and by applicants to CALUCs. Both applicants and Community Associations have difficulty tracking where an application is in the process. *How could internal communication and consistency of information be improved? How could information be simplified? What mechanisms could assist in tracking applications? How could information be better communicated?*
3. Improvements to permitting processes have been acknowledged by some (e.g. Certified Professional). Further improvements are needed (e.g., building, site servicing, sign). *What further improvements can be made?*
4. Negative impacts of bonus amenity requirements. *Are amenity requirements helping or hindering achievement of OCP objectives? What can be changed?*

A summary of the facilitated responses follows.

1. Delegating to/Empowering Staff

- Undertake a complete evaluation of the system; review all development matters that go to Council.
- Planners need to take a proactive stance and not wait for direction from Council.
- Replace antiquated bylaws, e.g., parking requirements, so variances aren't always required. Updated LAPs and bylaws will result in more certainty, and require fewer rezonings and variances.
- Use summaries, checklists and timelines to speed up process, and reduce Council involvement.
- Different processes need to be in place for small projects that meet the objectives of the LAP and OCP vs. large complex projects; expedite small projects through to public hearing for rezoning.
- Don't need to have Council involved for garden suites that comply with the bylaw; include garden suites in the bylaw.
- Reduce Council involvement for small applications, e.g., it's possible to demolish and rebuild a house with no Council involvement, but a minor renovation/addition involves Council
- Have an expedited process for projects under a certain dollar value, or under a certain number of units.
- Council liaison to neighbourhoods is appreciated; however, staff, rather than members of Council, can facilitate communication between the developer and the community, and explain the aspects of development to the community.
- Allow some developer input at the Planning and Land Use Committee of Council to provide clarity and prevent some of the impractical "blue-skying" by Committee members.



- Council has gone back and forth between a Committee of the Whole structure, and a Planning and Land Use Committee (with 4 Councillors and then with all); neither system is perfect, but need to stick with one procedural model.
- Give staff more authority and autonomy; use Council as an arbiter and decision-maker only where legislation requires it.
- Address “culture” at City Hall where staff treat guidelines as prescriptive, and do not interpret and apply in the spirit of the policy, leaving any flexibility to the discretion to Council.

2. Providing Consistency & Clarity of Information

- Have a review early in the process with all departments at one meeting; use one set of drawings that can be left for with the City for 24 hours, then make changes.
- Both development and Community Association representatives agree that an early meeting at the concept stage is a good idea; however, some Associations don’t want a meeting until the design is well-developed; the City has the responsibility to educate CALUCs.
- Need a separate process for smaller projects that don’t seem to get staff attention like the larger, priority projects.
- Need to develop a protocol around returning phone calls, having letters answered by the person to whom they were addressed within a set timeframe.
- Need improved clarity on what Council is deciding upon; provide clear information to the public about what is being addressed.
- Deploy a senior planner as point-monitor of the process; very helpful in letting Community Associations know where an application is in the process, and alerting of upcoming meetings.
- Assign an internal advocate to guide and track the project through the silos.
- Provide copies of notices to adjacent Community Associations.
- Have applications with plans/process/stage online, e.g., Colwood, Vancouver.
- Assign interdepartmental teams to large/priority projects; meet with the applicant before a submission is made; use the principles for smaller projects as well.

3. Improving Permitting Processes

- Recent improvements were acknowledged, and credited to the pre-intake meetings.
- Demolition permits need to be approved at the counter, rather than current 30 to 60-day wait.
- Improve consistency by clearly outlining requirements, and providing an illustrated checklist.
- Provide the extra support needed to homeowners asking questions about small building permit related matters, but respect that professional builders do not require detailed explanations, etc.



- Address site servicing issues by having inspectors through the site earlier; empower lower level staff to work with applicant so they are not ripping out concrete and replacing it.
- Once approval is given, let the professionals deal with what they find on the site
- Clarify and simplify development/rezoning signs; explain in lay terms; add a QR Code and link to the project website.
- Replace 120% landscape deposit with a system that withholds an occupancy permit until landscaping is complete.
- Review construction permit fees – are confusing as total associated permit fees can often be more than 1.5 times the cost of the building permit fee).
- Construction parking feels like a cash grab – City needs to forgo some of this revenue to encourage development; adjust the formula for short-term parking requirements, and parking required for the entire construction period.
- Continue to work on an expedited process for Tenant Improvements; assign a “project ambassador”.
- Limit the review rounds; provide a checklist of what is missing rather than a full set of plans being returned for each change.
- Ensure clarity of assignment for, and consistency of building inspections.

4. Bonus Amenity Requirement Impacts

- Current process for determining amenity requirements does not recognize that Victoria is not a robust market; central to making development succeed is affordability.
- Consider introducing incentive to develop; amenity requirements end up being disincentives.
- Cost of consultants to calculate ‘lift’ can exceed the value of the lift; eliminate this requirement.
- Recognize that quality, well-placed, high-density projects achieve other important objectives, such as encouraging transit and commercial development; need incentives to densify where appropriate.
- Amenity funds could come from the increase in taxes from the finished project, rather than taking it up front – the Pearl District (Portland) is a good example.
- Focus on building the amenity into the site.
- Need sophisticated planning to identify height and/or FSR, and allow the development to be guided by good design; can eliminate patchwork zoning that leads to rezoning required for every new development.
- Need to plan for each market cycle; develop fixed CACs that can be adjusted to the market.
- Consider increased CACs for an expedited timeline.



CONCLUDING COMMENTS

Participants were asked to provide feedback on the Summit; what were their takeaways and what should happen next:

- Worthwhile and constructive having everyone in the room together.
- Would like follow-up with the same group in 6-12 months to find out what has happened and how it is working.
- Make this an annual event; include designers and architects; continue the conversation.
- Formalize process of reviewing projects, post-mortems – what worked, what didn't – so there is evaluation and improvement.
- Provide education for CALUCs – with more information, could be more productive and speed up the process for everyone – Victoria Community Association Network (VCAN) could be a possible venue.

NEXT STEPS

- In consultation with staff, CitySpaces will use the feedback received today, and from the Pre-Summit Survey to develop an Action Plan for improving the development process at the City of Victoria.
- A draft Action Plan will be targeted for presentation to Council no later than September 2014.



APPENDICES



AGENDA

Development Summit

July 7, 2014 | Victoria Conference Centre, Salon A

| | |
|------------------|--|
| 9:00 - 9:25 am | Registration and coffee |
| 9:30 - 9:35 am | Welcome : <i>Mayor Dean Fortin</i> |
| 9:35 - 9:45 am | Overview of the Summit Objectives, Introductions |
| 9:45 - 10:30 am | Review, Confirm and Speak to Issues |
| 10:30 - 11:30 am | Break-out Group Discussion 1: <i>Tackling the Issues</i> |
| 11:30 am - Noon | Break, Light Lunch |
| Noon - 1:00 pm | Break-out Group Discussion 2: <i>Tackling the Issues</i> |
| 1:00 - 1:30 pm | Summary: <i>What's Next?</i> |

Development Summit

Pre-Identification of Issues

SUMMARY OF SURVEY RESPONSES & KEY INFORMANT INTERVIEWS

The following is a summary of many of the responses received to the questions distributed to members of Victoria's development industry and community associations. The full anonymous responses will be included in the final report. The summary combines both development industry and community association comments.

Issues Relating to the Pre-Application, Application and Decision Making Phases

1. The process needs to be streamlined. Application process is too slow...far too long to make its way through city hall. Time is money, other jurisdictions are faster. Investment dollars are portable and will be attracted to locations of lower risk.
2. Too many decisions made by Council. Council unpredictable and inconsistent. Staff not taking leadership role, wait for direction from Council ... not using their professional expertise.
3. Staff responsiveness: split between lack of information and unresponsiveness of staff to departmental staff improved considerably over the past 5 years and professional, helpful and courteous
4. Need to know status of application sooner. In other jurisdictions, applicant receives letter from staff indicating general support (or concerns) prior to going to council.
5. Applicants benefit from clearer guidance from engineering and planning on key issues - issue regarding inconsistency from staff in interpreting the guideline information made available.
6. Amount of detail needed for zoning applications are too extensive, excessive and costly, particularly with small applications.
7. CALUC process is reasonable forum for addressing the neighbourhood and is a good means of communicating with neighbours vs. concerns that the Community Association doesn't represent the neighbourhood and is only one source for gauging public viewpoint.
8. CALUC works better if the developer and neighbourhood have a dialogue at the concept phase. (Come to community meetings early to avoid later surprises)
9. Many residents unclear of development process. Additional tools that describe the development process for community residents would be helpful and avoid questions.
10. Decisions must be filtered through that lens of OCP and Local Area Plans. Citizens get disillusioned when they don't seem to be considered.
11. Need more specific and clear guidelines and need up-to-date LAPs.
12. Community Associations need more time before meeting to get info out and reviewed at CALUC. Additional admin support from City to CALUC helpful...not all land use committees have access to funds for mail-outs, etc., or volunteers to do this.
13. Staff required to prepare too many reports and there is too long a time delay between staff report and getting on meeting agenda. Lack of awareness by Council/staff of the time risk in a small market.
14. Too long a timeline between when CALUC has reviewed application and when application goes to public hearing – small applications used to take 6 months now they take a year or more. Need to speed-up process to Design Panel/Heritage Committee. Too long between meetings.
15. Conditions of zoning unreasonable and costly (e.g., requiring registration of ROWs or easements before zoning complete). City legal department takes too long.

16. Amenity bonus density doesn't work as it is not based on market. Added costs impact affordability. Uncertainty in identifying and calculating amenity cost and convincing vendor that their price is too high.
17. Between CALUC and public hearings plans can change significantly... no feedback loop to the CA or information received is inconsistent. Additional feedback would avoid contentious public hearings.
18. Site servicing is a major issue. Site servicing records are inaccurate. Requiring submission of servicing drawings prior to building permit is unnecessary. Permits, once approved can sit for days to get it in hand.
19. Landscape deposit requirements unwarranted at time of building permit.

Issues Relating to Information Sharing

1. Need better tracking system of application for both applicant and community association. Need a 'one-stop shop' website.
2. Sharing of information between departments should be faster. Better communications across City Departments.
3. City documents that developers must follow are not consistent. Application forms are long-winded and unclear.
4. Community Associations and City have different perspectives of what is expected from applicant.
5. Information (to citizen) hard to understand and should be presented in more layperson terms.
6. Timeframes for consultation and information sharing are inconsistent.
7. More communication with Community Associations should take place after CALUC process. Community volunteers cannot always act as speedily as developers may wish.

Issues Relating to Relationships among City, Development Industry & Community Associations

1. Community Associations have too much influence. They are "self-appointed, non-elected body..."
2. Developers get more/preferred face time with city staff than neighbourhood associations
3. "The relationship between the City and the community of small developers has changed over time. The City used to work on the principals of relationship building with builders... more of a friend, partner and took a real interest in what you were doing... Now the friendship and "there to help" is more of a façade in front of a wall of bureaucracy, problem creating, "get a consultant it is not my job to help you with that."
4. Most (LUC) experiences with developers, the relationship is good, less so with the City.
5. Helpful for CALUC to receive a brief City report to read at community meeting when applicant comes to CA. Frequently the application is a blend of zoning (complicated)
6. City relies on developers paying taxes and placed in conflict for council in favour of development over wishes of a neighbourhood where it would translate into lower taxes.

Other Misc. Issues Identified (some duplication)

1. Staff needs to be more empowered. Council gets involved in too many things that should be left to the City professionals. Lack of empowerment means that staff is wary of committing to feedback, that as a developer, you want to hear. Staff unwilling to speak with conviction because of trying to second-guess Council and impacts staff morale.
2. Entrenched culture of resistance at the staff level from lack of leadership toward developers at the Council level, particularly around concepts of density, heritage, amenity agreements, parking and transportation
3. Honouring the OCP is critical.

4. City should make itself more aware of what the building community faces.
5. Eliminate sewer attenuation requirements and take cash in lieu.
6. Simplify sign bylaw process for construction signage.
7. Give staff greater authority for minor DPS and zoning matters.
8. More leadership to inspire us ... create more unique and interesting City
9. Improve design guidelines
10. Particular problems with City legal and transportation dept.
11. Appears to be little enforcement by City between what was originally presented and what built... reinforces developers to use cheaper materials than were first presented.

Question 7: Identify Any Strengths (some are potential solutions)

1. Pre-application meetings/collaboration is key so as to ensure the receipt of a quality application
2. Building Permit process changes (e.g. incorporated Certified Professional program) a good thing
3. Victoria has good people, great councilors and taking steps to go in the right direction. Staff need mandate to follow through more effectively.
4. Develop some form of Business centre, centrally located for the monitoring of all phases of an application... appoint a "point person as a liaison between staff and the applicant and check... that applications are flowing through efficiently and troubleshoot. Would resolve most of the problems and improve accountability.
5. Remote access to public hearings should be examined.
6. Keep fees down and processing time short, provide incentives not roadblocks.
7. Designation of a go-to liaison person to manage the file through the whole process.
8. Rezoning process flow chart good idea.
9. CALUC process, LAPS and OCP are strengths (when adhered to).

APPENDIX B

DEVELOPMENT SUMMIT PARTICIPANT LIST





City of Victoria Development Summit Sign-in Sheet

| NAME | CONTACT INFO |
|---------------------|-------------------------------|
| <i>Alan Johnson</i> | [REDACTED] |
| Robert Saul | [REDACTED] |
| Casey Edge | [REDACTED] |
| Bob Anne | [REDACTED] |
| IAN LAING | [REDACTED] |
| CHRIS COLMAN | [REDACTED] |
| Marianne Alto | [REDACTED] |
| Ron Henry | [REDACTED] |
| Orly G. Zador | [REDACTED] MGR |
| IAW BUTTERLAND | [REDACTED] |
| TOM COYLE | [REDACTED] |
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City of Victoria Development Summit Sign-in Sheet

| NAME | CONTACT INFO |
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| Jon Stovell | |
| EARL LARGE | |
| Pen Fisher | |
| Andrea Hudson | |
| AMY WOO | |
| BRAD DELLERBUR | |
| JEFF MITTON | |
| Deb Day | |
| Shelli Gudgeon | |
| Travis Lee | |
| GARNE CECINS | |
| Alison Meyer | |
| Mark Bernhardt | |
| DAVID CHARL | |
| CHARLES JOERIN | |
| BIJAN NEVESTANI | |

City of Victoria Development Summit Sign-in Sheet

| NAME | CONTACT INFO |
|---|---|
| Wesley Helps |  |
| Paul Young | |
| Vickie Jackson | |
| Jason Johnson | |
| Dean Portin | |
| Justin Filix | |
| John Knappett | |
| GERALD HARTWIG | |
| Charlayne Thornton Joe | |
| Mike Miller | |
|  | |
| Steven Senior | |
| ROBERT PALMER | |
| KATLY HOGAN | |
| MARK KOPINYA | |
| Dwayne Kalyndukh | |

City of Victoria Development Summit
Sign-in Sheet

| NAME | CONTACT INFO |
|---------------|--------------|
| Melissa Olsin | m [REDACTED] |
| Rick Arora | |
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APPENDIX C

SURVEY COMMENTS



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PRE-SUMMIT SURVEY AND KEY INFORMANT COMMENTS

Please identify any issues or concerns with any of the development processes, and related requirements during the PRE-APPLICATION phase:

- No returned phone calls. Information is vague or not correct get bounced around from person to person instead of one stop shopping The feeling your adding to staff work load instead being treated like a customer.
- Sometimes hard to get all the staff at the table. Some of whom may have a significant impact later on the decision process. Too many small decisions go to Council, which can not be predicted. Staff are often not aware of the details of the OCP and how it may effect how they think about the current zoning.
- All parties involved may benefit from more clear direction and guidance from planning and engineering staff on key development related issues so as to avoid iterative revisions post-application. Pre-application meetings / collaboration is key so as to ensure the receipt of quality application.
- The communication at this stage is often vague, especially considering the investment required to make a complete application.
- The process for site servicing approval and implementation and then deposit refund is terrible. We have had difficulties with 3 major projects to date. It is far to expensive to administer with our civil engineer and the reality is that city services are never where the city claims them to be. DP and rezoning process is working well with the right planner. The process has improved immensely in the past few years. Application process - it seems we print to many plans during the correction process. Could a single check set be submitted and once OK the balance of plans be submitted.
- Too slow. Need to get to the decision stage sooner.
- In some cases for a small rezoning application an extraordinary amount of detail is required for the application e.g. colour and exterior cladding samples. I'm not aware of a pre-application for a building permit unless this new bureaucracy I'm unaware of.
- Concerns related to communication of staff and timing of disclosure of key items to assist in meeting Staff requirements in a timely way--if Staff deliver information in a piecemeal fashion (as is the case), the process to respond is time consuming and costly.
- The amount of resources provided by the City to facilitate public input into a development proposal is inadequate. Administrative support would be beneficial, as well as attendance by a City staff rep at CALUC Community Meetings when development proposals are being reviewed would provide more integration during the design/development process. Tools that describe the development process for community residents would also be beneficial (e.g. posters that outline major milestones during the development process, reference materials at Community Centres for various development options (e.g. small lot sub-division, garden suite, zoning maps etc.) to raise the level of awareness of land use and associated vernacular.
- Community meetings held for projects with rezoning are often difficult, if not impossible to keep from being a litany of complaints over issues real or imagined, but unrelated to the rezoning aspect.
- 1. Rezoning Process Flow Chart items should be numbered to simplify discussion.
- 2. The CALUC should receive plans and rational letter 10 - 15 working days in advance of preliminary meeting to distribute and review. All plans should be at a minimum of 11 x 17 In. for legibility (8.5 x 11 is too small) Sufficient plans for all LUC members to have for review are required.



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3. Neighbourhood discussion should have a standard comprehensive form to be completed and submitted to both city and LUC. In the 100 m. radius a 66.6% completion standard should be met for single family residences. In the case of adjacent condos the strata board should complete. Apartments are problematic.
 4. City should notify bordering CALUCs and provide summary and plans.
 5. Contextual Drawings of the adjacent properties should be supplied with the site and landscape plan, elevations and floor plans.
 6. One set of the presentation plans left with the CALUC should be larger than 11x 17.
 7. All bubbled plans should be 11 x 17, with a copy for each CALUC member.
 8. CALUC should have 10 working days to provide written response to bubbled plans.
 9. If the application is declined or altered at the PLUC and the applicant makes a request to address council the LUC should be notified and given an opportunity to address council as well.
 10. If any criteria for a second Community Meeting is met the city should be responsible for notify the 100 m. catchment, neighbouring CALUC and the developer should be responsible for the cost of the meeting.
- There is still no "one-stop shop" on the City's website to walk developers through the City's processes. If you follow the "I Want To"...."Apply for"..."Rezoning" it takes you to forms and information but not the "Getting Started" page. As Community Association reps, we want developers to come to us early in the process so there are no surprises. This is of particular concern when our advertising requirements for community meetings are out of sync with the City's requirements.
 - During the pre-application phase, as a community land use planning committee, we have noted the following issues with the "preliminary community meeting". 1. it is strongly suggested that developers have a preliminary meeting with the land use committee but this is not an actual requirement of the CALUC process. 2. the understanding of what constitutes a "preliminary meeting" varies. Sometimes developers come with ideas and simple sketches, other times the plans are fairly complex (and costly). From a community perspective, ideally, this meeting is more of a conversation that takes into account the needs of the community, balanced against the OCP and the local area plan, and the needs of the developer.



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Please identify any issues or concerns with any of the development processes, and related requirements during the APPLICATION phase:

- Process is way too long always a reason not to go ahead no way of tracking Most cities have opted out of MOE site profiles and leave it up to a consultant
- Too Slow and poor communications between the departments.
- Sometimes hard to get all the staff at the table. Some of whom may have a significant impact later on the decision process. Too many small decisions go to Council which can not be predicted. Staff are often not aware of the details of the OCP and how it may effect how they think about the current zoning. Application requirements are not always clear. Landscape Deposits require advanced budgeting and in any case are onerous. Utility information can be very hard to get at this stage but still impacts design. Too many Silos at the City and staff can only answer for their own departments. Weak big picture management.
- Turn around speed at all steps is a major issue. If 10+ months is standard for a re-zoning, it is quite difficult for an applicant to manage market timing of ultimate project delivery.
- There is no mechanism in place for the applicant to understand where their application is in the process. Changes required/requested during this stage are also difficult to track at times. There is also very little consistency from application to application.
- There is often a large time-lag between when the preliminary CALUC meeting is held and when the Public Hearing occurs. This can result in misinterpretation of proposed development plans once a developer actually gets to Public Hearing, and also requires a developer to reengage community members and stakeholders sometimes years after the formal CALUC meeting is held prior to application submission. If timelines were both shortened and more prescriptive it would create a more efficient and effective community consultation process.
- Too slow
- Timing is very important to any developer. The time lag between when an application is approved by staff and then proceeds to council or D Panel is to long. it should be no longer than 10 to 14 days .
- Application forms are long winded and repetitive.
- The process takes far too long and costs the development community with each delay that could be better spent on amenities for the City. The response process is not coordinated. Responses from each department are piecemeal and there is no assurance that all issues on submitted drawings are raised when a response is provided.
- In the case of small re-zonings there was a time not long ago when this process could be completed in as little as six months, far less for a DVP. Now days I would allow at least a year for this process if not more. The City is oblivious to cost and risk to small developers sitting on a piece of property while it goes through this process. A good example of bureaucracy being replaced with stupidity is how the city deals with stat. ROW's and easements during a rezoning. Instead of allowing a rezoning to take place and then making the registration of ROWs or easements a permit or occupancy requirement. These currently must be put in place as part of the rezoning application. This typically takes the developer's lawyer a day to put together and the city's lawyer 3 months to review it. A huge cost and waste of time for the developer who doesn't even know if the rezoning is going to be approved or not. The cities attitude is pay the lawyers to put in a "fall away" clause. If the rezoning fails the developers lawyer can remove the ROW or easement, for yet another cost!



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- No market based approach to density and amenity agreements. Lack of awareness regarding time risk to developments in a small market. Lack of creative problem solving.
- Very slow and cumbersome
- In following the IAP2 core values, direct response to specific concerns, issues raised by community members during CALUC meetings would be helpful. A public site that contains information associated with each development site would be helpful to track the progress of the development.
- Proponents should leave city planning with a comprehensive written list of requirements at the first meeting if they wish to pursue a redevelopment, particularly under the OCP.
- Again, the City's website could be much more helpful in outlining typical timelines for rezonings.
- As a community land use committee, we often receive feedback from residents who are NOT included in the developer's mail out. The onus for informing residents outside the rather narrow limits of the CALUC process sits firmly with the land use committee, who often lack the means (either financial or of resources) to ensure that everyone with an interest in the development is informed of community meetings in a timely fashion. To be clear, not all land use committees have access to funds for mail-outs, a website for disseminating information or the volunteers to ensure this happens. Between the "Community meeting" and the Public Hearing, plans are modified, sometimes significantly. The feedback loop back to the community is not ensured, and can be inconsistent. Therefore, a plan that the neighbourhood was consulted on and approved of, may not be what is actually built. Additional feedback would be beneficial, to avoid what can often be contentious public hearings.



7/3/14 11:55 AM

Please identify any issues or concerns with any of the development processes, and related requirements during the DECISION-MAKING phase.

- Not certain where Application and Decision-Making cutoffs are. However, it takes way too long, and is an unreasonable risk for people to take. We took two years to make it to a public hearing. At that point we could have been shot down. Of the 9 potential voters, 3 of our biggest supporters weren't there the night of our hearing. Another supporter was in the acting mayor position. This left two supporters and 3 who had been iffy all along. It was a scary moment. Our project was approved, but we ran the risk of having a FULLY COMPLIANT project perhaps be rejected. If this had happened it would have cost us about \$500,000. I will not run the risk again. If projects are compliant with the zoning, then they should be stamped and approved at planning stage. At least a year could have been taken off our project. In other jurisdictions we have worked a person puts forward a proposal, with limited work done. Each department weighs in and says what changes have to be made. Within a reasonable period of time a letter is issued saying the project will be acceptable, and then gives a to-do list in order for it to be accepted. That process takes six months or more. But, while you are going through it, you do know it will ultimately be accepted. The push and pull for six months is okay. Victoria puts one through so much work and trouble, \$100,000s might be spent, and then you 'roll the dice' and go to public hearing. If the councilors have not reviewed the work, or don't like the zoning, or the neighbourhood association doesn't like the zoning, your work was in vain. I know many developers who refuse to do anything in Victoria for this reason.
- Too long between meetings
- Staff can get stuck with issues that are not black and white and they have no box to check. The easy answer at times is to say no rather than use common sense. This is enormously frustrating.
- Review committees do not always take their role seriously and will run out of time by going off on tangents outside their role and then ask for another meeting as a result. Design and Heritage committees overlap roles and provide conflicting advice. Development Permits should not go to City Council.
- I think efficiencies could be gained by delegating increasing decision making authority to staff on topics where policy documents clearly lay out the basis for judgement.
- Committee reports are often written so late prior to committee meetings, that there is very little, or no time to respond. I also believe that the results of these reports are also determined well before the final report is produced. There should be plenty of time to resolve potential outstanding issues.
- Trying to identify and calculate amenities that will be asked for. Trying to convince landowners that their asking price is too because the City has shifted some of the property value to the City.
- Guidance by staff can vary from discussion to discussion. More assurance that staff advice is solid would be good.
- What decision making process?
- Councils decisions and discussions seem arbitrary and frequently ill-informed with limited ability of the applicant to intercede.
- Council gets involved in too many things that should be left to city professionals. Lack of empowerment means staff wary of committing to feedback, as a developer you want to hear. Staff unwilling to speak with conviction, trying to second guess council and impacts staff morale.
- Process takes too long. There is a lack of personnel courage when contact at City is away.



7/3/14 11:55 AM

- No issue with the decision making of a public hearing of a rezoning. I don't think there is a decision making process with a building permit!
- Poor view toward Developers in general (negative); sense that more money can be extracted from projects without real understanding of financial impacts. Amenity agreements are poorly considered over the long term and deliver unneeded or under-utilized amenities. Sense that council is "out of touch" with larger community. Absolutely have no idea how to revitalize the downtown core. Resistance to real change and economic development around downtown's transition toward 24 hour city.
- Applications can lose momentum and can become stalled.
- Remote access to public hearings (live streaming and ability to provide comment) would support greater access to the decision making process by more people who would otherwise be unavailable to attend in person.
- Takes far too long!
- Development of inner harbour is too much in control of industry and City seems to have little or no long term plan or control.
- A specific example bears noting. The proponents wishing to redevelop the old Holiday Court Motel on Hillside were required to bring their proposal to Advisory and Design Panel multiple times. At subsequent appearances, previous direction from the Panel was contradicted BY THE PANEL MEMBERS.
- As volunteers in the community, and citizens of the city of Victoria, it is important to us that our input is considered and that engagement is not seen as something that is simply "done". Local area plans (LAP) and the OCP involved the input of thousands of people contributing significant time and resources to ensure the viability and sustainability of the City of Victoria. When decisions are not considered through the filter of the LAPs and the OCP, volunteers and citizens become increasingly disillusioned with the processes of government.



7/3/14 11:55 AM

Please identify any issues or problems with the provision or sharing of information among the City, the development industry, and the community associations.

- This seems to be working OK with the community groups. Communication across City departments and planning and law is very poor. Applicants need to push both sides to communicate to get results.
- The City has numerous policy documents, which proponents must work with (highway access bylaw, transport directives, OCP, etc). Many of these items offer no room for flexibility. In these areas, it is key for the City to make clear to all stakeholders that in the community consultation process, these are items that cannot be on the table for discussion.
- I have experienced situations where the community association (FCGA) and the city have different ideas about what is expected from them.
- Sharing of information should be faster between departments . Time is big money in the development world. The city could make housing far more affordable if process was enhanced.
- Too many, separate points of approval.
- Information presented in more laypersons terms would be beneficial for the entire community.
- Information is not necessarily available in a timely fashion for volunteers with other responsibilities 2. CALUCs should not have to contact developers for updated plans, etc. The delivery should be in the process.
- Once the Community Association submits their summary of proceedings from Community Meetings for rezoning applications, the most common form of communication from the City is...nothing.
- Information is not shared consistently. The time frames for consultation and sharing are inconsistent. As volunteers committed to community consultation with our constituents, we cannot always act as speedily as developers (and sometimes the city) would wish. Our community land use committee has been over-looked, at times not even featuring on the CoV's own website pages.



7/3/14 11:55 AM

Please identify any issues or problems with the relationships among the City, development industry, and the community associations.

- Community Associations have too much power. I had a couple of councilors tell me they would never vote against a Community Association. Our local association approved our project for two years and then changed their mind the week before public hearing. One of the main issues was the building has concrete panels which the head of the neighbourhood association didn't like. I had previously asked him where he lived and he had told me. We both mentioned what a nicely designed building it was. He loved the look. I pointed out to him when he said he was concerned about concrete panels that the building he lived in had coloured concrete panels. Oh! He didn't realize that was what he was objecting to. He likes those! And, then they once again came forward with their support. We could have been turned down because the neighbourhood association didn't know what it was they were objecting to.
- Sometimes council and staff has a negative attitude about developers and their critical roll in the growth, prosperity and employment of the City. OCP plans can get forgotten when a small but vocal minority steps forward to complain about a proposal.
- It is a black hole in the City. Applications have become increasingly bureaucratic over the last 10 years. I often feel that I am not a customer at the City, but instead I am antagonist. I have heard this from several of my colleagues.
- Depends on the area of town being developed. Some areas are easier to work with than others.
- Generally I think the relationship between the city and the development industry is good. Many positive initiatives undertaken in recent years. Community associations don't always appreciate the expense for projects in time delays. Developers generally want to address community concerns. Written feedback on for or against would provide better guidance.
- The Planning department appears intent on slowing or stopping the process. There is no enthusiasm for moving ahead.
- Burnside Gorge has too large an area extending into Rock-Bay and downtown. Quite often CA's have hidden agenda's and poor leadership.
- The community association should not be gatekeepers for a proposed development. They are a self-appointed, unelected body that has control over whether or not a project is submitted to the City for consideration.
- In my view the relationship between the city and the community of small developers has changed over time. The city used to work on the principals of relationship building with builders, where with every project they became more of a friend, a partner and took a real interest in what you were doing, it really came across that they were there to help. This idea may seem a bit "small town" but its because of that attitude that after a couple of projects in the late 90's we worked almost exclusively in Victoria since then. Now the friendship and "there to help" is more of a facade in front of a wall of bureaucracy, problem creating, get a consultant its not my job to help you with that. Its not with any individual, its more of a shift to this.
- Lack of coordination and leadership in driving toward key objectives around housing.
- There should be more interaction between staff and applicants.
- There's commonly a resource issue with City staff and Community Associations that introduces challenges regarding communications and engagement. Input from community members via Community Associations



7/3/14 11:55 AM

to City staff may not be well heard or honoured. Most recently, input from community members into local road engineering decisions was extremely frustrating and inefficient due to questionable rationalizations and lack of receptiveness to incorporate community member suggestions.

- The OCP should not be cherry picked for applicable height, density, FSR, etc. It should be used in its entirety or not at all. If the OCP Urban Place Guidelines is used so should Building Performance with a Canadian accepted green building standard. We regularly have development proponents tell us at the community meetings that the plans presented have been vetted by city planning and that they have received tentative approval. Frequently the plans will be presented with a blend of zoning. It would be helpful to have a brief City notice to read at the community meeting stating that the plan is in no way approved by planning.
- My experience is that we have had a very good relationship with industry except for inner harbour. Industry has generally been willing to listen to community. The City on the other hand seems more secretive and less willing to discuss with community.
- Mostly, our experience is there is a lack of visible cooperation and coordination between City departments. Planning will advise one way and Public Works or Parks will advise another.
- Ultimately our goal together is for a sustainable, livable city where everyone has a place. Let's find ways to do this together. And, given the incredible amount of time and effort that went into developing LAPs, the OCP and the CALUC process, let's give them the attention they deserve, rather than making "one-off" decisions.



7/3/14 11:55 AM

Are there any other issues or problems that you wish to identify?

- Time, time, time, time, time.
- The rude letters the city sends out threatening small businesses to fine them 250 dollars a day for not complying to building code upgrades when they weren't told about them in the first place.
- Again pointing out time. Victoria can be slow. The release of permits even once approved can sit for days waiting for god knows what. I have had permits approved in the past and all departments have signed off. Yet still had to wait for 4-5 days to get the permit in hand. This makes no sense.
- Honouring the OCP is critical. It is not a document to sit on a shelf. It is the future of the City. Incoming Councillors, Advisory Groups and Staff should be briefed on the OCP.
- I genuinely believe that some form of a business centre, that was a central location for the monitoring of all phases of an application would resolve most of the problems, and also improve the accountability of the planning department.
- Community Associations seem to be somewhat uneducated on how the Official Community Plan relates to their neighbourhood. The new OCP provides a basis for development proposals; however, if the neighbourhood land use committees chose to focus on their local area plan without considering the OCP, this disconnect slows down the rezoning process and causes unnecessary tension between applicants and the community.
- All applications take far too long to make their way through the City. From building permits to DP's to rezonings.
- Eliminate the bonus density program. Eliminate the sewer attenuation requirements and take cash in lieu. Simplify the sign bylaw process for construction signage and allow development signage during construction. Allow staff to have greater authority for approving minor DP and zoning matters. This would save time and money for all parties. Construction is noisy, face that fact and do not try to suggest that we should lower the noise level of machines. Workers should be responsible in keeping voices to a minimum.
- Staff and council are indifferent to timelines.
- Amalgamation. Allow businesses to have a role for City representations.
- I would not say problems but the city should make itself more aware of what the building community faces with rezoning applications and project developments, especially small ones. The underlying attitude seems to be that developers make a fortune off of re-zonings therefore we are going to make them as difficult slow and costly as possible. Other than making a living I don't think anyone is making a fortune off small developments in Victoria. When you factor in a two to three year start (rezoning app) to final unit sale time, new HPO/ building code requirements, CRA reporting requirements for builders, WorkSafe BC requirements for construction, law society lien requirements for prime contractors, tightening rules around financing both for the builder and who he hopes to sell to, changing Provincial taxes like the new 2% BC transition tax on new homes, you may as well through in a global double recession in the mix as well! There are other considerations for developers than just municipal ones.
- Entrenched culture of resistance at the Staff level resulting from lack of leadership/disdain toward developers at the Council level, particularly around concepts of density, heritage, amenity agreements, parking and transportation.



7/3/14 11:55 AM

- Applications that do not flow through the process efficiently. Perhaps there should be a position in the city where this person is a liaison between the staff and applicant. To check daily that the applications are flowing through efficiently and when not, troubleshoot and correct.
- Overall, the City can be much more progressive in terms of sustainability design applications that promote positive triple bottom line outcomes (e.g. rain gardens instead of medians, indigenous flora that require less maintenance, interim uses for vacant properties), community social marketing efforts to support vision statements that are represented in OCPs etc. A more visible Planning team that inspires innovation and creativity, rather than one that is primarily policy and regulatory focused would also be beneficial. More leadership by the City to create a unique and interesting City that would win awards based on its initiatives (such as those developed by Portland over the past 20 years). City staff should inspire us, rather than simply indulge us.
- Insufficient detail for the Fairfield -Gonzales area within the OCP.
- We are very concerned about the time, perhaps 10 years to get local area plans in place. We believe city planning does not have the resources required to expedite local area planning, particularly given that many plans going forward will be site specific.
- Better Design Guidelines to improve the aesthetic quality of developments. Incentives to developers to clean up the horrid tangle of Electrical, Cable TV and Phone communication wiring lofting over our neighbourhoods. And while you are at it, a practical and long-term approach to cleaning up existing wiring where development permits and rezonings are not required.
- The disconnect between the OCP and activity on the ground; being in endless planning processes and conversely, where plans have been left to languish for decades, being advised to ignore them as they are out of date but the promised timeline for updating keeps getting pushed out.
- Two weeks is not enough time for volunteers who are working full time at jobs, to schedule time for a daytime meeting. This development summit was first discussed in May. The land use committees were informed June 25th (unless I am mistaken and information was circulated in some other form at an earlier date). It's summer and many people are away. It is useful, when incorporating surveys of this nature in pre-workshop planning, to include a way for the people surveyed to easily have a copy of their remarks.



7/3/14 11:55 AM

Please identify any areas of strength that the City of Victoria can build on to further improve its development processes?

- Speed it up. Give a definite yes or no much earlier in the process. The details can be worked out later, but the basics should be approved within six weeks. So many stories, so many suites, parking ingress, # of parking stalls, and so on. Then, work out the nitty-gritty over time. But, take the risk out.
- Good question no answer it seems so broken
- Victoria has good people, great councillors and they are taking steps to go in the right direction. This is a positive.
- Maintain and improve access to key staff. - Building Permits are getting better. Support the team approach and intake meetings with all key BP staff.
- I have not been impressed with much lately. I do like the new offices.
- Council needs to delegate more decision-making abilities to staff.
- Remove the concept of selling bonus FSR. Make the process quicker.
- Continue to add knowledgeable progressive planning staff. There has been a great improvement over the past 5 years. Keep fees down and processing time short. Even though I have stated my concerns I give much credit to all staff on how polite and helpful they all try to be. Very much appreciated.
- None.
- Staff is usually competent.
- Speed up and streamline the process. Delays are costly. Encourage departments. Provide incentives, not roadblocks. Commit to maintaining and improving the infrastructure for a growing city.
- I covered everything I can think of elsewhere!
- All staff members are excellent to work with. Need a mandate to follow through more effectively.
- Better integration of City departments that may run well independently, but appear not to operate as a single entity with a common interest in serving community members.
- Recognize that the process need to be sped up, remove unnecessary steps (and cost), the staff expertise is available.
- The Rezoning Process Flow Chart is a great start but it could be refined somewhat.
- I think that new council members are much more transparent and willing to listen and work with communities.
- The designation of community liaisons is a good idea to maintain.
- The CALUC process, LAPs and OCP are strengths, when adhered to.





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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 Fiskard 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 (Public Hearing for Rezoning) | Delegated | No |
| DP#000235 | 1580 Hillside Ave | No | No | Delegated | No |
| DP#000237 | 1249 Richardson St | No | No (Public Hearing for Rezoning) | Delegated | No |
| DP#000238 | 1255 Richardson St | No | No (Public Hearing for Rezoning) | Delegated | No |
| DP#000239 | 726-46 Yates St | Yes | Yes (Public Hearing for Rezoning) | Delegated | No |
| DP#000241 | 615 & 623 Fort St | Yes | Yes (Public Hearing for Rezoning) | Council | Yes |
| DP#000243 | 740 Hillside Ave & 747 Market St | Yes | Yes (Public Hearing for Rezoning) | 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.

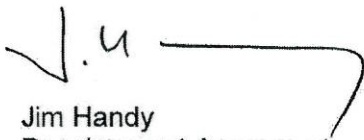
Recommendation

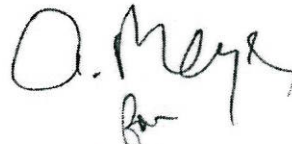
1. That Council identify the following Delegation Option as the preferred option:
 - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
 - i) Minor Development Permit and Minor Heritage Alteration Permit applications,
 - ii) Development 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;

Governance and Priorities Committee
Delegation of Development Permits and Heritage Alteration Permits

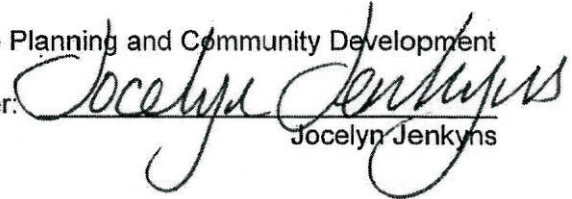
November 8, 2013
Page 3 of 38

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 |

| | |
|--|--|
| | 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.

Governance and Priorities Committee

November 8, 2013

Delegation of Development Permits and Heritage Alteration Permits

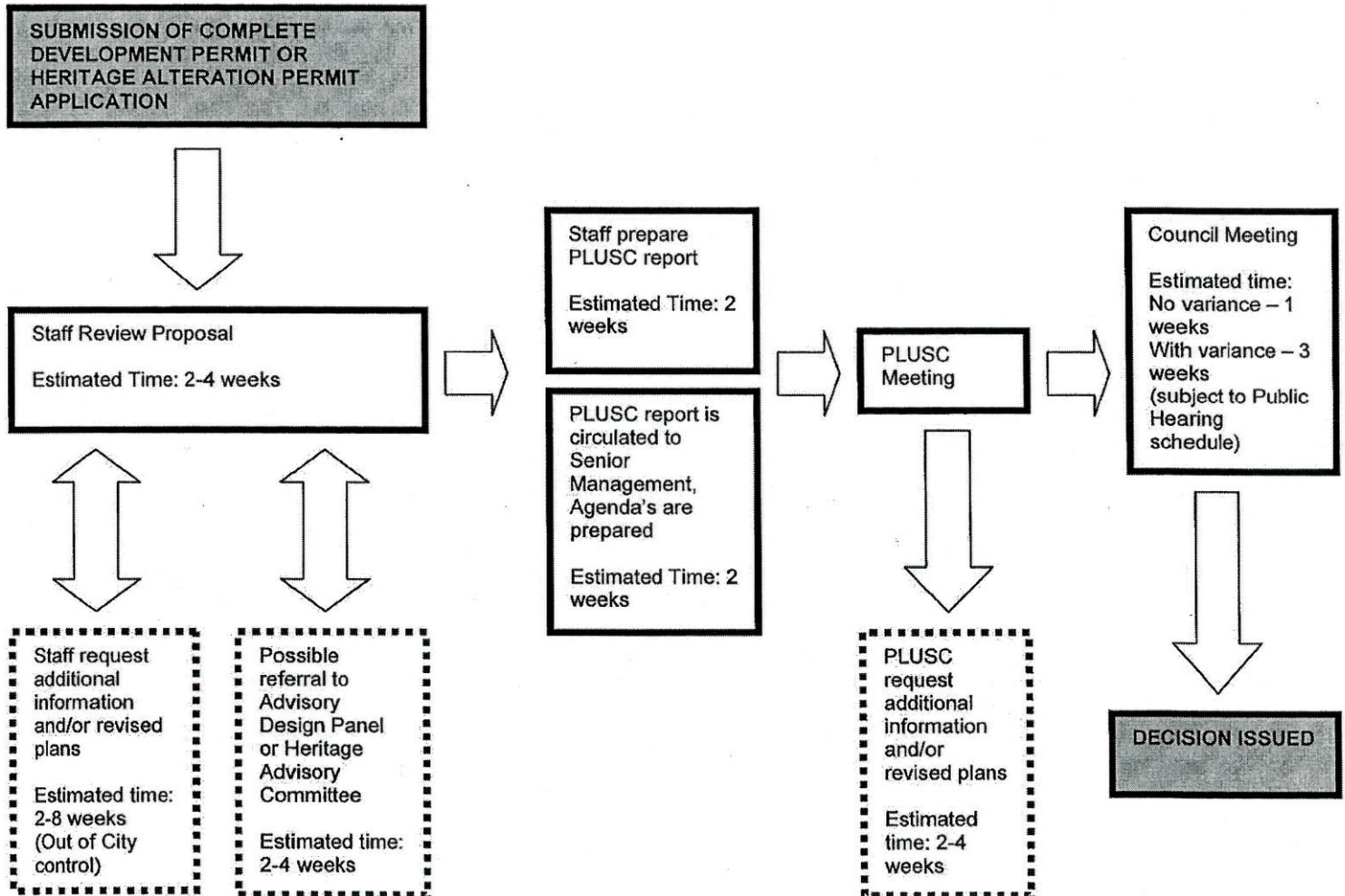
Page 27 of 38

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.

Governance and Priorities Committee
 Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013
 Page 31 of 38

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 Fisgard 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

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| 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

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| 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 Figgard 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 Figgard 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

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| 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 to the 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 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) | |
|--|--|--|--|--|

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



Governance and Priorities Committee Report

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

Executive Summary

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.

The Governance and Priorities Committee, at its April 5, 2012 meeting, passed a motion directing staff to explore methods that will expedite the current approval processes for Development Permits and Heritage Alteration Permits. Council confirmed this direction by passing the following motion at its April 12, 2012, meeting:

"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."

Staff have explored several Options for Council's consideration in terms of delegating to staff the approval authority for Development Permits (DPs) and Heritage Alteration Permits (HAPs). The full range of Options explored in this report includes:

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 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.

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.

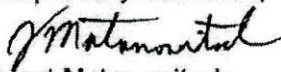
The Options in this report are presented for Council's consideration. There is a brief analysis of each Option provided, including advantages and disadvantages. Should Council select a preferred Option, further analysis is required in terms any new processes, staff resources and efficiencies, costs and benefits to the development community and the public.

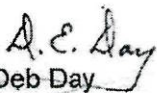
As part of this study, staff reviewed DP and HAP approval processes in other jurisdictions. Delegation of approval authority to staff is common, however, it comes in many different forms. A common element is that staff do not have the outright authority to decline an application. This is consistent with 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,


Jarret Matanowitsch
Senior Planner


Atty. Deb Day
Director
Planning and Development


Peter Spananese
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 provide 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

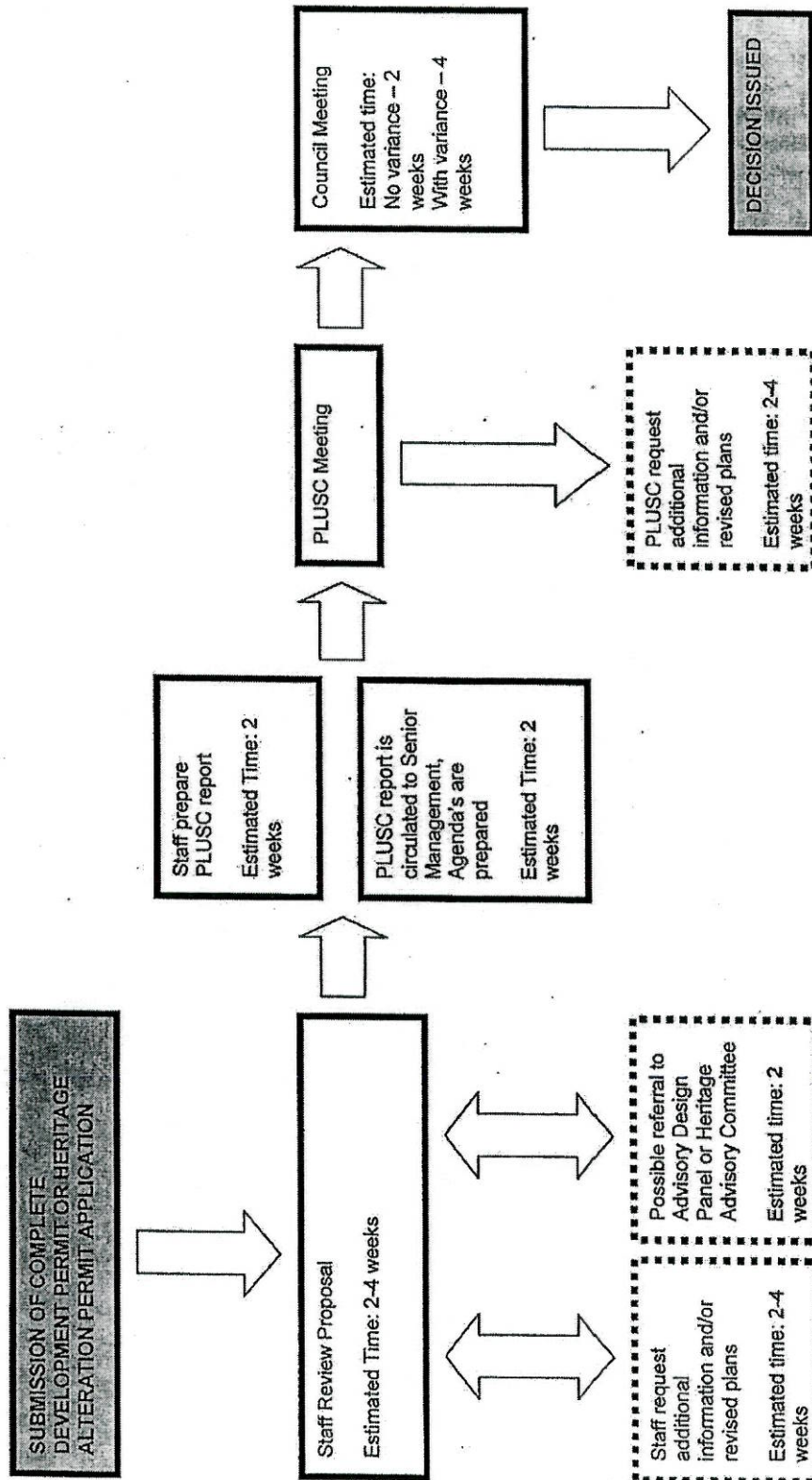
Delegating DP and HAP approval authority to staff certainly has advantages and disadvantages as outlined in the staff analysis. If the ultimate goal is to shorten the application processing time, then delegating approval authority to staff is a method of achieving this.

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

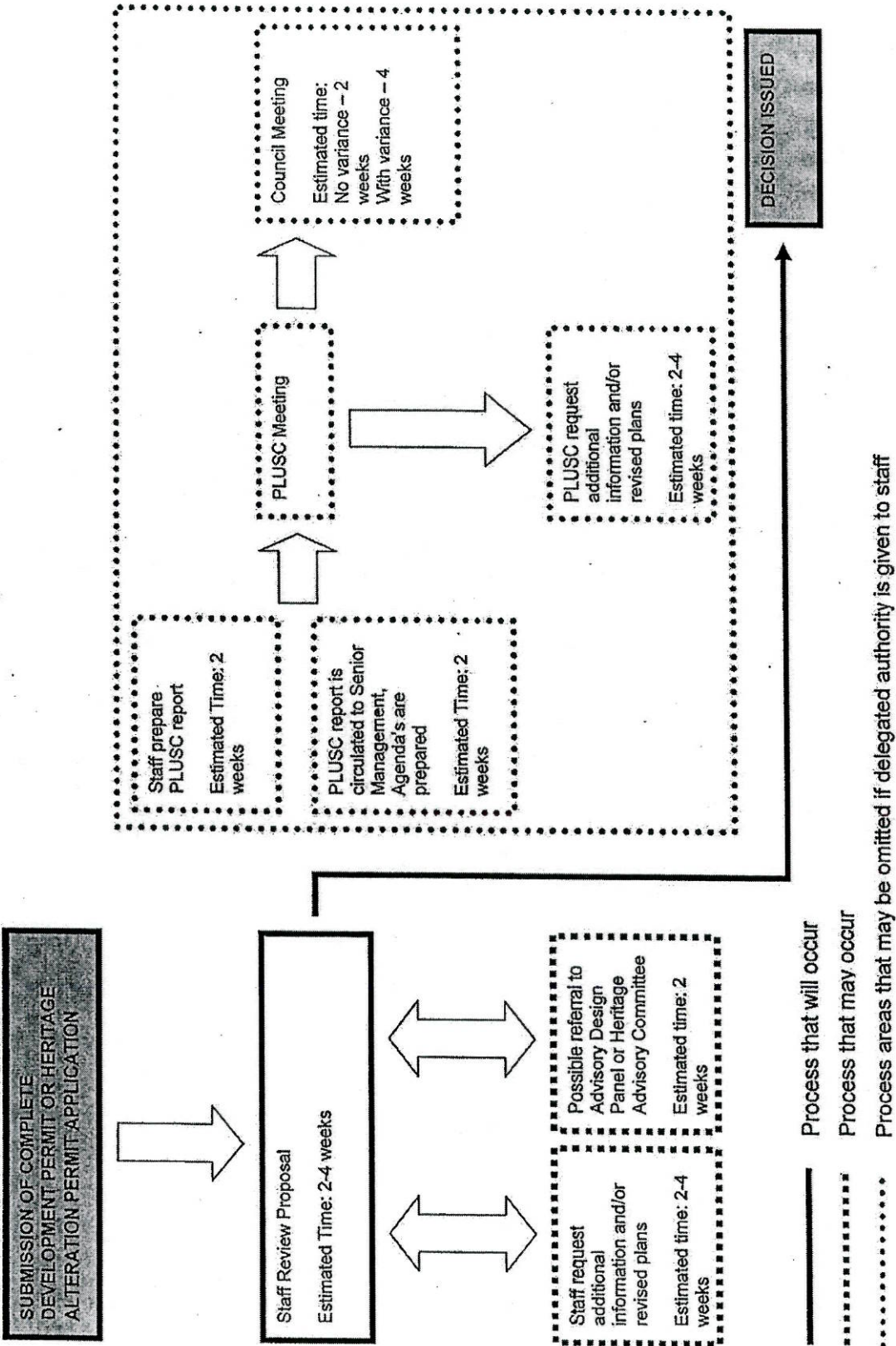
Should a form of delegation to staff be preferred, that Council select one of the described Options for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to report back outlining a detailed approval process, staff resources and application processing timelines. 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 – CURRENT DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT
PROCESS FLOW CHART (SUMMARY)



— Process that will occur
- - - - - Process that may occur

APPENDIX A – DELEGATED DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT PROCESS
FLOW CHART (SUMMARY)



APPENDIX B – DELEGATION OPTIONS

| | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 |
|---|--|--|--|---|---|---|
| Option Title | 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 | |

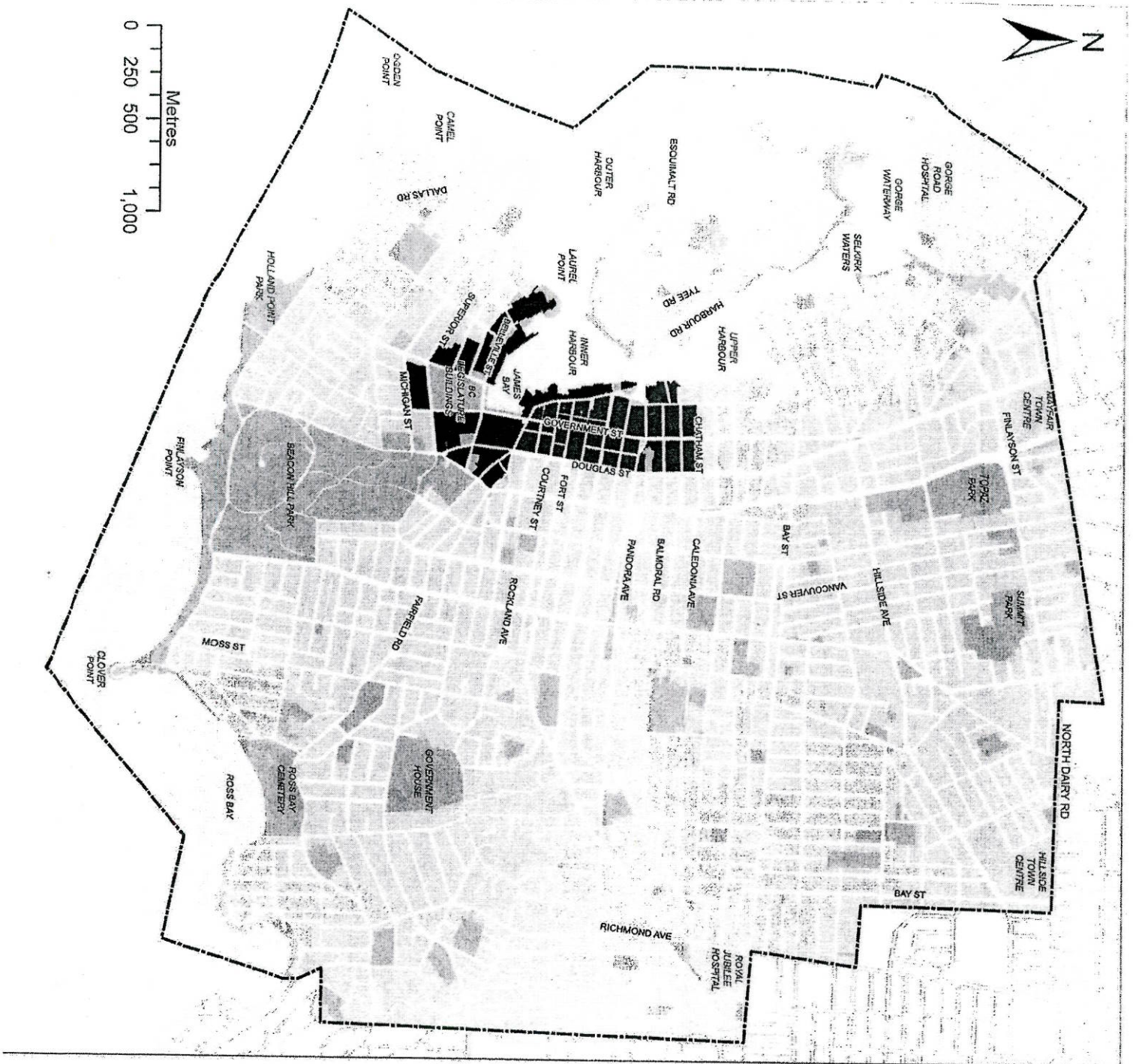
Governance and Priorities Committee

November 8, 2013

Delegation of Development Permits and Heritage Alteration Permits

Page 38 of 38

APPENDIX 5: URBAN PLACE DESIGNATION MAP



Urban Place Designations

As Identified in the Official Community Plan

Core Inner Harbour/
Legislative

Core Historic

