

Thursday, March 11, 2021

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting

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

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

Pages

1

10

Α. CONVENE COUNCIL MEETING APPROVAL OF AGENDA Β. C. **READING OF MINUTES** C.1. Minutes from the daytime meeting held February 4, 2021 D. PROCLAMATIONS E. **REPORTS OF COMMITTEE** E.1. Committee of the Whole E.1.a. Report from the March 4, 2021 COTW Meeting Link to the March 4, 2021 COTW Agenda E.1.a.a. Council Member Motion: Support for Laid-off Hotel and **Tourism Industry Workers** E.1.a.b. Victoria Police Department - Quarter 4 Update E.1.a.c. **Regional Rent Bank Pilot Program** E.1.a.d. **Citizen's Assembly Process - Next Steps**

F. BYLAWS

F.1. Bylaw for Parks Regulation Amendment Bylaw

A report regarding the proposed amendment bylaw regarding the repeal of the temporary daytime sheltering allowance.

F.2. Bylaw for Tree Protection

68

A report recommending:

1st, 2nd, and 3rd readings of: Tree Protection Bylaw No. 21-035

The purposes of this Bylaw are to protect and enhance the urban forest by:

- a. providing for protection and preservation of trees,
- b. providing for the replacement of trees where tree removal is necessary, and
- c. ensuring that lots that are being developed have sufficient tree canopy.

F.3. Bylaws for 3080, 3082 and 3090 Washington Avenue: Rezoning Application No. 00714

115

A report recommending:

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- 1st and 2nd readings of:
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1220) No. 21-006
 - Official Community Plan, Amendment Bylaw (No. 37) No. 21-008
 - Land Use Contract Discharge (3080, 3082 and 3090 Washington Avenue) Bylaw No. 21-019.
 - 1st, 2nd, and 3rd readings of:
 - Housing Agreement (3080, 3082 and 3090 Washington Avenue) Bylaw (2021) No. 21-007

This application is ready to proceed to a Public Hearing and proposes to increase the density and construct nine attached dwelling buildings (townhouses) with several units in each and one duplex, totaling 34 dwelling units.

*F.4. Bylaws for 1114 Rockland Avenue: Rezoning Application No. 00711

246

Addenda: New Bylaw Introduction Report and attachments

A report recommending:

- 1st and 2nd readings of:
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1249) No. 21-025

1st, 2nd, and 3rd readings of:

Housing Agreement (1114 Rockland Avenue) Bylaw (2021) No. 21-026

This application is ready to proceed to a Public Hearing and proposed to permit a five-storey residential building with multiple dwellings.

G. CLOSED MEETING

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MOTION TO CLOSE THE MARCH 11, 2021 COUNCIL MEETING TO THE PUBLIC

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

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

- Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- H. APPROVAL OF CLOSED AGENDA
- I. READING OF CLOSED MINUTES
- J. UNFINISHED BUSINESS
- K. CORRESPONDENCE
- L. NEW BUSINESS
 - L.1. Legal Advice Community Charter Section 90(1)(i)
 - *L.2. Land/Legal Advice Community Charter Section 90(1)(e) and (I)

Addenda: New Item

- M. CONSIDERATION TO RISE & REPORT
- N. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

February 4, 2021, 1:49 P.M. COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC To be held immediately following the Committee of the Whole Meeting The City of Victoria is located on the homelands of the Songhees and Esquimalt People

- PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
- PRESENT Councillor Dubow, Councillor Isitt
- ELECTRONICALLY:
- STAFF PRESENT:
 J. Jenkyns City Manager, S. Thompson Deputy City Manager / Director of Finance, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Sandhu - Head of Service Innovation & Improvement, M. Fedyczkowska - Legislation & Policy Analyst, P. Bellefontaine - Director of Engineering & Public Works, P. Rantucci – Head of Strategic Real Estate, C. Moffatt – Assistant City Solicitor, M Heiser - Committee Secretary

A. <u>CONVENE COUNCIL MEETING</u>

B. <u>APPROVAL OF AGENDA</u>

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

E. <u>UNFINISHED BUSINESS</u>

E.1 <u>Rise and Report</u>

E.1.a From the Closed Meeting held January 7, 2021

1

Employee Relations - IAFF Collective Bargaining Update

1. That Council approve ratification of the tentative agreement set out in the Memorandum of Settlement dated December 11, 2020 between the bargaining representatives of the City of Victoria and the International Association of Fire Fighters (IAFF) Local 230.

F. <u>REPORTS OF COMMITTEE</u>

F.1 <u>Committee of the Whole</u>

F.1.a Report from the January 28, 2021 COTW Meeting

F.1.a.a 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736 (James Bay)

Moved By Councillor Young Seconded By Councillor Potts Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

- 1. Plans date stamped November 3, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
 - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Andrew withdrew from the meeting at 1:51 p.m. due to a potential non-pecuniary conflict of interest with the following item as his partner works for a competing business.

F.1.a.b 1140 Government Street: Application for a Structural Change to increase the Occupant Load for the Churchill's Liquor Primary License (Downtown)

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council direct staff to provide the following response to the Liquor Licensing Agency:

- That Council, after conducting a review with respect to noise and community impacts, does support the application of The Churchill located at 1140 Government Street to increase the occupant load from 90 to 144 people with no change to hours of operation which are 11:00 am to 1:00 am Monday to Saturday and 11:00 am to 12:00 am Sunday. Providing the following comments on the prescribed considerations:
 - a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are that the noise impacts would be negligible as the increased occupant load affects interior space only and the establishment has a reputation of responsible operation. The requested hours of operation in conjunction with the proposed occupant load are not expected to result in negative impacts to the community.
 - b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
 - c. The views of residents were solicited via a mail-out which included 587 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice was posted at the property. The City did not receive any correspondence in reply to the public notification.
 - d. Council recommends the license endorsements be approved.

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

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

Councillor Andrew returned to the meeting at 1:54 p.m.

F.1.a.c Parks Regulation Bylaw Amendments - Mitigating the Impacts of Sheltering – Maps

Moved By Mayor Helps Seconded By Councillor Loveday

That Council receive the map for information.

CARRIED UNANIMOUSLY

F.1.a.d 1475 Fort Street: Update on Development Permit with Variances Application No. 00120 (Rockland)

Moved By Councillor Potts Seconded By Councillor Alto

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure rental tenure of the dwelling units in perpetuity while allowing all or a portion of the dwelling units to be leased to a third party housing provider for nonmarket housing, to the satisfaction of the Director of Sustainable Planning and Community Development
- A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development
- c. A section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street, to the satisfaction of the Director of Engineering and Public Works.
- An agreement to secure sixteen car share memberships, to the satisfaction of the Director of Engineering and Public Works

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street, in accordance with:

- 1. Plans date stamped October 19, 2020
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);

- vii. reduce the west side yard setback from 6.46 metres to 3.86 metres(balconies) and 5.75 metres (building);
- viii. increase the site coverage from 40 percent to 47 percent;
- ix. allow for an accessory structure to be located in the front vard rather than the rear yard.
- 3. Final plans generally in accordance with the plans date stamped October 19, 2020 with the following revisions:
 - changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
- 4. The Development Permit lapsing two years from the date of this resolution."

Motion to refer:

Moved By Councillor Isitt Seconded By Councillor Dubow

That this matter be referred to staff to work with the applicant to address concerns around privacy and tree removal.

Council discussed the following:

- Input recent received from the public
- Rental applications in the city

FOR (4): Councillor Thornton-Joe, Councillor Dubow, Councillor Isitt, Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Loveday

DEFEATED (4 to 5)

On the main motion:

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Potts, Councillor Loveday OPPOSED (3): Councillor Thornton-Joe, Councillor Isitt, Councillor Young

CARRIED (6 to 3)

F.1.a.e 496 and 498 Cecelia Road and 3130 Jutland Road: Rezoning Application No. 00655 and OCP amendment and Development Permit Application No. 000532 (Burnside)

Moved By Councillor Alto Seconded By Councillor Andrew

Rezoning application no. 000532

- That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00655 for 496 and 498 Cecelia Road and 3130 Jutland Road and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Preparation and execution of the appropriate legal agreements to secure the following:
 - i. that the 88 dwelling units would remain below-market rental for 60 years in accordance with BC Housing's Community Housing Fund program requirements to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor;
 - that a minimum of 26 two-bedroom and 20 threebedroom dwelling units are provided in the development to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iii. provide a daycare on-site for a minimum of 15 years to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iv. construction and maintenance of a 1290m² plaza in accordance with the landscape plans dated December 11, 2020 to the satisfaction of the Director of Sustainable Planning and Community Development;
 - v. public access of the plaza area to the satisfaction of the Director of Sustainable Planning and Community Development;
 - vi. construction of a new traffic signal at the corner of Cecelia and Jutland Road in accordance with the conceptual plan dated December 11, 2020 to the satisfaction of the Director of Engineering and Public Works.
 - vii. i. Statutory Right-of-Way on 496 and 498 Cecelia Road to allow for a portion of the sidewalk to be on site to mitigate impacts on an existing London Plane tree.
 - b. That the applicant provide road dedication of 1.38m on Cecelia Road for boulevard and sidewalk improvements at the time of subdivision to the satisfaction of the Director of Engineering and Public Works.
 - c. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on

the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

- d. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
- e. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- f. That Council give first reading to the Official Community Plan Amendment Bylaw.
- g. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- h. That Council give second reading to the Official Community Plan Amendment Bylaw.
- i. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit Application No. 000532

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00655, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000532 for 496 and 498 Cecelia Road and 3130 Jutland Road, in accordance with:

- 1. Plans date stamped December 17, 2020.
- 2. The applicant provide further details on how the fibre cement panels are fastened to the building to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F.1.a.f 1035 Joan Crescent: Update on Development Permit with Variance Application No. 00129 (Rockland)

Moved By Councillor Young Seconded By Councillor Thornton-Joe

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00129 for 1035 Joan Crescent, in accordance with:

- 1. Plans date stamped September 29, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the front yard setback from 10.50 metres to 3.22 metres.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Isitt withdrew from the meeting at 2:11 p.m. due to a potential non-pecuniary conflict of interest with the following item as he serves as Director of a Society that is considering applying for a grant under the following program.

Councillor Thornton-Joe withdrew from the meeting at 2:11 p.m. due to a potential nonpecuniary conflict of interest with the following item as she serves on a Board that is considering applying for a grant under the following program.

F.1.a.g My Great Neighbourhood Grant 2020 Program Summary

Moved By Councillor Andrew Seconded By Councillor Alto

That Council approves the following:

- 1. Continue accepting applications for the interim category of *Community Recovery & Resiliency* to be funded from the regular funding stream
- 2. Continue with a rolling intake giving the City Manager the decision-making power to approve the grants following the internal adjudication process, and
- 3. Accept proposed language changes to the grant policy
- 4. Direct staff to return to Council with current information on existing Arts and Culture grant policies.

CARRIED UNANIMOUSLY

Councilor Isitt and Councillor Thornton-Joe returned to the meeting at 2:14 p.m.

F.1.a.h 2020 Everyday Creativity Grant Update

Moved By Councillor Loveday Seconded By Councillor Potts

That Council receive this report for information.

CARRIED UNANIMOUSLY

F.1.b Report from the February 4, 2021 COTW Meeting

F.1.b.a Council Member Motion: Celebrating the Lunar New Year

Moved By Councillor Thornton-Joe Seconded By Mayor Helps

That Mayor and Council encourage citizens in the City of Victoria and throughout the Region, to help celebrate the Lunar New Year and the Year of the Ox by decorating their doorways and windows with Lunar New Year decorations and red decorations from now until the end of February and that on Friday, February 12th, 2021 that we wear red to bring good luck and good health to all our communities.

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Alto Seconded By Councillor Andrew

That the Closed Council Meeting be adjourned at 2:21 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

<u>COMMITTEE OF THE WHOLE REPORT</u> FROM THE MEETING HELD MARCH 4, 2021

For the Council meeting of March 11, 2021, the Committee recommends the following:

I.1 Council Member Motion: Support for Laid-off Hotel and Tourism Industry Workers

THEREFORE, BE IT RESOLVED THAT the City of City of Victoria affirms that people should not lose their livelihoods due to the pandemic; and

THAT the City of Victoria write to the Ministers of Labour and Tourism expressing our support for the right for laid off workers to return to their jobs when the pandemic eases; and

THAT this letter be forwarded to all BC municipalities asking to write their support; and THAT the City of Victoria writes to the Association of Vancouver Island and Coastal Communities.

E.1 Victoria Police Department - Quarter 4 Update

That the report be received for information.

G.1 Regional Rent Bank Pilot Program

- 1. That Council receive the Greater Victoria Rent Bank Pilot Program report for information.
- 2. That Council direct staff to:
 - a. Provide a progress report on the Greater Victoria Rent Bank Pilot Program as part of the next Victoria Housing Strategy Annual Review;
 - b. Report back on an as-needed basis if rent bank funding requests arise; and
 - c. Report back near completion of the pilot program in 2022 to report on program effectiveness and to determine if City support is needed for longer-term sustainability of the program.

G.2 <u>Citizen's Assembly Process - Next Steps</u>

That Council approve the recommendations as provided in Option 1 of this report:

- 1. Approve the estimated costs associated with the Citizens' Assembly and reaffirm the commitment of \$250,000.
- Direct staff to present the estimated costs to the Provincial Government and seek provincial funding to accommodate at least 1/3 of the associated costs of a Citizens' Assembly.
- 3. Upon funding approval initiate the procurement process to seek a consultant for the Citizen's Assembly Process upon funding approval from the Ministry of Municipal Affairs.
- 4. Upon funding approval initiate the procurement process for consultant services for the Technical Analysis upon funding approval from the Ministry of Municipal Affairs.
- 5. Request staff to work with the consultant to develop a term of reference for an Oversight Committee on the Citizens' Assembly.
- 6. Approve the in-person participation concept of a Citizens' Assembly.
- 7. Reduce the number of participants on the Citizens' Assembly to the 'Best Practice' number of 48.
- 8. Remove or reduce any options for honorarium or per diems from the approved Terms of Reference for the Citizens' Assembly should that be necessary for cost reduction to the overall budget not to exceed \$750,000.

9. That Council accept the remaining changes to sections 3.5, 6, 7.1, 7.2.3, 7.5 and 8.2.1 the Terms of Reference identified in this report to align with Saanich Council's approvals

That Council flag for the District of Saanich and the consultant that people of all genders should be represented and that the Terms of Reference should be amended before the lottery process:

- 1. to include people who are Transgender, Non-Binary or Two-Spirit.
- 2. that the composition of the citizens assembly reflect the composition of the census population with respect to ethno-cultural diversity.



Council Report For the Meeting of March 4, 2021

То:	Council	Date:	February 18, 2021
From:	Thomas Soulliere, Director of Parks, Recreation and Facilities		
Subject:	Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114		Amendment Bylaw

RECOMMENDATION

- 1. That Council adopt the *Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw* No. 20-114.
- 2. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the permanent prohibition on sheltering in Centennial Square and Central Park in time for adoption prior to March 31, 2021.
- 3. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the temporary regulations regarding location, size, and distancing of shelters to continue until the end of the pandemic in time for adoption prior to March 31, 2021.

EXECUTIVE SUMMARY

Since 2009, the *Parks Regulation Bylaw* (Attachment A) has allowed for individuals experiencing homelessness in Victoria to shelter from dusk to dawn in the City's parks. In the Spring of 2020, based on public health recommendations, the City suspended enforcement of the prohibition on daytime sheltering in parks to allow sheltering in place. Given the COVID-19 pandemic's serious health risks, sheltering in place was seen as a necessary measure to promote physical distancing, reduce health risks and maintain connections with service providers.

In September 2020, Council amended the *Parks Regulation Bylaw* to temporarily allow shelters in municipal parks during daytime hours subject to certain specific rules regarding size, distancing, and location. These temporary provisions (section 16B) are set to expire 30 days after the end of the provincial state of emergency related to COVID-19 pandemic. There are approximately 180 to 200 shelters in City parks currently.

In November 2020, Council passed a multi-part motion (Attachment B) focused on finding temporary and long-term housing solutions by March 31, 2021 for people sheltering in parks. Council directed staff to bring forward amendments repealing the temporary daytime sheltering provisions in the *Parks Regulation Bylaw* (section 16B) effective March 31, 2021.

At Council direction, staff brought forward *Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw* No. 20-114 (Attachment C) for Council consideration on November 26, 2020.

The proposed bylaw amendment sets the repeal of the temporary daytime sheltering allowance to March 31, 2021. Council postponed consideration of the amendment bylaw to the first daytime Council meeting in March 2021, at which point it would have clearer understanding of whether the temporary and long-term housing solutions deadline was going to be met on schedule.

Over the past several months, the City has worked closely with the Province and other partners towards the goal of securing indoor housing options for everyone sheltering in parks. The Province has now confirmed that indoor housing options will be available for everyone currently sheltering in parks by March 31, 2021.

Notwithstanding the proposed repeal of the temporary daytime sheltering effective March 31, it is proposed that the regulations regarding the maximum shelter size, spacing of shelters, and distance from pathways and other areas be maintained at least for the duration of the pandemic. Therefore, the Director of Parks, Recreation and Facilities recommends that Council instruct the City Solicitor to bring forward amendments that would keep those temporary regulations at least until the end of the Provincial state of emergency.

As part of the temporary adjustments to the *Parks Regulation Bylaw*, Centennial Square and Central Park have been added to the list of parks where sheltering is prohibited at all times. However, both these parks are scheduled to be automatically removed from that list at the same time the other temporary provisions are set to expire (i.e., 30 days after the expiry of the provincial state of emergency or, if Bylaw 20-114 is adopted, on March 31, 2021). Council has requested that staff bring forward the long-term sheltering recommendation for these two parks as part of this report. As described in previous staff reports (Attachments D and E), staff recommend having Centennial Square and Central Park continue to be areas where sheltering is permanently prohibited. Therefore, it is recommended that Council instruct the City Solicitor to bring forward bylaw amendments necessary to achieve that.

Upon Council adoption, staff will communicate to those still sheltering in parks that the bylaw will be changing as of March 31, 2021. This information will also be shared with service providers, public safety partners, neighbourhood associations and other stakeholders.

CONCLUSION

The City, in partnership with the Province and many external service providers, has made significant progress towards the goal of securing indoor housing options. Achieving this goal is a significant step towards providing more effective access to necessary assistance and services for unhoused individuals than they can receive when sheltering in parks. With the Province set to offer housing options for all individuals experiencing homelessness by March 31, 2021, staff propose adding Central Park and Centennial Square to the list of areas permanently prohibited from sheltering and continuing rules regarding location, size and distancing of shelters until the end of the pandemic.

Respectfully submitted,

Navdeep Sidhu Assistant Director Thomas Soulliere Director

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A: Parks Regulation Bylaw

Attachment B: Council Motion re: finding temporary and long-term housing solutions for people sheltering in parks

Attachment C: Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114

Attachment D: September 3, 2020 Committee of the Whole Report - City Response to Sheltering During the Pandemic

Attachment E: January 21, 2021 Committee of the Whole Report - Proposed Updates to Parks Regulation Bylaw

Attachment A



PARKS REGULATION BYLAW BYLAW NO. 07-059

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on September 22, 2020 up to Bylaw No. 20-102)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 07-059

2

PARKS REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 09-014, 09-021, 09-030, 09-052, 09-074, 10-021, 10-074, 16-012, 16-049, 17-099, 18-044, and 20-102)

The purpose of this Bylaw is to consolidate, clarify, and modernize the Parks Regulation Bylaw.

Contents

PART 1 – INTRODUCTION

- 1 Title
- 2 Definitions
- 3 Application

PART 2 – PERMITTED USES OF PARKS

- 4 Games
- 5 Processions, races, concerts, special events
- 5A Political Expression in a park
- 6 Swimming and beaches
- 7 Model aircraft
- 8 Commercial sales in park only by permit
- 9 Closing hours
- 9A Temporary closures
- 10 Research

PART 3 – GENERAL REGULATIONS

- 11 Fire and firearms
- 12 Traffic and parking
- 13 Damage to environment, structures
- 14 Nuisances, obstructions
- 14A No interference with City employees
- 15 Uses prohibited by signs
- 16 Construction
- 16A Overnight Shelter
- 16B Sheltering during pandemic
- 17 Animals at large

PART 4 – GENERAL

- 18 Offence
- 19 Impounding
- 20 Penalties
- 21 Repealed
- 22 Repealed

22A Severance

23 Repeal

Schedule A – Park Facility Permit Schedule B – Parade/Race Permit Schedule C – Performance/Concert Permit Schedule D – Special Event Permit Schedule E – Model Aircraft Area Schedule F – Victoria Youth Park Schedule G – Research Permit

Under its statutory powers, including sections 8(3)(b), 62, and 64 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

1 This Bylaw may be cited as the "PARKS REGULATION BYLAW".

Definitions

2 In this Bylaw, unless explicitly defined in another way,

"boulevard"

means a portion of a street or highway that has been seeded, sodded, or otherwise improved and maintained by the City;

"Clover Point Park"

means the park that is legally described as those parts of Section 82, Fairfield Farm Estate, Victoria City, Plan 13, that are shown outlined in red on Plan 524 OS;

"culturally sensitive area"

means any part of a park that is

- (a) a heritage site as defined in the Heritage Conservation Act whether designated or not; or
- (b) identified in a plan, map or City bylaw as having historical or cultural significance to British Columbia or an aboriginal people;

"Director"

means the City's Director of Parks, Recreation & Community Development, or that person's designated representative;

"environmentally sensitive area"

means any part of a park that has any of the following characteristics:

- (a) areas or landscape features identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;
- (b) areas or landscape features identified in a plan, map or City bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;

"footpath"

means a way, thoroughfare, street, road, or sidewalk within a park that is set apart and improved by grading, gravelling, or other means for the use of pedestrians;

"Franklin Green"

means the park, located on Mason Street, that is legally described as Lot 1, Suburban Lot 15, Victoria City, Plan 9091;

"homeless person"

means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;

"Moss Rocks Park"

means the park that

- (a) is legally described as Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649, except those parts in Plans 7726 and 9553, and
- (b) was formerly described as Remainder Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649;

"occupy"

means to remain in the same location or leave one's belongings in the same location;

"park"

includes

- (a) a public park, playground, square, green, footpath, beach, road in a park, and other public place that is not a street and that is under the custody, care, and management of the Director, and
- (b) Bastion Square and Centennial Square;

"Pioneer Square"

means the park and cemetery that is

- (a) marked as "Cemetery" on the Official Plan of the City of Victoria, and
- (b) bounded
 - (i) on the north by Meares Street,
 - (ii) on the east by Lot 2005, Victoria City, Plan 35C,
 - (iii) on the south by Rockland Avenue, and
 - (iv) on the west by Quadra Street;

"remote controlled model aircraft"

- (a) means a scale model aircraft that is controlled by means of a radio control system or a fixed line control system;
- (b) includes
 - (i) model aircraft that are propeller or jet fan driven, and
 - (ii) gliders;

"same location"

means the area within 100 metre radius of the location previously occupied;

"vehicle"

- (a) means a conveyance that is for transporting a person or thing, and that is powered by mechanical, muscular, animal, or other means, and
- (b) includes bicycles and tricycles;

Victoria Youth Park

means that area set out in the plan in Schedule F.

Application

3 This Bylaw does not apply to those who are performing their duties as the City's employees, or to volunteers working under the direct supervision of a City Officer or employee.

PART 2 – PERMITTED USES OF PARKS

Games

- 4 (1) A person may play at a game in a park only if that game is played
 - (a) in or on a portion of the park that is specially designated for that purpose;
 - (b) in accordance with rules and times that are posted in the park.
 - (2) A person may play at a game on a tennis court or bowling green in a park only
 - (a) if that person is wearing rubber soled shoes without heels, and is otherwise suitably equipped for that game, and
 - (b) in accordance with the rules and times that are posted at that court or green.
 - (3) Before engaging in a game or organized play of any kind in a park, including practice for a game, a person must obtain from the Director a Park Facility Permit for that purpose.
 - (4) A Park Facility Permit must be in the form set out in Schedule A of this Bylaw and is subject to the terms and conditions in that Schedule.
 - (5) An applicant for a Park Facility Permit under this section must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Processions, races, concerts, special events

- 5 (1) The following events may be held in a park only with the prior express permission of the Director:
 - (a) processions, parades, rallies, demonstrations, marches, drills, and races;
 - (b) performances, concerts, weddings;
 - (c) ceremonies, street or other dances, festivals, block parties in a street, community or other fairs, exhibitions, gatherings, meetings, or other special events.
 - (2) Permission required under this section must be in the form set out in
 - (a) Schedule B for an event referred to in subsection (1)(a) [Parade/Race Permit],

- (b) Schedule C for an event referred to in subsection (1)(b) [Performance/Concert Permit], and
- (c) Schedule D for an event referred to in subsection (1)(c) [Special Event *Permit*].
- (3) An application for a Parade/Race Permit or a Special Event Permit must be made at least 30 days before the event for which the application is made.
- (4) An application for a Special Event Permit must be made at least 45 days before the event for which the application is made if a beer garden is proposed in connection with the event.
- (5) After receiving an application for permission under this section, the Director may consult with Council or any other person or body in relation to the application.
- (6) The Director may refer an application under this section to Council for Council's consideration and determination.
- (7) If the Director refuses an application for permission under this section, the person seeking permission may request that Council reconsider the Director's decision.
- (8) A request for reconsideration under subsection (7) must be submitted in writing to the Corporate Administrator within seven (7) days of the Director's refusal.
- (9) Permission given under this section is subject to the terms and conditions set out in Schedule B, C, or D.
- (10) An applicant for a Performance/Concert Permit must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Political expression in a park

- 5A (1) Except as authorized by a permit issued under section 5 or this section, a person must not
 - (a) erect a sign or another structure in a park; or
 - (b) occupy the same location in a park in excess of six hours in a 24 hour period;

as part of a protest, demonstration, or other political expression.

- (2) The Director must issue the permit referred to in subsection (1) for a sign or another structure that conveys political expression unless the sign or another structure
 - (a) obstructs or interferes with:
 - (i) the use of a road or a pathway in a park;

- (ii) an irrigation system, a utility, or existing structure lawfully in a park; or
- (iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons;
- (b) would obstruct:
 - (i) sightlines along any intersection in or adjacent to a park; or
 - (ii) the use of a playground or a sport field.
- (c) measures more than:
 - (i) 1.6 metres in height at the highest point;
 - (ii) 1.6 metres in width at its widest point; or
 - (iii) 1.0 metres in depth at its deepest point;
- (d) has a base area that is larger than 1.6 metres square;
- (e) contains moving parts, electrical or electronic components, or lights;
- (f) is, in the opinion of the Director, unsafe or unstable; or
- (g) was at the same location or in the same park within the previous seven days.
- (3) The Director must issue a permit referred to in subsection (1) for a protest, demonstration, or other political expression unless, in the Director's opinion, issuance of the permit would result in interference with
 - (a) another approved event;
 - (b) scheduled maintenance, renovation, or other repair work in the park; or
 - (c) the use of a playground or a sports field.
- (4) A holder of a permit granted under subsection (2), or his or her authorized representative, must
 - (a) attend at the sign or other structure for a minimum of six non-consecutive hours between the hours of 8 a.m. and 8 p.m. daily;
 - (b) remove the sign or other structure between the hours of 8 p.m. and 8 a.m. daily; and
 - (c) keep the sign or structure safe and in good repair at all times.
- (5) Subsection (4)(b) does not apply to a homeless person sheltering in a park pursuant to section 16A.

- (6) The holder of a permit issued under subsection (2) or (3) must not use or permit the use of:
 - (a) electronic signs;
 - (b) electric or gas lighting or appliances;
 - (c) extension cords; or
 - (d) open flames, propane tanks, gas or electric heaters, or barbeques

at or near the sign or other structure authorized by the permit.

- (7) The holder of a permit issued under subsection (2) or (3) must not use or promote the use of expression which:
 - (a) is obscene;
 - (b) promotes hatred or violence;
 - (c) is defamatory; or
 - (d) contains commercial content.
- (8) A permit granted under subsection (2) or (3) is valid for seven days and the Director must not issue
 - (a) more than two consecutive permits for the same location;
 - (b) more than six non-consecutive permits for the same location per year; and
 - (c) a permit to an applicant who is the current holder of such a permit.
- (9) The Director may cancel a permit if the permit holder has failed to comply with any provision of this Bylaw.
- (10) Notwithstanding subsection (1)(a), a permit is not required for a table used to convey political expression if
 - (a) it is no larger than 1 metre in depth by 1.8 metre in width and .75 metres in height;
 - (b) it is placed in a park for no more than seven consecutive days;
 - (c) it is removed from a park between the hours of 8 p.m. and 8 a.m. daily;
 - (d) it is attended at all times by the permit holder or authorized representative;

- (e) no more than one table is placed at the same location;
- (f) the name of the sponsoring person or organization is clearly displayed on the table;
- (g) it does not obstruct or interfere with:
 - (i) pedestrian or vehicular traffic;
 - (ii) an irrigation system, a utility, or existing structure lawfully in a park;
 - (iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons; or
 - (iv) the use of a playground or a sport field;
- (h) it contains no moving parts, electrical or electronic components or lights;
- (i) it is structurally safe and stable;
- (j) it is not used in association with any object referred to in subsection (6); and
- (k) it is not used to promote any of the matters referred to in subsection (7).

Swimming and beaches

- 6 A person
 - (a) may enter or bathe in water in or adjoining a park only at a bathing beach or pool set aside for that purpose;
 - (b) may enter or bathe in water in or adjoining a park only if that person is not contravening provisions of the *Criminal Code* (Canada) concerning public nudity and indecent exposure;
 - (c) may undress or dress in or adjacent to a bathing beach or swimming pool in a park only in places specially provided for that purpose;
 - (d) may enter a portion of a building in a park that is designated by sign for the use of a specified sex of person only if the person entering is of that sex;
 - (e) may play a game on a beach in a park only if that does not interfere with or become a nuisance or a hazard to the general public;
 - (f) may use a boat, or other device for travel on or in water, in the immediate vicinity of a bathing beach in a park only if that does not endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming;

- (g) must not interfere with or obstruct the carrying out of the duties of a person that is supervising or instructing swimming, bathing or aquatic games at a beach in a park;
- (h) must not deposit or leave, or cause to be deposited or left, any thing on any beach in a park or in the adjacent water;
- (i) must not do anything that does, or tends to, endanger, annoy, or disturb swimmers or bathers in or around a beach or pool in a park;
- (j) must not drive, ride or exercise a horse, donkey, or mule on a beach in a park;
- (k) must not permit a dog or other animal to swim in water in a park;
- (I) must not, without the prior written consent of the Director, operate a saw with an internal combustion engine;
- (m) must not excavate, dig a cave in, or in any other way cut open the natural terrain in a park.

Model aircraft

- 7 (1) In this section, "approved area" means the area shown on the map in Schedule E to be used for operating remote controlled model aircraft.
 - (2) A person may operate a remote controlled model aircraft in a park only
 - (a) in the approved area,
 - (b) if that person is a member of the Model Aeronautics Association of Canada or its local branch,
 - (c) if the Model Aeronautics Association of Canada or its local branch of which that person is a member has obtained a permit from the City for the operation of remote controlled model aircraft in the approved area,
 - (d) when that person and the City are included as additional insureds under a Model Aeronautics Association of Canada insurance policy for at least \$3,000,000.00 general liability coverage, and
 - (e) if that person has received a League of Silent Flight Level 1 Certification or an equivalent certification from the Model Aeronautics Association of Canada.
 - (3) A person must not operate a remote controlled model aircraft in the approved area between sunset of one day and sunrise of the next day.
 - (4) Immediately before a person operates a remote controlled model aircraft in the approved area, the person must erect around the perimeter of the area, excluding the perimeter bounded by the dense brush and the edge of cliff shown on the map in Schedule E,

- (a) at least 5 signs, each of which has a display face that
 - (i) is visible from outside the area,
 - (ii) measures at least 27 cm by 21 cm, and
 - (iii) contains the following words in letters covering as nearly as is possible the entire face: "Model Aircraft Flying in Progress. For Safety and Insurance Reasons, PLEASE DO NOT CROSS LINE", and
- (b) a yellow 1 cm diameter rope that is approximately 45 cm above the ground.
- (5) When a person is operating a remote controlled model aircraft in the approved area, the person must
 - (a) maintain signs and rope in accordance with subsection (4), and
 - (b) act in accordance with the Model Aeronautics Association of Canada's
 - (i) Safety Guidelines for Field Operations, and
 - (ii) Etiquette Code.
- (6) A person must remove the signs and rope required under subsection (4) immediately after that person has finished operating a remote controlled model aircraft in the approved area.
- (7) The Council may suspend, cancel, or refuse to renew a permit for the operation of a remote controlled model aircraft if a person, who is a member of the Model Aeronautics Association of Canada or its local branch to which the permit has been issued, has been found to be guilty of an offence because of a contravention of subsection (4) or (5).

Commercial sales in park only by permit

8 A person may conduct business, sell things, and expose things for sale or gift in a park only if that person first obtains the express permission of the Director.

Closing Hours

- 9 (1) A person must not cause a vehicle to be in Clover Point Park between 11:00 p.m. of one day and 6:00 a.m. of the next day.
 - (2) A person must not use the road leading to the lookout in Beacon Hill Park, known as Checkers Pavilion, between one-half hour after sunset of one day and one-half hour before sunrise of the next day.
 - (3) A person must not enter or remain in any of the following parks between one hour after sunset of one day and one hour before sunrise of the next day:

- (a) Moss Rocks Park;
- (b) Franklin Green;
- (c) Pioneer Square.
- (4) A person must not enter or remain in Victoria Youth Park between 10:30 p.m. of one day and 7:00 a.m. of the following day.
- (5) Between 10:30 p.m. of one day and 7:00 a.m. of the following day a person must not bring into, leave in, or have in their possession in, Victoria Youth Park, a basketball, in-line skates, roller-skates, a skateboard, or a bicycle.

Temporary Closures

- 9A (1) The Director may order any park, or part of a park, to be closed to the public and may cause notices to be posted at the entrances to the park, or part of a park, indicating that it is closed to the public if the closure is necessary
 - (a) for maintenance, renovation, or other work in the park; or
 - (b) for the safety of park users or staff due to construction activity or existence of hazardous conditions.
 - (2) A person must not enter or remain in any park, or part of the park, that has been closed under subsection (1).
 - (3) The closure under subsection (1)(a) may not be in effect for more than 21 consecutive days.
 - (4) If the closure under subsection (1)(b) exceeds, or is expected to exceed, 21 days, the Director must report on the closure to Council.

Research

- 10 (1) A person wishing to do research or collect specimens in a park must first obtain from the Director a Research Permit in the form set out in Schedule G.
 - (2) There is no set fee for a Research Permit, but an applicant must pay to the City its costs incurred in surveying, examining and inspecting the area affected by the application.

PART 3 – GENERAL REGULATIONS

Fire and firearms

- 11 A person must not do any of the following activities in a park:
 - (a) discharge a firearm, air gun, air rifle, air pistol, spring gun;

- (b) discharge a bow, as defined in the Wildlife Act,
- (c) fire or explode any combustible or other explosive material, other than the discharge of fireworks as permitted under the Fire Prevention and Regulation Bylaw;
- (d) carry or make a fire unless
 - (i) that person has the Director's prior written consent, and
 - (ii) the fire is placed within a lawfully authorized fire pit;
- (e) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

Traffic and parking

- 12 (1) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:
 - (a) ride or drive a horse or other animal or drive or propel any vehicle in, on or along any road at a rate of speed not consistent with safety, having due regard to all other traffic;
 - (b) fail to bring his horse, animal or vehicle to a stop upon the request or signal from any person lawfully directing any traffic within any park, or from any person in charge of any horse or other animal, or stop whenever any horse or other animal shows signs of fright or getting out of control;
 - ride or drive any horse or other animal or drive any vehicle in any direction other than the direction as designated by signs erected in the park;
 - (d) park any vehicle in or along any road between the hours of sunset and sunrise without parking lights or reflectors being prominently displayed on such vehicle at all times during such parking;
 - (e) drive or allow or permit a vehicle to be driven on a surface that is not a hard surfaced portion of established roads;
 - (f) park a vehicle in an area that is not set apart and posted for the parking of vehicles;
 - (g) park in a parking space on a parking lot that is clearly marked as reserved for some other person;
 - (h) park a vehicle in a park for longer than 3.5 hours between 7:00 a.m. and 6:00 p.m. of any day from Monday to Friday;
 - (i) park a vehicle for a purpose other than visiting the park;
 - (j) leave a vehicle parked when that person is not within the park;

- (k) park a vehicle in a park for the purpose of sleeping overnight in the vehicle;
- (I) sleep overnight in a vehicle in a park;
- (m) clean a vehicle;
- (n) ride or operate a bicycle other than on a road or footpath designated for that purpose by signage, and in the direction designated by signage.
- (2) A person may drive a commercial vehicle transport through a park on a road other than Dallas Road, Douglas Street, Heywood Avenue, or Park Boulevard, only if that person has received the Director's prior written consent.
- (3) A person may ride or drive a horse or other animal in a park only
 - (a) on a road provided for that purpose, and
 - (b) in the direction of travel that is designated by sign.
- (4) A person must not drive an animal on a footpath that is designated by sign to be used only by pedestrian traffic.
- (5) A person must not use skates, skateboards, rollerblades or any similar apparatus in a park other than
 - (a) on a road on which vehicular traffic is permitted,
 - (b) on a footpath designated for that purpose by signage,
 - (c) in an area designated for that purpose by signage, or
 - (d) with prior express permission of the Director under section 5.
- (6) A person using skates, skateboards, rollerblades or any similar apparatus in a park in accordance with subsection (5)(a) or (b) must
 - (a) comply with the requirements of section 43A of the Streets and Traffic Bylaw, and
 - (b) travel in the direction of traffic or as designated by signage.

Damage to environment, structures

- 13 (1) A person must not do any of the following activities in a park:
 - (a) cut, break, injure, remove, climb, or in any way destroy or damage
 - (i) a tree, shrub, plant, turf, flower, or seed, or

- (ii) a building or structure, including a fence, sign, seat, bench, or ornament of any kind;
- (b) foul or pollute a fountain or natural body of water;
- (c) paint, smear, or otherwise deface or mutilate a rock in a park;
- (d) damage, deface or destroy a notice or sign that is lawfully posted;
- (e) transport household, yard, or commercial waste into a park for the purpose of disposal;
- (f) dispose of household, yard, or commercial waste in a park.
- (2) A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, and commercial waste, in a park only if deposited into receptacles provided for that purpose.
- (3) The Director may erect or post signs or maps within a park for the purpose of identifying the boundaries of one or more environmentally sensitive areas.

Nuisances, obstructions

- 14 (1) A person must not do any of the following activities in a park:
 - (a) behave in a disorderly or offensive manner;
 - (b) molest or injure another person;
 - (c) obstruct the free use and enjoyment of the park by another person;
 - (d) take up a temporary abode over night;
 - (e) paint advertisements;
 - (f) distribute handbills for commercial purposes;
 - (g) place posters;
 - (h) disturb, injure, or catch a bird, animal, or fish;
 - (i) throw or deposit injurious or offensive matter, or any matter that may cause a nuisance, into an enclosure used for keeping animals or birds;
 - (j) consume liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a licence issued under the *Liquor Control and Licensing Act*.
 - (2) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:
 - (a) encumber or obstruct a footpath;

- (b) drive a motor vehicle in contravention of the Noise Bylaw,
- (c) drive a motor vehicle in a manner that constitutes a nuisance or danger to pedestrians, animals or property;
- (d) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements;
- (3) A person may remove from a park material or debris only if
 - (a) that person has received prior express permission under section 5, or
 - (b) it is not a fallen tree, it has been determined by the Director to be unnecessary for municipal purposes, and it contains a sign advising that the material or debris may be removed.
- (4) A person may enter an enclosure used for keeping animals or birds only if that is authorized by the Director.
- (5) The Council or a person employed by it, may remove or cause to be removed from a park any obstruction or thing placed there contrary to the provisions of this Bylaw, and recover the costs and expenses of the removal from the owner of the obstruction or thing.
- (6) Despite subsection (1)(e) and (g), section 74(1) of the Streets and Traffic Bylaw, and section 3 of the Property Maintenance Bylaw, a person may place an advertisement in a park, other than Beacon Hill Park, if
 - (a) that person obtains prior written permission, from the Director, for the advertisement and its location,
 - (b) that person abides by the terms of the City's rental agreement for this purpose,
 - (c) the advertisement is placed only on bags authorized by the City, and on the City's structures that dispense them, for the purpose of disposing of animals' feces, and
 - (d) the advertisement complies with all laws other than those from which it is specifically excepted above.

No interference with City employees

- 14A (1) A City employee engaged in clean-up, maintenance, renovation, or other work in a park may request any person in the park to move to another part of the park or to leave the park if it is necessary for the performance of the employee's duties.
 - (2) A person requested to move under subsection (1) must promptly comply with the request and remove all of his or her property as directed by the City employee.

- (3) A person must not obstruct, or interfere in any way with, a City employee's performance of his or her duties in a park.
- (4) A person must not interfere with a bylaw officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this Bylaw.

Uses prohibited by signs

- 15 A person must not do any of the following activities contrary to signs posted in a park:
 - (a) climb, walk, or sit on a wall, fence, or other structure in a park or boulevard;
 - (b) cross, travel on, or use grassed areas.

Construction

- 16 (1) A person may erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, in a park only as permitted under this Bylaw, or with the express prior permission of the Council,
 - (2) A person may erect or construct, or cause to be erected or constructed, a temporary building or structure, including a tent, in a park for the purpose of an event permitted under section 5(1), only in accordance with the terms of the permit for that event.

Overnight Shelter

- 16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.
 - (2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:
 - (a) subject to sub-section (b), except between the hours of:
 - (i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and
 - (ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,
 - (b) at any time, in
 - (i) a playground, sports field, footpath or road within a park,
 - (ii) Bastion Square,

- (iii) Haegert Park,
- (iv) Cridge Park,
- (v) Kings Park,
- (vi) Arbutus Park,
- vii) Reeson Park,
- (viii) Quadra Park,
- (ix) Coffin Island,
- (x) Summit Park,
- (xi) Moss Rocks Park,
- (xii) MacDonald Park,
- (xiii) South Park,
- (xiv) Robert Porter Park,
- (xv) David Spencer Park,
- (xvi) an environmentally or culturally sensitive area, community garden, or horticultural area, or
- (xvii) any area within a park that has been designated for an event or activity under
 - (A) a valid and subsisting permit issued under the authority of this Bylaw, or
 - (B) a lease, licence, or other agreement authorized by Council.

Sheltering during Pandemic

- 16B (1) Despite section 16A(2)(a), a homeless person may place, erect, maintain, or use a shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or any other rigid or non-rigid material, in a park at any time, provided that they comply with subsections (2) and (3).
 - (2) A person must not place, erect, maintain or use a shelter in a park at any time
 - (a) in any area listed in section 16A(2)(b),
 - (b) within 8 metres of a playground,

- (c) within 4 metres of any area listed in section 16A(2)(b),
- (d) within 4 metres of any other shelter that is placed, erected, maintained or used in accordance with section 16A or this section,
- (e) within 50 metres of a school as defined in the School Act, or
- (f) that, including all associated objects or possessions, exceeds 9 square metres in size.
- (3) A person must not keep, store, or use in a park
 - (a) a barbeque, stove, heater, or any other open flame appliance, or
 - (b) a propane tank, gasoline container, or any other flammable gas or liquid.

Animals at large

17 A person having the control of an animal may allow it to run at large or feed in a park only if that is permitted under the Animal Control Bylaw.

PART 4 – GENERAL

Offence

18 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties imposed by this Bylaw and the *Offence Act*.

Impounding

- 19 (1) The Director, or a person authorized by the Director, bylaw officer, or a police officer, may remove, seize, and impound or cause the removal, seizure or impoundment of any property, matter or thing that unlawfully remains, or has been unlawfully placed or left in a park.
 - (2) After the seizure, removal or impoundment of an object referred to in subsection (1), the object must be made available to be claimed by a person entitled to its possession, in accordance with subsection (3), within six hours of it being removed, seized or impounded.
 - (3) After the seizure, removal or impoundment of an object referred to in subsection (1), a person entitled to its possession may obtain its release by attending at the Bylaw and Licencing Services office during regular business hours.
 - (4) The Director of Parks may cause a detained object to be sold, by public auction, to the highest bidder if

- (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and
- (b) it appears to the Director of Parks that the object has market value.
- (5) The Director of Parks must cause a detained object to be discarded as garbage if
 - (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and
 - (b) it appears to the Director of Parks that the object has no market value.
- (6) The City's Corporate Administrator must apply the proceeds of an auction sale held under this section in the following manner:
 - (a) firstly, deduct the costs of the auction;
 - (b) secondly, deduct the fees payable to the City under subsection (3);
 - (c) finally, pay the surplus, if any, to the person entitled if that person's identity and location are known.
- (7) The Corporate Administrator must apply the surplus referred to in subsection
 (6)(c) in the following manner if the identity or location of the person entitled to the surplus is not known:
 - (a) hold the surplus for one year from the date of the auction;
 - (b) pay the amount of the surplus into the City's General Revenue if the surplus is not claimed within one year from the date of the auction.
- (8) An amount paid into General Revenue under subsection (7)(b) is forfeited to the City.

Penalties

- 20 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person
 - (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw,
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw, or
 - (d) obstructs or interferes with a bylaw officer in the enforcement of this bylaw.

(2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repealed

21 [Repealed]

Repealed

22 [Repealed]

Severance

22A If any section, sub-section, sentence, clause, or phrase of this Bylaw is for any reason found to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal

23 Bylaw No. 91-19, the Parks Regulation Bylaw, is repealed.

READ A FIRST TIME the	12 th	day of	July	2007
READ A SECOND TIME the	12 th	day of	July	2007
READ A THIRD TIME the	12 th	day of	July	2007
ADOPTED on the	9 th	day of	August	2007

"ROBERT G. WOODLAND" CORPORATE ADMINISTRATOR

"ALAN LOWE" MAYOR

Schedule A

Park Facility Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holde	er:			
Names, addr telephone nu titles of Perm Representati	imbers, & nit Holder's			
Facility perm to be used:	itted			
Type of use:				
Special cond of use:	litions			
Date and tim	e of use (include	set-up and finish	time):	
Charges:				
Beer Garden	requested:	(yes)	(no)	
The Permit H	lolder's Represei	ntative		
(a)		confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,		
(b)	on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and			
(c)			e has and will exercise the au er to comply with the terms ar	

Signatures of Permit Holder's Representatives:

Terms and Conditions

(Park Facility Permit)

- 1. The City does not make any warranties or representations about the suitability, for the Permit Holder's purposes, or about the condition of the Facility for which this Permit is issued. In particular, the City's sports fields do not receive daily care or inspection. It is the Permit Holder's responsibility to inspect all sports fields that are part of the Facility permitted for which this Permit is issued and to ensure that those fields are suitable and safe for the Permit Holder's purposes.
- 2. The Permit Holder
 - (a) may use only the Facility named in this Permit;
 - (b) must not allow another person to use the Facility;
 - (c) must exercise the greatest care in using the Facility;
 - (d) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages to the Facility that the Permit Holder causes;
 - (e) must compensate the City for all damages that the Permit Holder causes to the Facility;
 - (f) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
 - (g) may place an object in or on a grass field only after consulting with and following the directions of the City's Department of Parks, Recreation, and Community Development for the purpose of avoiding damage to underground irrigation systems;
 - (h) must notify the City's Department of Parks, Recreation, and Community Development to cancel this Permit if the Permit Holder does not intend to use the Facility for which this Permit is issued;
 - (i) may allow liquor to be present at a Facility for which this Permit is issued only if that is allowed by a permit issued under the Liquor Control and Licensing Act;
 - (j) for the preparing and serving of food, and the operation of a food concession, must
 - (i) obtain and comply with a permit for a catered function from the Vancouver Island Health Authority;
 - (ii) comply with the *Health Act*.
- 3. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.
- 4. The Permit Holder will maintain commercial general liability insurance coverage for the purposes of indemnifying the City on the following bases:
 - (a) the City will be covered as an additional named insured;

- (b) the insurance policy will contain a cross liability clause;
- (c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than \$2 million per occurrence, including \$2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued;
- (d) the insurance policy will contain a clause providing that the insurer will give to the City 30 days prior written notice of a cancellation of insurance and of any important change to the coverage;
- (e) the Permit Holder will give to the City an executed copy of a Certificate of Insurance as evidence of the coverage.
- 5. The Permit Holder understands that the City may revoke or cancel the Permit with cause.

Schedule B

Parade/Race Permit

(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

The Permit Holder must complete the following matters if the Event for which this Permit is a major event:

- (a) show proof of \$2 million liability insurance,
- (b) conduct a pre-event course inspection, and
- (c) before the Event for which this Permit is issued, must obtain the consent of all participants to a waiver of all claims against the City for liability for injury, death, or damage that arises directly or indirectly in connection with the Event.

Permit Holder:

Address & telephone number of Permit Holder:				
Type of Event permitted:				
Location or route of Event (include map):				
Date and Time of Event:				
Approximate number of participants, bicycles, and vehicles involved in the Event:				
Notice given by Permit Holder to residents & businesses potentially affected by the Event:	(yes	(n	ю)	
Other details:				
Comments:				
Police Department (Traffic):				
Engineering (Traffic):				
Engineering (Parks):				
Fire Department:				

Schedule C

Performance/Concert Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

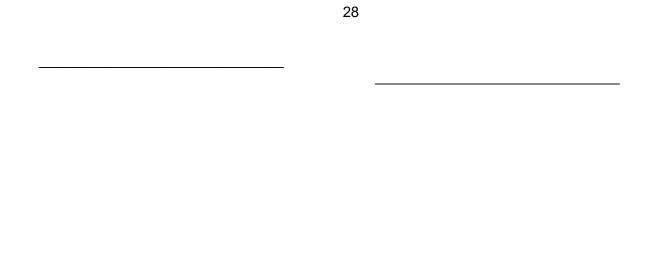
This Permit is subject to all of the terms and conditions stated below.

Permit Holder:	
Names, addresses, telephone numbers, & titles of Permit Holder's Representatives:	
Facility permitted to be used:	
Type of use:	
Date and time of use, including arrival & departure:	
Services and structures to be provided by the City at its expense:	
Services and structures to be provided by the Permit Holder at its expense:	
Fee:	

The Permit Holder's Representative

- (a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,
- (b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and
- (c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:



Terms and Conditions

(Performance/Concert Permit)

- 1. This Permit in not valid until the Permit Holder signs and returns the copies of the Permit with the fee payment.
- 2. Part of a fee paid as a damage deposit for the Permit Holder's use of the Facility may be applied by the City to a claim made against the City as a result of that use.
- 3. The City may deduct an administration fee from part of a fee paid as a damage deposit for the Permit Holder's use of a Facility if the Permit Holder cancels this Permit.
- 4. The Permit Holder's Representatives must be present at the event for which this Permit is issued.
- 5. The Permit Holder
 - (a) may use the Facility only for the type of use stated in this Permit;
 - (b) must not assign any of the rights held under this Permit to another person;
 - (c) must not allow another person, other than a spectator, to use the Facility;
 - (d) must take all reasonable steps to ensure that participants do not violate any law;
 - (e) must not allow its performers, employees, and agents to produce excessive sound and will comply with all of the City's requirements in connection with minimum and maximum sound levels permitted for the purpose of limiting nuisance to neighbouring residents and park users;
 - (f) must pay all amounts owed to its performers, employees, and agents for the purpose of using the Facility for which this Permit is issued;
 - (g) must pay all royalties and fees of authors, publishers and composers that become payable as a result of the Permit Holder's performances
 - (h) must pay all assessments and taxes that are lawfully imposed by a government;
 - (i) may place a structure, or cause it to be placed, in or on the Facility only after obtaining the written consent of the Director;
 - (j) must not place posters, concerning the Facility or the Permit Holder's event in the Facility, on a sidewalk, a street, or a structure that is in or on a sidewalk or street, other than a cylinder or board provided for that purpose by the City;
 - (k) must acknowledge, on all of its promotional material, all applicable cosponsorship by the City for an event for which this Permit is issued,
 - (I) must allow its concerts to be open to the public free of charge, and may accept donations only if the Permit Holder has paid a rental fee to the City;
 - (m) must maintain the Facility in a clean and tidy condition when using it;
 - (n) must not allow confetti to be used for weddings or any other event;
 - (o) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
 - (p) must remove all of its property on or before the end of the time for which this Permit is issued;

- (q) must ensure the safety of all equipment and other property owned by the City in the Facility;
- must immediately report to the City's Department of Parks, Recreation, and Community Development all damages that the Permit Holder causes to the Facility;
- (s) must compensate the City for all damages and loss that the Permit Holder causes to the Facility and the City's equipment and other property at the Facility, including damages and loss resulting from riot but excluding damages and loss resulting from natural disasters, hostile acts against the Crown, and acts or omissions of the City's officers and employees.
- 6. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.
- 7. The Permit Holder will maintain comprehensive public liability insurance coverage for the purposes of indemnifying the City on the following bases:
 - (a) the City will be covered as an additional named insured;
 - (b) the insurance policy will contain a cross liability clause;
 - (c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than \$2 million per occurrence, including \$2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued.
- 8. In connection with the Cameron Bandshell in Beacon Hill Park, a Permit Holder
 - (a) must not carry on or allow any commercial promotion or activity,
 - (b) may use the pathway adjacent to the Bandshell only for the purposes of loading and unloading equipment
 - must not park or cause or allow the parking of vehicles on the pathway adjacent to the Bandshell when they are not being used for the purposes of loading and unloading equipment;
 - (d) must obtain a Special Event Permit from the City for additional parking on Douglas Street soccer field if an event for which this Permit is issued is expected to have more than 2,000 spectators,
 - (e) must ensure that concerts are performed only at times between 9:30 a.m. and 9:30 p.m. of the same day,
 - (f) must ensure that concerts are not longer than 3 hours and that the Permit Holder's concert does not start earlier than 2 hours after another Permit Holder's concert at the Bandshell.
- 9. A Permit Holder
 - (a) must not park or cause or allow the parking of vehicles anywhere in Centennial Square, and
 - (b) must not place equipment, structures, or any other thing on the grassed area of Centennial Square.

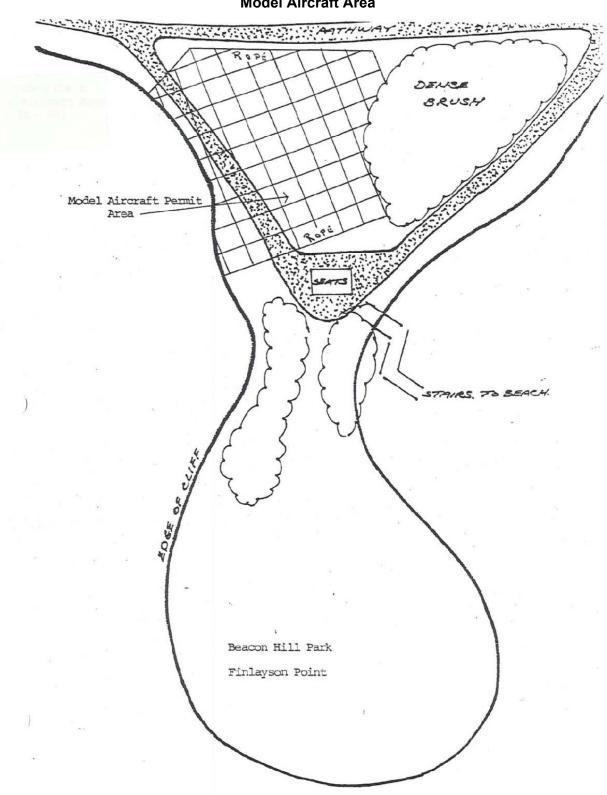
Schedule D

Special Event Permit

(Parks Regulation Bylaw)

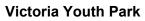
This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

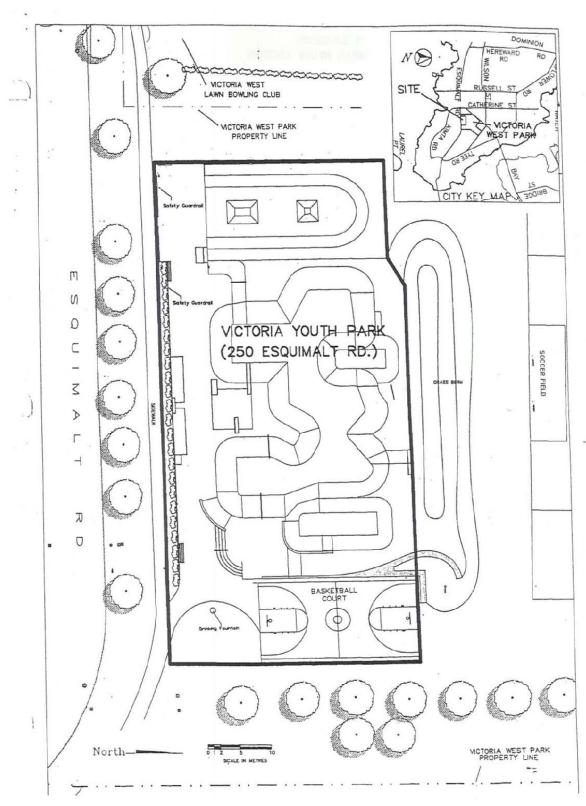
Permit Holder:			
Address & telephone number of Permit Holder:			
Type of Event permitted:			
Location of Event:			
Date and Time of Event:			
Approximate number of people and vehicles involved in the Event:			
Notice given by Permit Holder to residents & businesses potentially affected by the Event:	(yes	(no)	
	()(00)	(pc)	
Beer Garden requested:	(yes)	(no)	
Other details:	(yes)	(10)	
·	(yes)	(10)	
·	(yes)	(10)	
Other details:	(yes)	(10)	
Other details: Comments: Police Department (Traffic):	(yes)	(10)	
Other details: Comments: Police Department	(yes)	(10)	
Other details: Comments: Police Department (Traffic):	(yes)	(10)	
Other details: Comments: Police Department (Traffic): Engineering (Traffic):	(yes)	(10)	



Schedule E Model Aircraft Area

Schedule F





Schedule G
Research Permit
Application for a Research and Collection Permit in City of Victoria Parks
APPLICANT INFORMATION
COMPANY/SOCIETY/INDIVIDUAL NAME:
MAILING ADDRESS:
CITY / TOWN: PROV / STATE:
POSTAL / ZIP CODE:
BUSINESS PHONE NUMBER (AREA CODE):
FAX NUMBER (AREA CODE):
NAME OF CONTACT:
E-MAIL ADDRESS:
BUS. PHONE NUMBER (AREA CODE):
FAX NUMBER (AREA CODE):
CELLULAR PHONE NUMBER (AREA CODE):
NAME OF PARK(S):
PERIOD OF USE (INCLUSIVE):
FROM:TO:

List all activities to be undertaken:

Collection of Specimens Survey/Inventory Research Monitoring

Educational Other(s)(specify):

Please attach a proposal that addresses the following:

A. Project description, including:

- 1. Purpose of research or educational activity;
- 2. Geographic location(s) of the activity (provide maps to an appropriate scale);
- 3. Scope and objectives of the research or educational activity;
- 4. Proposed methodology;
- 5. Detailed schedule for the project from start to completion with major benchmarks. Indicate how sensitive this schedule is to change (delays in approval, weather, etc.);
- 6. Resources required to undertake and manage the project, including all costs, proposed funding sources and other resources (equipment, supplies etc.);
- 7. Relevance of the proposal to the conservation and education mandate and objectives of the City
- 8. The reason for, type, number and intended use for each specimen collected;
- 9. Effects on vegetation, wildlife, species and ecosystems at risk and other protected area values;
- 10. What actions will be undertaken to mitigate impacts on protected area values resulting from the proposed research or educational activity; and
- 11. What report type(s) (thesis, publication, etc.) are anticipated and when will they be produced.

B. Project researcher(s), including:

- 1. Academic qualifications;
- 2. Duties with respect to the project;

Fees: Park use or permit fees are not charged for research and education activities. However, the applicant must pay the City for its costs incurred in surveying, examining and inspecting the area affected by the application.

THE APPLICANT HEREBY CERTIFIES THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of a park under this Permit.

Date:_____

Signature of Applicant or Authorized Representative

Send completed application and proposal description to:

City of Victoria

Park Division #1 Centennial Square Victoria BC V8W 1P6

Project proposal reviewed by:

Date:

Revisions requested:

Project approved by:

Date:_____

Research Permit Guidelines

Permits are not issued for activities, which in the Director's opinion will adversely affect:

-conservation, recreation, or cultural values

-character and aesthetics of the protected area

-red/blue-listed species or ecosystems, species at risk,

-biogeoclimatic representation, etc

-critical or geographically unique characteristics

-public health and safety

-traditional use of the area by First Nations

-the local community

-recreational use or enjoyment of the park (regardless of the intended benefits of the proposed activities)

Permits do not allow the applicant:

-to operate vehicles off of roads within the parks

-to operate power equipment within the parks

-to carry on any activity that will disturb protected wildlife in the parks

-to damage or collect any species listed as endangered, threatened or of concern in the parks

Special permission is required to:

-interview park users or staff

-leave equipment unattended in the parks

-interfere with the use and enjoyment of the parks by park users

-interfere with the maintenance of parks by parks staff

The permit holder will be responsible for:

-ensuring personal and public safety during research activities

-any damage or injury to resources or property in the parks resulting from research activities -compliance with all City bylaws governing the use of parks and public places

Permits are not transferable.

The City reserves the right to revoke any permit upon notice to the permit holder.

If the research results in the production of a publication or thesis, the researcher is required to forward a copy to the City of Victoria Parks division.

F.1.b.d <u>Council Member Motion: Immediate Temporary and Long Term Housing</u> <u>Solutions for People Sheltering in City Parks and Repealing Temporary</u> <u>Amendments to the Parks Regulation Bylaw</u>

Moved By Mayor Helps Seconded By Councillor Alto

It was requested that the numbered items within the motion be voted on separately.

1. That Council direct staff to work with a private land owner or use city-owned land for the construction of temporary tiny home clusters of no more than 30 units beginning with one pilot project in Q1 of 2021 subject to the availability of one year of operating funding from BC Housing.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (6 to 1)

2. That Council allocate a portion of the City's federal-provincial restart money to help fund solutions that will move people indoors.

CARRIED UNANIMOUSLY

3. That the City request the Province immediately open Oak Bay Lodge to people 55 years and older who are currently living in City parks and/or shelters until the vacant building is demolished for redevelopment.

CARRIED UNANIMOUSLY

4. That the City indicate to the Province that it supports the use of the two sites recently purchased by the Province on Yates Street and Meares Street for affordable, supportive housing and encourages the Province to begin construction of modular housing on those sites as soon as possible, respecting the City's design guidelines.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (6 to 1)

5. That the City of Victoria works with the Province and other partners to offer housing or indoor shelter with a path to permanent housing for everyone currently sheltering in City parks by March 31st 2021 and directs staff to bring forward amendments to the Parks Regulation Bylaw so that the temporary measures including 24/7 camping expire on March 31st 2021. Final adoption of these amendments are to be scheduled once it is clear that adequate housing and shelter space will be made available by the March 31st deadline.

1

FOR (5): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe OPPOSED (2): Councillor Dubow, Councillor Young

CARRIED (5 to 2)

6. That the City supports partner agencies in engaging people currently sheltering in City parks to determine their housing and support needs, to inform the operation of shelter and housing facilities and ensure access to safe and adequate housing for all.

CARRIED UNANIMOUSLY

53

2

NO. 20-114

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 10) AMENDMENT BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to set the repeal of the temporary daytime sheltering during the pandemic provisions to March 31, 2021.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(b) and (h), and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "Parks Regulation Bylaw, Amendment Bylaw (No. 10)" Amendment Bylaw.

Amendments

- 2 Section 4 of Bylaw No. 20-102, the Parks Regulation Bylaw, Amendment Bylaw (No. 10), is amended by repealing subsection (2) and replacing it with the following new subsection (2):
 - "(2) Section 3 comes into force on March 31, 2021.".

Commencement

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
READ A THIRD TIME the	day of	2020
ADOPTED on the	day of	2020

CITY CLERK

MAYOR



Committee of the Whole Report

For the Meeting of September 3, 2020

To: Committee of the Whole

Date: August 31, 2020

From: Jocelyn Jenkyns, City Manager

Subject: City Response to Sheltering During the Pandemic

RECOMMENDATION

That Council

- 1. Direct the City Solicitor to prepare amendments to the Parks Regulation Bylaw, to the satisfaction of the Director of Parks, Recreation and Facilities, which include
 - a. the following temporary adjustments;
 - i. no prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
 - ii. Limitation on maximum size of a shelter (limit footprint of sheltering site);
 - iii. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
 - iv. Restrictions on possession of open flame appliances and combustible materials;
 - v. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools; and
 - vi. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency; and
 - b. the following permanent adjustment;
 - i. Adding *community gardens* and *horticultural areas* to the list of areas where sheltering is not permitted; and
 - ii. Adding *Summit Park, Moss Rocks Park, MacDonald Park, South Park, Robert Porter Park, David Spencer Park, and Centennial Square* to the list of parks where sheltering is prohibited.
- 2. Authorize the expenditure of up to \$165,000 in 2020 funded from contingencies for additional Bylaw Services resources, and direct staff to include ongoing annual budget of \$491,000 in the draft 2021 Financial Plan funded by 2021 new property tax revenue from new development.
- 3. Move to the daytime Council meeting of September 3, 2020.

EXECUTIVE SUMMARY

Homelessness is one of the most pressing urban issues and its impacts in Victoria continue to affect citizens across the community. This situation is further complicated by the devastating effects of the growing opioid crisis and the COVID-19 pandemic.

Responding to the needs of individuals experiencing homelessness requires the contributions of several stakeholders. While the ultimate responsibility for supportive housing lies with other levels of government, the City is an active player in the local response, working collaboratively with representatives of the B.C. government, regional health authority and many community service agencies.

The City has witnessed a marked increase in the volume of outdoor sheltering activity in public space over the past year. At present there are an estimated 275 people living outside. As the level of street homelessness has grown, concerns relating to safety in parks have also increased. There has been a high frequency of incidents over the past several months, including conflicts between individuals sheltering and other citizens as well as additional hazards for City staff. To-date the City has taken several actions to increase health and safety, such as updating signage in parks, expanding access to basic services (i.e. washrooms, water fountains, waste removal), sharing information about community services with individuals sheltering, conducting risk assessments and updating safe work procedures for staff, and enhancing security.

As outlined in this report, staff have noted a suite of potential amendments to the Parks Regulation Bylaw, which would add clarity and help to reduce risks of personal injury and property damage. In addition, staff are proposing to increase the resourcing for Bylaw Services to assist with managing the significantly higher demand for support.

PURPOSE

The purpose of this report is to provide Council with advice regarding the City response to impacts associated with sheltering in public parks during the current pandemic and seek approval for additional funding for Bylaw Services resources. A long-term plan for addressing these issues will be developed and reported on separately.

BACKGROUND

Greater Victoria has been undergoing a homelessness crisis for many years. The number of people experiencing homelessness has consistently exceeded the number of supported and affordable housing and shelters available for them. As a result, individuals have been forced to shelter in municipal parks which has caused local governments to deal with issues that are beyond their ability to resolve. The negative impacts of a growing number of people experiencing homelessness include issues such as, property damage in parks, conflicts between housed and unhoused residents, perceived or actual increases in crime, increased debris, and hazards in public spaces. In the context of a pandemic, the potential for virus transmission is a serious additional risk.

Since the beginning of the pandemic emergency the City has worked collaboratively with a wide range of stakeholders on appropriate assistance for vulnerable members of the community, especially those who are unhoused and, therefore, not able to shelter at home as directed by public

health authorities. Members of the City leadership team have joined representatives of BC Housing and various Provincial ministries, Island Health, the Coalition to End Homelessness, Aboriginal Coalition to End Homelessness, Dandelion Society, Pacifica Housing, Salvation Army, Our Place, Cool-Aid Society, Portland Hotel Society, Mustard Seed, AVI, SOLID, PEERS, Poverty Kills, and University of Victoria to share information and support efforts to address issues relating to street homelessness, on a weekly basis. This investment of time on both short and long-term solutions is valuable and will continue for the foreseeable future.

The provincial government, through BC Housing, has secured temporary housing for most occupants of the previous encampments at Topaz Park and Pandora Green. Unfortunately, the number of people sheltering in parks and other public spaces has continued to increase over the summer.

Earlier this year, based on advice from the public health authorities, the City suspended enforcement of the prohibition on daytime sheltering in the parks. This has allowed for persons experiencing homelessness to shelter in place, assisting them in maintaining physical distancing as recommended by public health authorities. However, it has also contributed to a certain entrenchment of shelters, increased accumulation of possessions, and increased damage to public parks.

ISSUES & ANALYSIS

It is important to note that municipal parks are not designed nor managed with the intention of being used for sheltering. Although sheltering has occurred in limited numbers for years, the volume has grown substantially in recent months. The number of temporary shelters in City parks and other public spaces has more than doubled between June and August and currently totals approximately 275.

The significant increase in sheltering activity during the pandemic has led to various impacts, including,

- Debris and hazardous material such as hypodermic needles, broken glass, and biological hazards
- Conflicts between various other user groups and persons sheltering
- Damage to property
- Incidents of violence and harassment towards City staff
- Criminal activity
- Risk of fire due to open burning for heat, cooking, drug manufacturing and consumption and presence of combustibles, such as gas cans, propane tanks, acetylene torches, and gas-powered equipment
- Damage to natural assets, such as trees, vegetation, garden beds, through cutting, digging, burning, and staking

City staff, primarily Bylaw Officers, have been attempting to deal with the most problematic behaviours, with limited success. The inability of Bylaw Officers to achieve voluntary compliance with rules such as those relating to the protection of environmentally sensitive areas, illustrates the challenge of managing sheltering activities in public parks.

As part of an enhanced response, two immediate term actions are presented below, to assist with mitigating some of the main risks and impacts of this crisis. In addition, staff acknowledge that the City also requires a longer-term strategy which will provide clarity of direction and dedicated resources to more efficiently manage this highly complex issue, in collaboration with the various

partners and those experiencing homelessness.

Bylaw Amendments

The Parks Regulation Bylaw provides an exemption for homeless persons from the general prohibition on erecting shelters in public parks. That exemption is limited to overnight shelters only and includes other limitations as to locations where sheltering is absolutely prohibited. For convenience, a copy of section 16A of the bylaw is attached as Appendix A.

On May 21, 2020, Council directed staff not to enforce the prohibition on homeless persons erecting or maintaining shelters in the parks during daytime to facilitate homeless persons sheltering in place. This direction was consistent with the advice received from public health authorities and subsequent circular to local governments from BC Public Health Officer, Dr. Bonnie Henry, which specifically advised that:

Local governments can help support people experiencing homelessness to reduce health risks and to improve access to essential services, supplies and supports. This may include looking at any bylaws that require people experiencing homelessness to move or leave safe shelter, be that a park or vehicle. Clearing or moving encampments without providing shelter or housing immediately can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread and may lead to isolation, which also poses health and safety risks to vulnerable people.

Unfortunately, suspending enforcement of prohibition on daytime sheltering has resulted in a number of adverse effects, such as enlargement and entrenchment of encampments, which increases the risks of fire and other health impacts to occupants. In addition, large and congested sheltering sites are causing damage to landscaping, fences, trees and other property.

The Parks Regulation Bylaw does not contain any specific rules regarding shelters erected by persons experiencing homelessness beyond the time and location restrictions. As a consequence, the City does not have effective means of managing shelters to mitigate the negative impacts that can be associated with uncontrolled growth of such shelters while the daytime sheltering prohibition is not being enforced. Therefore, it is recommended that the Parks Regulation Bylaw be amended to include the following temporary provisions:

- 1. No prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
- 2. Limitation on maximum size of a shelter (limit footprint of sheltering site);
- 3. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
- 4. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools;
- 5. Restrictions on possession of open flame appliances and combustibles; and
- 6. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency.

Based on the experiences with the organized sheltering site at Topaz Park, operated through BC Housing in the spring, staff have developed recommendations for the physical spacing and size of shelters. Applying a shelter space of up to 3m by 3m (10' by 10') will reduce the impacts on park property and allow for a typical tent footprint. The application of a spacing requirement of 4m between shelters in Topaz Park helped to ensure access for emergency services and reduce the risk of fire spread and virus transmission. Staff have explored both a 2m and 4m spacing between

Attachment B provides an illustration of the difference between these two options for Central Park. Staff recommend applying a minimum buffer of 4m.

In recent weeks, concerns have been raised in the community about the impacts of sheltering on local school operations. At South Park School, issues relating to property damage, human waste and hazardous debris that would pose risks to students, faculty and volunteers have been the focus of staff from both the School District and City. To mitigate against these types of issues, staff recommend applying a prohibition on temporary sheltering in parks within 50m of a school. In the example of South Park School, this limitation would result in a "shelter-free" zone across Douglas Street in Beacon Hill Park (miqən).

Staff are also recommending a restriction on the possession of open-flame appliances and combustibles as a means to reduce the risk of fire and personal injury in parks. Over the past several weeks the Fire department has reinforced the need to address this issue, particularly critical as the density of sheltering activity has increased in certain locations.

Additionally, staff recommend other permanent amendments to the Parks Regulation Bylaw for consideration, including:

- 1. Adding *community gardens* and *horticultural areas* to the list of areas where sheltering is not permitted; and
- 2. Adding specific parks to the list of locations where sheltering is prohibited.

The following parks are specifically recommended to be immediately added to the list in Section 16A.2.b,

- Summit Park (Hillside-Quadra)
- Moss Rocks Park (Fairfield)
- MacDonald Park (James Bay)
- South Park (James Bay)
- Robert Porter Park (Fairfield)
- David Spencer Park (Oaklands)
- Centennial Square (Downtown)

Summit Park and Moss Rocks Park are each comprised almost entirely of environmentally sensitive areas. The areas currently available for sheltering are limited, however staff note the potential damage to rare and endangered ecosystems due to sheltering activity, as a high priority consideration for this change.

There are four City parks which also serve as the primary play spaces for local schools, namely MacDonald Park, South Park, Robert Porter Park, and David Spencer Park. These parks contain a variety of play features, sport courts, and open green spaces that students use daily pursuant to a long standing licence agreement between the City and School District 61. The potential impacts of sheltering in this space include debris or hazards where children are playing, and therefore staff recommend permanently prohibiting sheltering in these parks.

Finally, staff recommend that Centennial Square be added to the list of prohibited sites. This prominent urban plaza is primarily comprised of pathways and infrastructure to support public events. The small green spaces available have frequently become congested and heavily damaged by sheltering activity, and conflicts between individuals sheltering have led to serious incidents.

The proposed amendments are anticipated to result in positive outcomes such as, increased clarity for individuals sheltering and overall safer conditions, by aligning the bylaw with guidance from public health authorities during the pandemic, as well as addressing risk of personal injury or property damage posed by fire hazards. The specific bylaw amendments will be developed based on Council directions and submitted for Council's consideration in the near future.

Additional Bylaw Resources

The demand for Bylaw Services over the past year has increased substantially. There has been an increase of more than 50%, in calls-for-service between 2019 and 2020. Further, the average number of cases per officer has increased by 80%. The combined increase for both reactive and planned work is far exceeding the capacity of the existing team.

Since the pandemic began the primary focus for Bylaw Services has been focused on issues associated with homelessness. The result is that many other regulatory bylaws are not being investigated and complaints are going unanswered.

Between May 9 and August 3, the City received some additional temporary support to address some of the increased demand for services funded through EMBC. This provided valuable additional capacity for the City to address the increase in sheltering activity directly related to COVID-19. These resources made it possible to conduct enforcement activity at every sheltering area daily and conduct some level of enforcement. Without those additional three CRD officers on each shift, that same level of service would not have been possible. To regain this lost capacity, staff are seeking approval for the equivalent of five permanent (full-time-equivalent) Bylaw Officers who would replace the shifts that were being provided by the CRD officers.

Finally, it is important to note that these resources will enable Bylaw Services to maintain the current level of service as it directly relates to issues of disorder and concerns associated with public sheltering sites, but will not likely address the backlog in other service demands. The demand for Bylaw Services support is likely to remain high for the foreseeable future.

OPTIONS & IMPACTS

The proposed response to sheltering in the parks recognizes the reality that persons experiencing homelessness need to shelter in the parks and that, during the pandemic, sheltering in place is necessary. However, to better mitigate the problems associated with sheltering in parks, new rules would be introduced to properly govern the sheltering activity and address the most significant side-effects of sheltering. Specifically, the proposed bylaw amendments would include limits on the size of the shelters, mandate minimum distances between shelters, establish buffer zones, and prohibit fire hazards such as open flame appliances and propane tanks. These amendments would be temporary, and the bylaw would include an automatic repeal clause which would come into effect 30 days after the last extension of the Provincial state of emergency that was initially declared on March 18, 2020.

Creation of clear rules for sheltering in the parks alone is not sufficient. Adequate resources, in the form of additional Bylaw Officers, to enforce these rules are also necessary. It is important to note here that "enforcement" in the context of municipal bylaws involves a graduated approach, starting with education and warnings, intended to achieve voluntary compliance, and progresses to more coercive enforcement, such as tickets, etc., only if voluntary compliance cannot be achieved.

Financial Impacts

The financial impact of the proposed new resources for Bylaw Services is \$491,000 annually. This funding is inclusive of five full-time equivalent positions, as well as other required operational expenses. Should Council authorize additional resources, the funding need for 2020 is approximately \$165,000 and could be funded by the remaining 2020 contingency budget. The recommended ongoing funding source starting in 2021 is new property tax revenue from new development. The amount of new property tax revenue from new development in 2021 is still unknown, but it is anticipated that it will be sufficient to fund these additional resources.

This comprehensive and integrated approach is considered the most likely to achieve positive results and is recommended. If Council is not supportive of the recommended approach, direction on an alternative approach is required.

CONCLUSIONS

There is no simple solution for addressing the complex issue of homelessness in the city. The current pandemic and growing opioid crisis have exacerbated pre-existing circumstances relating to homelessness, and the impacts are being felt in nearly every corner of the community. Staff recommend that Council support the immediate response to some of the key pressures, as described in this report.

Respectfully submitted,

Jocelyn Jenkyns City Manager

Report accepted and recommended by the City Manager:

Date:

List of Attachments

Attachment A – Section 16A of the Parks Regulation Bylaw Attachment B – Buffer Zone Illustration



Committee of the Whole Report For the Meeting of January 21, 2021

То:	Committee of the Whole	Date:	January 9, 2021
From:	Thomas Soulliere, Director of Parks, Recreation and Facilities		
Subject:	Proposed Updates to Parks Regulation By	law	

RECOMMENDATION

That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

- A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards, and
- B. Add Central Park to the list of parks where sheltering is prohibited.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

For years municipal parks have been used by individuals experiencing homelessness for overnight sheltering. In the years prior to 2020, the volume of sheltering was appreciably lower than the current level. Largely in response to the impacts associated with the COVID-19 pandemic, certain parks, including Central Park, have experienced a significant increase in sheltering activity. At its peak last year, there were more than 100 tents and other temporary structures erected in Central Park, the primary green space for the North Park neighbourhood.

In September 2020, Council amended the *Parks Regulation Bylaw* (the *Bylaw*) to temporarily allow homeless persons to maintain shelters in public parks during daytime hours. Following the introduction of further regulations to address health and safety risks, the number of structures in Central Park was gradually reduced to less than 40. In response to the 24-hour park use, the City invested in portable toilets, handwashing stations, site security, as well as expanded park cleaning and waste collection programs.

Municipal parks and other public places are not designed for sheltering and are often susceptible to the seasonal impacts of extreme weather, including pooling of rainwater and tree failures. The impacts of severe rainfall events were evident in the past month where large portions of Central Park experienced flooding (as outlined in Attachment A). The City warned people sheltering in Central Park about these risks. Despite that, the effects of heavy rainfall on people sheltering and property was considerable. In response, the City collaborated with various community stakeholders to establish a new temporary sheltering site for individuals who were living in Central

Park, in a City-owned parking lot at 940 Caledonia Avenue. On January 5, Central Park was temporarily closed so that staff could assess the damage caused by the combination of extreme weather and sheltering activity in the park and to develop a remediation plan.

The City does not permit sheltering in all of its 137 parks, and conditions under which sheltering may occur are listed within the *Parks Regulation Bylaw* (Section 16A). Through this bylaw, the City has established a list of designated areas within parks as well as entire parks where overnight sheltering is prohibited. To-date, Council has adopted an incremental approach to evaluating whether a park should be available for sheltering or not, considering the risk factors of each case.

As outlined in this report, Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, to allow the City to better manage the risks relating to the use of parks for sheltering. The rationale for the proposed changes relates to environmental hazards and the availability of infrastructure to support sheltering needs.

PURPOSE

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

BACKGROUND

People have been sheltering in Victoria parks for decades, despite the fact that it was prohibited under City bylaws until 2009. In that year, the City's *Parks Regulation Bylaw* (Attachment B) was amended to allow homeless persons to shelter overnight in municipal parks. This was done because of a court decision (*Victoria (City) v. Adams*, 2008), which struck down the *Bylaw's* absolute prohibition on erection of shelters as contrary to section 7 of the *Canadian Charter of Rights and Freedoms*.

The responsibility for addressing the root causes of street homelessness does not lie with municipalities, but rather at the provincial and federal levels of government. However, it is municipal parks and other public places that are most immediately impacted when there is inadequate housing or indoor shelter space available. Even though local parks are not designed to accommodate sheltering, they are the most easily accessible locations for sheltering in urban areas. As a result, the City is forced to mitigate the health and safety risks of all park users and impacts to park amenities that are associated with sheltering by people experiencing homelessness.

Central Park, on the northern edge of downtown in the North Park neighbourhood, is a highly utilized urban greenspace serving a wide range of community needs. The park is comprised of various sport and recreation facilities, including sport courts, a playground, fitness area, playing fields and picnic areas under an extensive tree canopy. The Crystal Pool and Fitness Centre is also located within the park, which is bordered on three sides by residential buildings.

ISSUES & ANALYSIS

As outlined in this report, the Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, based on factors relating to environmental conditions and infrastructure to support sheltering needs. Although there may be other important considerations to be factored into assessments about where sheltering is accommodated, the items below are the most relevant and urgent given recent experiences.

Environmental Conditions

According to the *Climate Projections for the Capital Region* report (CRD 2017), extreme precipitation events are expected to become more frequent and intense as the climate changes over the coming decades, particularly in fall, winter, and spring. Fall rainfall is projected to increase 11% and the wettest day of the year will see an average of 20% more rain by the 2050s. The City of Victoria's Hazard, Risk, and Vulnerability Analysis Report (2017) identifies that flooding will increase in frequency and severity into the future. Further, the *Climate Change Vulnerability and Risk Assessment* completed in 2019, identified the following impacts:

- Heavy rainstorms leading to overland flooding either from pooling in low lying areas or rainfall exceeding the capacity of the drainage system (Medium risk)
- More frequent and intense storms negatively impacting City assets and services (Medium risk)

As observed this winter, there are areas within parks where sheltering is not prohibited that are at risk of environmental hazards such as tree failures, contact with utility lines, or flooding, which may cause serious harm. For example, staff have observed extensive pooling water in some areas of Beacon Hill Park, Victoria West Park, and Central Park. The challenges associated with effectively managing the drainage of heavy rainwater are complex, often requiring significant intervention and cost. Over time the City may invest in various methods of addressing this issue and the potential use(s) of these public areas would be a primary consideration in the investigation of options.

The composition of Central Park includes both hardscape (sport courts, pathways, and play areas), as well as softscape (primarily grassy spaces for both passive use and organized activities). In accordance with the *Parks Regulation Bylaw*, sheltering in the park is limited to softscape areas, the majority of which lies in the middle portion of the park, shown in Attachment A. This area is also where flooding may occur during periods of heavy rainfall. As illustrated in the attached map, there are very few other locations that are on higher ground available for sheltering in the park. If the middle area is designated as a prohibited area for sheltering, as recommended in this report, and if the current temporary measures relating to spacing between tents and park amenities remain in place, the result would be very limited capacity for this activity.

Support Infrastructure and Services

Another consideration is the infrastructure required to support individuals sheltering in public spaces, to meet basic health and hygiene needs. The City maintains public washrooms throughout the municipality, including 18 within parks. Of the 12 parks where sheltering typically occurs, only Central Park lacks a permanent public washroom available to park users. In response to the continuous sheltering activity during the current pandemic, the City made significant investments in this park, adding temporary facilities, including four portable toilets, a handwashing station, and expanding the park cleaning and waste collection program. The monthly cost for these services is approximately \$22,000. Based on recent experience, the estimated capital cost to construct a new public washroom would be approximately \$400,000.

If sheltering were to continue to be allowed in Central Park, with either the current or more limited capacity, City investments in temporary infrastructure and services would need to remain.

OPTIONS & IMPACTS

Option 1 (Recommended) - That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

- A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards.
- B. Add Central Park to the list of parks where sheltering is prohibited

Prohibition of sheltering in areas within parks which are susceptible to flood risk or other hazards relating to the physical environment (i.e. potential tree failure, contact with utilities, etc.), will help to mitigate the risk of injury or property damage. While primarily intended to protect persons sheltering in parks, it would also reduce impacts on the parks themselves. Recent experience relying on verbal communication with individuals sheltering in parks about environmental concerns, such as flood risks and tree hazards, has proven unsuccessful. Amending the *Bylaw* to formally prohibit sheltering in these areas would provide the City with the ability to address such issues in a timely manner. Areas covered by this prohibition would be identified on a basis of technical review and signage would be erected to clearly identify such areas.

The Director of Parks, Recreation, and Facilities also recommends that Central Park be added to the list of parks where sheltering is prohibited. The park is currently closed, and the remediation investment will be informed by whether this activity will be permissible or not upon re-opening.

The City has adopted a "de-centralized" approach to managing the risks associated with homelessness in parks. Prohibiting sheltering in Central Park will mitigate health and safety hazards and is not expected to substantially affect the overall capacity of possible shelter locations elsewhere in the park inventory.

It is recommended that the proposed bylaw amendments take effect upon adoption.

Option 2 – Make no changes to the Bylaw.

The City does not have to amend the *Bylaw* as recommended. However, unless the *Bylaw* is amendment, when Central Park re-opens, it is likely that some persons experiencing homelessness will return to shelter in that park. This is undesirable because:

- 1. The softscape areas of Central Park are susceptible to flooding during significant rainfall events, as demonstrated last month, exposing persons sheltering there to significant health risk and to loss or damage of property;
- 2. There is no appropriate permanent infrastructure to address the basis health and hygiene needs of persons sheltering in Central Park;
- 3. People sheltering in other parks in areas that are subject to environmental hazards, such as flooding, are also at increased risks;
- 4. Flooding combined with sheltering activity causes significant damage to the parks, requiring costly remediation work before a park area can be returned to its intended use.

For these reasons, this option is not recommended.

Accessibility Impact Statement

Although there are no direct impacts on accessibility, it has to be acknowledged that sheltering activity in park areas susceptible to flooding and other severe environmental risks can cause significant damage to park infrastructure. Such damage, if not properly remediated, would disproportionally affect persons with mobility challenges by restricting their ability to access certain park areas even long after the environmental event or sheltering ends. Furthermore, resources allocated to remediate damaged areas impacts delivery of other projects that are proactively aimed at improving accessibility in our parks.

Impacts to Financial Plan

The operating costs associated with the use of Central Park for sheltering has been factored into the draft 2021 Financial Plan. If sheltering is prohibited in Central Park, but remains available at 940 Caledonia Avenue, there would not be an impact on the Financial Plan. Pending further details on the remediation plan for Central Park, staff will advise Council if any investments that may be required which cannot be addressed within the approved budget.

Unless the Bylaw is amended as recommended, it is likely that sheltering will continue to occur in areas susceptible to sever environmental risks, such as flooding. That is likely to result in repeated damage to the park infrastructure beyond what would normally be expected due to severe weather events and will require further expense to remediate. Thus, while it is impossible to accurately predict at this point the full magnitude of the increased costs, unless the recommended amendments are implemented, future Financial Plans will need to accommodate additional costs.

CONCLUSIONS

The City's continued effort and investment of time and resources in mitigating the impacts of homelessness are substantial. One of the key tools available for risk management in parks is the Parks Regulation Bylaw. The Director of Parks, Recreation and Facilities recommends Council adopt the amendments proposed above to further improve the City's ability to provide safe, healthy and quality parks for all citizens.

Respectfully submitted,

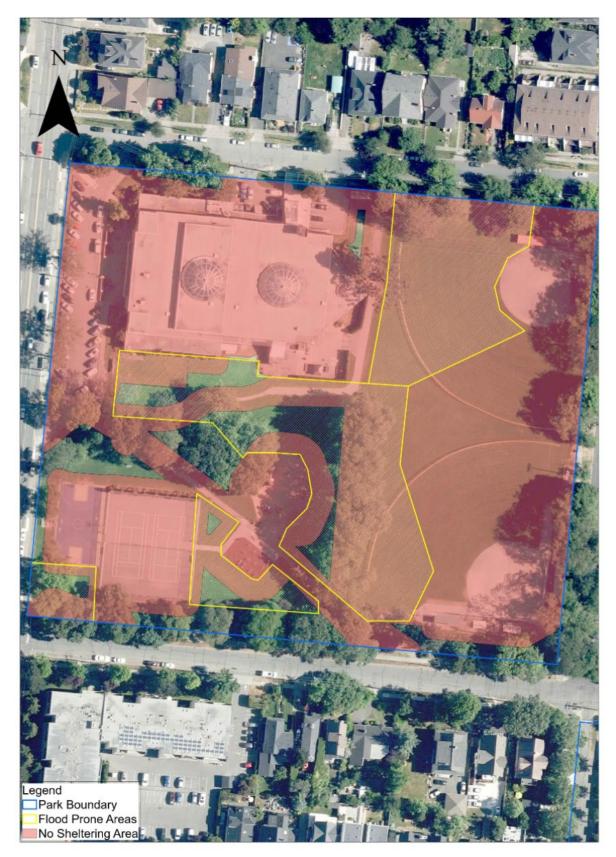
Thomas Soulliere Director

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A – Central Park Sheltering Map with Areas of Flood Risk Attachment B – Parks Regulation Bylaw

Attachment A



Central Park Sheltering Map with Areas of Flood Risk



Council Report For the Meeting of March 11, 2021

To:CouncilDate:February 18, 2021From:Thomas Soulliere, Director of Parks, Recreation and FacilitiesSubject:New Tree Protection Bylaw No. 21-035

RECOMMENDATION

That Council give first, second and third readings for the attached new Tree Protection Bylaw, No. 21-035.

EXECUTIVE SUMMARY

The purpose of this report is to present the new Tree Protection Bylaw, as directed by Council.

In 2019, Council approved a strategic plan action to undertake a comprehensive review and update of the Tree Preservation Bylaw, which resulted in a project plan consisting of two phases of review. The first phase, which focused on immediate tree protection measures, concluded in the fall of 2019. Council adopted an initial set of updates, including a significant reduction in protected tree size and a cash in lieu option for replacement trees.

In May 2020, staff presented the second phase of the comprehensive technical review to Council. Staff recommended changes to six key areas to align the bylaw with leading practices and support the implementation goals of the Urban Forest Master Plan.

The key changes focused on:

- 1) Differentiating permit applications;
- 2) Updating information required from permit applicants;
- 3) Updating replacement tree requirements, including establishing minimum tree density;
- 4) Updating security deposits; and application fees;
- 5) Enhancing tree protection within zoning setbacks; and
- 6) Providing a transition provision.

Council directed staff to prepare a new *Tree Protection* Bylaw generally consistent with recommendations outlined in the May 2020 report, as well as an implementation plan with transition provisions to minimize impacts to existing land-use applications.

Over the past several months, staff completed a comprehensive approach to prepare the new bylaw. The bylaw addresses the recommended changes approved by Council, by clarifying

definitions, updating the associated fee schedule, and addressing several issues that the *Tree Preservation* Bylaw did not adequately cover. The new bylaw provides a balanced approach to protecting and growing Victoria's private urban forest by protecting retained trees whenever possible, replacing every bylaw-protected tree removed, and growing tree canopy across the City.

Respectfully submitted,

Thomas Soulliere Director

Report accepted and recommended by the City Manager.

List of Attachments: Attachment A: Tree Protection Bylaw No. 21-035

NO. 21-035

TREE PROTECTION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to protect and enhance the urban forest by:

- (a) providing for protection and preservation of trees,
- (b) providing for the replacement of trees where tree removal is necessary, and
- (c) ensuring that lots that are being developed have sufficient tree canopy.

Contents

- 1 Title
- 2 Definitions
- 3 Application of Bylaw
- 4 Prohibitions
- 5 Applications for Tree Permits
- 6 Development Related Applications
- 7 Pruning Trees
- 8 Cutting or Removing Trees
- 9 Requirements for Tree Permits
- 10 Contents of Tree Permit Applications
- 11 Information Required for Development Related Applications
- 12 Amendments and Extensions to Tree Permits
- 13 Director's Powers with Respect to Permits
- 14 Application for Reconsideration
- 15 Emergency Cutting, Pruning or Removal
- 16 Removing Hazardous Trees
- 17 Site Requirements
- 18 Tree Protection Requirements
- 19 Pruning, Cutting, Damaging and Removing Protected Trees in Violation of Bylaw
- 20 Replacing Trees Removed
- 21 Development Related Tree Permits Achieving Tree Minimum
- 22 Requirements for Planting and Maintaining Replacement Trees

- 23 Permit Fee
- 24 Security General
- 25 Security for Replacement Trees
- 26 Security for Retained Trees
- 27 Release of Security
- 28 Inspections and Assessments
- 29 Stop Work Orders
- 30 Recovery of Costs and Fees from Real Property Taxes
- 31 Offences
- 32 Penalties
- 33 Severability
- 34 Consequential Amendments to Ticket Bylaw
- 35 Definitions in Relation to this Part
- 36 Amendment to Tree Preservation Bylaw No. 05-106
- 37 Repeal
- 38 Transition Provisions
- 39 Repeal of Transition Provisions
- 40 Commencement
- Schedule "A" Tree Permit Application Fees
- Schedule "B" Tree Survey and Tree Management Plan Requirements
- Schedule "C" Arborist Report Requirements
- Schedule "D" Tree Protection Barrier Requirements
- Schedule "E" Replacement Tree Requirements
- Schedule "F" Minimum Number of Trees Required Per Lot
- Schedule "G" Letter of Assurance Requirements

Under its statutory powers, including sections 8(3)(c), 16, 17, and 258 of the *Community Charter* and section 527 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

PART 1 – INTRODUCTION

Title

1 This Bylaw may be cited as the "Tree Protection Bylaw".

Definitions

2 In this Bylaw:

"arborist"

means a person holding a current certification of ISA Certified Arborist issued by the International Society of Arboriculture;

"arboricultural best practice"

means practices in accordance with the most current version of the American National Standards Institute (ANSI) Publication, "American National Standard for Tree Care Operations - Tree, Shrub, and Other Woody Plant Management - Standard Practices" and the companion "Best Management Practices" Series of the International Society of Arboriculture;

"building envelope"

means that part of a lot on which the primary building may be sited under the setback regulations of the City's zoning bylaws, as varied by a development permit, a development variance permit, or a heritage alteration permit;

"cut or cutting"

means knocking down, dismantling, or piercing, any or all parts, of any tree including its roots, but does not include shearing or trimming of branches less than 10 cm in diameter;

"damage or damaged"

means any action which is likely to cause negative impacts to the health or structural integrity of a tree;

"DBH"

stands for "diameter at breast height" and means:

- (a) for a tree having a single trunk at 1.4 metres above the existing grade, the diameter of the trunk measured at 1.4 metres above the existing grade,
- (b) for a tree having two or more stems at 1.4 metres above the existing grade, the cumulative total of the diameter of the three largest stems measured at 1.4 metres above the existing grade, and
- (c) for a hedge, the diameter of the largest stem measured at 1.4 metres above the existing grade;

"development related"

means any of the following applications:

- (a) rezoning,
- (b) subdivision,
- (c) development permits or temporary use permits associated with a new building or an

addition to an existing building, or

- (d) development variance permits, heritage alteration permits, or building permits associated with:
 - (i) demolition, blasting, or construction of a principal building, or
 - (ii) construction of an accessory building or an addition to an existing building that is greater than 10 square metres, excluding deck, patio and balcony areas,

but does not include any application related to only change of use, interior works, plumbing or electrical permits, or exterior material replacement;

"Director"

means the City's Director of Parks, Recreation and Facilities or that person's designated representative;

"hazard tree"

means a tree that has, in the opinion of a TRAQ arborist:

- (a) a high or extreme TRAQ risk rating, or
- (b) an imminent likelihood of failure;

"hedge"

means a row of five or more trees of consistent size and form planted less than 1.25 metres apart from one another on centre;

"hedge length"

means the longest distance from the drip line of one tree or shrub within a hedge to the drip line of another that can be measured along a horizontal plane;

"lot"

means a parcel of land;

"protected tree"

means any of the following:

- (a) a hedge that contains any single stem with a DBH over 30 cm,
- (b) a tree with a DBH over 30 cm,
- (c) Garry Oak (*Quercus garryana*), Arbutus (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*) or Pacific Dogwood (*Cornus nuttallii*) over 50 cm in height,
- (d) a replacement tree,
- (e) a tree that is protected by a restrictive covenant in favour of the City,
- (f) a tree that is on a slope where the slope grade is greater than 33% over 10 metres, or
- (g) a tree that is within 15 metres of the natural boundary of a watercourse;

"protected root zone"

- (a) means the area of land surrounding the trunk of a protected tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an arborist, that the Director approves, or
- (b) where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a protected tree contained within a circle having a radius which is calculated by multiplying the DBH of the tree by 18;

"prune, pruning or pruned"

means the selective shearing or trimming of living or dead branches equal to or larger than 10 cm in diameter;

"remove, removing or removed"

means to saw or chop down, kill or otherwise withdraw a tree by any means;

"replacement tree"

means a tree that will or has been planted on a lot to:

- (a) replace trees removed or irreparably cut, pruned or damaged on the same lot pursuant to this Bylaw, or
- (b) achieve the tree minimum on a lot;

"retained tree"

means a protected tree that:

- (a) according to a tree permit, an owner intends to retain or has retained on a lot, or
- (b) according to this Bylaw, an owner must retain in its existing location on a lot;

"shared tree"

means a tree with any part of its trunk or trunk flare crossing a property line, including where the adjacent property is a highway, park, or other City-owned property;

"specimen tree"

means a tree that is greater than 60 cm DBH and in good health and structure, but does not include:

- (a) English Holly (*llex aquifolium*), Tree of Heaven (*Ailanthus altissima*), Lombardy Poplar (*Populus nigra*), or
- (b) any species of tree that is a regulated invasive plant or unregulated invasive plant of concern in British Columbia as declared by the Province or the Invasive Species Council of BC;

"topping or topped"

means reducing overall tree size using internodal incisions without regard for health or

structural integrity and includes re-topping of previously topped trees;

"TRAQ arborist"

means an arborist who holds the International Society of Arboriculture's Tree Risk Assessment Qualification (TRAQ);

"tree"

means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

"tree minimum"

means the minimum number of trees required per lot, as specified in Schedule "F";

"tree permit"

means a Tree Protection Bylaw Tree Permit/Record in the form prescribed for that purpose by the Director and issued by the Director pursuant to this Bylaw;

"Tree Reserve"

means a fund established by the City that is used to plant trees on public and private lands to replace tree canopy lost, and for the promotion and stewardship of a healthy tree canopy in the City.

Application of Bylaw

- 3 (1) All provisions of this Bylaw apply to individual trees in a hedge, except only to the extent that any such provision specifically excepts, excludes, or exempts a hedge.
 - (2) This Bylaw does not apply to the cutting, pruning or removal of a tree undertaken by or on behalf of:
 - (a) the City, on park, highway or land owned or held by the City, or
 - (b) the City, for the purpose of installing, repairing, or maintaining public works or services.
 - (3) Works or services referred to in subsection (2)(b), other than emergency repairs, must be reviewed and approved by the Director before they are carried out.

PART 2 – PROHIBITIONS

Prohibitions

- 4 (1) No person shall cut, damage, prune or remove any protected tree, or cause or allow any protected tree to be cut, damaged, pruned or removed, unless:
 - (a) permitted by this Bylaw, and
 - (b) the activity is carried out strictly in accordance with the terms of any issued tree permit and this Bylaw.

- (2) No person shall fail to comply with the requirements of this Bylaw.
- (3) No person shall fail to comply with the terms and conditions of a tree permit.
- (4) No person shall alter, falsify, or otherwise misrepresent any information on or for a tree permit or application.
- (5) Without restricting the generality of subsection (1), any of the following actions is deemed to constitute damage pursuant to that subsection:
 - poisoning, burning, or pruning in a manner not in accordance with arboricultural best practice, including removal of more than 25% of the tree's total live foliage or bud bearing branches or limbs,
 - (b) topping, unless the tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the tree,
 - (c) raising or lowering the grade within the protected root zone,
 - (d) shearing, harming or undermining the roots of the tree growing within the protected root zone,
 - (e) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a protected root zone,
 - (f) operating, staging or parking trucks, backhoes, excavators, mini-excavators, hydroexcavators, mechanical trenchers or other heavy equipment within a protected root zone,
 - (g) denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a tree,
 - (h) removing bark from a tree,
 - (i) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a tree in a protected root zone,
 - (j) removing soil from a protected root zone,
 - (k) conducting blasting operations within a protected root zone,
 - (I) conducting blasting or excavating operations outside of a protected root zone that would harm roots or disturb soil inside a protected root zone, or
 - (m) doing anything that would cause the tree to die.

PART 3 – TREE PERMITS AND DEVELOPMENT RELATED APPLICATIONS

Applications for Tree Permits

5 (1) The owner of a protected tree wishing to cut, prune, or remove the tree must apply for and obtain a tree permit.

- (2) The owner of a lot wishing to plant a replacement tree must apply for and obtain a tree permit.
- (3) The Director may waive the requirement to obtain a tree permit pursuant to subsection (1) when:
 - (a) only pruning is proposed on the lot and a utility permit has been approved by the Director of Engineering and Public Works that addresses the protection and mitigation requirements for protected trees on the lot, or
 - (b) the only work proposed on the lot is site servicing, blasting or demolition, and no construction or site disturbance will occur within 5 metres of a protected root zone.
- (4) An owner may delegate the authority to apply for a tree permit on behalf of the owner to an agent in writing.

Development Related Applications

- 6 (1) Any applicant for a development related application must provide to the Director all information specified in section 11 concurrently with making the development related application.
 - (2) Any applicant for a development related application that would permit construction or site disturbance must apply for a tree permit concurrently with providing the information pursuant to subsection (1).
 - (3) The Director may waive the requirement to provide the information pursuant to subsection(1) in either of the following circumstances:
 - (a) the development related application is for a subsequent phase of a project that is unchanged, meaning that:
 - (i) within the previous two years, all the information was provided pursuant to subsection (1) at an earlier stage of the development,
 - (ii) the known conditions of the site and the trees on the site are unchanged,
 - (iii) the plans for the site and the trees on the site are unchanged, and
 - (iv) the ownership of the site is unchanged; or
 - (b) the development related application is a building permit for demolition or blasting on a subsequent phase of a project that is unchanged besides the new requirement for demolition or blasting, meaning that:
 - (i) within the previous two years, all the information was provided pursuant to subsection (1) at an earlier stage of the development,
 - (ii) the known conditions of the site and the trees on the site are unchanged,
 - (iii) aside from the proposed demolition or blasting, the plans for the site and the trees on the site are unchanged, and
 - (iv) the ownership of the site is unchanged.

Pruning Trees

7 (1) The Director may issue a tree permit to prune a protected tree if the Director is satisfied

that the pruning will not cause negative impacts to the health or structural integrity of a tree.

(2) In addition to the circumstances prescribed in subsection (1), the Director may issue a tree permit to prune a hedge if the Director is satisfied that the pruning is necessary to maintain clearance or uniform shape, and the negative impacts to the health or structural integrity of the hedge are minimized.

Cutting or Removing Trees

- 8 The Director may issue a tree permit to cut or remove a protected tree if the Director is satisfied that at least one of the following applies:
 - (a) it is a hazard tree and the risk cannot be mitigated other than by cutting or removing the tree,
 - (b) it is dead, or more than 50% of its crown is dead,
 - (c) it is of a species that is a regulated invasive plant or unregulated invasive plant of concern in British Columbia as declared by the Province or the Invasive Species Council of BC,
 - (d) the trunk of the tree is located within the building envelope of the lot and cutting or removal of the tree is necessary for the purpose of constructing a building, an addition to a building, or construction of an accessory building,
 - (e) the trunk of the tree is located outside the building envelope of the lot but the tree will be critically impacted by the footprint of the construction of a building or addition to a building within the building envelope, and it is not possible to modify or relocate the construction on the lot in order to retain or avoid cutting the protected tree,
 - (f) it will be critically impacted by the footprint of one of the following installations or constructions, and it is not possible to modify or relocate the installation or construction on the lot in order to retain or avoid cutting the protected tree:
 - (i) a utility service,
 - (ii) a driveway, or
 - (iii) an off-street parking area that is required under a City zoning bylaw,
 - (g) it is located within the required construction access, and the construction access cannot be modified in order to retain or avoid cutting the protected tree,
 - (h) it is causing or will in the near future cause structure or infrastructure damage that cannot be mitigated other than by cutting or removing the protected tree,
 - (i) it is growing above a built substructure, patio or rooftop and it is necessary to cut or remove the protected tree in order to carry out repairs to the structure over which it is located, or
 - (j) cutting or removing it is required or permitted under any of the following provisions of the City's bylaws:

- (i) section 112(2) of the Streets and Traffic Bylaw, or
- (ii) section 4, 6, or 7 of the Trees and Insect Control Bylaw.

Requirements for Tree Permits

- 9 (1) The Director may not issue a tree permit unless:
 - (a) the Director has approved any document or information that was required as part of the application,
 - (b) if there are any retained trees on the lot, tree protections have been installed and the Director has approved of them, all in accordance with sections 18(2)(a) and (b),
 - (c) the applicant has paid the permit fee in accordance with section 23,
 - (d) the applicant has provided any security required in accordance with section 24, and
 - (e) all other conditions of this Bylaw have been met.
 - (2) The Director may include conditions regarding the pruning, cutting, removal, replacement or retention of a tree in a tree permit, and the tree permit holder and the owner must comply with those conditions.
 - (3) Without limiting the generality of subsection (2), the Director may, as a condition of a tree permit:
 - (a) require that cutting, pruning, or removal be conducted under the supervision of an arborist, and
 - (b) if it is a development related tree permit, require that no tree removals occur until a building permit is issued for building construction.
 - (4) The amount of time for which a tree permit is valid is as follows:
 - (a) for a permit on a development related application, the first of
 - (i) one year from the date that the final occupancy permit is issued for the lot, and
 - (ii) five years from the date of issuance; and
 - (b) for all other permits, one year from the date of issuance.
 - (5) The issuance of a tree permit, the acceptance of plans and other supporting documents submitted for a permit, and the making of inspections by the City shall not relieve the owner from full responsibility for complying with this Bylaw.

Contents of Tree Permit Applications

- 10 (1) An application for a tree permit must be made in the form prescribed for that purpose by the Director, and must include all of the following:
 - (a) the address and legal description for the lot or lots,
 - (b) if the applicant is not the owner, confirmation in writing that the applicant is acting on behalf of the owner and as agent for the owner,

- if the application is for removal of a protected tree that is a shared tree, written
- (d) if the application is for cutting or removal of a protected tree, the justification for such action under section 8, and
- (e) a description and site plan that identify any trees to be cut, pruned, removed, retained, and replaced on the site.
- (2) In addition to the requirements listed in subsection (1), the Director may require the applicant to provide any of the following documents:
 - (a) an arborist report, if, in the Director's opinion, it is necessary based on the nature, extent, siting, or impact of any tree cutting, pruning, removal, retention, or replacement,
 - (b) an arborist report from a TRAQ arborist confirming that a tree is a hazard tree, if the application entails removal or cutting of a hazard tree and, in the Director's opinion, the report is necessary to confirm whether the tree is a hazard tree,
 - (c) a tree management plan, if, in the Director's opinion, it is necessary based on the nature, extent or siting of any retained trees, and
 - (d) a replacement tree plan, if, in the Director's opinion, it is necessary based on the nature, extent or siting of any replacement trees.

Information Required for Development Related Applications

(c)

- 11 (1) An applicant for a development related application must provide the Director with all of the following information in the form prescribed for that purpose by the Director:
 - (a) the information specified in sections 10(1)(a) (e),
 - (b) subject to subsection (3), a tree management plan and tree survey in accordance with Schedule "B",
 - (c) subject to subsection (3), an arborist report in accordance with Schedule "C",
 - (d) if replacement trees are required by this Bylaw, a replacement tree plan in accordance with Schedule "E", and
 - (e) if the application involves tree removals within 15 metres of a watercourse or on slopes greater than 33% grade over 10 metres, a survey prepared by a BC Land Surveyor that identifies top-of-bank or top of ravine bank, along with watercourse setbacks and geotechnical setbacks on the ground.
 - (2) In addition to the requirements listed in subsection (1), for development related applications the Director may require the applicant to provide any of the following documents:
 - (a) a letter from an arborist confirming that tree protection barriers have been installed in accordance with Schedule "D", if tree protection barriers are required,

consent from the adjacent property owner,

- (b) a lot grading and servicing plan, if, in the Director's opinion, it is necessary based on the grade, topography, tree location, or other requirements of the site, and
- (c) a letter of assurance, in the form prescribed for that purpose by the Director, from the arborist and the owner to the City in accordance with Schedule "G", if, in the Director's opinion, it is necessary based on site preparation or construction related activities occurring in a protected root zone.
- (3) The Director may waive the requirements to provide the documents listed in subsections (1)(b) and (c) if there are no protected trees on the site or adjacent to the site that may be impacted by the proposed work.

Amendments and Extensions to Tree Permits

- 12 (1) A tree permit holder may apply to the Director for an amendment or extension of their tree permit before the date that the permit expires.
 - (2) The Director may extend or modify the tree permit upon written request of the permit holder, if:
 - (a) the permit holder has provided any additional information required by the Director in accordance with this Bylaw and the Director has approved such information,
 - (b) the applicant has paid the permit fee in accordance with section 23, and
 - (c) all other conditions of this Bylaw have been met.
 - (3) If the Director extends or modifies a tree permit, all terms and conditions set out in the original tree permit shall apply to each extension or modification of the permit, except as expressly amended or modified by the extension or modification form.
 - (4) If circumstances on the site or requirements pursuant to this Bylaw have changed significantly, or it is impractical to extend or modify a permit, the Director may require the permit holder to apply for a new tree permit.

Director's Powers with Respect to Permits

- 13 (1) The Director may do any of the following if a proposed activity would endanger the health or life of a tree:
 - (a) refuse to issue, amend or extend a tree permit;
 - (b) issue, amend or extend a tree permit subject to conditions;
 - (c) issue, amend or extend a tree permit to allow a tree to be cut, pruned, removed, retained or replaced.
 - (2) The Director may refuse a tree permit if:
 - (a) the applicant failed to comply with the requirements of this Bylaw,
 - (b) the cutting, pruning, removal, retention or replacement would create a hazard to an adjacent property,

- (c) the tree permit would contravene another City bylaw or a provincial or federal enactment,
- (d) the applicant has failed to prove that the standards and requirements of this Bylaw or the tree permit can effectively be met, or
- (e) the tree permit would be in conflict with a restrictive covenant in favour of the City.
- (3) The Director may suspend or cancel a tree permit if:
 - (b) the permit holder or the owner failed to comply with a term or condition of the tree permit, or
 - (c) the permit holder or the owner failed to comply with this Bylaw.

Application for Reconsideration

- 14 (1) An applicant that is subject to a decision of the Director to grant, refuse, suspend, or cancel a tree permit, or to impose conditions on the granting of a tree permit, is entitled to apply to Council to have the decision reconsidered.
 - (2) An application for reconsideration must be made in writing to the City Clerk within 30 days of being notified in writing of the decision of the Director under this Bylaw.
 - (3) There is no charge for an application for reconsideration.
 - (4) A reconsideration under this section is limited to the most recent decision of the Director to grant, refuse, suspend or cancel, and does not extend the time limit to reconsider an earlier permit decision.

Emergency Cutting, Pruning or Removal

- 15 (1) Despite any other provision in this Bylaw, a person may cut, prune, or remove a protected tree or the limb of a protected tree before applying for a tree permit if the tree or limb is in such imminent danger of failing that there is not time to obtain a tree permit prior to the failure.
 - (2) A person who has cut, pruned, or removed a tree pursuant to subsection (1) must:
 - (a) on the next business day from the date of cutting, pruning, or removing, apply for a tree permit in accordance with the requirements of this Bylaw, and provide the Director with a photograph or video depicting the state of the tree prior to the cutting, pruning or removal; and
 - (b) thereafter, promptly take all action necessary pursuant to this Bylaw to obtain such tree permit.
 - (3) A person who has cut, pruned, or removed a tree pursuant to subsection (1) must not remove the trunk, limbs, roots or other remains of the tree from the site until an arborist employed by the City has visited the site and the Director has determined whether the emergency cutting, pruning or removal was justified.

- (4) Any tree that is removed pursuant to this section, regardless of the Director's determination under subsection (3), must be replaced in accordance with section 20, security for which must be provided in accordance with section 25.
- (5) For clarity, it is a violation of this Bylaw to cut, prune, or remove a protected tree or the limb of a protected tree before applying for a tree permit if the tree or limb is not in imminent danger of failing as described in subsection (1).

Removing Hazardous Trees

- 16 (1) Owners and occupiers of a lot must cause any tree or shrub on the lot to be pruned, cut or removed, if the Director considers that the tree or shrub is:
 - (a) a hazard to the safety of persons;
 - (b) likely to damage public property; or
 - (c) seriously inconveniencing the public.
 - (2) The Director may notify the owner or occupier of a lot that the City will take, at the owner's or occupier's expense, the action required under subsection (1) if the owner or occupier does not take that action within 5 days of receiving the notice.
 - (3) The City may enter a lot and undertake, at the owner's or occupier's expense, the work referred to in subsection (1) if the owner or occupier does not undertake or complete that work.

PART 4 – ACTIONS ON SITE

Site Requirements

- 17 (1) The tree permit holder must clearly identify with a mark of paint or tape each protected tree to be removed.
 - (2) Public notice of a tree permit in the form prescribed for that purpose by the Director must be posted:
 - (i) on the lot for which the permit has been issued, in a location visible to the public and facing the street,
 - (ii) at least 24 hours prior to the commencement of any cutting, pruning, or removal of a protected tree, and
 - (iii) remain posted on the lot until the completion of all work related to the cutting, pruning, or removal of protected trees on that lot.
 - (3) A person cutting, pruning, or removing a tree must dispose of the tree parts in accordance with provincial and City enactments and requirements.

Tree Protection Requirements

- 18 (1) A person cutting, pruning, removing, retaining or replacing a tree must do so in accordance with arboricultural best practice.
 - (2) No construction, development-related activities or site disturbance may commence within 5 metres of a protected root zone until:

15

- (a) one of the following tree protections has been installed to protect the tree and all existing trees on the street fronting the lot on which the construction is to take place:
 - (i) tree protection barriers in accordance with Schedule "D", or
 - (ii) alternative protective measures approved by the Director;
- (b) the Director has approved of the tree protection installed pursuant to paragraph (a); and
- (c) a tree permit has been issued related to the construction or site disturbance.
- (3) The tree protection installed pursuant to subsection (2)(a) must remain in place in the manner approved by the Director until all construction is completed and a final occupancy permit is issued by the City, or when the Director approves removal of the tree protection in writing.
- (4) If a tree protection installed pursuant to subsection (2)(a) is removed, altered or damaged, the owner must restore it so that it is returned to the standards approved by the Director.
- (5) Despite subsection (3), a tree protection installed pursuant to subsection 2(a) may be temporarily removed or relocated in order to allow work to be done within or near a protected root zone if the applicant has, prior to such removal or relocation, provided the Director with:
 - (a) an arborist report or arborist memo setting out the reasons and proposed duration for such removal or relocation, and
 - (b) a letter of assurance that the arborist will be onsite and supervising all such work, and thereafter the applicant will restore the tree protection as it was prior to removal, and may only remove or relocate the tree protection in accordance with the approved report or memo, and at those time during which the applicant's arborist is onsite and supervising all such work,

and the Director is satisfied that the tree will survive and be safe to retain.

PART 5 – URBAN FOREST PRESERVATION MEASURES

Pruning, Cutting, Damaging and Removing Protected Trees in Violation of Bylaw

- 19 (1) If a protected tree is significantly damaged in violation of this Bylaw, and the tree will survive and be safe to retain, the Director may:
 - (a) require that the owner have mitigation work completed by an arborist, if mitigation of

the damage may improve the health or structure of the tree; or

- (b) retain 50% of any security amount that was provided for the tree and place it in the Tree Reserve, if the Director is not satisfied that mitigation of the damage can improve the health or structure of the tree.
- (2) If a protected tree is removed or damaged in violation of this Bylaw, and the tree will not survive or is not safe to retain, the Director may retain the full security amount that was provided for the tree, and such money shall be placed in the Tree Reserve.
- (3) The Director may require the owner to submit an impact assessment report by an arborist detailing observed or suspected damage and mitigation options for a protected tree if the Director requires further information on any of the following:
 - (a) whether a protected tree was significantly damaged in violation of this Bylaw;
 - (b) whether a protected tree that was damaged will survive or be safe to retain; or
 - (c) whether mitigation of the damage can improve the health of the protected tree.
- (3) When a protected tree has been cut, pruned, damaged or removed in violation of this Bylaw, the trunk, limbs, roots and other remains of the tree shall not be removed from the lot until an investigation and assessment by the Director is complete and the removal is expressly authorized by the Director.
- (4) Notwithstanding any of the requirements of this section, an owner that cuts, prunes, damages or removes a tree in violation of this Bylaw remains subject to penalties pursuant to this Bylaw.

Replacing Trees Removed

- 20 (1) The owner of a lot must plant replacement trees in accordance with this section for every protected tree that is removed from the lot.
 - (2) For each protected tree that is removed that is a hedge, the owner of the lot must plant:
 - (a) one replacement tree of any species described in Part 1 of Schedule "E" per 4 metres of hedge length or part thereof removed,
 - (b) another hedge of the same hedge length that is likely to flourish on the site and is acceptable to the Director, or
 - (c) where it is not possible to plant in accordance with the requirements of either paragraph (a) or paragraph (b) due to grade, topography, tree location, soil depth, or other requirements of the site, the Director may permit the owner to plant two replacement trees of species described in Part 2 of Schedule "E" per 4 metres of hedge length or part thereof removed that are likely to flourish on the site and are acceptable to the Director.
 - (3) For each protected tree that is removed that is growing in soil with a depth of less than 1 metre above a built structure, the owner of the lot must plant one replacement tree of a species described in Part 3 of Schedule "E", in accordance with specifications regarding soil volume.

- (a) one replacement tree of a species described in Part 1 of Schedule "E" that is likely to flourish on the site and is acceptable to the Director, or
- (b) where it is not possible to plant a replacement tree of the species described in Part 1 of Schedule "E" due to grade, topography, tree location, soil depth, or other requirements of the site, the Director may permit the owner to plant two replacement trees of the species described in Part 2 of Schedule "E" that are likely to flourish on the site and are acceptable to the Director.
- (5) A tree that is not a protected tree on the same lot may count as a replacement tree under subsection (2) or (4), provided that it is not possible to plant another tree elsewhere on the lot, and the tree:
 - (a) is in good health,

or (3), the owner of the lot must plant:

(4)

- (b) is of a species specifically described in Part 1 or Part 2 of Schedule "E",
- (c) is likely to have a height at maturity of greater than 10.0 metres, and
- (d) is growing in a location that does not conflict with any existing or proposed building, addition to a building, underground utility service, driveway, off-street parking, or construction access.
- (6) Every owner required to plant a replacement tree must plant the replacement tree on the same lot as that from which the protected tree was removed.
- (7) For the purposes of subsections (1) (4), if the applicant provides evidence to the Director that a lot cannot accommodate any of the replacement trees required on the lot either in accordance with the requirements of Part 4 of Schedule "E" or without compromising arboricultural best practice, and the Director is satisfied of the same, then:
 - (a) if the tree or hedge that is being replaced was removed in accordance with the Bylaw and was a hazard tree, the applicant is not required to provide cash-in-lieu to the City for the replacement tree that cannot be accommodated, or
 - (b) for any other tree or hedge that is being replaced, the applicant must provide to the City \$2000.00 cash-in-lieu for each replacement tree that cannot be accommodated, and such money shall be placed in the Tree Reserve.

Development Related Tree Permits – Achieving Tree Minimum

- (1) If an owner of a lot is applying for a building permit and a tree permit pursuant to a development related application, they must ensure that the lot will achieve at least the tree minimum once all replacement trees are planted.
 - (2) In order to satisfy subsection (1), if a lot will not achieve at least the tree minimum after planting all replacement trees required pursuant to section 20, the owner must plant additional replacement trees in order to achieve at least the tree minimum on the lot.

- (3) For the purposes of subsections (1) and (2), if the applicant provides evidence to the Director that a lot cannot accommodate any of the replacement trees required on the lot pursuant to this section either in accordance with the requirements of Part 4 of Schedule "E" or without compromising arboricultural best practice, and the Director is satisfied of the same, the applicant must provide to the City \$2000.00 cash-in-lieu for each replacement tree that cannot be accommodated, and such money shall be placed in the Tree Reserve.
- (4) For the purposes of this section only, the number of trees on a lot are determined as follows:
 - (a) each specimen tree is counted as three trees,
 - (b) each protected tree that is not a specimen tree is counted as one tree,
 - (c) any tree that forms part of a hedge is not counted, and
 - (d) any tree that is a hazard tree, dead, or has more than 50% of its crown dead is not counted.
- (5) In order to achieve the tree minimum, for each replacement tree required, the owner must plant:
 - (a) one replacement tree of any species described in Part 1 of Schedule "E" that is likely to flourish on the site and is acceptable to the Director, or
 - (b) where it is not possible to plant a replacement tree of the species described in Part 1 of Schedule "E" due to grade, topography, tree location, soil depth, or other requirements of the lot, the Director may permit the owner to plant two replacement trees of the species described in Part 2 of Schedule "E" that are likely to flourish on the site and are acceptable to the Director.
- (6) Notwithstanding subsection (1), if an owner is applying for a building permit for demolition only, the owner does not need to meet the tree minimum on the lot.

Requirements for Planting and Maintaining Replacement Trees

- 22 (1) Every owner required to plant a replacement tree must plant it by the following deadline:
 - (a) for a development related tree permit application, the first of
 - (i) one year from the date that the final occupancy permit is issued for , and
 - (ii) five years from the date of tree permit issuance; or
 - (b) for any other tree permit application, one year from the date of tree permit issuance.
 - (2) Every owner required to plant a replacement tree must plant and maintain each replacement tree in accordance with arboricultural best practice, the tree permit, any tree replacement plan required, the requirements of Part 4 of Schedule "E", and the latest edition of the CNLA/CSLA "Canadian Landscape Standard".
 - (3) If any replacement tree does not survive for one year from the date of planting, the Director may take one of the following actions:

- (a) require the owner to replace the tree within 6 months and maintain it for a further period of one year,
- (b) if the replacement tree was required in a tree replacement plan, the Director may plant a new replacement tree on the lot in accordance with the tree replacement plan within 6 months and require the owner to maintain it for a further period of one year, or
- (c) retain all security held by the City for that replacement tree, and such money shall then be used for the planting of a tree on another site to replace the tree canopy lost.
- (4) If any owner fails to plant or maintain a replacement tree when required to do so by this Bylaw or a tree permit, the City can do so at the owner's expense.

PART 6 – FEES & SECURITY

Permit Fee

- 23 (1) An application for a tree permit must be accompanied by the fee prescribed by Schedule "A".
 - (2) A fee pursuant to subsection (1) is not refundable.

Security – General

- 24 (1) Where replacement trees or retention of protected trees are required as a condition of a tree permit, for the purpose of ensuring the performance of the requirements, the applicant must provide to the City security in the form of cash or letter of credit for each tree to be replaced or retained in the amount specified in sections 25 and 26.
 - (2) The total amount of security provided for any tree permit pursuant to subsection (1) shall not exceed \$50,000.00 per development site.

Security for Replacement Trees

- 25 (1) Subject to subsection (2), the amount of security required for the provision, installation and maintenance of replacement trees, as may be required by this Bylaw, shall be:
 - (a) for development related tree permit applications:
 - \$2,000.00 per replacement tree of a species described in Part 1 or Part 3 of Schedule "E",
 - \$1,000.00 per replacement tree of a species described in Part 2 of Schedule "E", and
 - (iii) \$2,000.00 per 4 metres of hedge length when the replacement tree is a hedge;
 - (b) \$0 per tree when cash-in-lieu is being provided;
 - (c) 0 per tree when, in accordance with section 20(7)(a), the removed tree or hedge is

not being replaced; and

- (d) for all other tree permits, \$350.00 per tree or 4 metres of hedge length being provided as replacement.
- (2) Where an existing tree on the lot is counted as a replacement tree in accordance with section 20(5), the amount of the security required pursuant to this Bylaw for such replacement tree is 50% of the applicable amount from subsection (1).

Security for Retained Trees

- 26 (1) The amount of security required for the protection of retained trees as may be required by this Bylaw, shall be:
 - (a) \$10,000.00 per retained specimen tree, when the tree permit is development related,
 - (b) \$2,500.00 per retained protected tree that is not a specimen tree, when the tree permit is development related,
 - (c) \$2,500.00 per 4 metres of retained hedge length, when the tree permit is development related, and
 - (d) \$0 for all other tree permits.
 - (2) Notwithstanding subsection (1), if a retained tree has no risk of being damaged by the proposed site disturbance, construction, or other action, and the Director is satisfied of the same, the amount of security required for that tree is \$0.

Release of Security

- 27 (1) Subject to subsection (5), the City will release the security provided by the tree permit applicant for any replacement trees under this Bylaw by:
 - (a) subject to subsection (2), releasing 50% of the security to the tree permit applicant upon the applicant providing written confirmation, in a form prescribed for that purpose by the Director, of the planting of the replacement tree, and
 - (b) releasing the remainder of the security to the tree permit applicant upon the applicant providing written confirmation, in a form prescribed for that purpose by the Director, that the replacement tree has been successfully maintained for at least one year after planting.
 - (2) Where an existing tree on the lot was counted as a replacement tree in accordance with section 20(5), no security shall be released pursuant to subsection (1)(a).
 - (3) For the purposes of subsection (1)(b), if the Director required a replacement tree plan as part of the tree permit application, the written confirmation must be provided by the applicant's arborist or landscape architect.
 - (4) Subject to subsection (5), the City will release the security provided for any retained trees under this Bylaw to the tree permit applicant once all of the following conditions are satisfied:

- (a) all construction on the site is completed,
- (b) a final occupancy permit for the lot has been issued by the City, if applicable, and
- (c) the applicant's arborist has provided a report, including photographs, monitoring dates and supervision memos as evidence, to the satisfaction of the Director confirming that the retained trees have not been damaged in violation of this Bylaw and have been properly protected and maintained in accordance with this Bylaw and the tree permit.
- (5) The City may transfer any remaining security amount to the Tree Reserve if all of the requirements for release of security have not been satisfied within the lesser of:

21

- (a) two years from the date that all construction on the site is completed,
- (b) two years from the date that a final occupancy permit for the lot has been issued, and
- (c) five years from the date of issuance of the tree permit.
- (6) Notwithstanding any of the requirements of this section, if at any time an owner fails to comply with a provision of this Bylaw or a tree permit:
 - (a) the City may take any required action or plant any replacement tree on the applicant's behalf, and the City may recover from the security provided the cost to the City of such action or planting, and if the cost to the City is more than the amount of security held by the City, then the City may recover the outstanding amount in accordance with this Bylaw; and
 - (b) the City may draw upon the security provided and transfer the amount into the Tree Reserve for the purpose of planting a tree on another site to replace the tree canopy lost.
- (7) Any trees planted through the use of money from the Tree Reserve may be planted on the same lot from which the tree canopy loss suffered or on a different lot in the City, and the tree may not be planted until a future cycle of City tree plantings.

PART 7 – GENERAL

Inspections and Assessments

- 28 (1) The Director or a City employee authorized by the Director may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
 - (2) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Stop Work Orders

29 (1) If any protected tree is being pruned, cut or damaged without a permit, contrary to a permit, or contrary to this Bylaw, a bylaw officer or the Manager of Urban Forest Services

may post a Stop Work notice in the form prescribed by the Director ordering the cessation of:

- (a) the pruning, cutting or damaging work, and
- (b) any work within the protected root zone of the affected tree.
- (2) Every person who fails to comply with any order or notice issued by a bylaw officer or the Manager of Urban Forest Services, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
- (3) The owner of a lot on which a Stop Work notice has been posted, and every other person having knowledge of the Stop Work notice shall immediately cease all tree pruning, cutting and damaging activity and all work within the protected root zone of the affected tree, and shall not resume until all applicable provisions of this Bylaw have been complied with and the Stop Work notice has been rescinded by a bylaw officer or the Manager of Urban Forest Services.

Recovery of Costs and Fees from Real Property Taxes

30 The costs of fees and actions taken by the City under this Bylaw will be collected by the City in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

Offences

- 31 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
 - (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
 - (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

Penalties

- 32 Except as prescribed in the ticket bylaw,
 - (a) subject to subsections (b) and (c), the minimum penalty for an offence under this Bylaw is a fine of not less than \$500.00, and not more than \$50,000.00, per tree;
 - (b) any person who commits an offence under this Bylaw that results in the loss of a protected tree is subject to a fine of not less than \$5,000.00, and not more than \$50,000.00, per tree;
 - (c) any person who commits an offence under this Bylaw that results in the loss of a specimen tree is subject to a fine of not less than \$10,000, and not more than \$50,000, per tree.

Severability

33 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

23

Consequential Amendments to Ticket Bylaw

- 34 Bylaw No. 10-071, the Ticket Bylaw is amended as follows:
 - (a) In the table of contents, by inserting the following new entry directly after "Schedule LL -Tree Preservation Bylaw Offences and Fines":

"Schedule LL.1 - Tree Protection Bylaw Offences and Fines".

(b) In Schedule A, Bylaws and Enforcement Officers, by inserting the following new row immediately before current row 43, and renumbering all subsequent row numbers accordingly:

43	Tree Protection Bylaw	Bylaw Officer

(c) By inserting directly after Schedule LL the Schedule LL.1 attached to this Bylaw as "Appendix 1".

PART 8 - REPEAL, TRANSITION, COMMENCEMENT

Definitions in Relation to this Part

35 In this Part:

"land use change" means: rezoning with an associated development permit; building permit; development permit; temporary use permit; development variance permit; heritage alteration permit; or board of variance order;

"tree plan" means a site plan, landscape plan, tree management plan or arborist report provided pursuant to the Tree Preservation Bylaw No. 05-106.

Amendment to Tree Preservation Bylaw No. 05-106

- 36 The Tree Preservation Bylaw No. 05-106 is amended by striking out section 25 entirely and replacing it with the following:
 - **"25.** If the City received an application for any of the following on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application: rezoning with an associated development permit; building permit; development permit; temporary use permit; development variance permit; heritage alteration permit; or board of variance order."

Repeal

37 The Tree Preservation Bylaw No. 05-106 is repealed.

Transition Provisions

- 38 (1) Subject to subsections (2) and (5), the Tree Preservation Bylaw No. 05-106 applies to any complete application for a land use change received by the City before July 1, 2021 that includes a tree plan, until a final occupancy permit is issued.
 - (2) This Bylaw applies to any change to an approved tree plan that is made after July 1, 2021, but only with respect to the trees that, in the opinion of the Director, are being impacted by the proposed change.
 - (3) For certainty, nothing in subsection (2) is intended to require that the entire site is reassessed for compliance with this Bylaw.
 - (4) For certainty, nothing in subsection (1) or (2) is intended to modify or extend any tree permit or land use change approval beyond the time that it would lapse or expire but for those subsections.
 - (5) Notwithstanding any contrary provision in the Tree Preservation Bylaw No. 05-106, on or after July 1, 2021, an applicant may elect to have their land use change application processed in accordance with this Bylaw by notifying the Director in writing, in which case, this Bylaw applies to that application.
 - (6) The election under subsection (5) is final and irrevocable.

Repeal of Transition Provisions

39 Sections 35, 36 and 38 of this Bylaw are repealed.

Commencement

40 This Bylaw comes into force on July 1, 2021, except sections 37 and 39, which come into force on July 1, 2026.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
READ A THIRD TIME the	day of	2021

ADOPTED on the

day of

2021

CITY CLERK

MAYOR

SCHEDULE "A"

TREE PERMIT APPLICATION FEES

Row #	Tree Permit	Fee
1	To only cut or remove any of the following trees:	No fee
	i. a hazard tree	
	ii. a tree that is dead or has more than 50% of its crown dead	
	iii. a tree that is a regulated invasive plant or unregulated plant of concern	
2	For emergency cutting or removal only	No fee
3	To prune a tree only	No fee
4	To plant any replacement trees to meet tree minimum only	No fee
5	To undertake exploratory digging for the purposes of an arborist report only	No fee
6	To cut or remove as required by Streets and Traffic Bylaw or Trees and Insect Control Bylaw	No fee
7	To extend or modify a permit only	\$50
8	To work in the protected root zone of the tree only, including excavation for development, utility installation, irrigation installation and landscape installation	\$50
9	For any other tree permit, the fee is determined as follows:	
10	i. For a lot that is less than or equal to 2,000m2 in size	\$50
11	ii. For a lot that is between 2000m2 and 4000m2 in size	\$100
12	iii. For a lot that is equal to or larger than 4,000m2	\$250 per 4,000m2

SCHEDULE "B"

TREE SURVEY AND TREE MANAGEMENT PLAN REQUIREMENTS

A. <u>Tree Survey</u>

- 1 The purpose of the tree survey is to accurately locate the position of the trees on or adjacent to a property to establish ownership and to accurately establish the protected root zones of all trees and tree protection requirements for tree retention during development. It provides a clear visual of where buildings and infrastructure are located and where new buildings could be best sited to minimize negative impacts to trees suitable for retention. It is also useful to show phased tree protection fencing and mitigation that may differ between demolition and construction. **The tree survey should be used as the base for the tree management plan**.
- 2 The tree survey must comply with the following requirements:
 - (a) It must be based on a legal survey of the lot, completed by a registered BCLS surveyor, and can be added to the Site Plan for Existing Site as required by Development Services.
 - (b) It must include all of the following trees:
 - (i) Protected trees on the subject lot,
 - (ii) Retained trees on the subject lot,
 - (iii) Protected trees on adjacent properties with protected root zones or tree canopies extending onto the subject lot, or that would otherwise require tree protection, and
 - (iv) Trees on municipal frontage and any other municipal trees that may be impacted.
 - (c) It must indicate the existing trees in (b) with a scaled circle to represent the trunk and the reference ID located directly adjacent to the trunk. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone shall be indicated with a bold, solid-line circle.
 - (d) It must include a sufficient number of elevation points so that areas where cuts or fills are required can be identified on future grading plans and the tree management plan.
 - (e) It must include the location and type of all existing utilities above and below grade entering or immediately adjacent to the subject site.
 - (f) It must include the <u>existing and proposed</u> legal description, property lines, rights-of-way, easements, location of trees, base grades of trees, grades at property lines, principal and accessory building footprints, walkways, patios, retaining walls (top and toe of grade), fences, driveways, sidewalks, curbs, natural features, rock outcrops, existing services (water, storm and sanitary sewer lines, hydro, telephone, cable, internet and gas lines, and any existing service kiosks and boxes).
 - (g) It must include all areas and trees protected by a restrictive covenant in favour of the City, indicating the purpose of the covenant and the land title registration number.
 - (h) It must have all dimensions in metric and include a title block with north arrow, bar scale, date, surveyor's seal and company name, and a legend to identify symbols.

- (i) It must date any revised plans.
- (j) It must be provided in hard copy or pdf format and be of a scale to permit detailed information to be legible when printed in 11 x 17 format, including labels.
- 3 The BC Land Surveyors provide sample survey plans that may be a useful reference.

B. <u>Tree Management Plan</u>

- 1 The purpose of submitting the tree management plan is to show the location of trees along with their canopy spread and protected root zones in relation to proposed changes, so potential impacts can be analyzed and trees can be identified as retained or removed. Additionally, the tree management plan is used to show where tree protection fencing, arborist supervision, ground protection or other mitigation measures are required.
- 2 The tree management plan must comply with the following requirements:
 - (a) It must be prepared by a TRAQ arborist.
 - (b) It must be prepared with the tree survey as its basis and include the location of all inventoried trees.
 - (c) It must show all proposed changes including buildings, landscaping, hardscaping, and frontage works.
 - (d) It must show trees to be removed, indicated with a bold X through the survey point. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone shall be indicated with a dashed-line circle.
 - (e) It must show trees to be retained, indicated at the survey point with a scaled circle to represent the trunk. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone must be indicated with a bold, solid-line circle.
 - (f) It must show any works requiring arborist supervision or tree protection recommendations, and indicate the location where they apply.
 - (g) It must include a title block with north arrow, scale, date and company name, and a legend to identify symbols, all dimensions in metric.
 - (h) It must identify all inventoried onsite trees with unique, sequential reference ID numbers, in accordance with the arborist report and any corresponding development application plan information (e.g. engineering, architectural, landscape drawings).
 - (i) It must identify offsite trees in reports and plans as 'Offsite' trees with unique numbers (OS-##), and municipal frontage trees with unique numbers (M-##).
 - (j) It must date all plans and revisions.
- 3 The applicant must provide the arborist with up-to-date drawings and inform the arborist of any details for proposed changes to plans throughout the different stages of the development, including but not limited to rezoning, subdivision, development permit, and building permit demolition, excavation and construction.

SCHEDULE "C"

ARBORIST REPORT REQUIREMENTS

Arborist Report Information

- 1 The purpose of the arborist report is to provide the necessary information to determine suitable trees for preservation, and to prescribe tree protection and mitigation measures, including the definition of specific areas and activities requiring arborist supervision.
- 2 The arborist report must be prepared by a TRAQ arborist in accordance with the City's Terms of Reference for an Arborist Report for Development.
- 3 The arborist report must comply with the following requirements:
 - (a) It must include the following information:
 - (i) Name of arborist and company, address, phone number and email,
 - (ii) Proof of professional liability insurance,
 - (iii) Arborist ISA certification number and confirmation of TRAQ,
 - (iv) Name and contact information of client,
 - (v) Address of property, and
 - (vi) Date of site visit and date of when report was submitted, with any revisions to the report dated.
 - (b) It must include all of the following trees:
 - (i) Protected trees on the subject lot,
 - (ii) Replacement trees on the subject lot,
 - (iii) Protected trees on adjacent properties with protected root zones or tree canopies extending onto the subject lot, or that would otherwise require tree protection, and
 - (iv) Trees on municipal frontage and any other municipal trees that may be impacted.
 - (c) It must include unique, sequential reference IDs for all inventoried trees that correspond to the tree management plan. Onsite trees shall have a physical tag number affixed to the trunk, which will be the reference ID. For untagged trees, the following prefixes will be used: offsite (OS-##), and municipal (M-##).
 - (d) It must include a description of proposed work and, when applicable, proposed development on the lot including all hardscape, landscape, hydrology and grade changes, all proposed frontage work, and all underground and overhead utility services.
 - (e) It must include recommendations for tree protection and mitigation measures for all project phases, including demolition, site excavation, site preload, construction, project and material staging, servicing, landscaping, grading, or any site disturbance. Recommendations must treat all trees as being retained for all phases prior to the issuance of the building permit for construction and tree removal permit regardless of whether they are planned to be removed. They must include:

- (i) Tree protection fencing locations,
- (ii) Specific activities and areas when arborist supervision is required,
- (iii) Site access routes,
- (iv) Material storage areas,
- (v) Any pruning that may be required to provide clearance,
- (vi) Post-construction tree care measures, and
- (vii) Other necessary mitigation measures.
- (f) It must include a list of other consulting agency documents that inform the tree assessment, including the version and date of such documents (e.g. lot layout plans, servicing plans, biologist reports).
- (g) It must include a tree inventory table, providing information on each tree identified pursuant to subsection (b), which shall include the following columns:
 - (i) Tree ID,
 - (ii) species,
 - (iii) bylaw status (bylaw, non-bylaw, municipal),
 - (iv) DBH (cm),
 - (v) PRZ (m radius from trunk),
 - (vi) canopy spread (diameter and m from trunk),
 - (vii) structural condition (poor, fair, good),
 - (viii) health condition (poor, fair, good),
 - (ix) retention suitability (suitable, unsuitable),
 - (x) species tolerance to disturbance (poor, moderate, good),
 - (xi) remove or retain,
 - (xii) specific reason for removal, if applicable, and
 - (xiii) comments (including prune or cut), and location.
- (I) In must include site photos that:
 - (i) capture the context of inventoried trees on the site,
 - (ii) capture individual trees when there are specific considerations or conditions of concern for that tree that are addressed in the arborist report,
 - (iii) are labelled as numbered figures with captions describing any numbered tree tags, direction of photo, and description of what it is pictured, and
 - (iv) are marked up with tree tag numbers for each tree if multiple trees are shown,
 - (m) It must include a tree impact summary table counting the total number of trees, the

number of trees to be removed, the number of trees being planted or replaced, and the number of existing non-protected trees that are being counted as replacements as shown in the example below:

	Α	В	С	D	
Tree Status	Total # of Protected Trees	# of Trees to be REMOVED	# of NEW or REPLACEMENT Trees to be Planted*	# of EXISTING Non- protected Trees Counted as Replacements	NET CHANGE (A-B+C+D)
Onsite trees					
Offsite trees					
Municipal trees			N/A	N/A	
Total					

* Sufficient soil volume to support the proposed new or replacement trees must be provided on site and demonstrated by the calculations made in Schedule E (g). If soil volume is insufficient, replacement trees will not be permitted.

(n) It must include a summary table counting replacement trees required, tree minimum, and calculating cash-in-lieu amounts, as shown in the example below:

	Count	Multiplier	Total
ONSITE Minimum replace	ment tree	e requiremer	nt
A. Protected trees removed		X 1	Α.
B. Replacement trees proposed per Schedule "E", Part 1		X 1	В.
C. Replacement trees proposed from Schedule "E", Part 2		X 0.5	C.
D. Replacement trees proposed per Schedule "E", Part 3		X 1	D.
E. Total replacement trees proposed (B+C+ nearest whole number	D) Round	d down to	E.
F. Onsite replacement tree deficit (A-E) Rec number		-	F.
ONSITE Minimum trees per lot	requirer	nent (onsite	, ,
G. Tree minimum on lot*		1	G.
H. Protected trees retained (other than specimen trees)		X 1	H.
I. Specimen trees retained		X 3	Ι.
J. Trees per lot deficit (G-(B+C+H+I) Record number	ative	J.	
OFFSITE Minimum replacement t	ree requi	irement (offs	ite trees)
K. Protected trees removed		X 1	Κ.
L. Replacement trees proposed per		X 1	L.

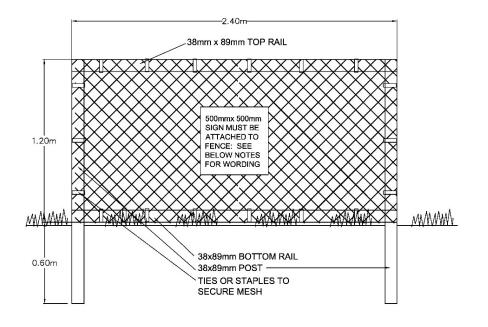
Schedule "E", Part 1 or Part 3						
M. Replacement trees proposed from						
Schedule "E", Part 2						
N. Total replacement trees proposed (L+M)	ın to	N.				
nearest whole number						
O. Offsite replacement tree deficit (K-N) Rec	gative	0.				
number						
Cash-in-lieu re						
P. Onsite trees proposed for cash-in-lieu En		Ρ.				
whichever is the greater number						
Q. Offsite trees proposed for cash-in-lieu En		Q.				
R. Cash-in-lieu proposed ((P+Q) X \$2,000)			R.			

- * Refer to Schedule "F"
- (o) It must include the signature of the arborist.
- (p) It must either:
 - (i) be dated within one year of the tree permit application date, or
 - (ii) have a covering letter from the original author stating that they have visited the site and the conditions and recommendations contained in the original report remain valid.
- (q) Any revisions or amendments to an existing arborist report must be made to the original report and all changes identified.
- 4 Where the original arborist report submitted to the City is incomplete or inaccurate, the Director may:
 - (a) retain the services of an independent arborist or other professional to review an arborist report, and
 - (b) the cost of the independent arborist report must be paid by the owner prior to issuance of the tree permit.

SCHEDULE "D"

TREE PROTECTION BARRIER REQUIREMENTS

- 1 The requirements for tree protection barriers are as follows:
 - (a) The barrier must be placed around the outside of the protected root zone of the tree, or as approved by the Director; and
 - (b) The barrier must meet the following specifications:
 - (i) it must have a minimum height of 1.2 m,
 - (ii) 38 mm x 89 mm timbers must be used for vertical posts, top and bottom rails (in rocky areas, metal posts (T-bar or rebar) drilled into rock will be accepted), and cross-bracing (in an "X"),
 - (iii) spacing between vertical posts must be a maximum of 3.0 metres on center,
 - (iv) the structure must be sturdy with vertical posts driven firmly into the ground,
 - (v) there must be continuous plastic mesh high visibility screening (e.g. orange snow fencing), and
 - (vi) it must have visible all weather 500 mm x 500 mm signage on it with the wording "Warning – Tree Protection Area".
- 2 Below is an example showing an acceptable barrier:



SCHEDULE "E"

REPLACEMENT TREE REQUIREMENTS

A. <u>Replacement Tree Plan</u>

- 1 The purpose of the replacement tree plan is to show where new trees will be planted on site as replacements for protected trees. It must identify all protected trees that are to be retained, and the species and location of all proposed replacement trees.
- 2 The replacement tree plan must:
 - (a) Be prepared by an arborist or landscape architect.
 - (b) Show trees to be retained.
 - (c) Show the location and species of proposed replacement trees consistent with the requirements in Schedule E, Part 4 Siting.
 - (d) Include a title block with north arrow, bar scale, date and company name, and a legend to identify symbols.
 - (e) Date all plans and revisions.
 - (f) Define connected areas of soil where tree roots could reasonably grow as 'Planting Areas'. A Planting Area is defined by the estimated extent of connected soil volume on or adjacent to the lot. Where there is a barrier to root growth between two areas of soil, then each area of soil would be a separate Planting Area. Each Planting Area must be assigned a unique number.
 - (g) Include a table as shown in the example below calculating the estimated soil volume that will be provided for each Planting Area.

				Rep	lacement T Proposed		Soi	l Volume	Required (m ³)	
Planting Area ID	Area (m2)	Soil volume multiplier [*]	A. Estimated soil volume	B. #Small	C. # Medium	D. #Large	E. Small	F. Medium	G. Large	Total **
				Onsite						÷
Planting Area X										
			Offsite (exclu	uding City	[,] property)					
Planting Area OSA X										
		Calcu	lation Instruc	tions			Е	F	G	Total
					(Calculation	If B=1, Bx8 If B>1, Bx6	If C=1, Cx20 If C>1, Cx15	If D=1, Dx35 If D>1, Dx30	E+F+G

^{*} On ground (excluding exposed bedrock): use 1, On structure: use depth of soil, On soil cells: use 0.92, On structural soil: use 0.2

^{**} Total must not exceed A. If Total exceeds A, then the number or size of proposed replacement trees must be reduced.

		Cultivated			
Genus	Species	Variety	Common Name	Class	Size
Abies	nordmanniana		Nordmann fir	Conifer	Large
Abies	balsamea		Balsam fir	Conifer	Medium
Abies	fraseri		Fraser fir	Conifer	Medium
Abies	concolor		White fir	Conifer	Medium
Acer	macrophyllum		Big Leaf maple	Deciduous	Large
Acer	saccharum		Sugar maple	Deciduous	Large
		Rugged			
Acer	miyabei	Ridge	Rugged Ridge maple	Deciduous	Medium
Acer	rubrum	Armstrong	Armstrong maple	Deciduous	Medium
Acer	rubrum		Red maple	Deciduous	Medium
Acer	saccharum	Legacy	Legacy sugar maple	Deciduous	Medium
		Crimson			
Acer	truncatum	Sunset	Pacific Sunset maple	Deciduous	Medium
Aesculus	indica		Indian horse chestnut	Deciduous	Medium
Aesculus	X carnea	Briotii	Red horse chestnut	Deciduous	Medium
Alnus	rubra		Red alder	Deciduous	Large
				Broadleaf	
Arbutus	menziesii		Arbutus	evergreen	Medium
Betula	nigra	Dura Heat	Dura Heat birch	Deciduous	Medium
Calocedrus	deccurens		Incense cedar	Conifer	Large
Carpinus	betulus	Fastigiata	Pyramidal hornbeam	Deciduous	Medium
Castanea	mollissima		Chinese chestnut	Deciduous	Medium
Catalpa	bignonioides		Southern catalpa	Deciduous	Large
Catalpa	speciosa		Northern catalpa	Deciduous	Medium
Celtis	occidentalis		Common hackberry	Deciduous	Medium
Cercidiphyllum	japonicum		Japanese katsura tree	Deciduous	Medium
Cladrastis	kentukea		American yellowood	Deciduous	Medium
		Perkins	Perkins Pink American		
Cladrastis	kentukea	Pink	yellowwood	Deciduous	Medium
Cornus	nuttallii		Pacific dogwood	Deciduous	Medium
Corylus	colurna		Turkish filbert	Deciduous	Medium
Cryptomeria	japonica		Japanese cedar	Conifer	Large
Cupressus	nootkatensis		Yellow cedar	Conifer	Large
Fagus	sylvatica	Asplenifolia	Fern leaved beech	Deciduous	Large
Fagus	sylvatica	Pendula	Weeping beech	Deciduous	Large
Fagus	sylvatica		European beech	Deciduous	Large
Fagus	sylvatica	Riversii	Riversii beech	Deciduous	Medium
		Autumn	Autumn Purple white		
Fraxinus	americana	Purple	ash	Deciduous	Large

B. Part 1 – Replacement species acceptable for 1:1 replacement

		Cultivated			
Genus	Species	Variety	Common Name	Class	Size
Fraxinus	latifolia		Oregon ash	Deciduous	Large
Fraxinus	pennsylvanica		Green ash	Deciduous	Large
		Autumn			
Fraxinus	americana	Applause	Autumn Applause ash	Deciduous	Medium
		Princeton			
Ginkgo	biloba	Sentry	Princeton Sentry ginkgo	Deciduous	Large
Ginkgo	biloba		Maidenhair tree	Deciduous	Large
Gleditsia	triacanthos		Honey locust	Deciduous	Medium
-		Shademast			
Gleditsia	triacanthos	er	Shademaster locust	Deciduous	Medium
Gymnocladus	dioicus		Kentucky coffeetree	Deciduous	Large
Gymnocladus	dioicus	Espresso	Espresso coffeetree	Deciduous	Large
Juglans	nigra		Black walnut	Deciduous	Large
Juglans	regia		English walnut	Deciduous	Large
				Deciduous	
Larix	decidua		European larch	conifer	Large
Liquidambar	styraciflua		Sweetgum	Deciduous	Large
1 i av si al a ver la a v		Worplesdo		Desideratio	Lawren
Liquidambar	styraciflua	n Americal dii	Worplesdon sweetgum	Deciduous	Large
Liriodendron	tulipifera	Arnoldii	Arnold tulip tree	Deciduous	Large
Liriodendron	tulipifera	Valla Dist	Tulip tree	Deciduous	Large
Magnolia	accuminata	Yellow Bird	Yellow Bird magnolia	Deciduous	Medium
Magnolia	kobus		Kobus magnolia	Deciduous	Medium
Malus	fusca		Pacific crabapple	Deciduous	Medium
Matacaguaia	glyptostroboide		Dawn redwood	Deciduous conifer	Largo
Metasequoia	S			Deciduous	Large Medium
Nyssa	sylvatica		Tupelo		-
Ostrya	virginiana		Ironwood	Deciduous	Medium
Picea	abies		Norway spruce	Conifer	Large
Picea	orientalis densiflora		Oriental spruce	Conifer	Large
Pinus			Japansese red pine	Conifer	Medium
Pinus	thunbergii		Japanese black pine	Conifer	Medium
Pinus	contorta	Contorta	Shore pine	Conifer	Medium
Populus	tremuloides		Quaking aspen	Deciduous	Medium
Pseudotsuga	menziesii		Douglas fir	Conifer	Large
Quercus	garryana		Garry oak	Deciduous	Large
Quercus	robur		English Oak	Deciduous	Large
Quercus	bicolor		Swamp white oak	Deciduous	Large
Quercus	coccinea		Scarlett oak	Deciduous	Large
Quercus	dentata		Japanese Emperor oak	Deciduous	Large
Quercus	macrocarpa		Bur oak	Deciduous	Large
Quercus	phellos		Willow oak	Deciduous	Large

		Cultivated			
Genus	Species	Variety	Common Name	Class	Size
Quercus	rubra		Red oak	Deciduous	Large
Quercus	frainetto		Hungarian oak	Deciduous	Medium
Quercus	robur	Fastigiata	Pyramidal English oak	Deciduous	Medium
Robinia	pseudoacacia		Black locust	Deciduous	Large
Robinia	pseudoacacia	Frisia	Golden Black Locust	Deciduous	Medium
Salix	lasiandra		Pacific willow	Deciduous	Medium
Styphnolobiu					
m	japonicum		Japanese pagodatree	Deciduous	Large
				Deciduous	
Taxodium	distichum		Baldcypress	conifer	Large
Tilia	cordata		Little leaf linden	Deciduous	Large
Tilia	americana			Deciduous	Large
Ulmus	americana	Brandon	Brandon elm	Deciduous	Medium
Ulmus	parvifolia		Lacebark elm	Deciduous	Medium
Zelkova	serrata	Green Vase	Green Vase zelkova	Deciduous	Medium
Zelkova	serrata		Japanese zelkova	Deciduous	Medium

Or another species acceptable to the Director that has a height at maturity of greater than 10.0 m

		Cultivated			
Genus	Species	Variety	Common Name	Class	Size
Acer	davidii		David's maple	Deciduous	Small
Acer	truncatum		Shangtung maple	Deciduous	Small
Acer	griseum		Paperbark maple	Deciduous	Small
Chitalpa	tashkentensis		Chitalpa	Deciduous	Small
Cornus	kousa	Satomi	Satomi dogwood	Deciduous	Small
Cornus	X Venus	Venus	Venus dogwood	Deciduous	Small
Crataegus	douglasii		Black hawthorn	Deciduous	Small
Davidia	involucrata		Hankerchief tree	Deciduous	Small
Frangula	purshiana		Cascara	Deciduous	Small
Koelreuteria	paniculata		Goldenraintree	Deciduous	Small
Maackia	amurensis		Amur mackia	Deciduous	Small
Magnolia	x Galaxy		Galaxy magnolia	Deciduous	Small
				Broadleaf	
Magnolia	grandiflora	Victoria	Victoria magnolia	evergreen	Small
Oxydendrum	arboreum		Sourwood	Deciduous	Small
Parrotia	persica		Persian ironwood	Deciduous	Small
			Ruby Vase persian		
Parrotia	persica	Ruby Vase	Ironwood	Deciduous	Small

C. Part 2 – Replacement species acceptable for 2:1 replacement

		Cultivated			
Genus	Species	Variety	Common Name	Class	Size
Phellodendron	amurense		Amur cork tree	Deciduous	Small
Pistacia	chinensis		Chinese pistache	Deciduous	Small
Prunus	sargentii		Sargent's cherry	Deciduous	Small
				Broadleaf	
Quercus	ilex		Holly oak	evergreen	Small
Sorbus	x hybridia		Oakleaf mountain ash	Deciduous	Small
Stewartia	pseudocamilia		Japanese stewartia	Deciduous	Small
Styrax	obassia		Fragrant snowbell	Deciduous	Small
Taxus	brevifolia		Pacific yew	Deciduous	Small

Or another species acceptable to the Director that has a height at maturity of less than 10.0 m

D. Part 3 – Replacement species acceptable for 1:1 replacement for trees above structures

		Cultivated		
Genus	Species	Variety	Common Name	Class
Acer	griseum		Paperbark maple	Deciduous
Chitalpa	tashkentensis		Chitalpa	Deciduous
Cornus	kousa	Satomi	Satomi dogwood	Deciduous
Cornus	X Venus	Venus	Venus dogwood	Deciduous
Crataegus	douglasii		Black hawthorn	Deciduous
Maackia	amurensis		Amur mackia	Deciduous
Magnolia	x Galaxy		Galaxy magnolia	Deciduous
				Broadleaf
Magnolia	grandiflora	Victoria	Victoria magnolia	evergreen
Oxydendrum	arboreum		Sourwood	Deciduous
Parrotia	persica		Persian ironwood	Deciduous
Parrotia	persica	Ruby Vase	Ruby Vase persian Ironwood	Deciduous
Sorbus	x hybridia		Oakleaf mountain ash	Deciduous
Styrax	obassia		Fragrant snowbell	Deciduous
Taxus	brevifolia		Pacific yew	Deciduous

In addition to the previous species, where the soil volume available on structure is 10.0 m3 per tree or more:

		Cultivated		
Genus	Species	Variety	Common Name	Class
Acer	davidii		David's maple	Deciduous
Koelreuteria	paniculata		Goldenraintree	Deciduous
Malus	fusca		Pacific crabapple	Deciduous
Phellodendron	amurense		Amur cork tree	Deciduous

Genus	Species	Cultivated Variety	Common Name	Class
				Broadleaf
Quercus	ilex		Holly oak	evergreen

In addition to the previous species, where the soil volume available on structure is 15.0 m3 per tree or more:

		Cultivated		
Genus	Species	Variety	Common Name	Class
		Rugged		
Acer	miyabei	Ridge	Rugged Ridge maple	Deciduous
Magnolia	accuminata	Yellow Bird	Yellow Bird magnolia	Deciduous
Magnolia	kobus		Kobus magnolia	Deciduous
Pinus	densiflora		Japansese red pine	Conifer
Pinus	thunbergii		Japanese black pine	Conifer
Pinus	contorta	Contorta	Shore pine	Conifer

Or, for any of the above soil volumes, another species acceptable to the Director that is likely to flourish in the soil volume provided on the structure

E. Part 4 – Requirements for siting, soil volume, timing of planting, and size of stock

Siting

- 1 Replacement trees must be planted:
 - (a) At least 2.0 m away from a building foundation wall,
 - (b) At least 1.0 m away from any property line of a lot, above and underground utility, driveway or other paved surface, and
 - (c) In a location approved by the Director.
- 2 Every replacement tree must be spaced from existing trees and other replacement trees in accordance with the table below to ensure the best chance of survival of the replacement and existing trees.

Row #	Tree Size	Min spacing
1	Small tree (Schedule "E", Part 2)	2.0 m
2	Medium tree (Schedule "E", Part 1)	4.0 m
3	Large tree (Schedule "E", Part 1)	6.0 m

Soil volume

3 The applicant must demonstrate that appropriate soil volume will be provided for any

replacement tree in accordance with the recommended targets in Schedule "E", Parts 1, 2 and 3 or as approved by the Director.

Row #	Tree Size	Min soil volume (m³)	Shared or irrigated soil volume (m³)
1	Small tree (Schedule "E", Part 2)	8.0	6.0
2	Medium tree (Schedule "E", Part 1)	20.0	15.0
3	Large tree (Schedule "E", Part 1)	35.0	30.0

- 4 Soil volume shall be calculated as:
 - (a) On ground: Surface area (Length x Width) of connected pervious x 1
 - (b) On structure:
 - (i) Soil: Volume of soil (Length x Width x Depth)
 - (ii) Soil cells: Volume of soil cell installation (Length x Width x Depth) x 0.92
 - (iii) Structural soil: Volume of structural soil (Length x Width x Depth) x 0.2
- 5 Replacement trees must meet the applicable plant condition and structure requirements set out in the latest edition of the CNLA/CSLA "Canadian Landscape Standard" and the CNLA "Canadian Nursery Stock Standard".

Timing of planting

- 6 Replacement trees must be planted during the suitable local planting seasons generally defined as fall (September November) and spring (February April).
- 7 Despite section 6, where planting must occur outside of the prescribed time periods, then a strategy for ensuring the trees are watered (in the summer) and appropriately cared for must be included as part of the tree permit application.

Size of stock

- 8 Replacement trees must be:
 - (a) For sites of development related tree permits, a minimum of 6.0 cm caliper at time of planting for deciduous trees, and a minimum of 2.0 m in height for coniferous trees, or
 - (b) For all other sites, a minimum 4.0 cm caliper or 10 gallon pot size for deciduous trees, and a minimum of 1.5 m in height for coniferous trees, except for the tree species *Arbutus menziesii*, which must be contained in a #5 pot when acquired from a nursery or a landscaper-supplier, or
 - (c) Despite the above subsections, replacement trees may be of a comparable size approved by the Director if obtaining the above sizes is not possible.

SCHEDULE "F"

MINIMUM NUMBER OF TREES REQUIRED PER LOT

Row #	Area (m²)	Trees Required
1	<300	1
2	300 - 499	2
3	500 - 699	3
4	700 - 899	4
5	900 - 1099	5
6	1100 - 1299	6
7	1300 - 1499	7
8	1500 - 1699	8
9	1700 - 1899	9
10	1900 - 2099	10
11	2100 - 2299	11
12	2300 - 2499	12
13	2500 - 2699	13
14	2700 - 2899	14
15	2900 - 3099	15
16	3100 - 3299	16
17	3300 - 3499	17
18	3500 - 3699	18
19	3700 - 3899	19
20	3900 - 4099	20
21	4100 - 4299	21
22	4300 - 4499	22
23	4500 - 4699	23
24	4700 - 4899	24
25	4900 - 5099	25
26	5100 - 5299	26

The number of trees required per lot is determined by lot area as follows:

27	5300 - 5499	27
28	5500 - 5699	28
29	5700 - 5899	29
30	5900 - 6099	30
31	6100 - 6299	31
32	6300 - 6499	32
33	6500 - 6699	33
34	6700 - 6899	34
35	6900 - 7099	35
36	7100 - 7299	36
37	7300 - 7499	37
38	7500 - 7699	38
39	7700 - 7899	39
40	7900 - 8099	40
41	8100 - 8299	41
42	8300 - 8499	42
43	8500 - 8699	43
44	8700 - 8899	44
45	8900 - 9099	45
46	9100 - 9299	46
47	9300 - 9499	47
48	9500 - 9699	48
49	9700 - 9899	49
50	9900 - 10099	50
51	>10099	The following formula applies,
		rounded to the nearest integer:
		Lot area (m2)
		$\frac{1000 \text{ mod}(\text{m}2)}{200}$
		200

SCHEDULE "G"

LETTER OF ASSURANCE REQUIREMENTS

- 1 The purpose of the letter of assurance is to list and describe the specific areas or activities requiring arborist supervision as prescribed in the arborist report and confirm that the arborist and owner agree that the arborist will be onsite to supervise these specific areas or activities. An arborist must be onsite for activities described in the arborist report, whenever work occurs in or around the protected root zone of a protected tree and when a tree protection barrier is removed.
- 2 The letter of assurance must be from the arborist and the owner to the City, and state that the arborist will perform or supervise work in specific areas or activities described in the arborist report, and may include, but is not limited to, specifications regarding:
 - (a) pre-construction treatment of trees, including root and branch pruning,
 - (b) in-construction tree protection measures including mulching, ground protection, irrigation and decompaction treatments,
 - (c) regular on-site inspections during construction, and reporting any violation of this Bylaw to the Director,
 - (d) restorative landscape treatment, including soil renovation,
 - (e) selection and planting of any replacement trees required under this Bylaw, and
 - (f) a post-construction inspection of the site.
- 3 The letter of assurance must include statements confirming that the arborist will prepare:
 - (a) Site supervision memos that document each arborist supervision visit, including what was supervised, any damage observed, and photos showing the site before work starts, during work and after work is completed for each area or activity listed in the letter of assurance,
 - (b) Impact assessments detailing observed or suspected damage and mitigation options if required by the Director, and
 - (c) A post-construction report upon completion of all construction that confirms all supervision visits, impact assessments and mitigation works were completed in accordance with the approved arborist report, letter of assurance, or impact assessment, certified correct by the arborist and supported by site supervision memos, for submission in a timely manner to the Director.
- 4 The letter of assurance must include a statement acknowledging that it is the owner's responsibility to coordinate the arborist to be on-site per the letter of assurance requirements and that failure to follow any requirements in the letter of assurance is considered a violation of the tree permit for the site.
- 5 The letter of assurance must be signed by the arborist and owner.

[END OF TREE PROTECTION BYLAW]

APPENDIX 1

Schedule LL

Tree Protection Bylaw Offences and Fines

Item #	Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
1	Cut/damage/prune/ remove tree in conflict with Bylaw	4(1)	\$1,000.00	\$850.00
2	Cut/damage/prune/ remove tree in conflict with tree permit	4(1)(b)	\$1,000.00	\$850.00
3	Not comply with Bylaw	4(2)	\$1,000.00	\$850.00
4	Not comply with tree permit	4(3)	\$1,000.00	\$850.00
5	Alter/falsify/ misrepresent information on tree permit/application	4(4)	\$300.00	\$250.00
6	Fail to obtain tree permit to cut/prune/ remove	5(1)	\$300.00	\$250.00
7	Fail to obtain tree permit for replacement	5(2)	\$300.00	\$250.00
8	Fail to provide information to Director	6(1)	\$300.00	\$250.00
9	Fail to apply for tree permit for construction or disturbing site	6(2)	\$300.00	\$250.00
10	Fail to comply with tree permit conditions	9(2)	\$1,000.00	\$1,000.00
11	Fail to provide evidence of emergency	15(2)(a)	\$1,000.00	\$850.00
12	Fail to take action to obtain tree permit	15(2)(b)	\$300.00	\$250.00
13	Removal of tree remains before Director's determination	15(3)	\$175.00	\$125.00
14	Fail to replace tree removed in emergency	15(4)	\$750.00	\$750.00
15	Cut/prune/remove when tree is not failing	15(5)	\$1,000.00	\$1,000.00
16	Fail to prune/cut/ remove when required by Director	16(1)	\$175.00	\$125.00
17	Fail to identify trees for removal	17(1)	\$250.00	\$200.00

			1	
18	Fail to post public notice as required	17(2)	\$150.00	\$125.00
19	Fail to dispose of tree parts as required	17(3)	\$125.00	\$75.00
20	Fail to cut/prune/remove/ retain/replace tree in best practice	18(1)	\$750.00	\$650.00
21	Construction/site disturbance without tree protection	18(2)(a)	\$750.00	\$650.00
22	Construction/site disturbance without Director approval	18(2)(b)	\$750.00	\$650.00
23	Construction/site disturbance without tree permit	18(2)(c)	\$750.00	\$650.00
24	Fail to leave tree protection in place	18(3)	\$750.00	\$650.00
25	Fail to restore tree protection	18(4)	\$750.00	\$650.00
26	Fail to do mitigation work when required	19(1)(a)	\$1,000.00	\$850.00
27	Removal of tree remains without authorization	19(3)	\$400.00	\$350.00
28	Fail to plant replacement	20(1)	\$750.00	\$750.00
29	Fail to plant replacement on same lot	20(6)	\$750.00	\$750.00
30	Fail to achieve tree minimum	21(1)	\$750.00	\$750.00
31	Fail to plant replacement in time	22(1)	\$300.00	\$250.00
32	Fail to plant/maintain in accordance with requirements	22(2)	\$750.00	\$750.00
33	Fail to replace/maintain as required	22(3)(a)	\$750.00	\$750.00
34	Prevent/obstruct inspection	28(2)	\$500.00	\$500.00
35	Fail to comply with order/notice/Bylaw	29(1)	\$500.00	\$450.00
36	Activity when Stop Work notice effective	29(3)	\$500.00	\$450.00



Council Report For the Meeting of March 11, 2021

То:	Council	Date:	March 4, 2021
From:	Karen Hoese, Director, Sustainable Planning	g and Cor	nmunity Development
Subject:	Update Report for Rezoning Application R Community Plan Amendment and Develo 000566 for 3080, 3082 and 3090 Washingt	pment P	ermit Application No.

RECOMMENDATION

That the following bylaws be given introductory readings:

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1220) No. 21-006
- 2. Housing Agreement (3080, 3082 and 3090 Washington Avenue) Bylaw (2021) No. 21-007
- 3. Official Community Plan, Amendment Bylaw (No. 37) No. 21-008
- 4. Land Use Contract Discharge (3080, 3082 and 3090 Washington Avenue) Bylaw No. 21-019.

Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue

That Council, after the Public Hearing for Rezoning Application No. 00714 for 3080, 3082 and 3090 Washington Avenue, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue, in accordance with:

1. Plans date stamped January 19, 2021.

2. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit Applications for the properties located at 3080, 3082 and 3090 Washington Avenue. The proposal is to rezone from the R1-B Zone, Single-Family Dwelling District, to a new zone in order to increase the density and construct nine attached dwelling buildings (townhouses) with several units in each and one duplex, totalling 34 dwelling units. An amendment to the Official Community Plan from Traditional Residential to Urban Residential is required to facilitate this development.

The application was considered by Council at the Committee of the Whole meeting on October 1, 2020, and it came before Council on October 8, 2020, where the following resolution was approved:

Rezoning Application No. 00714 for 3080, 3082 and 3090 Washington Avenue

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare:
 - a. the necessary Official Community Plan amendment bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw amendment that would change the Urban Place Designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential and authorize the proposed development outlined in the staff report dated September 17, 2020 for Rezoning Application No. 00714; and
 - b. the necessary bylaw in order to terminate the Land Use Contract F32837 pertaining to 3080, 3082 and 3090 Washington Avenue.
- 2. That first and second readings of the zoning bylaw amendments and the Land Use Contract termination bylaw be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Preparation of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
 - *i.* a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - *ii.* a statutory right-of-way of 1.00m on Washington Avenue for highway purposes, to the satisfaction of the Director of Engineering and Public Works;
 - a statutory right-of-way of 4.2m on the subject properties for the construction of the Doric Connector greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works; and
 - *iv.* construction of the Doric Connector greenway by the applicant, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works.
 - b. Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
 - c. Consideration of revisions to the design of the attached dwellings on the north and/or south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours.
 - d. Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
 - e. Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.

- 3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations, and authorities will be affected:
 - a. those property owners and occupiers within a 200m radius of the subject properties.
- 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to those property owners and occupiers within a 200m radius of the subject properties; and
 - b. post a notice on the City's website inviting affected persons, organizations, and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 5. That Council consider that no consultation is necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.
- 6. That Recommendations 1 to 5 be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00714, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue, in accordance with:

- 1. Plans date stamped August 7, 2020.
- 2. The applicant revise the proposed Phasing Plan to ensure that the outdoor amenity space and Doric Connector are constructed in Phase 1 and provide more details on potential interim conditions of each phase, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. The Development Permit lapsing two years from the date of this resolution."

COMMENTS

Community Input on Official Community Plan Amendment

On October 8, 2020, Council directed staff to consult with property owners and occupants within 200m of the properties at 3080, 3082 and 3090 Washington Avenue through a mail-out and public notices on the City's website. To date, the City has received correspondence from 27 members of the public (attached). Additional comments received prior to the Public Hearing will be included in the Council Agenda package at that time.

Revisions to the Doric Connector

As a part of supporting an accessible built environment, the City aims for topographical grades of five percent or less for pathways and greenways throughout the City. In some cases, an eight percent grade is acceptable if there are rest areas along the way. The original alignment of the Doric Connector that Council considered at Committee of the Whole (COTW) on October 1, 2020 contained a section of pathway with a grade greater than an 8% close to Washington Avenue. It was designed this way to mitigate impacts on the neighbouring trees, and this created challenges in maintaining the route as an accessible pathway. Council directed the applicant to revise the design of the pathway to ensure that it would be accessible and explore options to retain the neighbouring trees located along the north property line.

The applicant adjusted the alignment by introducing a gentle curve in the pathway, which reduces the slope of the pathway near the street and achieves an eight percent grade or less (refer to Figures 1 and 2). This change will result in a reduction in the paved width of pathway from 4.2m to 3m for a short distance through the proposed amenity space; however, this is still an adequate width for a two-way pathway. Moving the pathway further away from the north property line will also mitigate impacts on the four neighbouring trees. However, this new alignment will impact a non-bylaw protected Golden cedar tree and a non-bylaw protected ornamental plum tree on the subject site, which are both in fair condition and will have to be removed to accommodate an accessible pathway.



Figure 1. Proposed realignment of the Doric Connector

CRAB APPLE #642 C PROPOSED GRADE: 3.2% PROPOSED GRADE: 3.2% PROPOSED GREENWAY G Scale: 1180	
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Figure 2. Proposed Grades for the Doric Connector

This proposed realignment will also allow for an additional landscape buffer between the Doric Connector and the neighbouring property to the north. The applicant is proposing to add some native understory plantings to further enhance this landscaped area, which would be maintained by the City once the area is planted. Summarized in the table below are the updated annual maintenance costs that would be incurred by the City to care for the trees, grass boulevard and irrigation system, and the native understory plantings.

Increased Inventory	Annual Maintenance Cost
Street Trees - 4 net new	\$240
Grass Boulevard - Approx. 112m ²	\$672
Native Understory Plantings - Approx. 95m ²	\$2,090
Irrigation System	\$600
Total	\$3,602

In response to Council's direction on the greenway fencing along the north side of the Doric Connector, the applicant is proposing to install a 1.8m (6ft) high black galvanized steel privacy fence to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.

Design Revisions

Council requested that the applicant consider revisions to the design of the attached dwellings on the north and/or south property lines to achieve a more sensitive transition to, and minimize impacts on, the adjacent neighbours. In response to this request, the applicant introduced a building transition within the design of Buildings E and H by reducing the heights of the end units (units #16 and 27) from three to two storeys (refer to Figures 1 and 3). The applicant has indicated in their letter dated November 16, 2020 that this revision would reduce shadow impacts and potentially alleviate some privacy and overlook concerns. Building J, also located on the north side, is currently two storeys.

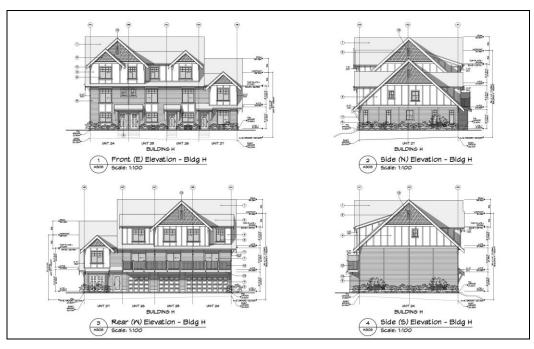


Figure 3. Proposed Elevations for Building H (Building E is the same)

The applicant reviewed building transition along the south side of the property and did not reduce the building heights of Buildings C and F, which are currently three storeys. The applicant provided a cross-section demonstrating the relationship between Building C and the existing house on the adjacent property at 3070 Washington Avenue and confirmed that Building C would be 0.76m (2.6ft) taller than the existing house, which the applicant feels is an adequate building transition (refer to Figure 4). The applicant did not reduce the building height of Building F since it would be adjacent to an existing driveway on the neighbouring property.

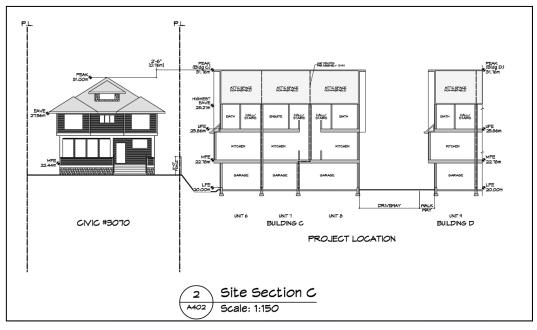


Figure 4. Site Cross-Section

Phasing Plan

Council directed the applicant to revise the proposed Phasing Plan to ensure that the outdoor amenity space and Doric Connector are constructed in Phase 1 and provide more details on potential interim conditions of each phase, to the satisfaction of the Director of Sustainable Planning and Community Development. The applicant adjusted the phasing plan in response to Council's direction to ensure that the amenities in the development are constructed in Phase 1.

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the following legal agreements have been executed by the applicant:

- a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units
- a 1.00m statutory right-of-way (SRW) on Washington Avenue
- a SRW for the construction of the Doric Connector
- a Section 219 Covenant securing the construction of the Doric Connector greenway by the applicant.

However, the applicant is not the current registered owner of the subject properties. According to the applicant, the current registered owners have entered an agreement of purchase and sale with respect to the subject properties, and the transfers to the applicant are to take place once Council gives three readings to the rezoning bylaw. The current registered owners are unwilling to execute the legal agreements, but the applicant has already executed them and intends to register them after the lots are transferred into their name (assuming Council gives the rezoning bylaw three readings).

The applicant is therefore requesting that a public hearing be held; however, if Council gives the rezoning bylaw three readings, final adoption of the bylaws will be withheld until the City receives confirmation that the legal agreements are registered on title (with the exception of the Housing Agreement, which cannot be registered until Housing Agreement Bylaw adoption). Given the situation, the recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor Senior Planner Development Services Division Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Updated Plans dated January 19, 2021
- Attachment B: Updated Arborist Report dated January 18, 2021
- Attachment C: Updated letter to Mayor and Council dated November 16, 2020
- Attachment D: Correspondence regarding Official Community Plan Amendment.

PROJECT INFO & SITE DATA

OWNER	CURATE DEVELOPMENTS/ LOVE DEVELOPMENTS
ARCHITECT	MJM ARCHITECT INC.
DESIGN CONSULTANT	ZEBRA DESIGN
CIVIC ADDRESS	3080, 3082, 3090 WASHINGTON AVE.
LEGAL ADDRESS	LOTS 9, 10 & 11 SECTION 7A, VICTORIA DISTRICT, PLAN 431
CURRENT ZONING	R1-B
PROPOSED ZONING	SITE SPECIFIC
PROJECT DESCRIPTION	PROPOSED 34-UNIT RESIDENTIAL TOWNHOUSE DEVELOPMENT

ADDITIONAL CONSULTANTS

JRDOCH DEGREEFF INC.
ANDERSON & ASSOCIATES
3D
3D
3D
ES ENGINEERING
YE & ASSOCIATES

	SITE (COMBINED)	
LOT AREA* * INCLUDING SRW AREAS	6031.75 M ² (64925.19 FT ²)	
FRONT YARD AREA	282.91 M ² (3045.26 FT ²)	
LOT WIDTH	70.69 M (231.92')	
LOT DEPTH (AVG)	85.37 M (280.07')	
SETBACKS		
EAST - WASHINGTON AVE.	4.00 M (13.12') TO BLDG AVB	
MEST - REAR	5.53 M (18.14') TO BLDG J	
SOUTH - INT. SIDE	3.40 M (11.15') TO BLDG C/F	
NORTH - INT. SIDE	5.47 M (17.95') TO BLDG E/H	
SEPARATION BTW BLDGS		
FRONT/REAR	VARIES 5.48 M - 8.78 M	
SIDE/SIDE	VARIES 3.00 M - 10.21 M	
AVG. GRADE	SEE PAGE A105	
STOREYS	2 # 3 STOREYS	
BUILDING HEIGHT	11.08 M (36.35') - MAX BLDG H	HEIGHT TO UPPER CEILING
BLDG A	7.18 M (23.56')	5.77 M (18.93')
BLDG B BLDG C	10.46 M (34.32') 10.19 M (33.43')	8.80 M (28.87') 8.52 M (27.95')
BLDG D	10.19 M (33.43')	8.52 M (27.95')
BLDG E	10.31 M (38.83')	8.65 M (28.38')
BLDG F	10.36 M (33.99')	8.70 M (28.54')
BLDG G	10.67 M (35.01')	9.01 M (29.56')
BLDG H	11.08 M (36.35')	9.42 M (30.91')
BLDG I	7.05 M (23.13')	5.74 M (18.83')
BLDG J	7.26 M (23.82')	5.95 M (19.52')
FLOOR AREA		
3RD FLOOR	1275.83 M2 (13732.96 FT2) = 62.93	3 % OF 2ND FLOOR AREA
2ND FLOOR	2027.43 M ² (21823.06 FT ²)	
15T FLOOR	1162.56 M ² (12513.74 FT ²)	
GARAGE BIKE SHED	812.47 M ² (8745.36 FT ²) 4.18 M ² (45.00 FT ²)	
ELECTRICAL CLOSETS (ESTIMATE)	8.36 M ² (90.00 FT2) LOCATIONS TO BE	DETERMINED
ALLOWANCES:		
VEHICLE PARKING STALL	- 595.20 M² (- 6406.68 FT²)	
(18.60 M ² PER UNIT)	-18.60 M ² X 32 UNITS W/ GARAGE	
TOTAL FLOOR AREA	4695.64 M² (50543.44 FT²)	
FLOOR AREA RATIO	0.7785	
SITE COVERAGE	39.06 % (2355.93 M ²) INCL BIKE SHE	D & POSSIBLE ELEC. RMS
OPEN SITE SPACE - TOTAL	39.68 % (2393.66 M²)	
OPEN SITE SPACE - FRONT YARD	89.33 % (252.72 M²)	
PARKING	45 VEHICLE STALLS	
VEHICLE STALL - RESIDENTIAL		
IN GARAGE	39	
SURFACE STALL (ASSIGNED)	2	
VEHICLE STALL - VISITOR BICYCLE - LONG TERM	2 BIKE SHED FOR UNITS 16 \$ 27	
BICYCLE - SHORT TERM	2 BIKE SHED FOR UNITS 16 \$ 27 6	
TOTAL NUMBER OF UNITS	34 2-4 REDROOMS	
UNIT TYPE	2-4 BEDROOMS	
<u># OF BUILDINGS</u>	10	
# OF UNITS PER BLDG	2-4	
MINIMUM UNIT FLOOR AREA	115.21 M ²	
SITE AREA PER UNIT	177.40 M2 (1909.56 FT2)	



Context Plan Scale: 1:1000

ATTACHMENT A

RE-ISSUED FOR DP/REZONE JAN. 19, 2021

/JM A rchitect Inc

#10, 909 Vancouver Street Victoria, B.C. V8V 3V6 (250)661-5492

ZEBRADESIGN

1161 NEWPORT AVE Victoria, B.C. V85 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115

Drawn By: K. KOSHMAN

WASHINGTON TOWNHOUSES 3080-3090 WASHINGTON AVE.

Title: PROJECT INFO

Date: SEP. 10/19

Scale: AS NOTED

Project:

Michael Jon Moody Architect AIBC, MRAIC, Principal LEED A.P.®

DRAWING LIST:

ARCHITE		
A100	PROJECT INFO	
A101	PHASING PLAN	
A102	SITE PLAN (PROPOSED)	
A103	TREES TO RETAIN/REMOVE	
A104	SITE PLAN (EXISTING)	
A105	AVG. GRADE CALCULATIONS	
A201	BUILDING A FLOOR PLANS	
A202	BUILDING B FLOOR PLANS	
A203	BUILDING C FLOOR PLANS	
A204	BUILDING D FLOOR PLANS	
A205	BUILDING E FLOOR PLANS	
A206	BUILDING F FLOOR PLANS	
A207	BUILDING G FLOOR PLANS	
A208	BUILDING H FLOOR PLANS	
A209	BUILDING FLOOR PLANS	
A210	BUILDING J FLOOR PLANS	
A301	BUILDING A ELEVATIONS	
A302	BUILDING B ELEVATIONS	
A303	BUILDING C ELEVATIONS	
A304	BUILDING D ELEVATIONS	
A305	BUILDING E ELEVATIONS	
A306	BUILDING F ELEVATIONS	
A307	BUILDING G ELEVATIONS	
A308	BUILDING H ELEVATIONS	
A309	BUILDING I ELEVATIONS	
A310	BUILDING J ELEVATIONS	
A401	STREETSCAPES & SECTIONS	
A402	SECTIONS (CONT'D)	
A50 1	RENDERINGS	
A601	COLOURS & MATERIALS	
A602	SUN STUDIES	

<u>CIVIL</u>

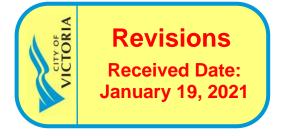
PRELIMINARY SITE SERVICING ---& STORMWATER MANAGEMENT PLAN

LANDSCAPE

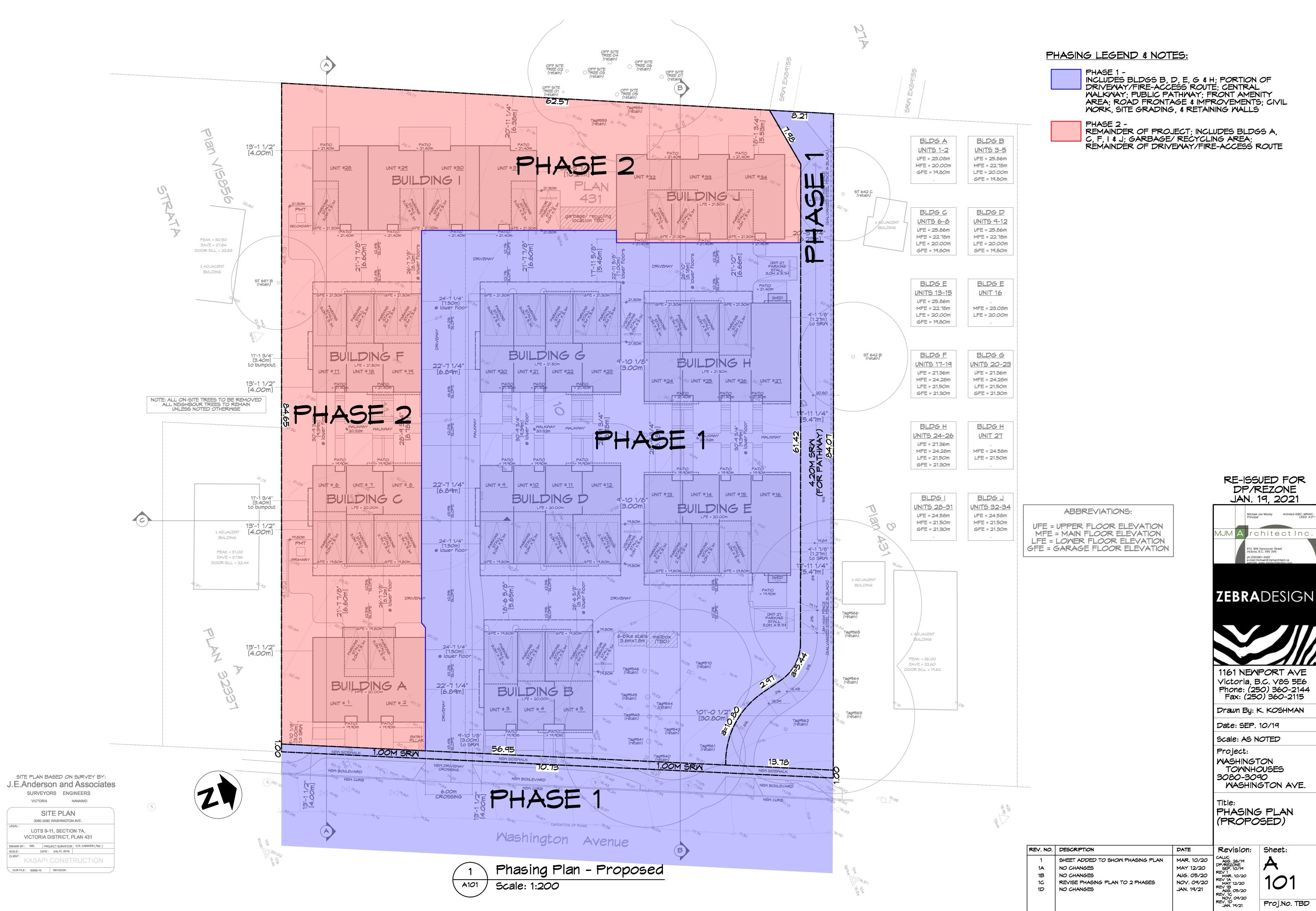
LANDSCAPE PLANS ---

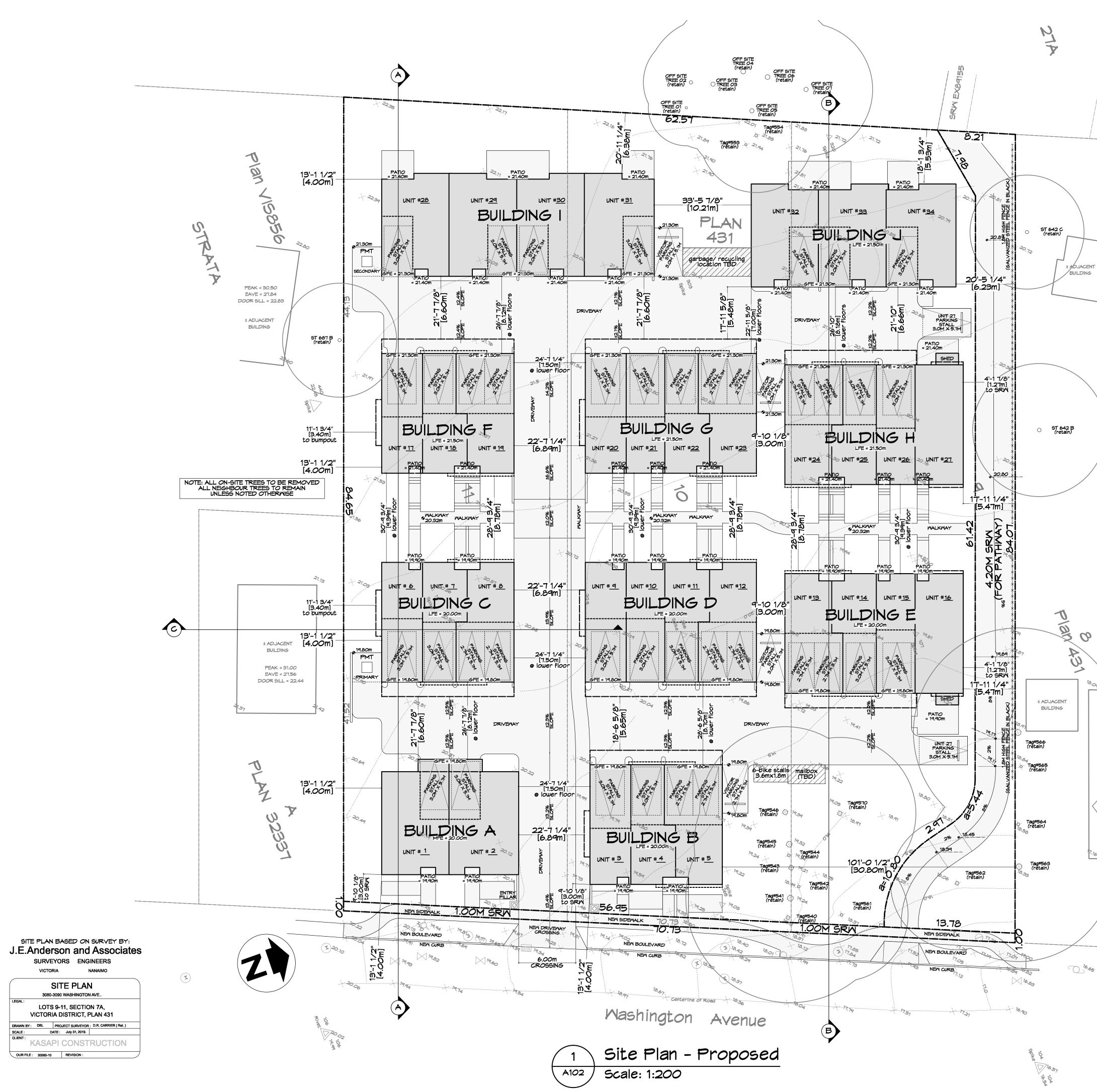
<u>ARBORIST</u>

ARBORIST PLAN ---



		_		
REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	DATA TABLE UPDATED; CONTEXT PLAN UPDATED; DRAWING LIST REVISED	MAR. 10/20	CALUC AUG. 26/19 DP/REZONE SEP. 10/19	A
1A	DATA TABLE UPDATED TO CORRECT ERRORS; DRAWING LIST REVISED	MAY 12/20	REV 1 MAR. 10/20 REV 1A	100
1B	NO CHANGES	AUG. 05/20	MAY 12/20 REV 1B AUG. 05/20	
10	REVISE SITE DATA; ADD PAGE A402	NOV. 09/20	REV. 1C NOV. 09/20	
10	NO CHANGES	JAN. 19/21	REV. 1D JAN. 19/21	Proj.No. TBD





EX89155	
SRW	

$\begin{array}{c c} BLDG A\\ UNITS 1-2\\ UFE = 23.08m\\ MFE = 20.00m\\ GFE = 19.80m\\ . \end{array} \qquad \begin{array}{c} BLDG B\\ UNITS 3-5\\ UFE = 25.86m\\ MFE = 25.86m\\ MFE = 22.78m\\ LFE = 20.00m\\ GFE = 19.80m\\ \end{array}$	
$\begin{array}{c} \textbf{BLDG C}\\ \underline{\textbf{UNITS 6-8}}\\ \textbf{UFE = 25.86m}\\ \textbf{MFE = 22.78m}\\ \textbf{LFE = 20.00m}\\ \textbf{GFE = 19.80m} \end{array} \qquad \begin{array}{c} \textbf{BLDG D}\\ \underline{\textbf{UNITS 9-12}}\\ \textbf{UFE = 25.86m}\\ \textbf{MFE = 22.78m}\\ \textbf{LFE = 20.00m}\\ \textbf{GFE = 19.80m} \end{array}$	
$\begin{array}{c} \underline{BLDG \ E}\\ \underline{UNITS \ 13-15}\\ UFE = 25.86m\\ MFE = 22.78m\\ LFE = 20.00m\\ GFE = 19.80m\\ \end{array} \qquad \begin{array}{c} \underline{BLDG \ E}\\ \underline{UNIT \ 16}\\ .\\ MFE = 23.08m\\ LFE = 20.00m\\ .\\ \end{array}$	
$\begin{array}{c} \underline{BLDG \ F}\\ \underline{UNITS \ 17-19}\\ UFE = 27.36m\\ MFE = 24.28m\\ LFE = 21.50m\\ GFE = 21.30m\\ \end{array} \qquad \begin{array}{c} \underline{BLDG \ G}\\ \underline{UNITS \ 20-23}\\ UFE = 27.36m\\ MFE = 24.28m\\ LFE = 21.30m\\ GFE = 21.30m\\ \end{array}$	
$\begin{array}{c c} \hline BLDG \ H \\ \hline UNITS \ 24-26 \\ UFE = 27.36m \\ MFE = 24.28m \\ LFE = 21.50m \\ GFE = 21.30m \\ \hline \end{array} \begin{array}{c} BLDG \ H \\ \underline{UNIT \ 27} \\ . \\ MFE = 24.58m \\ LFE = 21.50m \\ . \\ \end{array}$	
$\begin{array}{c c} \hline BLDG & \\ \hline UNITS & 28-31 \\ UFE = 24.58m \\ MFE = 21.50m \\ GFE = 21.30m \\ . \\ \hline \end{array} \begin{array}{c} BLDG & J \\ UNITS & 32-34 \\ UFE = 24.58m \\ MFE = 24.58m \\ MFE = 21.50m \\ GFE = 21.30m \\ . \\ \hline \end{array}$	ABBREVIATIONS: UFE = UPPER FLOOR ELEVATION MFE = MAIN FLOOR ELEVATION LFE = LOWER FLOOR ELEVATION GFE = GARAGE FLOOR ELEVATION
± ADJACENT BUILDING	NOTES: FOR ROAD/SIDEWALK/DRIVEWAY, GRADING & SERVICING DETAILS SEE CIVIL PLANS BY JE ANDERSON FOR WALKWAYS/PATIOS/RETAINING WALLS/ FENCES/GRADING DETAILS SEE LANSDSCAPE PLANS BY MURDOCH DEGREEFF
PEAK = 26.00 EAVE = 22.60 DOOR SILL = 19.62	SEE PAGE A103 FOR CLARITY OF TREES TO BE RETAINED/REMOVED (ONLY TREES TO BE RETAINED ARE SHOWN ON THIS PROPOSED SITE PLAN)
7. ₇₆ 7 OS	CONTACT PARKS FOR REVIEW AND APPROVAL OF FENCE ALIGNMENT AND FOOTING LOCATIONS PRIOR TO EXCAVATION - EXCAVATION FOR POST FOOTINGS TO BE PERFORMED BY HAND UNDER THE DIRECT SUPERVISION OF THE PROJECT ARBORIST

17 A)

REV. NO. DESCRIPTION

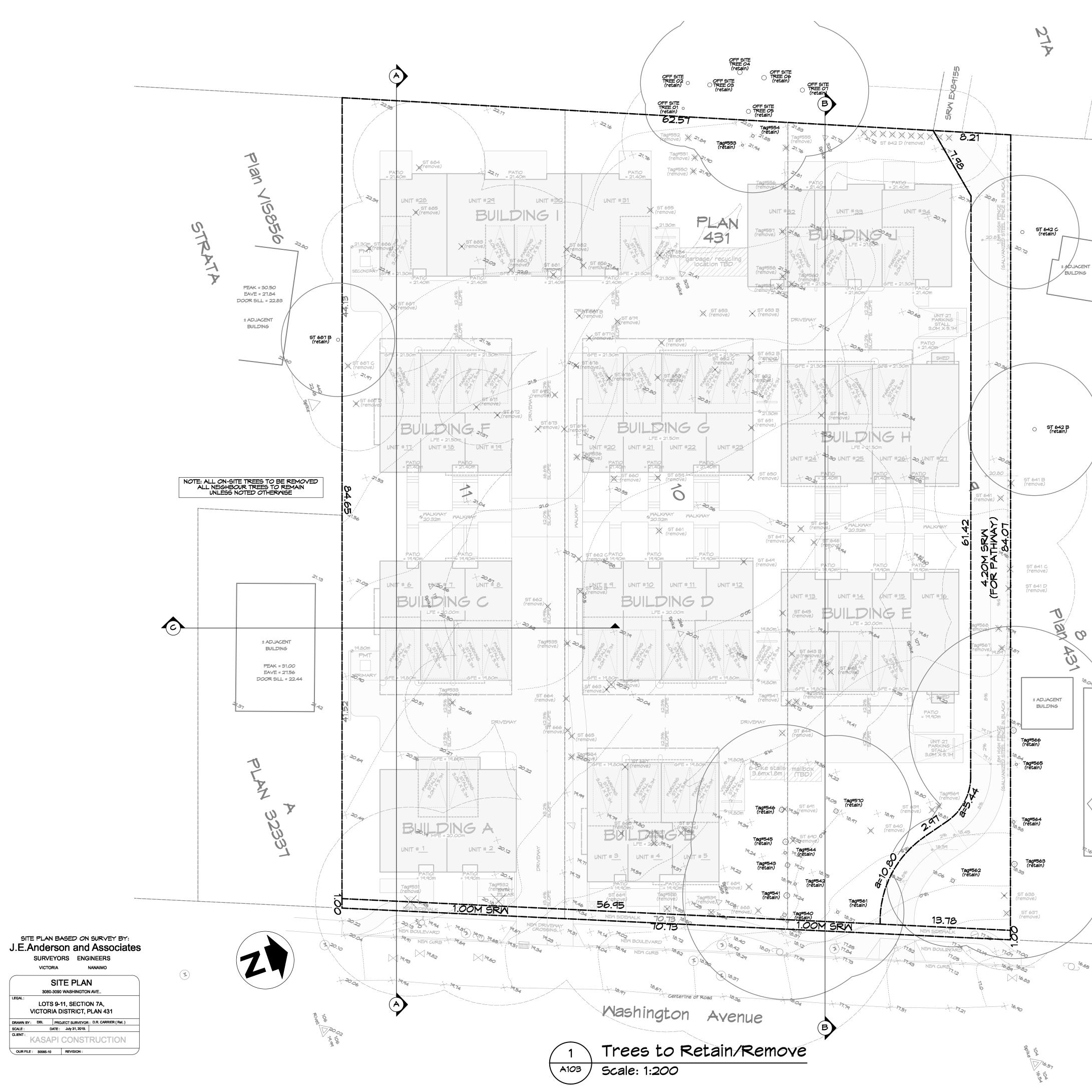
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		DP/R	UED FOR REZONE 19, 2021
ABBREVIATIONS: UPPER FLOOR ELEVATION MAIN FLOOR ELEVATION LOWER FLOOR ELEVATION GARAGE FLOOR ELEVATION		MJM A r c #10, 909 Victoria, E ph:(250)6 =-mail.mic	on Moody Architect AIBC, MRAIC, LEED A.P.* hitectinc.
NOTES: OAD/SIDEWALK/DRIVEWAY, DING & SERVICING DETAILS		ZEBRA	DESIGN
IL PLANS BY JE ANDERSON LKWAYS/PATIOS/RETAINING FENCES/GRADING DETAILS E LANSDSCAPE PLANS MURDOCH DEGREEFF			
AGE A103 FOR CLARITY OF TO BE RETAINED/REMOVED Y TREES TO BE RETAINED HOWN ON THIS PROPOSED SITE PLAN)		Victoria, B Phone: (25	PORT AVE 5.C. V85 5E6 50) 360-2144 5) 360-2115
CT PARKS FOR REVIEW AND IVAL OF FENCE ALIGNMENT OOTING LOCATIONS PRIOR AVATION - EXCAVATION FOR OST FOOTINGS TO BE RMED BY HAND UNDER THE		Drawn By: k Date: SEP. Scale: AS No	
ECT SUPERVISION OF THE PROJECT ARBORIST		Project: MASHINGT TOWNHC 3080-309 WASHING	DUSES
DESCRIPTION	DATE	Title: SITE PLA	۸N
SHEET RENUMBERED; BUILDING/DRIVEWAY LOCATIONS CHANGED; # OF UNITS/BLDG CHANGED; NOTES ADDED PER ZONING PLAN CHECK; UPDATED TREES	MAR. 10/20	(PROPO	•
NO CHANGES REMOVE TREES 641B, 641C, 641D; TREE TAGS UPDATED TO RELFECT ARBORIST TAGS; ADD DRIVENAY CROSSING DIMENSION; UPDATE SRW PATHWAY; ADD PATHWAY GRADING; ADD FENCE ON NORTH PL; ADD NEW TREE AT DORIC END OF SRW PATH; ADD NOTE RE PARKS REVIEW/ARBORIST REVIEW	MAY 12/20 AUG. 05/20	Revision: AUG. 26/19 DP/REZONE SEP. 10/19 REV 1 MAR. 10/20 REV 1A MAY 12/20 PEV 13	^{Sheet:} A 102
REVISE UNITS 16/27/34 & PARKING; REVISE PATH & SRW; REVISE TREES; ADD SITE SECTION C NO CHANGES	NOV. 09/20 JAN. 19/21	REV 1B AUG. 05/20 REV. 1C NOV. 09/20 REV. 1D JAN. 19/21	Proj.No. TBD



		PLDC P	
	BLDG A UNITS 1-2	<u>BLDG B</u> UNITS 3-5	
	UFE = 23.08m MFE = 20.00m	UFE = 25.86m MFE = 22.78m	
	GFE = 19.80m	LFE = 20.00m	
	¢	GFE = 19.80m	
_			
	BLDG C	BLDG D	
4	UNITS 6-8	<u>UNITS 9-12</u>	
	UFE = 25.86m MFE = 22.78m	UFE = 25.86m MFE = 22.78m	
	LFE = 20.00m GFE = 19.80m	LFE = 20.00m GFE = 19.80m	
	BLDG E	BLDG E	
	<u>UNITS 13-15</u> UFE = 25.86m	<u>UNIT 16</u>	
	MFE = 22.78m	MFE = 23.08m	
	LFE = 20.00m GFE = 19.80m	LFE = 20.00m	
	BLDG F	BLDG G	
	<u>UNITS 17-19</u> UFE = 27.36m	<u>UNITS 20-23</u> UFE = 27.36m	
	MFE = 24.28m LFE = 21.50m	MFE = 24.28m LFE = 21.50m	
	GFE = 21.30m	GFE = 21.30m	
	<u>BLDG H</u> UNITS 24-26	<u>BLDG H</u> UNIT 27	
	UFE = 27.36m	•	
	MFE = 24.28m LFE = 21.50m	MFE = 24.58m LFE = 21.50m	
	GFE = 21.30m	<i>.</i>	
	BLDG	BLDG J	
	UNITS 28-31	UNITS 32-34	
	UFE = 24.58m MFE = 21.50m	UFE = 24.58m MFE = 21.50m	
	GFE = 21.30m	GFE = 21.30m	
	Δ.		
7			
			NOTE:
	± ADJACENT BUILDING		PLEASE SEE ARBORIST REPORT & DRAWINGS BY GYE AND ASSOCIATES
			FOR FULL INFO REGARDING TREES TO BE RETAINED OR REMOVED
/	PEAK = 26.00 EAVE = 22.60		
	2017 SILL = 19.62		
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;		05	
	/		
/	1		
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REV. NO. DESCRIPTION

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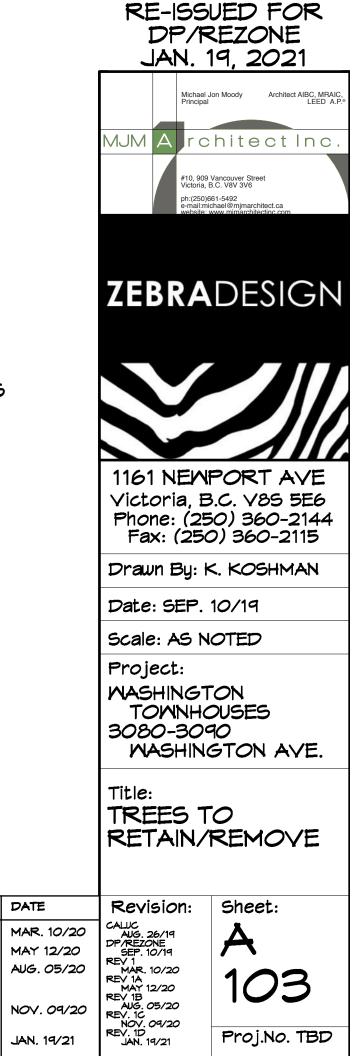
SHEET ADDED

REMOVE TREES 641B, 641C, 641D; TREE TAGS UPDATED TO RELFECT ARBORIST TAGS

REVISE TREES TO RETAIN/REMOVE; SHOW "X" THRU REMOVED TREES

NO CHANGES

NO CHANGES





Scale: 1:200

16.57 16.57 104

SRW EX89155		

± ADJACENT

BUILDING

PEAK = 26.00

Eave = 22.60 DOOR SILL = 19.62

REV. NO. DESCRIPTION

NO CHANGES

1A

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1D

SHEET RENUMBERED; UPDATED TO SHOW DEMO AND EXISTING TREES

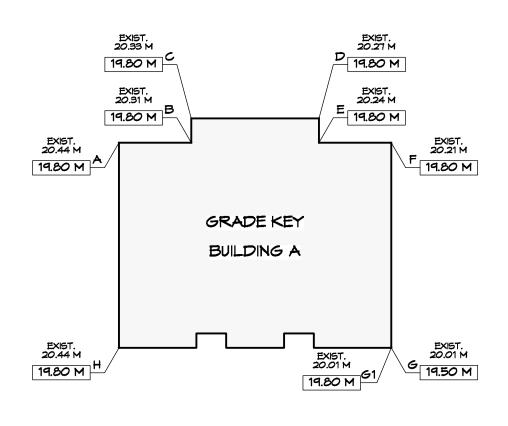
NO CHANGES TREE TAGS UPDATED TO REFLECT ARBORIST TAGS NO CHANGES

RE-ISSUED FOR DP/REZONE JAN. 19, 2021 Michael Jon Moody Architect AIBC, MRAIC, Principal LEED A.P. /JM A rchitect Inc 10, 909 Vancouver Street Victoria, B.C. V8V 3V6 250)661-5492 ZEBRADESIGN 1161 NEMPORT AVE Victoria, B.C. V85 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115 Drawn By: K. KOSHMAN Date: SEP. 10/19 Scale: AS NOTED Project: WASHINGTON TOWNHOUSES 3080-3090 WASHINGTON AVE. Title: SITE PLAN (EXISTING) Revision: Sheet: CALLIC AUG. 26/19 DP/REZONE SEP. 10/19 REV 1 MAR. 10/20 REV 1A MAX 12/20 REV 1B AUG. 05/20 REV. 1C NOV. 09/20 REV. 1D JAN. 19/21 A MAY 12/20 AUG. 05/20 104

DATE

MAR. 10/20

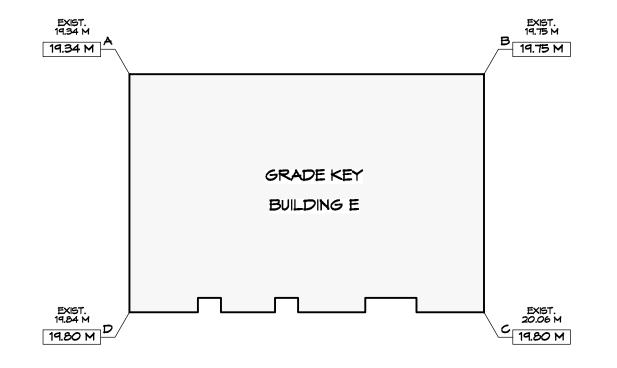
NOV. 09/20 JAN. 19/21



Ε	ЕХІБТ. 20.02 м 19.80 м А
E	EXIST. 19.57 M 19.52 M

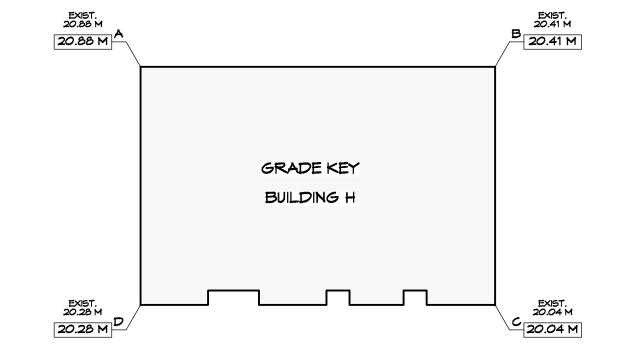
			Building	B - Average	e Grade Calc	culation		
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)
AB	19.80	19.59	19.70	13.92	274.15	1035.34	53.04	19.520
BC	19.59	19.17	19.38	12.60	244.19			
CD	19.17	19.52	19.35	13.92	269.28			
DA	19.52	19.80	19.66	12.60	247.72	AVE	RAGE GR	ADE
			TOTAL	53.04	1035.34		19.52	

	Building A - Average Grade Calculation											
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)				
AB	19.80	19.80	19.80	3.83	75.83	1050.35	53.13	. ,				
BC	19.80	19.80	19.80	1.30	25.74							
CD	19.80	19.80	19.80	6.76	133.85							
DE	19.80	19.80	19.80	1.30	25.74							
EF	19.80	19.80	19.80	3.83	75.83							
FG	19.80	19.50	19.65	10.85	213.20							
G1H	19.80	19.80	19.80	14.41	285.32							
HA	19.80	19.80	19.80	10.85	214.83	AVE	ERAGE GR	ADE				
			TOTAL	53.13	1050.35		19.77					



Building E - Average Grade Calculation											
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)			
AB	19.34	19.75	19.55	18.76	366.66	1233.86	62.72	19.673			
BC	19.75	19.80	19.78	12.60	249.17						
CD	19.80	19.80	19.80	18.76	371.45						
DA	19.80	19.34	19.57	12.60	246.58	AVE	AVERAGE GRADE				
			TOTAL	62.72	1233.86		19.67				

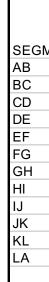
	SEG
	AB
	BC CD
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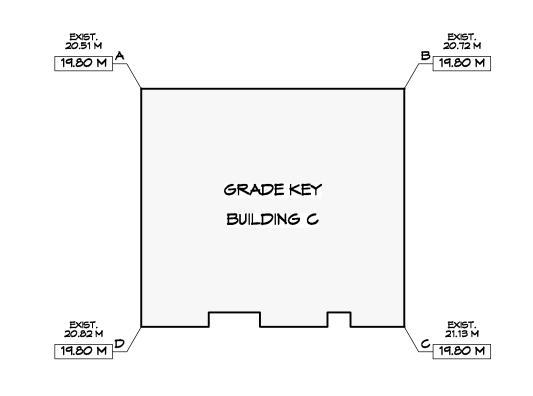


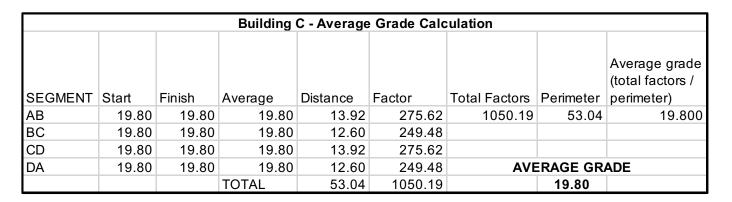
	Building H - Average Grade Calculation												
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)					
AB	20.88	20.41	20.65	18.76	387.30	1279.64	62.72	20.403					
BC	20.41	20.04	20.23	12.60	254.84								
CD	20.04	20.28	20.16	18.76	378.20								
DA	20.28	20.88	20.58	12.60	259.31	AVE	ERAGE GRADE						
			TOTAL	62.72	1279.64		20.40						

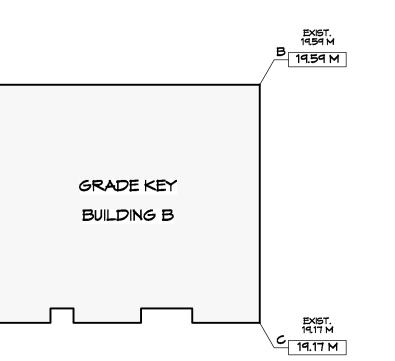
EXIST. 22.34 M 21.30 M

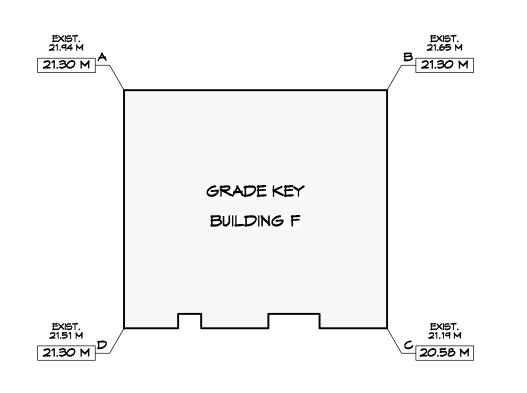
EXIST. 22.11 M 21.30 M



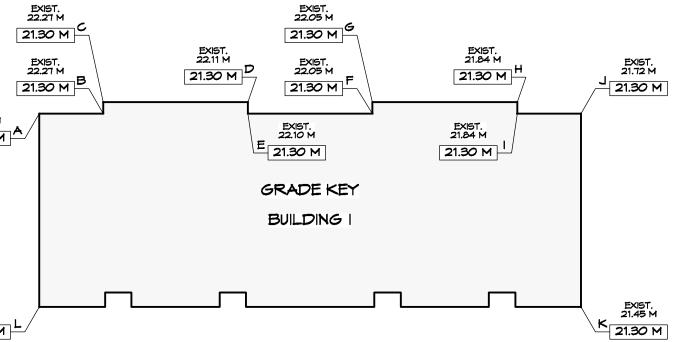




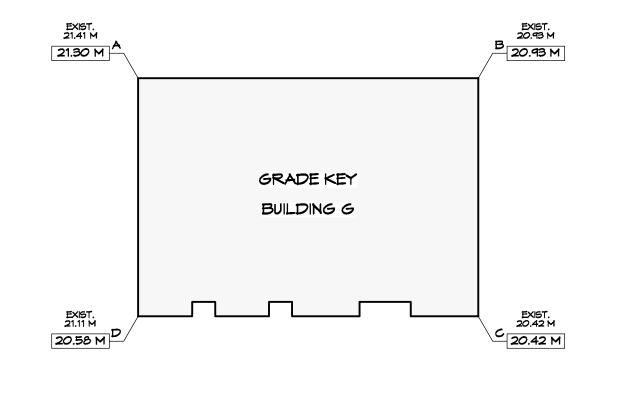




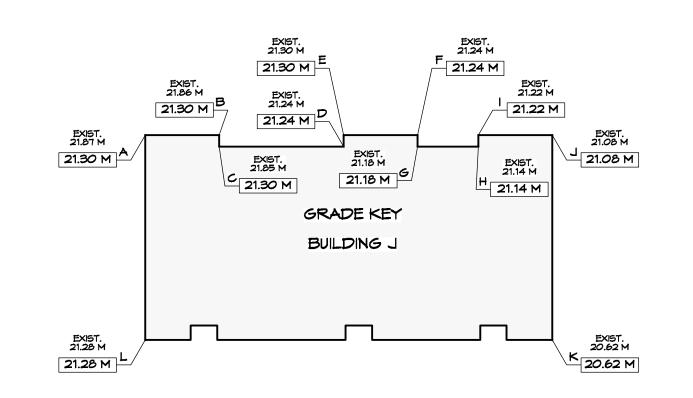
	Building F - Average Grade Calculation												
MENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)					
	21.30	21.30	21.30	13.92	296.50	1120.20	53.04	21.120					
	21.30	20.58	20.94	12.60	263.84								
	20.58	21.30	20.94	13.92	291.48								
	21.30	21.30	21.30	12.60	268.38	AVERAGE GRADE							
			TOTAL	53.04	1120.20		21.12						



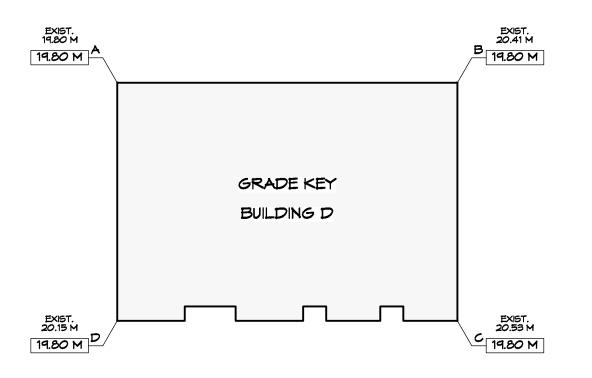
			Building	I - Average	Grade Calc	ulation		
								Average grade (total factors /
GMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	perimeter)
	21.30	21.30	21.30	3.38	71.99	1709.33	80.25	21.300
	21.30	21.30	21.30	0.61	12.99			
	21.30	21.30	21.30	7.66	163.16			
	21.30	21.30	21.30	0.61	12.99			
	21.30	21.30	21.30	6.59	140.37			
	21.30	21.30	21.30	0.61	12.99			
	21.30	21.30	21.30	7.66	163.16			
	21.30	21.30	21.30	0.61	12.99			
	21.30	21.30	21.30	3.38	71.99			
	21.30	21.30	21.30	10.24	218.11			
	21.30	21.30	21.30	28.66	610.46			
	21.30	21.30	21.30	10.24	218.11	AVE	ERAGE GR	ADE
			TOTAL	80.25	1709.33		21.30	



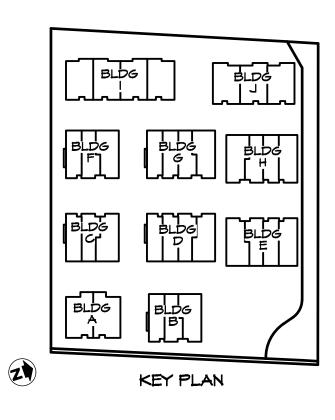
	Building G - Average Grade Calculation												
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)					
AB	21.30	20.93	21.12	18.00	380.07	1273.42	61.2	20.808					
BC	20.93	20.42	20.68	12.60	260.51								
CD	20.42	20.58	20.50	18.00	369.00								
DA	20.58	21.30	20.94	12.60	263.84	AVE	ERAGE GRADE						
			TOTAL	61.2	1273.42		20.81						

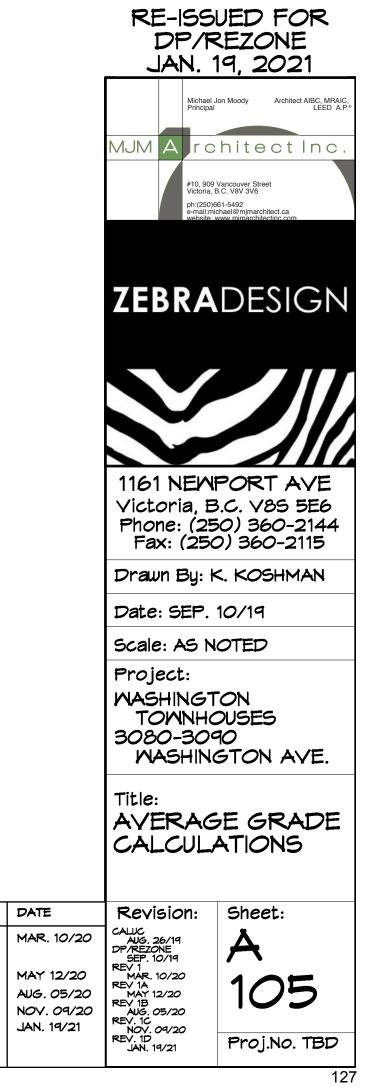


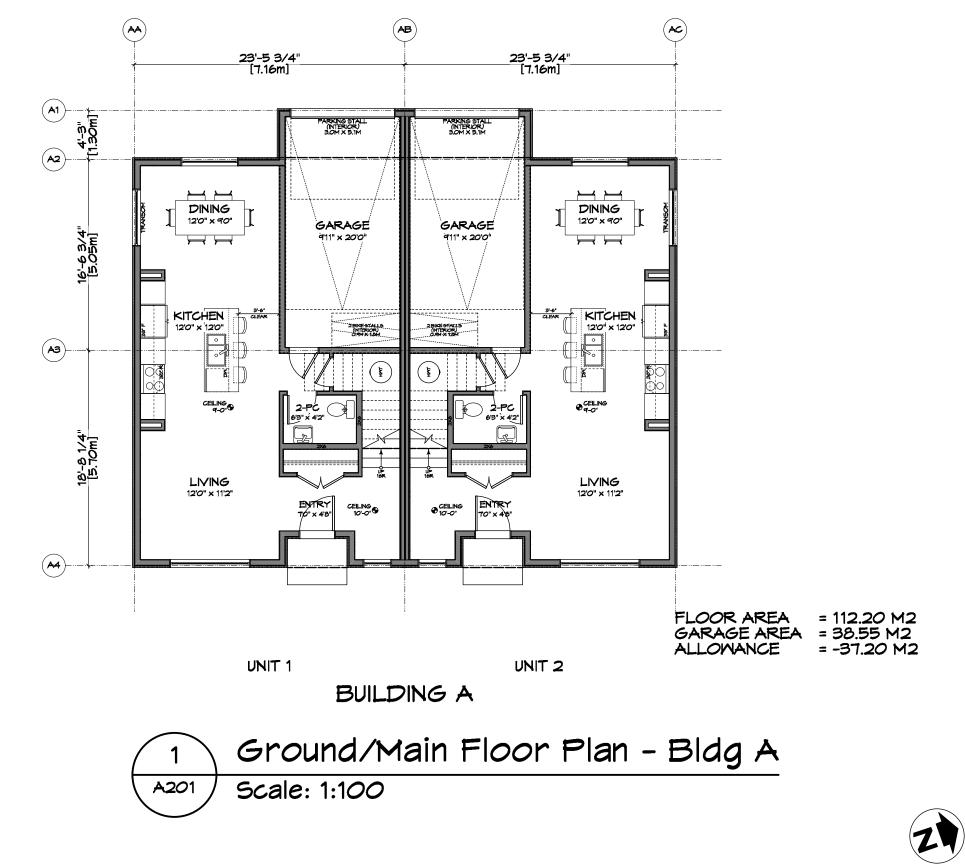
			Building	J - Average	Grade Calc	ulation				
		_		D . <i>1</i>				Average grade (total factors /		
SEGMENT	Start	Finish	Average	Distance	Factor			perimeter)		
AB	21.30			3.91	83.28	1417.55	67.21	21.091		
BC	21.30	21.30	21.30	0.61	12.99					
CD	21.30	21.24	21.27	6.59	140.17					
DE	21.24	21.30	21.27	0.61	12.97					
EF	21.30	21.24	21.27	3.91	83.17					
FG	21.24	21.18	21.21	0.61	12.94				REV. NO.	DESCRIPTION
GH	21.18	21.14	21.16	3.21	67.92					
HI	21.14	21.22	21.18	0.61	12.92					UPDATED TO R
IJ	21.22	21.08	21.15	3.91	82.70					LOCATIONS OF
JK	21.08	20.62	20.85	10.85	226.22				1A	NO CHANGES
KL	20.62	21.28	20.95	21.54	451.26				1B	NO CHANGES
LA	21.28	21.30	21.29	10.85	231.00	AVE	ERAGE GR	ADE	10	REVISE GRADE
			TOTAL	67.21	1417.55		21.09		10	NO CHANGES

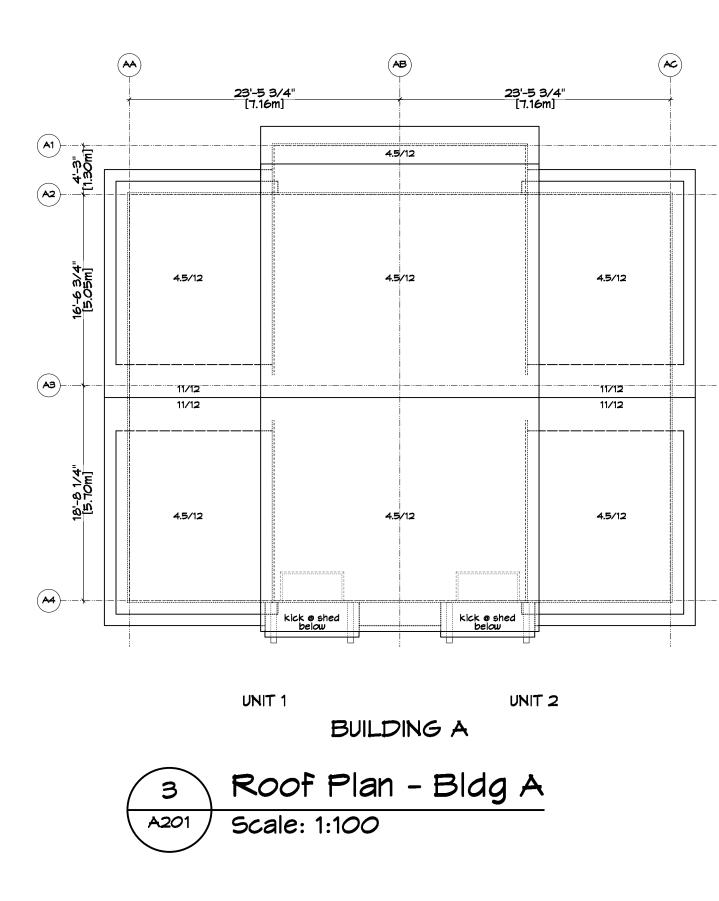


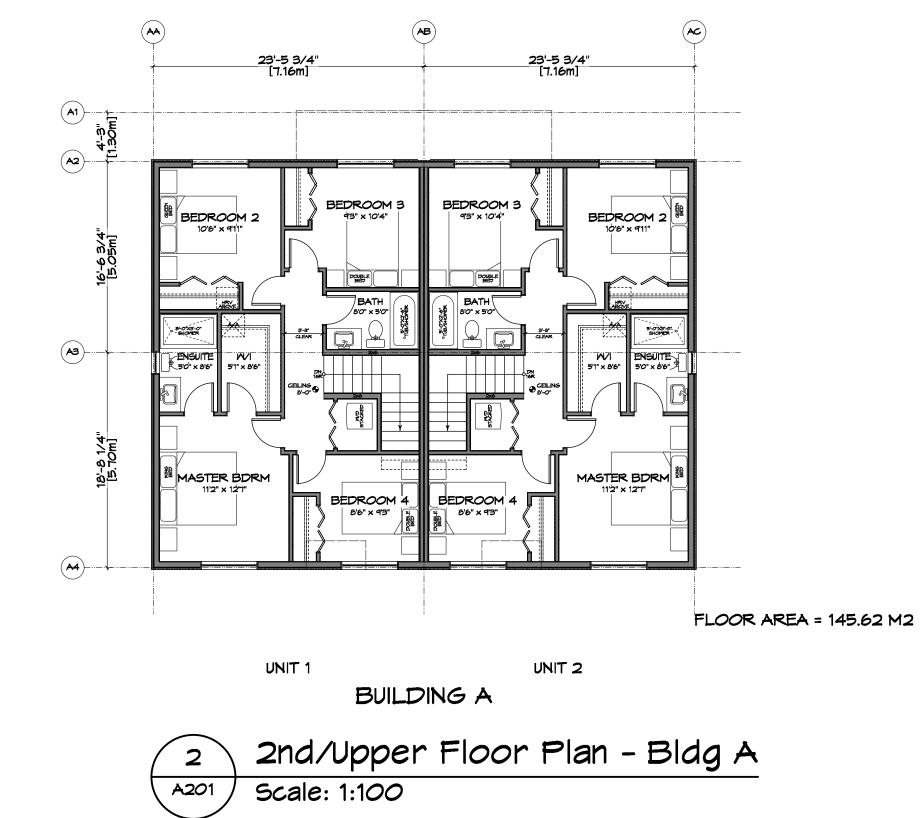
	Building D - Average Grade Calculation												
SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)					
AB	19.80	19.80	19.80	18.00	356.40	1211.76	61.2	19.800					
BC	19.80	19.80	19.80	12.60	249.48								
CD	19.80	19.80	19.80	18.00	356.40								
DA	19.80	19.80	19.80	12.60	249.48	AVE	RAGE GR	ADE					
			TOTAL	61.2	1211.76		19.80						

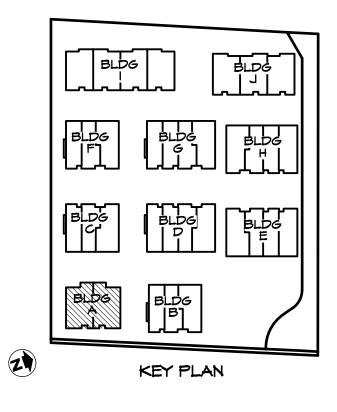


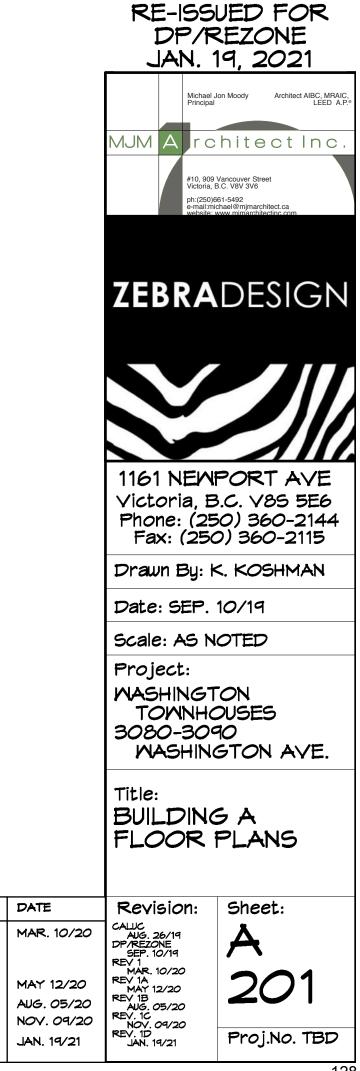












DATE

REV. NO. DESCRIPTION

1A

1B

10

1D

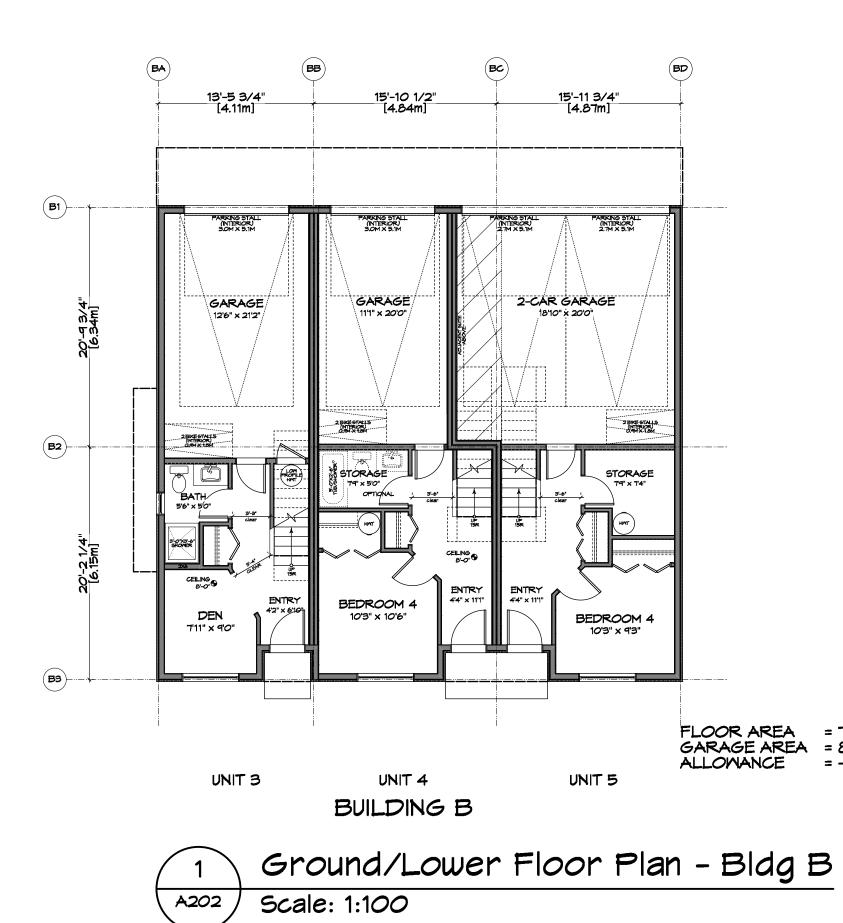
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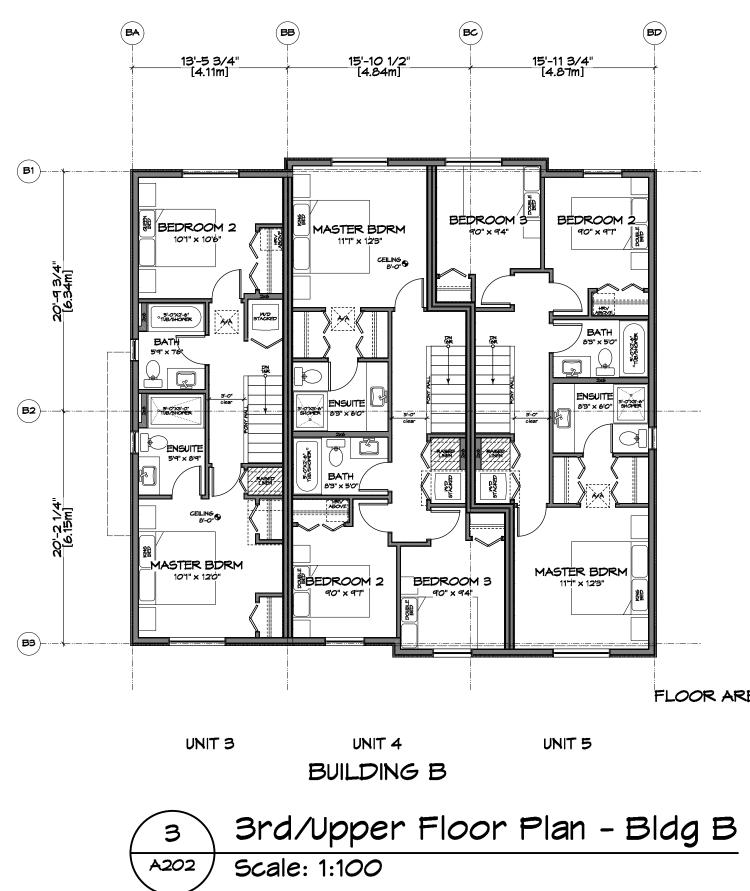
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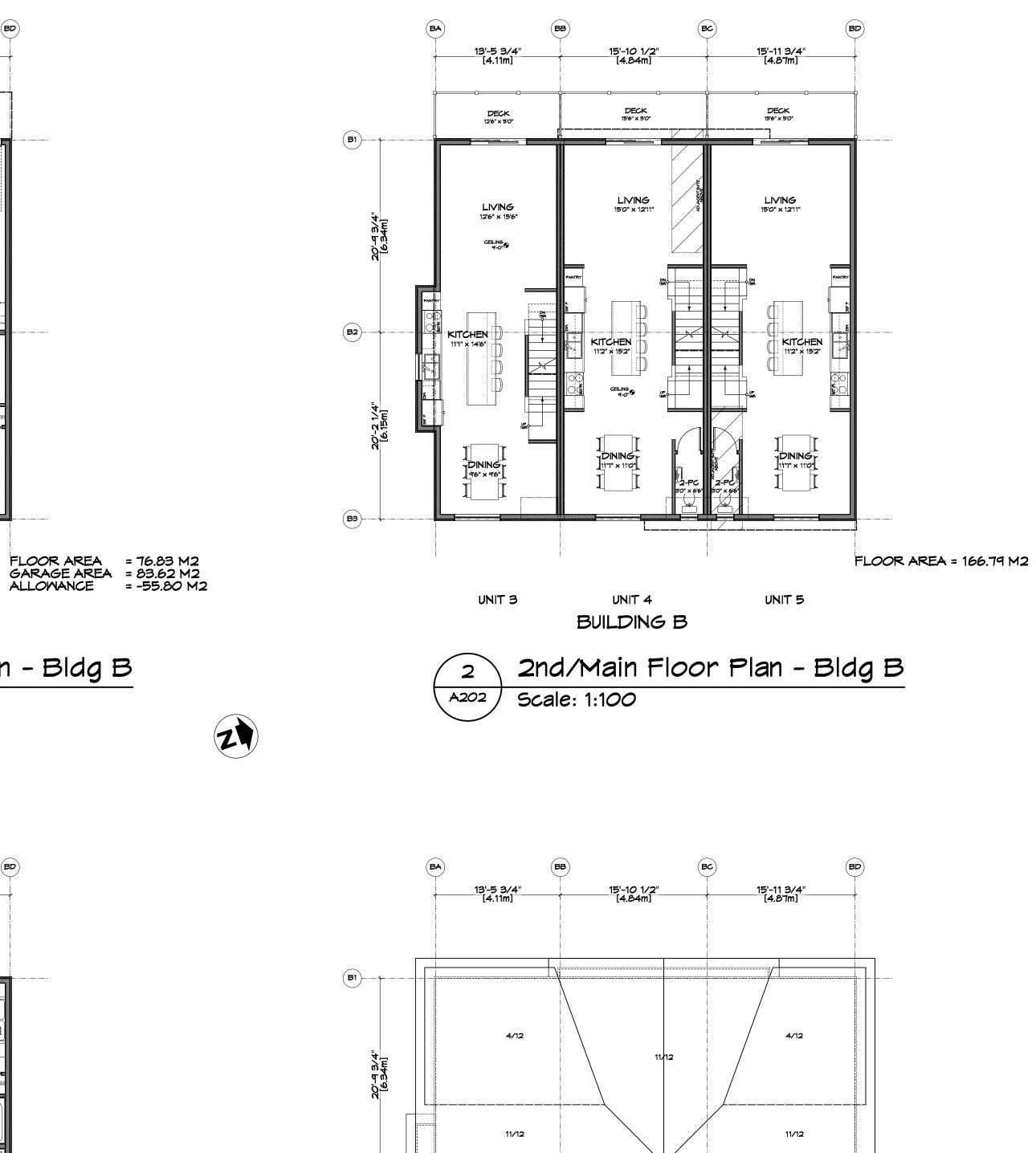
NO CHANGES

NO CHANGES

NO CHANGES







FLOOR AREA = 168.09 M2

UNIT 3 UNIT 4 BUILDING B Roof Plan - Bldg B 4 A202 Scale: 1:100

SHED

11/12

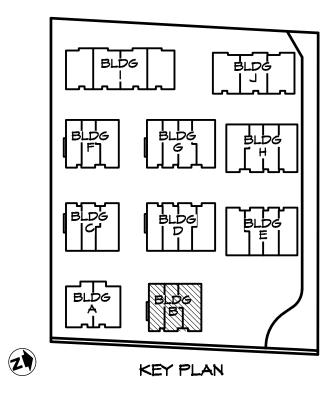
4/12

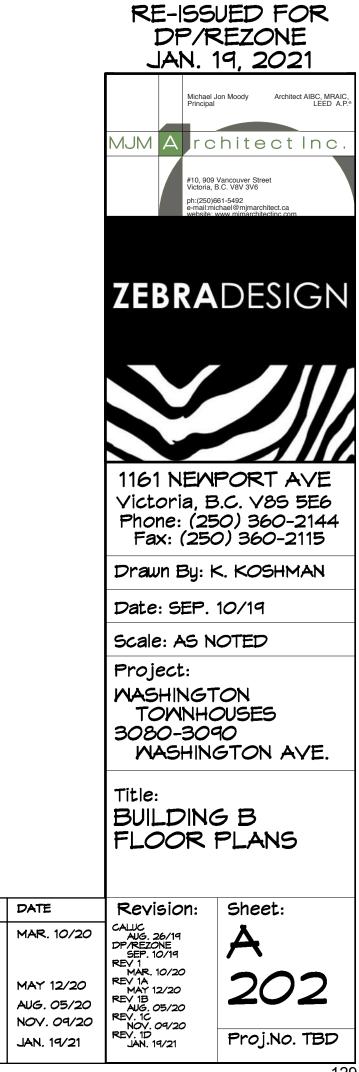
UNIT 5

B2----

B3----

0'-2 1/4 [6.15m]





DATE

REV. NO. DESCRIPTION

1A

1B

10

1D

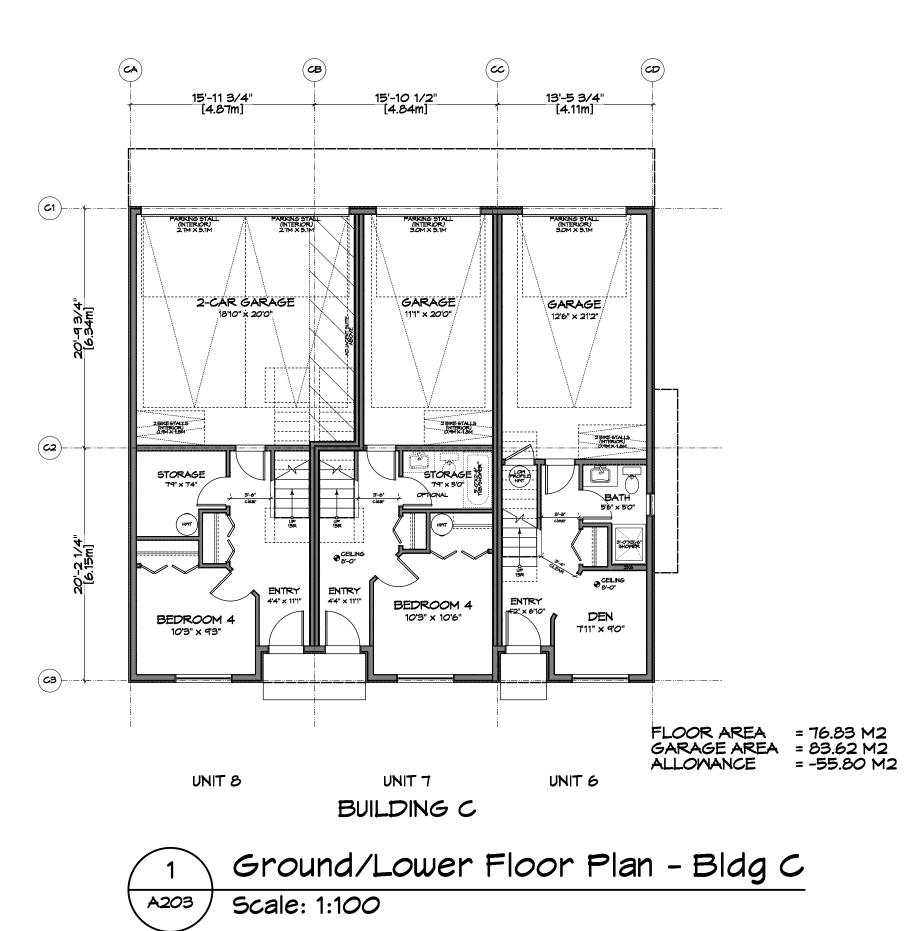
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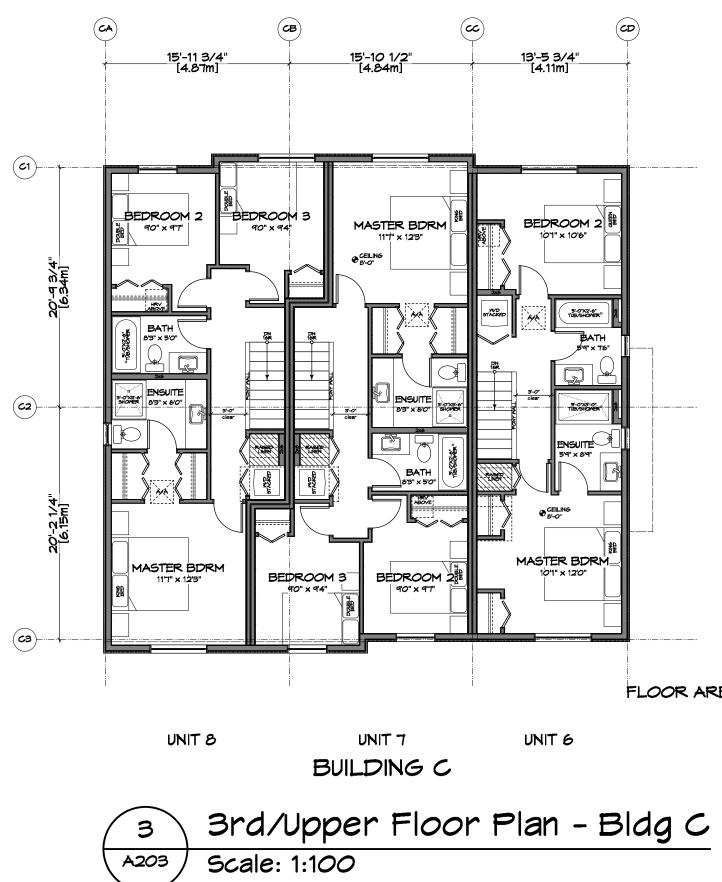
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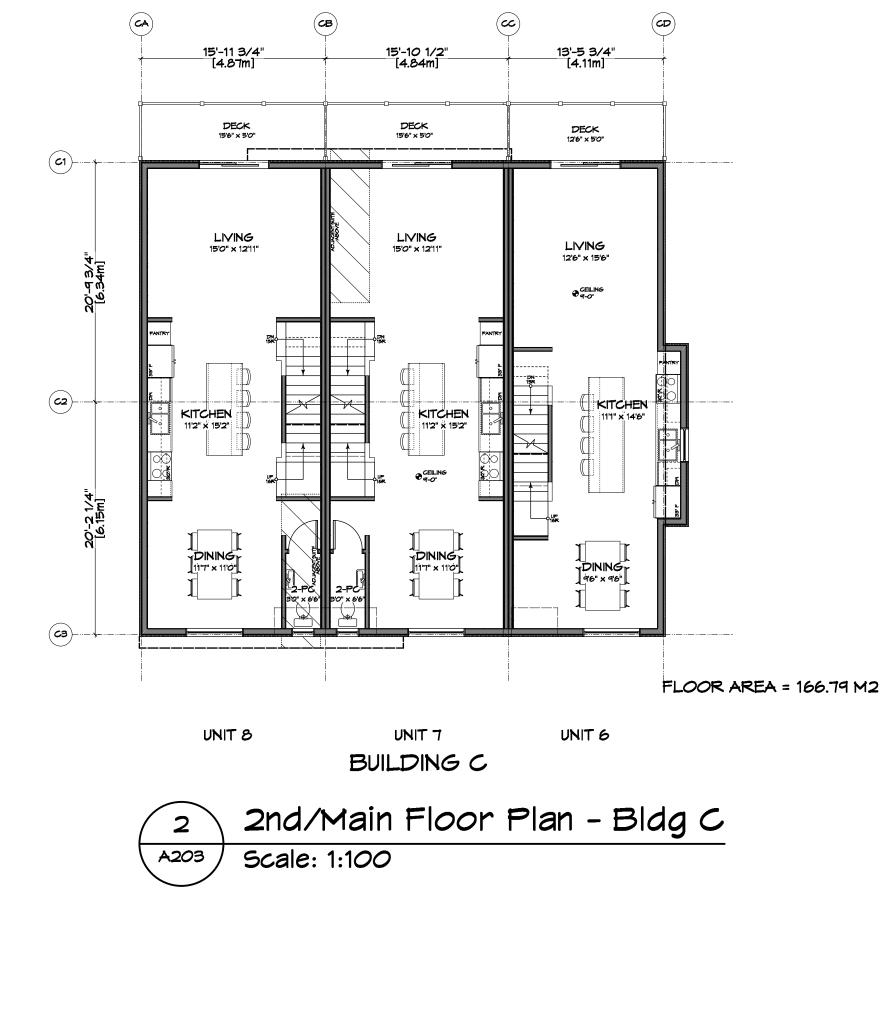
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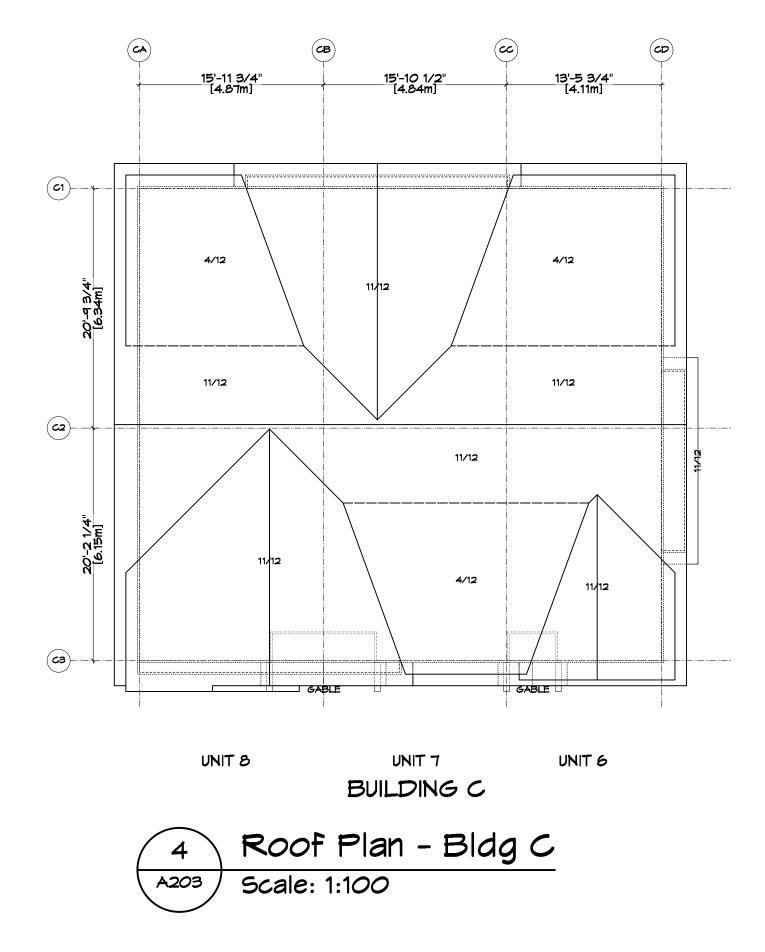
NO CHANGES

NO CHANGES



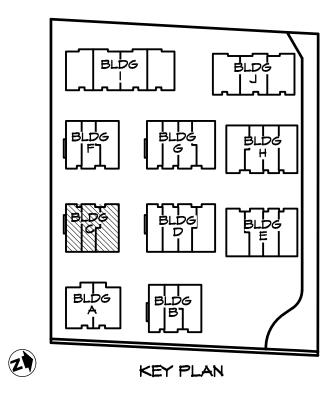


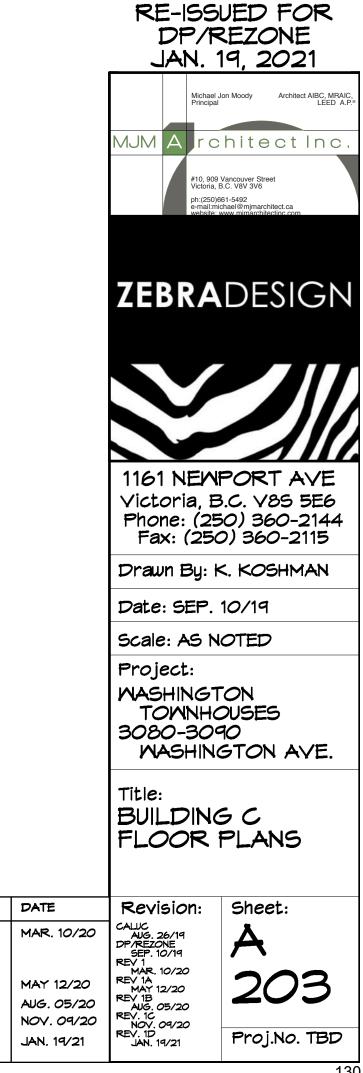




Z

FLOOR AREA = 168.09 M2





DATE

REV. NO. DESCRIPTION

1A

1B

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1D

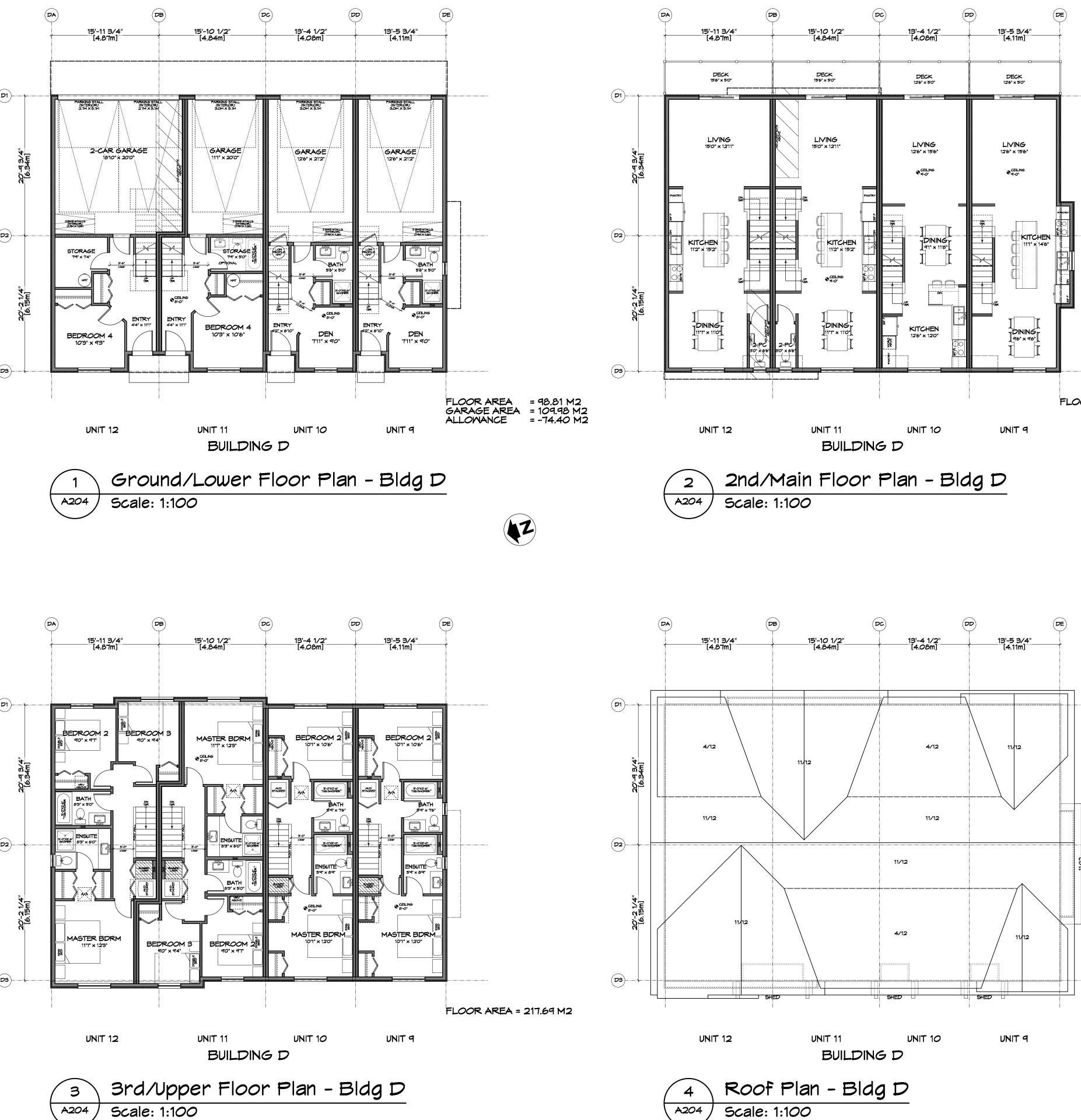
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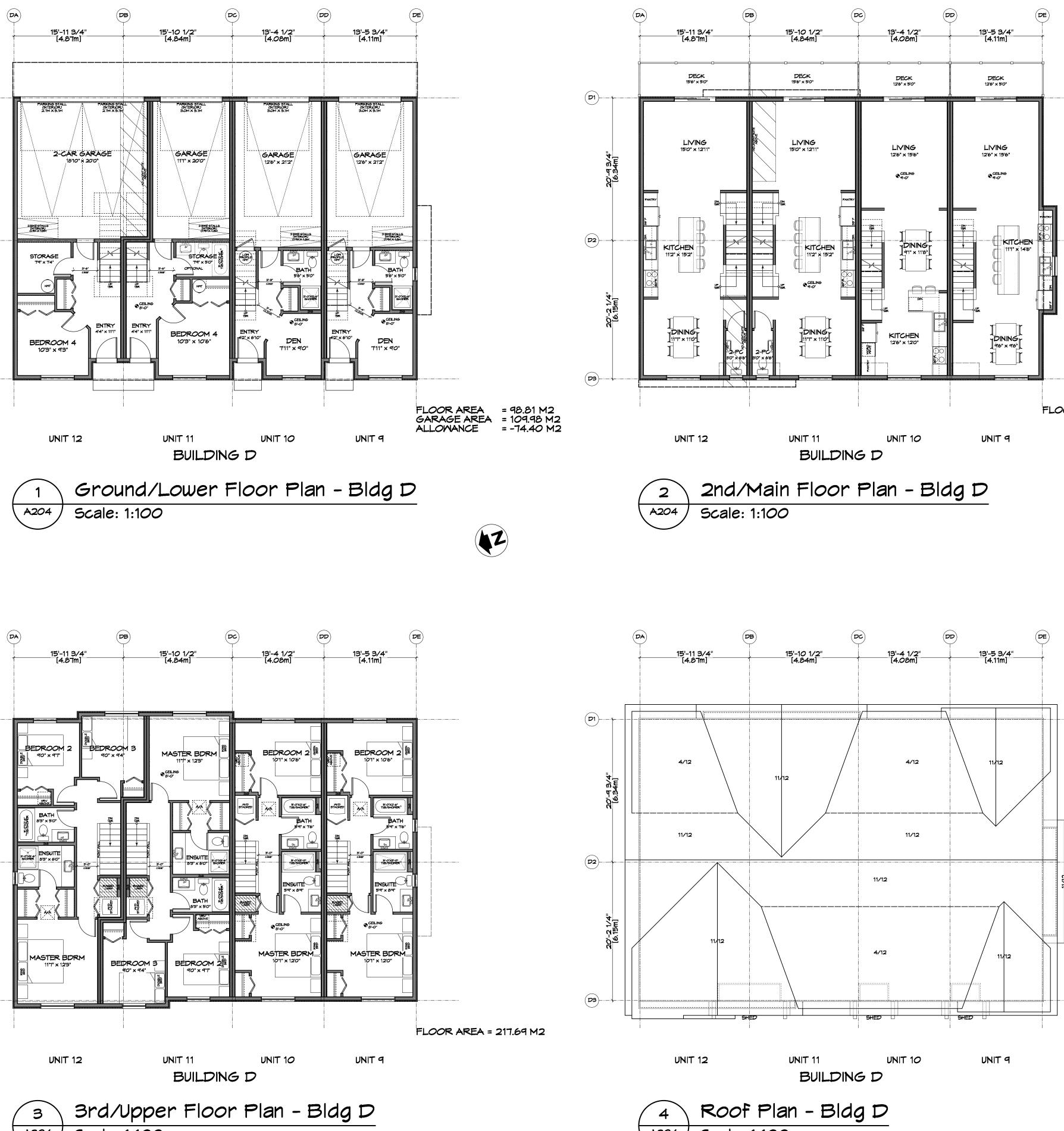
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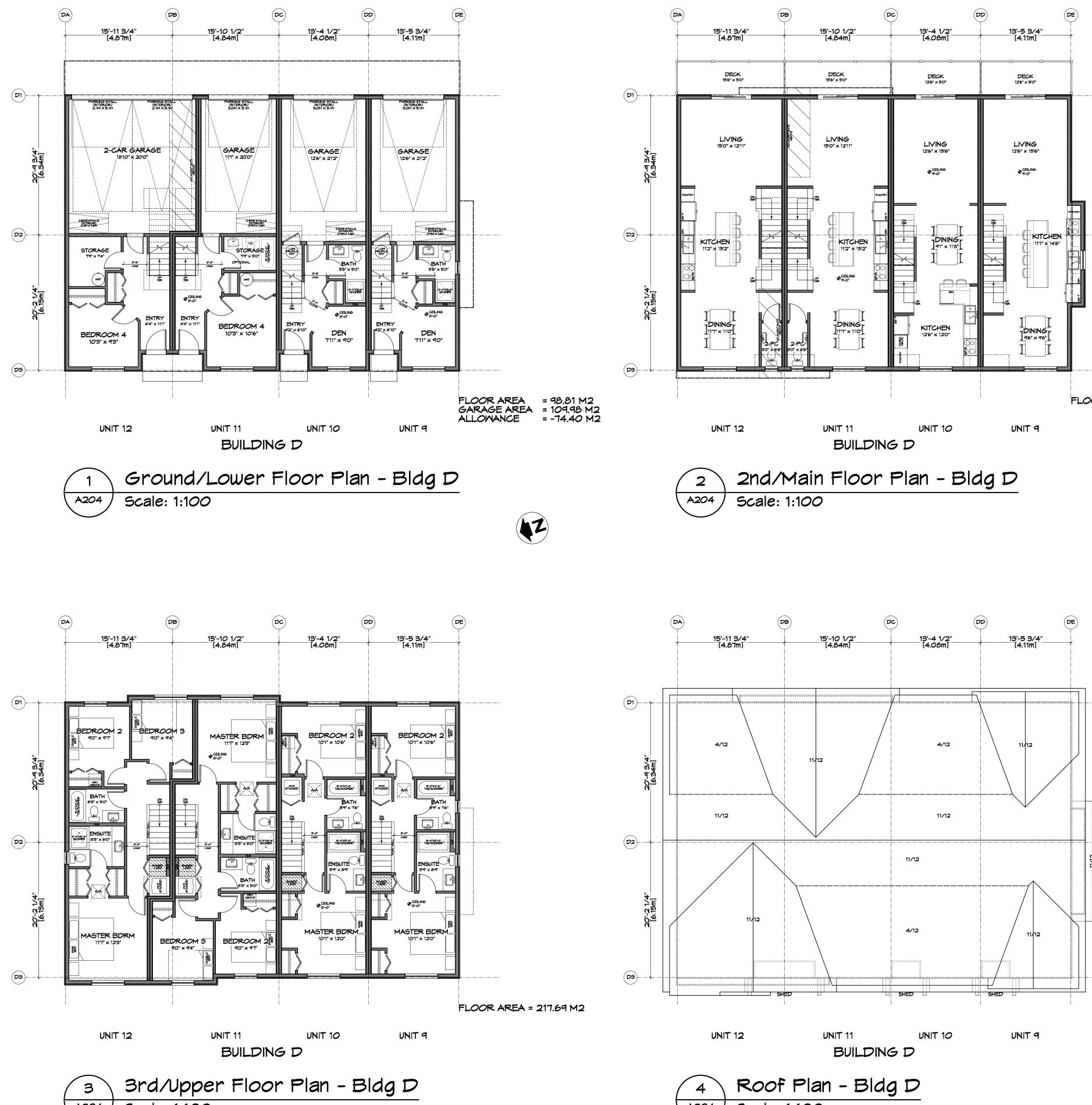
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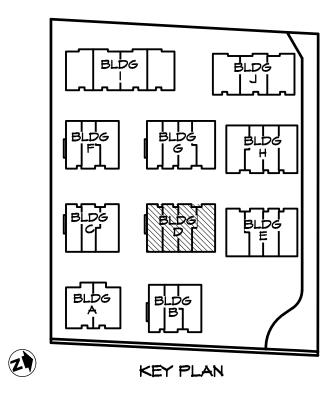
NO CHANGES

NO CHANGES









FLOOR AREA = 216.39 M2

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

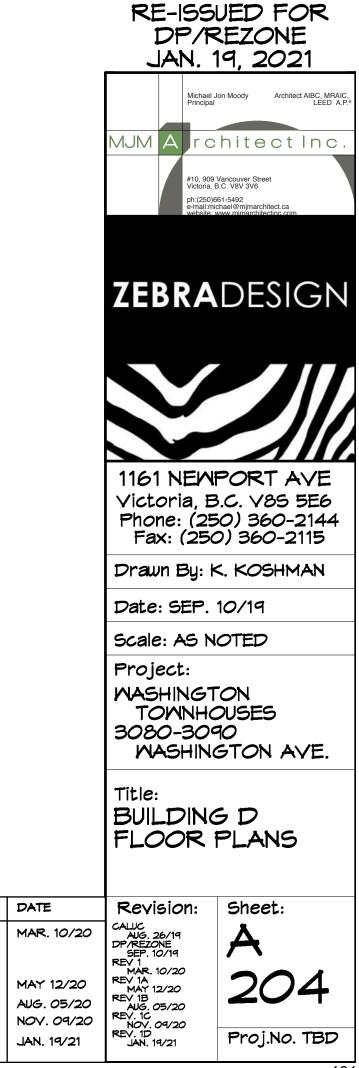
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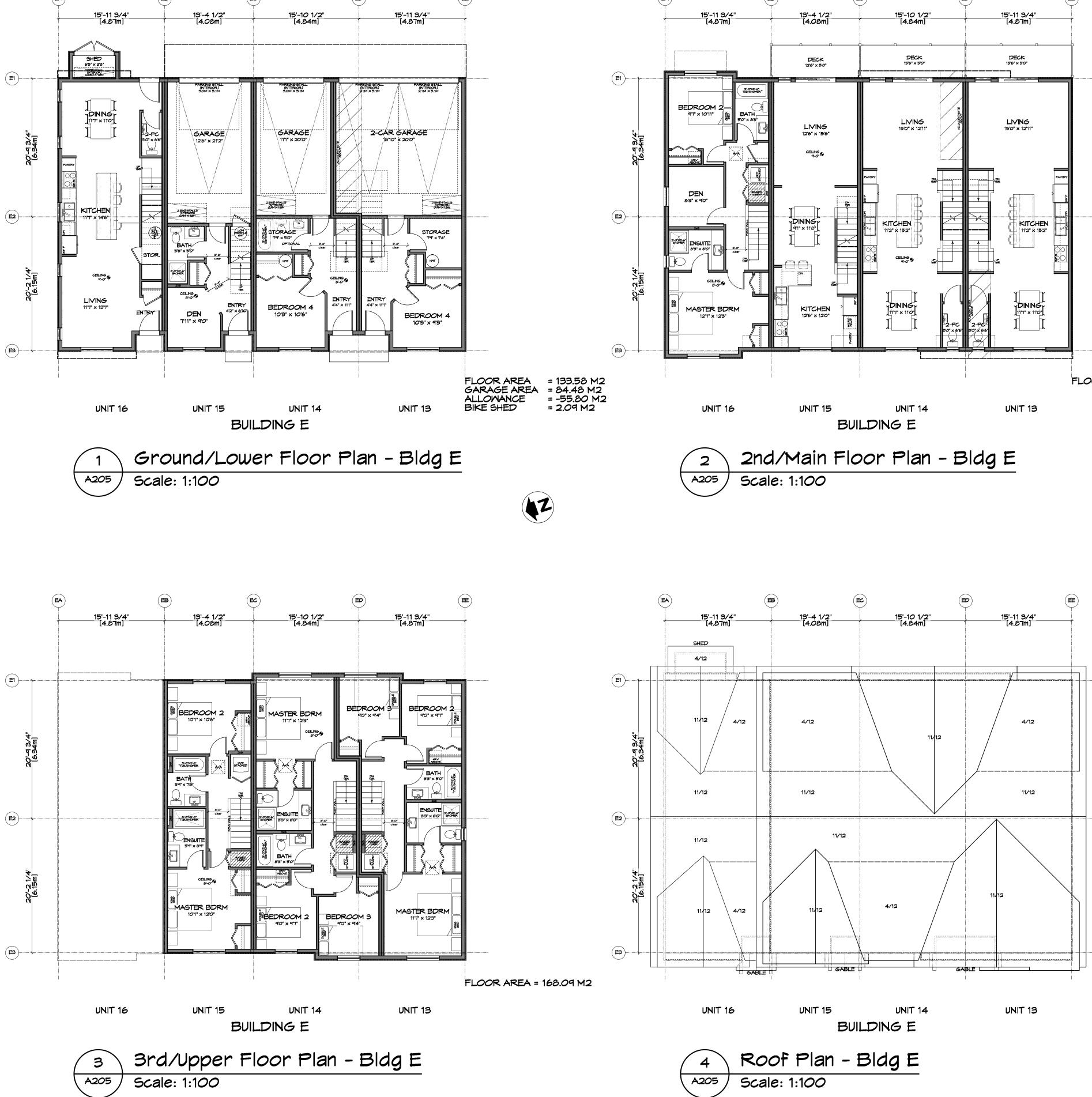
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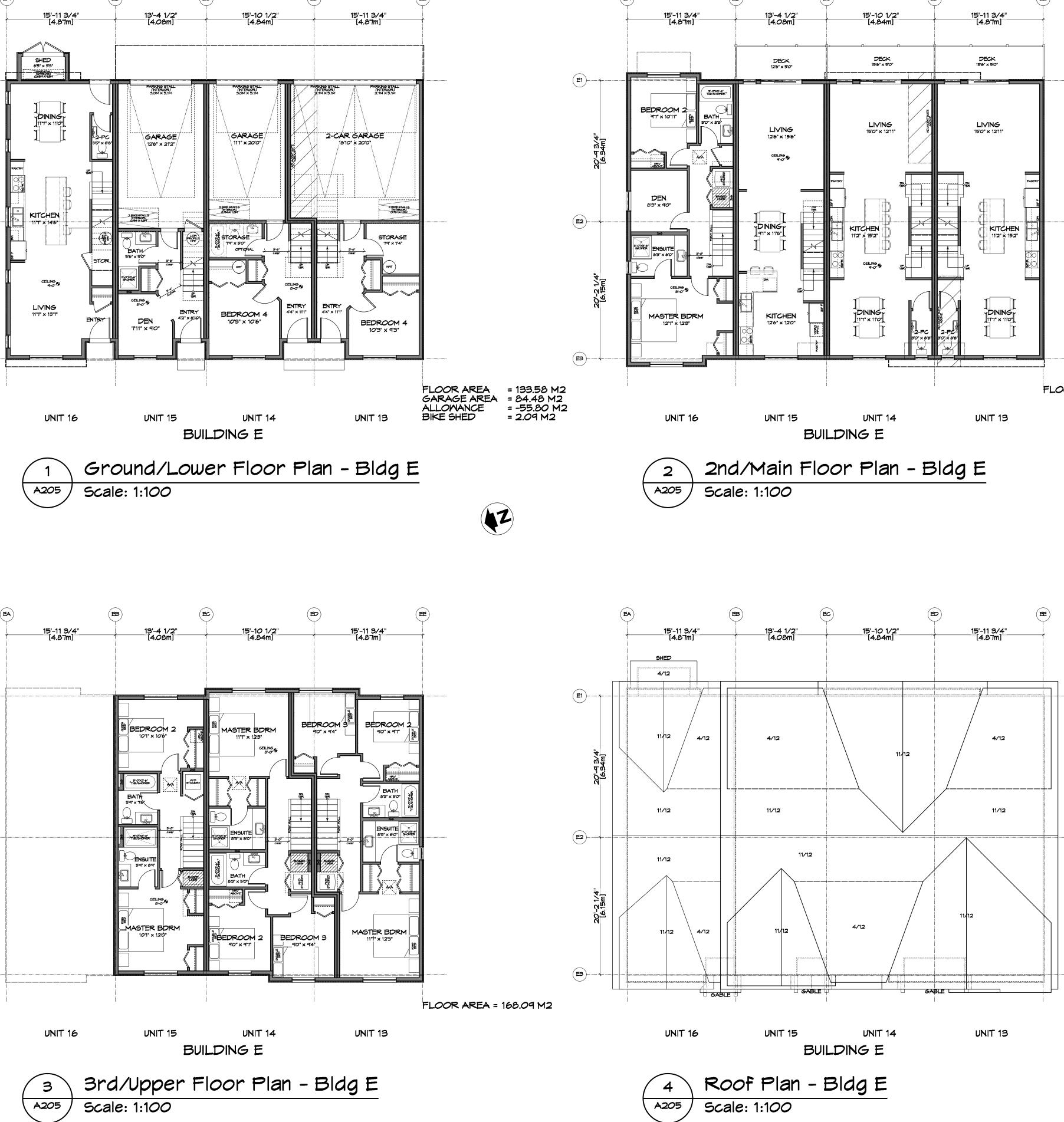
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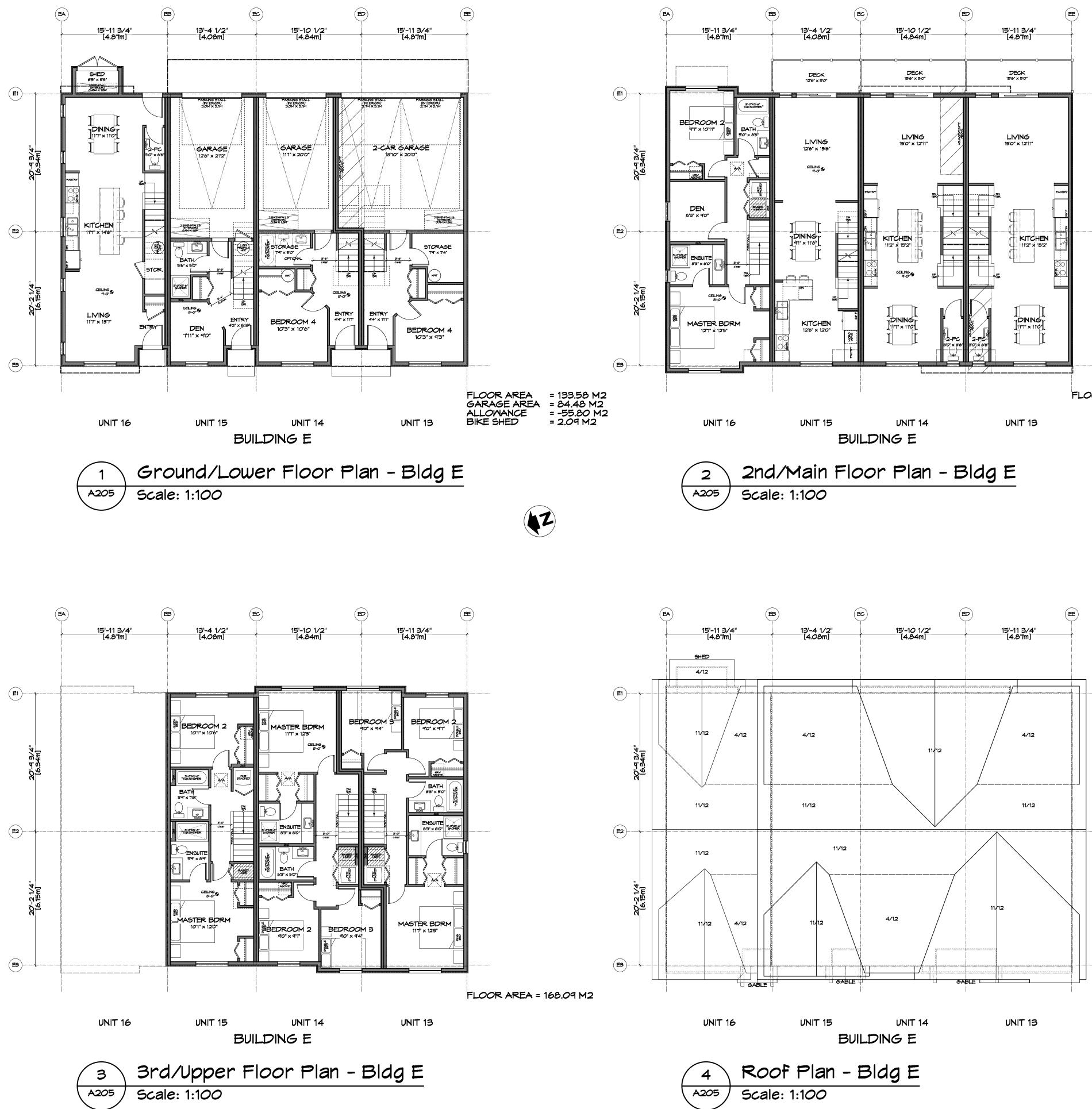
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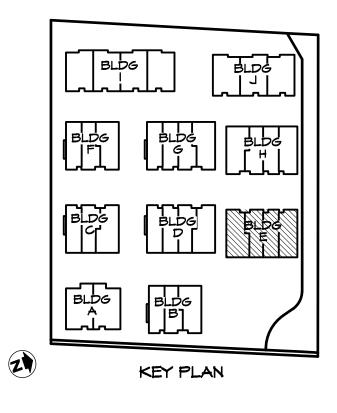
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS











FLOOR AREA = 224.83 M2

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

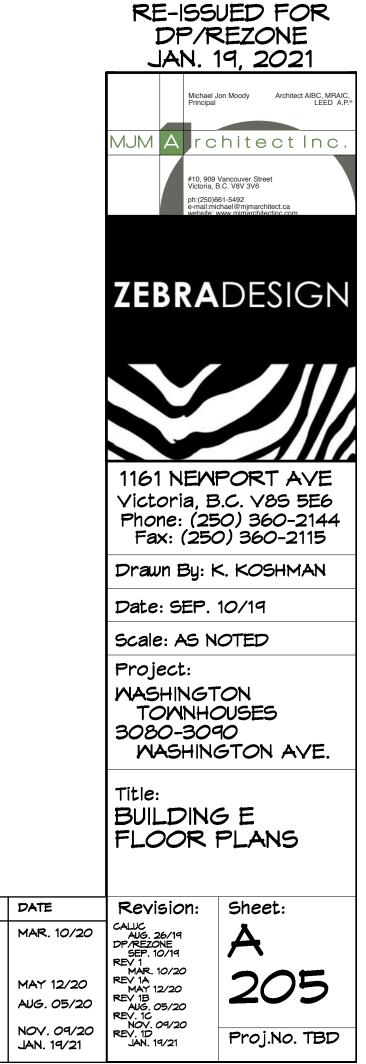
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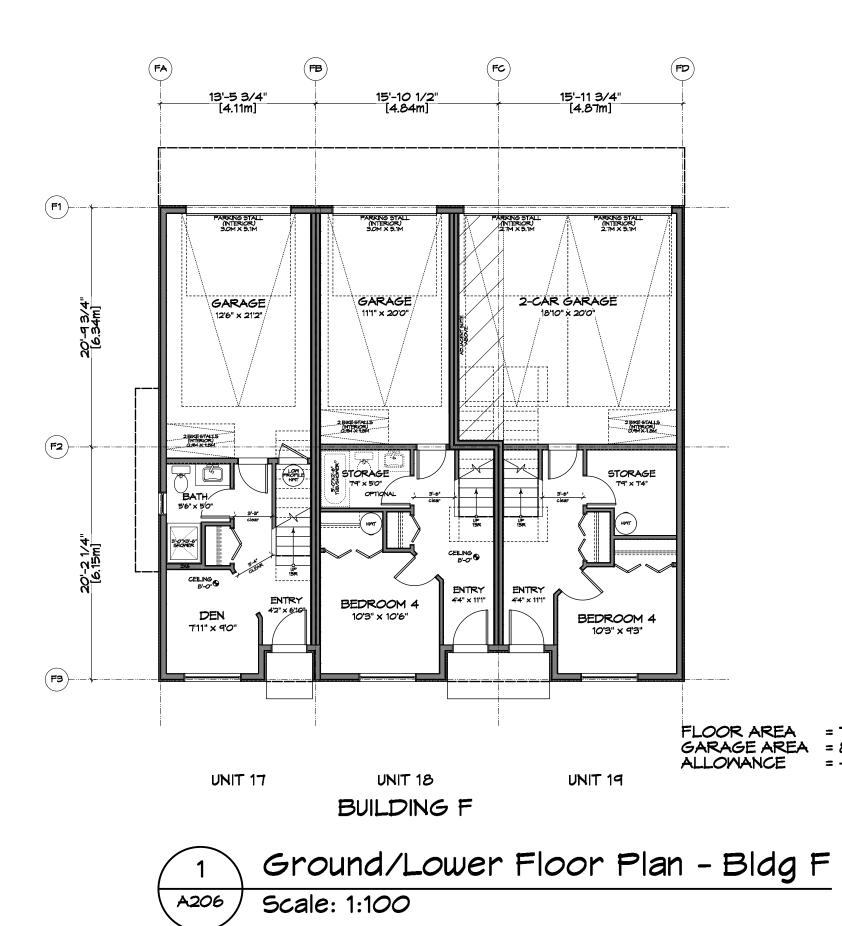
NO CHANGES

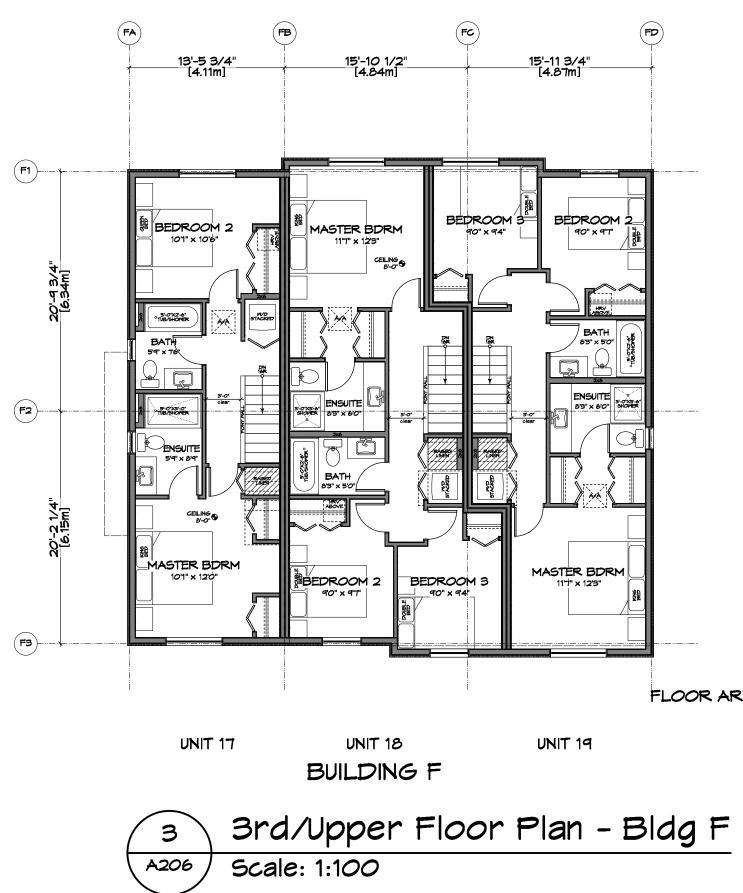
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS

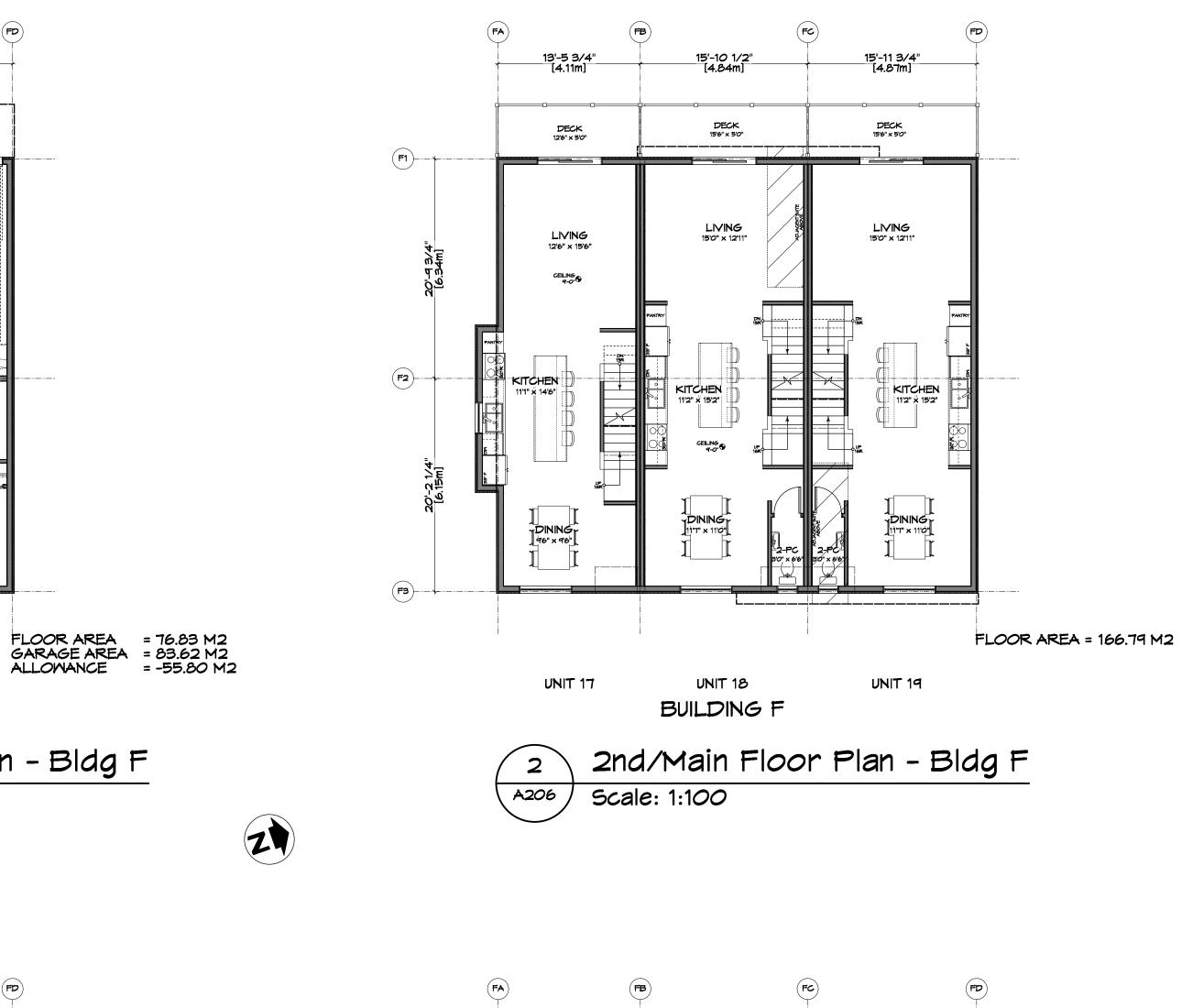
ADD WINDOWS AT LIVING ROOM; ADD WINDOW TO UNIT 16 DEN

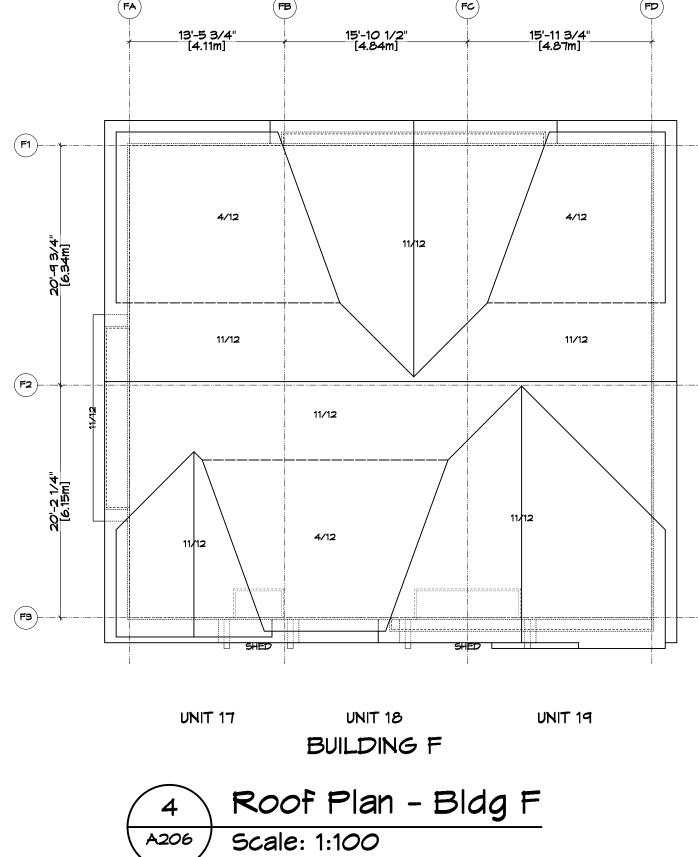
REVISE UNIT 16 TO 2-STOREY





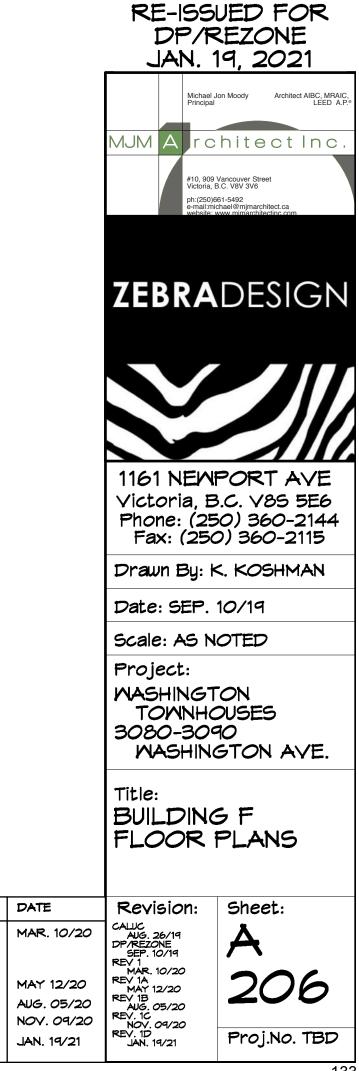






FLOOR AREA = 168.09 M2

	BLDG J
	BLDG A H
Z	KEY PLAN



DATE

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

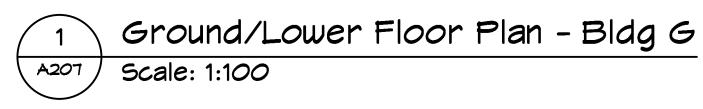
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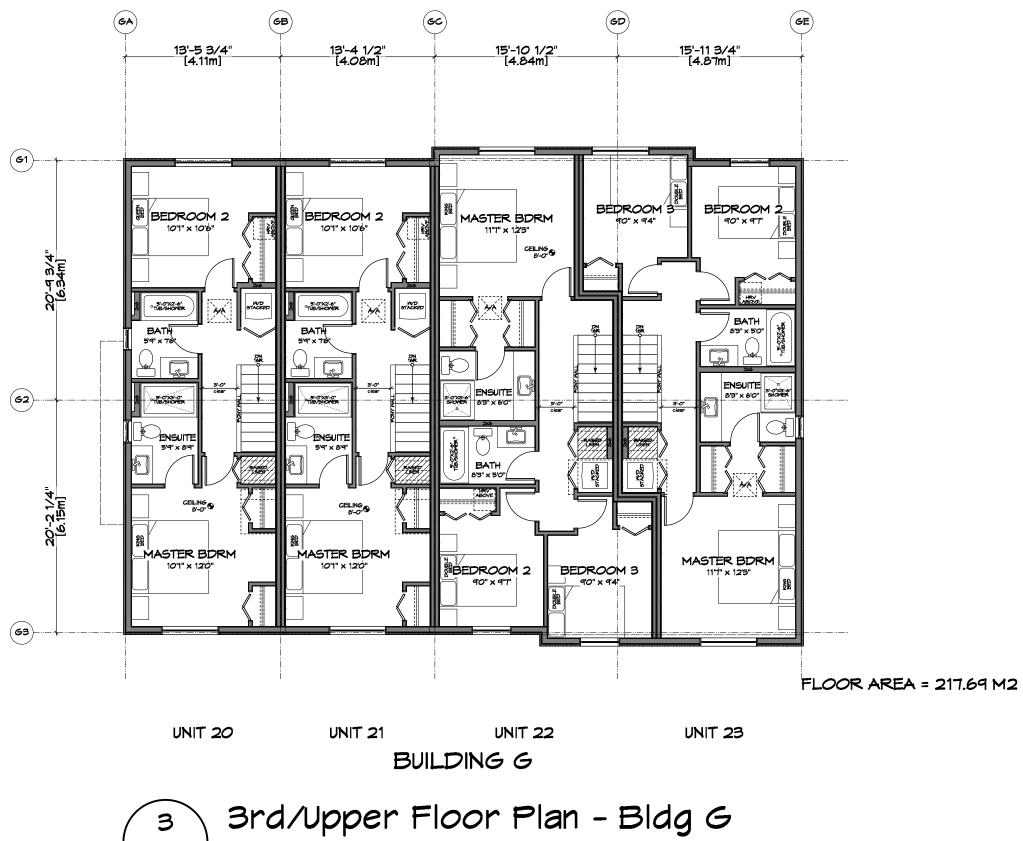
NO CHANGES

NO CHANGES

NO CHANGES







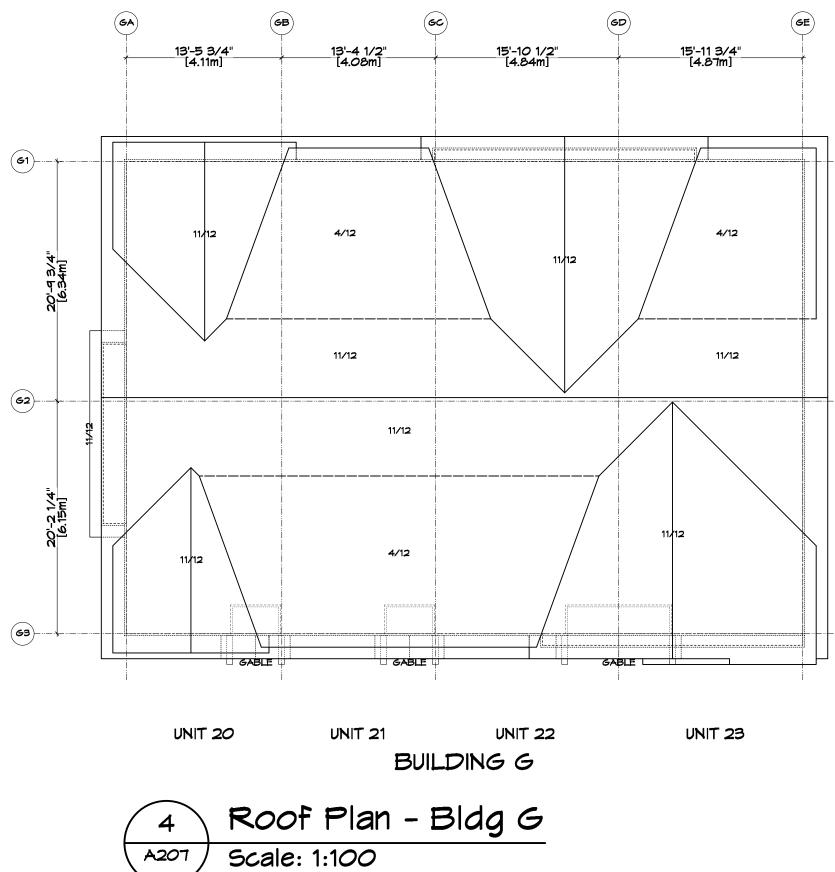
A207

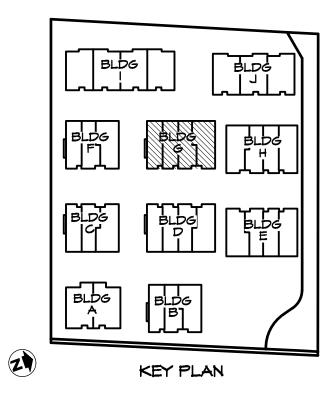
Scale: 1:100











FLOOR AREA = 216.39 M2

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

NO CHANGES

NO CHANGES

NO CHANGES

NO CHANGES

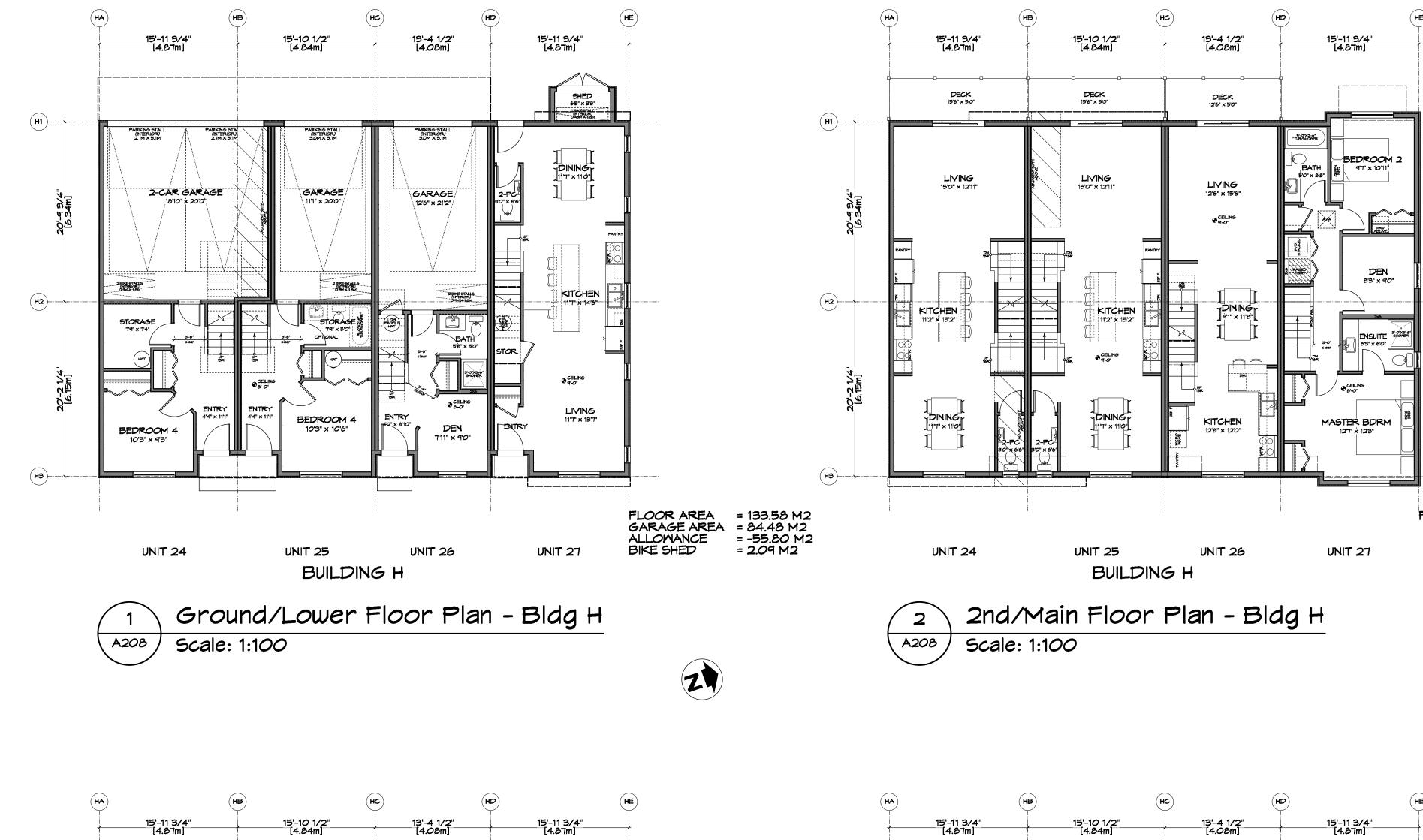
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS

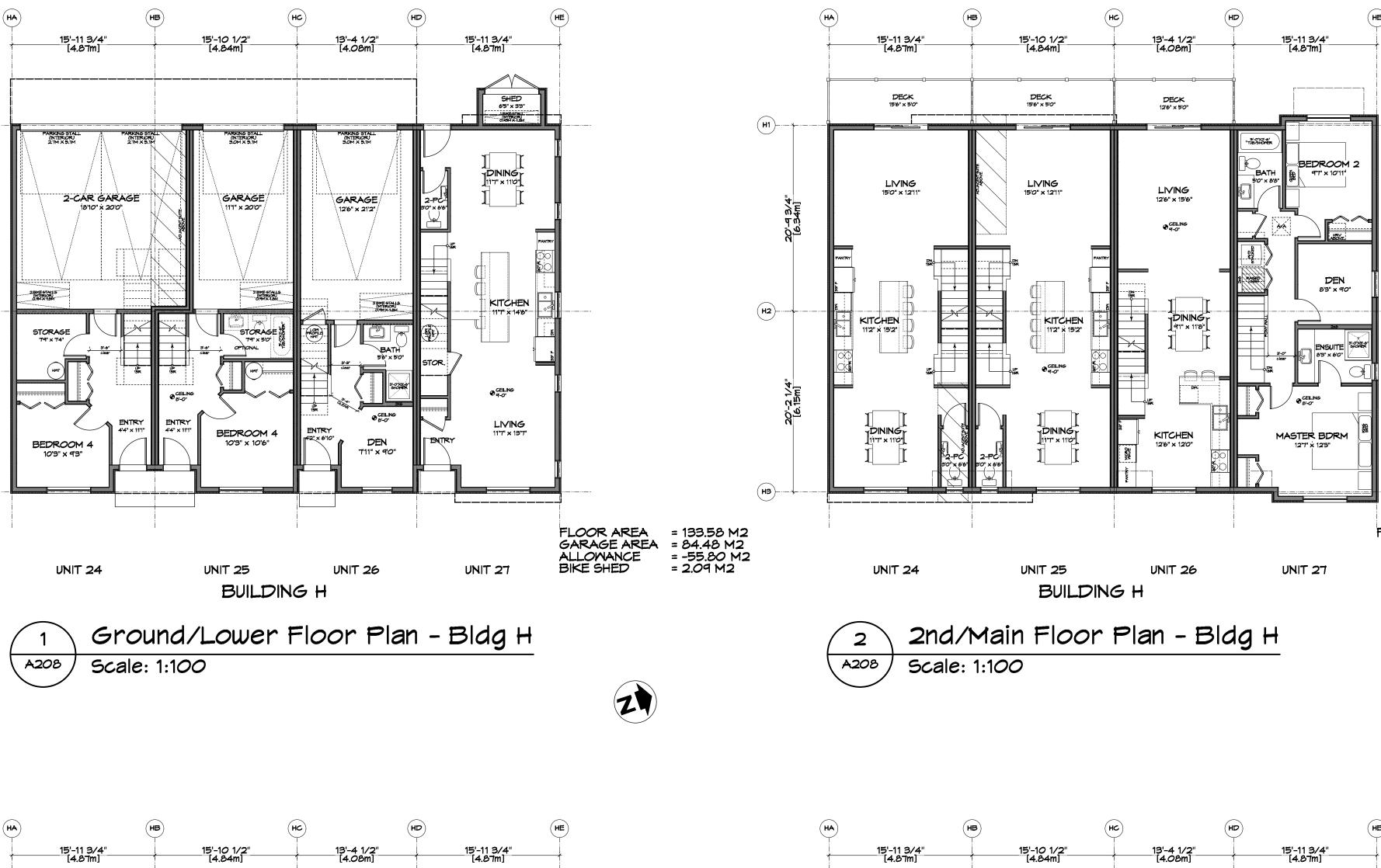
RE-ISSUED FOR DP/REZONE JAN. 19, 2021 Michael Jon Moody Architect AIBC, MRAIC, Principal LEED A.P. 1JM A rchitect Inc 10, 909 Vancouver Street Victoria, B.C. V8V 3V6 (250)661-5492 ZEBRADESIGN 1161 NEMPORT AVE Victoria, B.C. V85 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115 Drawn By: K. KOSHMAN Date: SEP. 10/19 Scale: AS NOTED Project: WASHINGTON TOWNHOUSES 3080-3090 WASHINGTON AVE. Title: BUILDING G FLOOR PLANS Sheet: Revision: CALUC AUG. 26/19 DP/REZONE SEP. 10/19 REV 1 A MAR. 10/20
 MAY 12/20
 REV 1 MAY 12/20

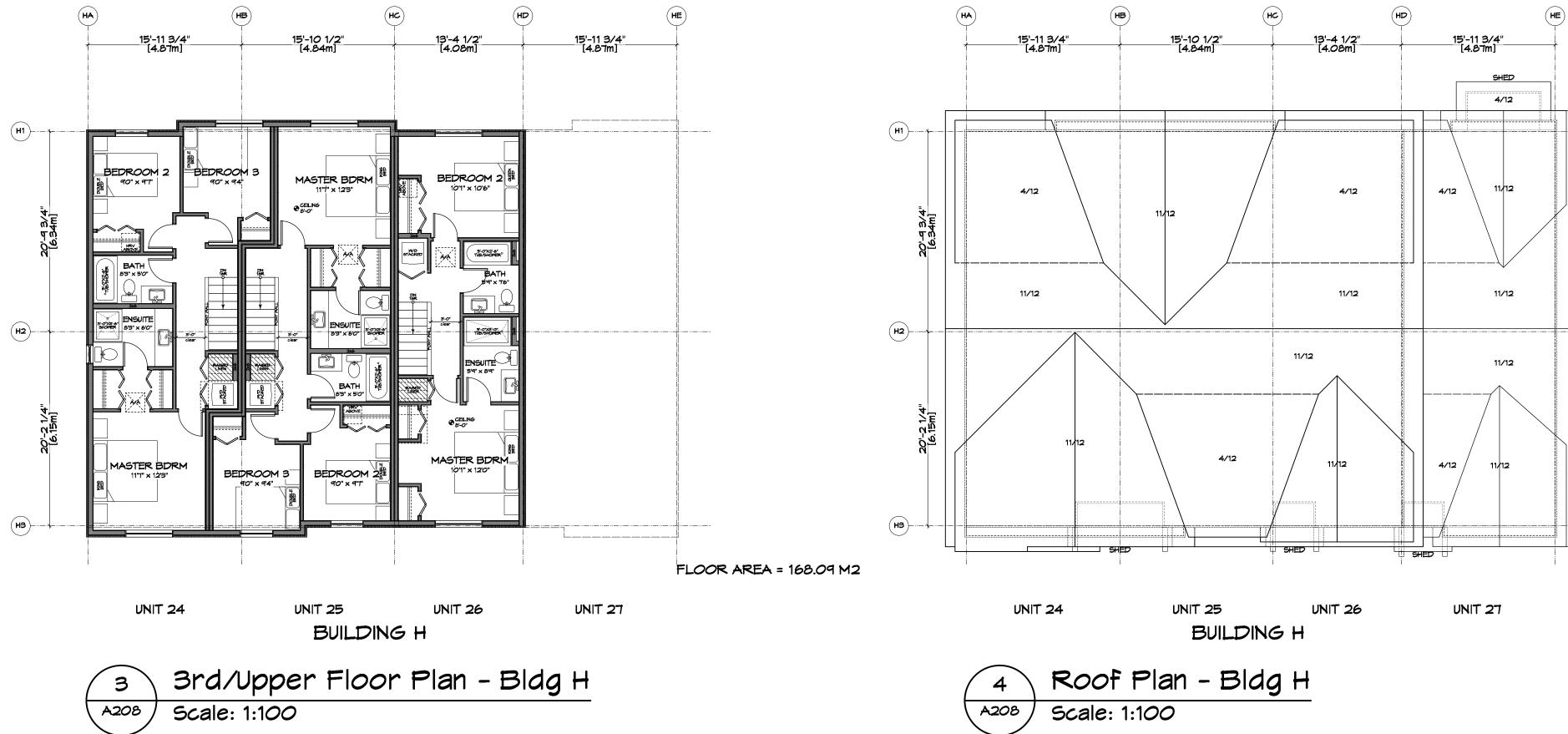
 AUG. 05/20
 REV 18 AUG. 05/20

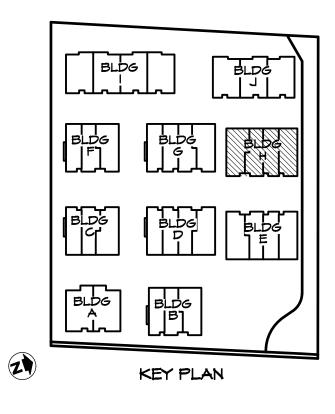
 NOV. 09/20
 REV. 10 NOV. 09/20

 JAN. 19/21
 JAN. 19/21
 207 Proj.No. TBD





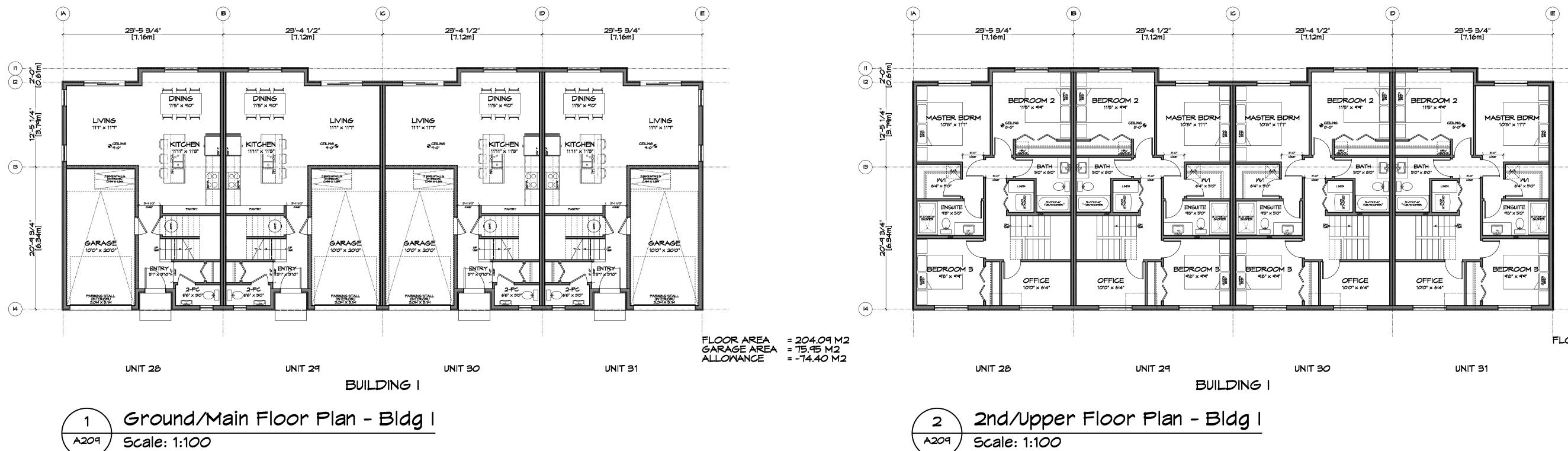


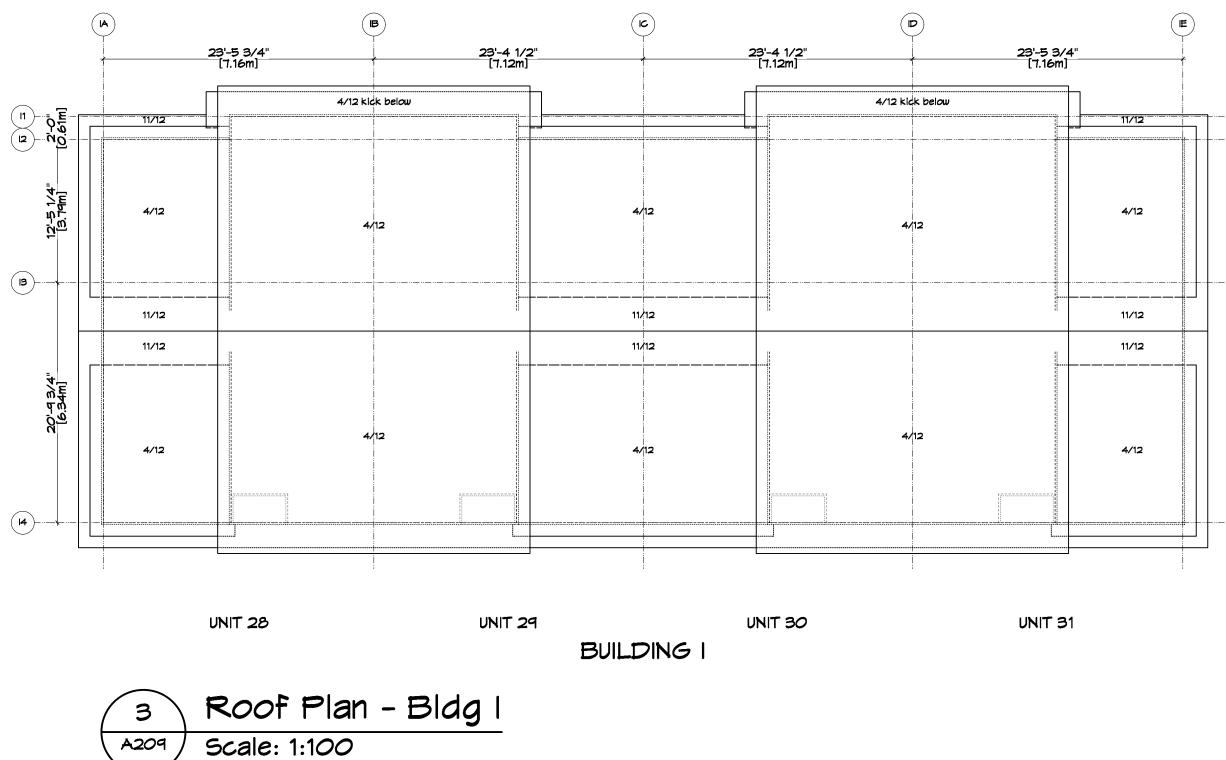


FLOOR AREA = 224.83 M2

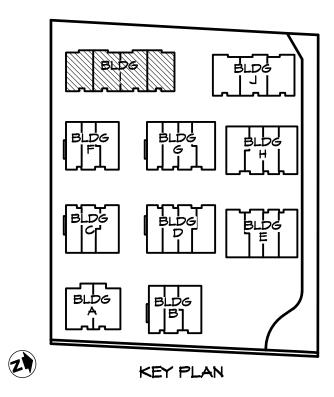
RE-ISSUED FOR DP/REZONE JAN. 19, 2021 Michael Jon Moody Architect AIBC, MRAIC, Principal LEED A.P. 1JM A rchitect Inc #10, 909 Vancouver Street Victoria, B.C. V8V 3V6 (250)661-5492 ZEBRADESIGN 1161 NEMPORT AVE Victoria, B.C. V85 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115 Drawn By: K. KOSHMAN Date: SEP. 10/19 Scale: AS NOTED Project: WASHINGTON TOWNHOUSES 3080-3090 WASHINGTON AVE. Title: BUILDING H FLOOR PLANS

				1
REV. NO.	DESCRIPTION	DATE	Revision:	Sheet:
1	UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS ADDED	MAR. 10/20	CALUC AUG. 26/19 DP/REZONE SEP. 10/19 REV 1 MAR. 10/20	A
1A	NO CHANGES	MAY 12/20	REV 1A MAY 12/20	208
1B	ADD WINDOW TO UNIT 27 DEN	AUG. 05/20	REV 18 AUG. 05/20	200
10	REVISE UNIT 27 TO 2-STOREY	NOV. 09/20	REV. 1C NOV. 09/20	
10	NO CHANGES	JAN. 19/21	REV. 1D JAN. 19/21	Proj.No. TBD









FLOOR AREA = 285.61 M2

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

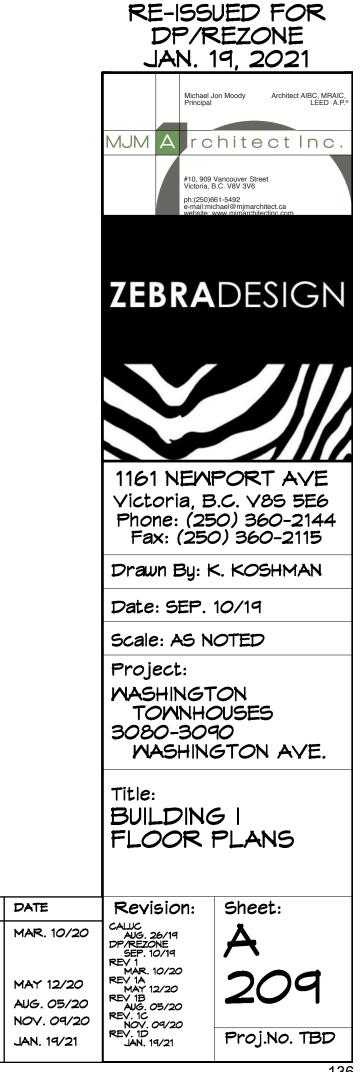
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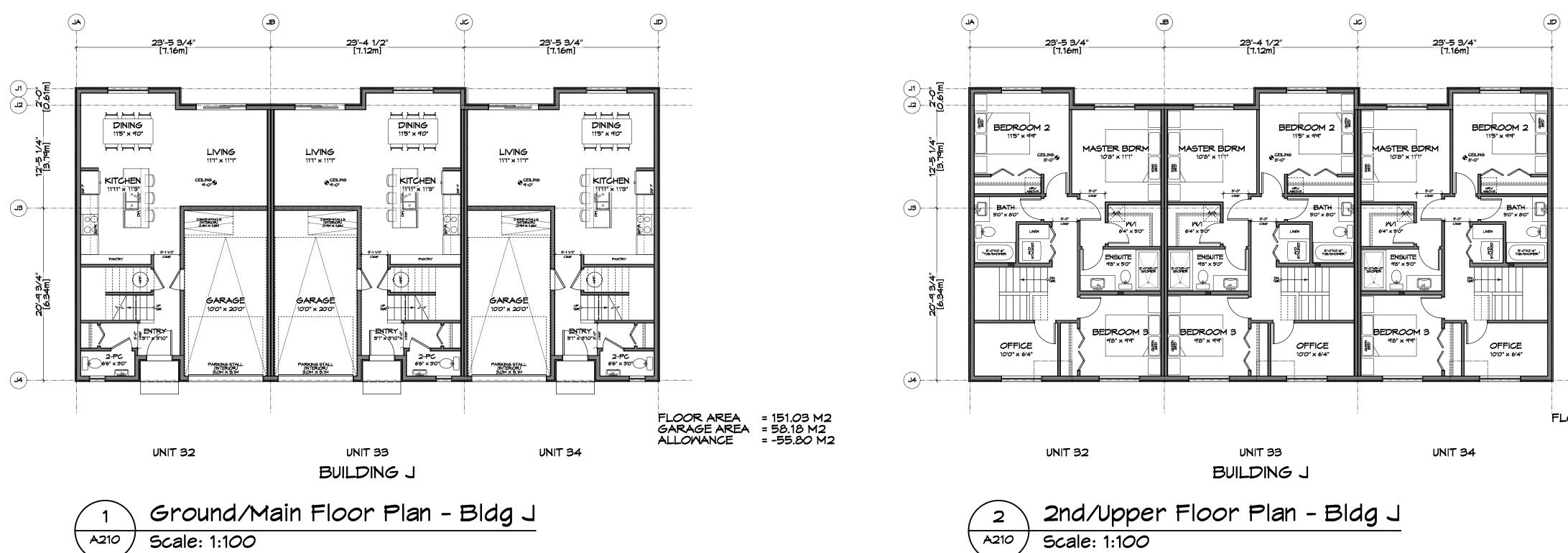
NO CHANGES

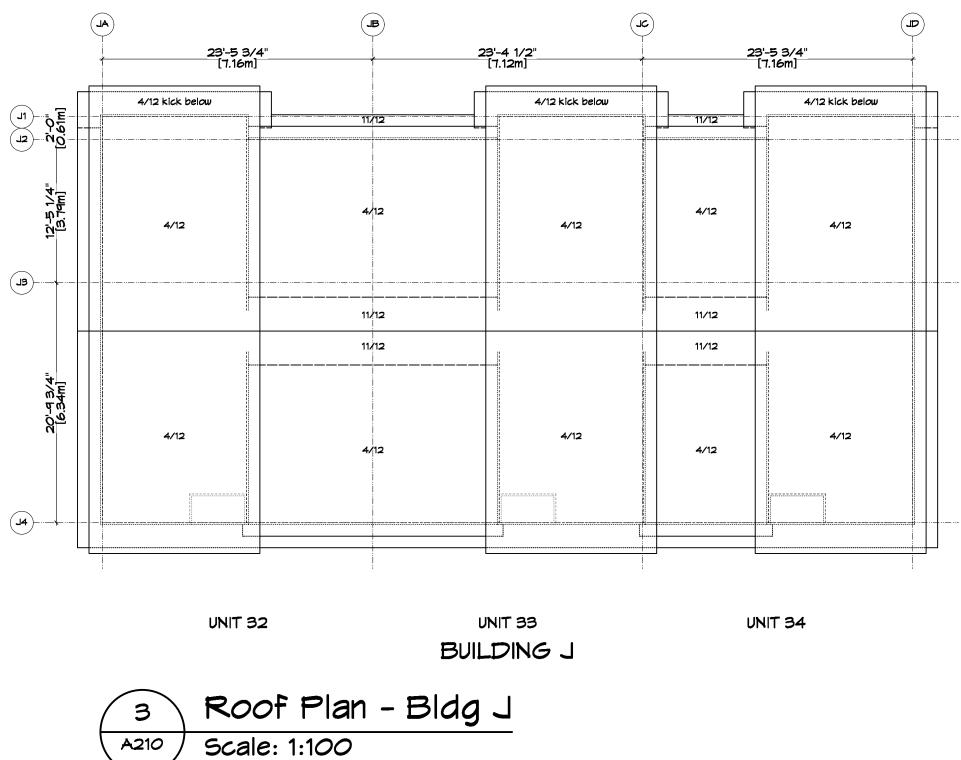
NO CHANGES

NO CHANGES

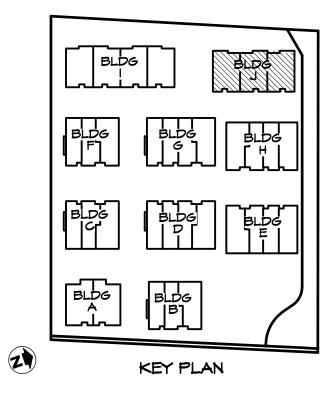
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS











FLOOR AREA = 213.39 M2

REV. NO. DESCRIPTION

1A

1B

10

1D

ADDED

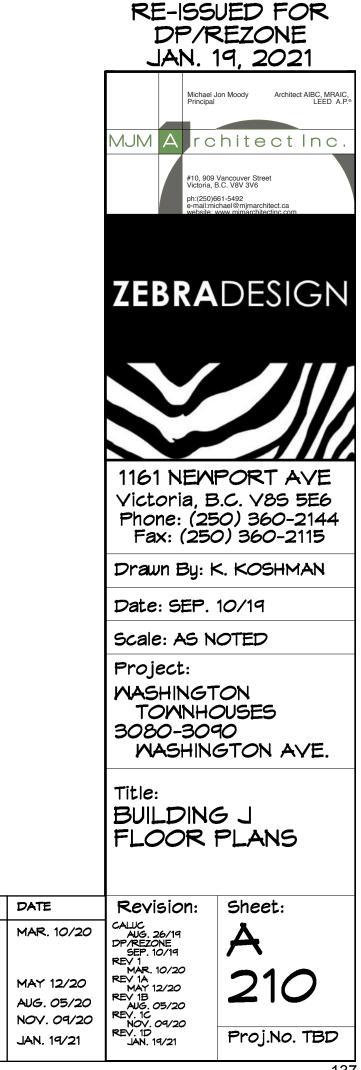
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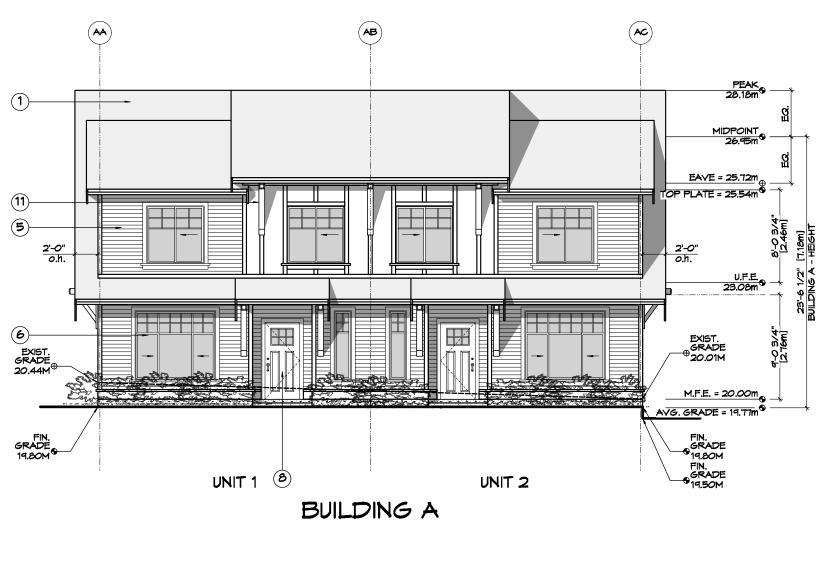
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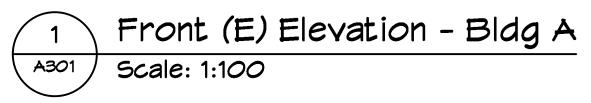
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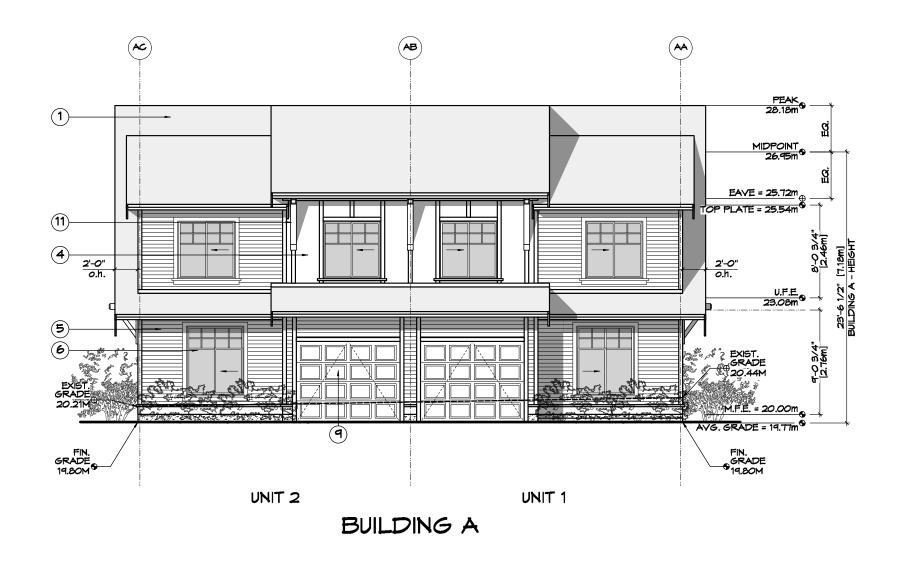
REVISE UNIT 34 (FLIP)

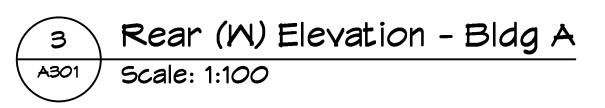
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; FLOOR AREAS



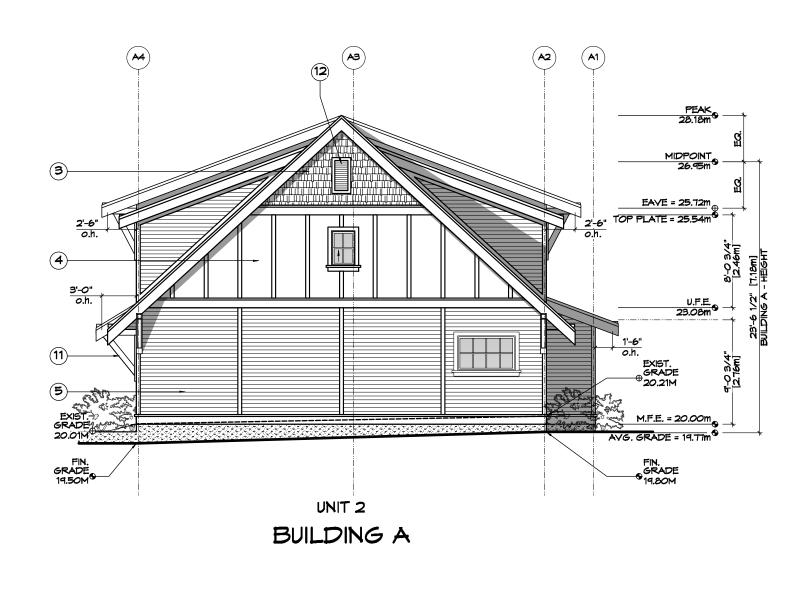




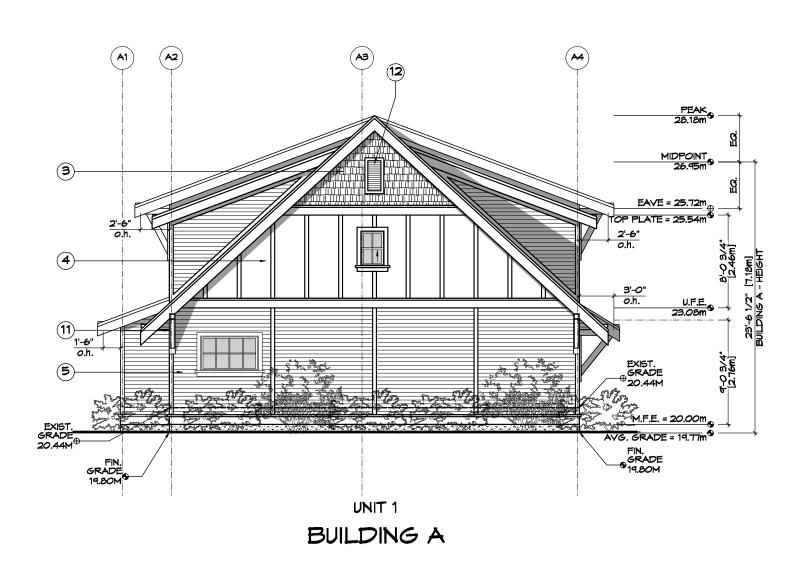




Bldg A						
<u>Glazing Area Calc.</u>	<u>Unit 1</u>		Unit 2			
	N// A		N// A			
Front (E- Washington) limit distance	N/A		N/A			
building face area						
glazing area						
percentage						
max allowed						
Side (N)	N/A		Imperial	Metric		
limit distance			11.32	3.45		
building face area			711.87	66.13		
glazing area			15.93			
percentage			2.24%			
max allowed			15.53%	ok		
	Turner and a l		T			
Rear (W)	Imperial		Imperial			
limit distance building face area	12.83	3.91 41.40	12.83 445.58			
glazing area	67.60		67.60			
percentage	15.17%	0.20	15.17%	0.20		
max allowed	27.19%	ok	27.19%	ok		
Side (S)	Imperial	Metric	N/A			
limit distance	13.12					
building face area	711.87	66.13				
glazing area	15.93	1.48				
percentage	2.24%					
max allowed	18.00%	ok				









REV. NO. DESCRIPTION

1A

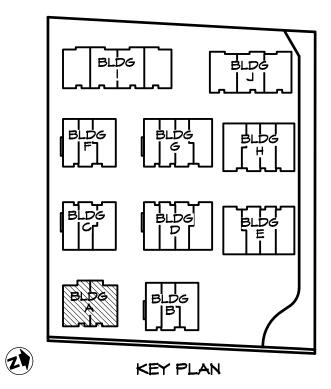
1B

10 1D NO CHANGES

NO CHANGES

NO CHANGES NO CHANGES

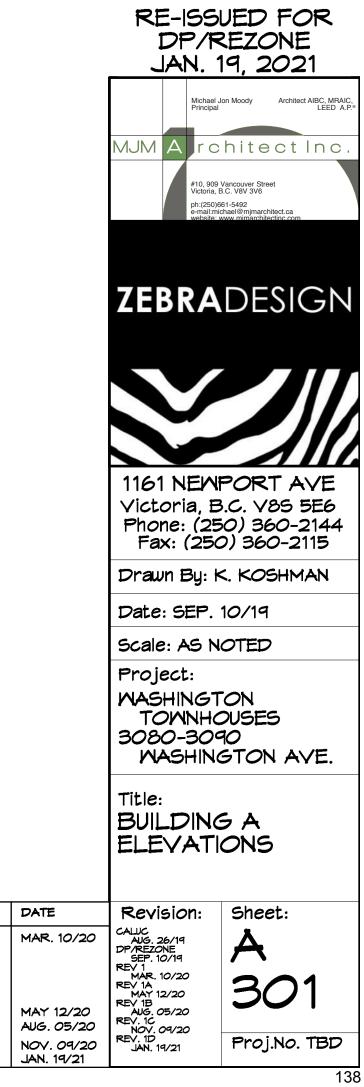
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

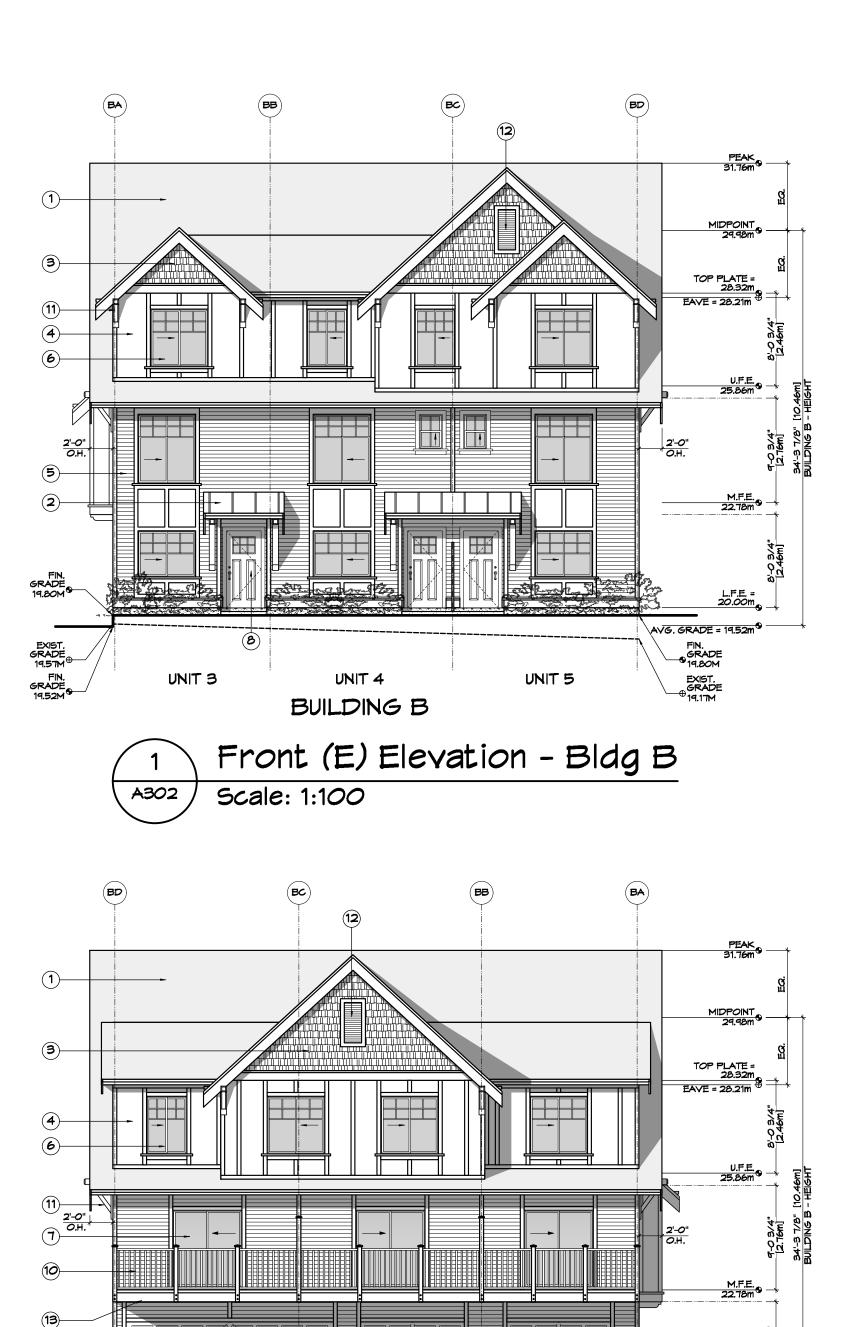


FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- 6 VINYL WINDOW
- (7) VINYL SLIDING DOOR
- (B) WOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL





UNIT 4

BUILDING B

Rear (M) Elevation - Bldg B

UNIT 5

З

A302

Scale: 1:100

(**9**)-

FIN. GRADE 19.80M EXIST. GRADE 19.59M

(5) <u>Chillen</u>

Estym

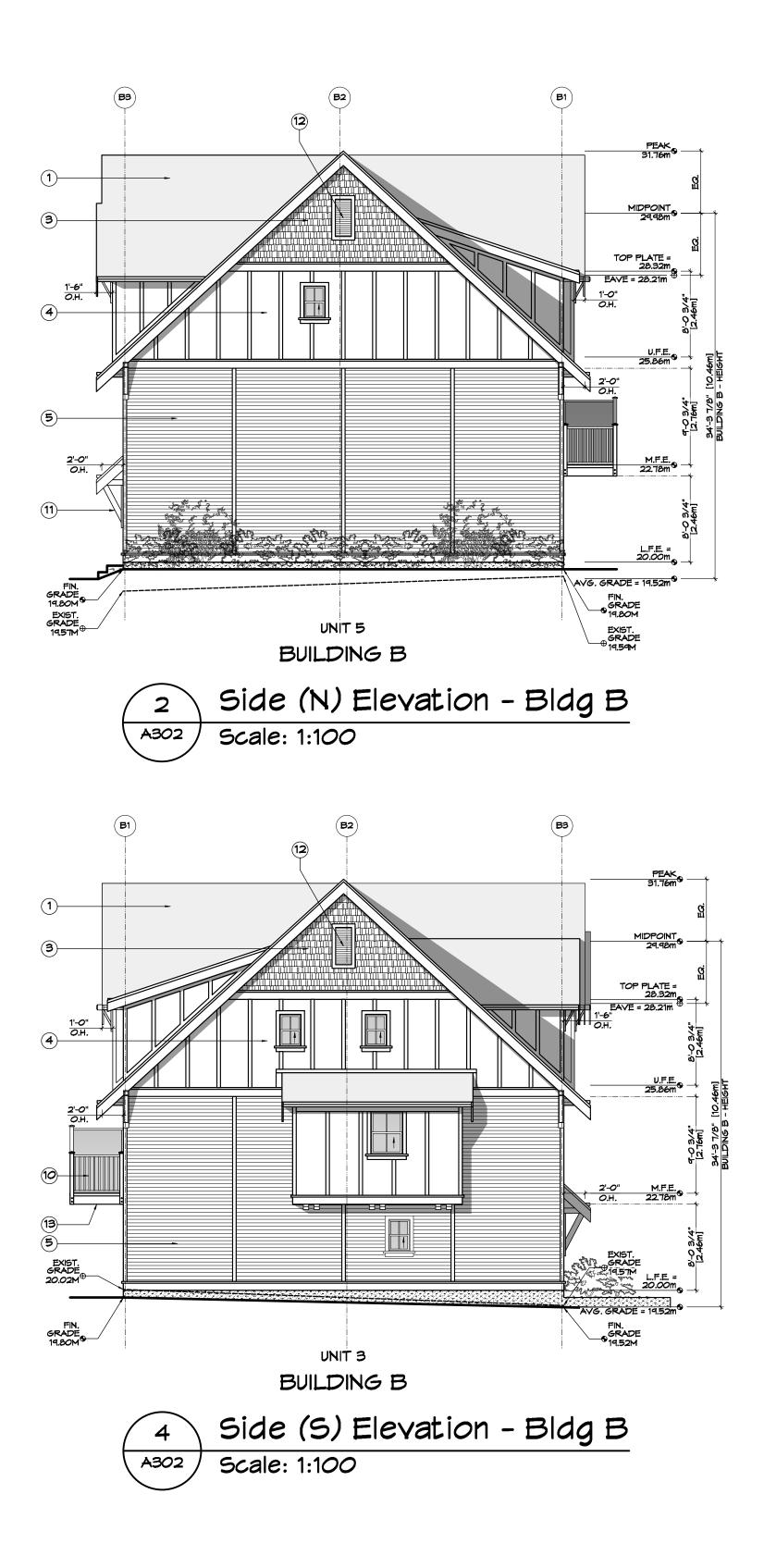
UNIT 3

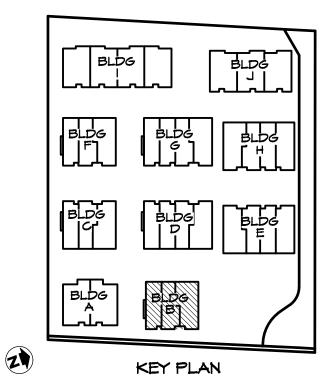
EXIST. GRADE 20.02M

\AVG. GRADE = 19.52m FIN. GRADE 19.80M

L.F.E. = 20.00m

Bldg B <u>Glazing Area Calc.</u>	<u>Unit 3</u>		<u>Unit 4</u>		<u>Unit 5</u>	
<u>Giazing Area cale.</u>			<u>ome 4</u>			_
Front (E- Washington)	N/A		N/A		N/A	_
limit distance	,,,,,		,,,,		,,,,,	
building face area						
glazing area						
percentage						
max allowed						
Side (N)	N/A		N/A		Imperial	Metric
limit distance					101.05	
building face area					1164.73	
glazing area					4.09	0.38
percentage					0.35%	_
max allowed					100.00%	ok
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	13.29		13.29		13.29	4.05
building face area	381.51		379.25	35.23	516.00	47.94
glazing area	55.90	5.19	55.90	5.19	70.03	6.51
percentage	14.65%	- / -	14.74%	- -	13.57%	- 1 -
max allowed	32.93%	OK	32.93%	ok	28.73%	OK
Sida (S)	Imporial	Metric	N/A		N/A	_
Side (S) limit distance	<i>Imperial</i> 11.32	3.45	IV/A		IN/ A	_
building face area	1155.61					_
glazing area	21.53	2.00				_
percentage	1.86%	2.00				_
max allowed	10.90%	ok				_





FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

REV. NO. DESCRIPTION

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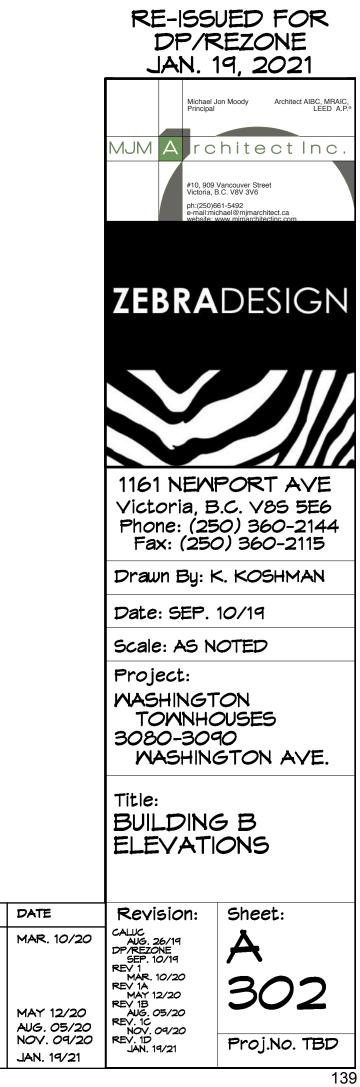
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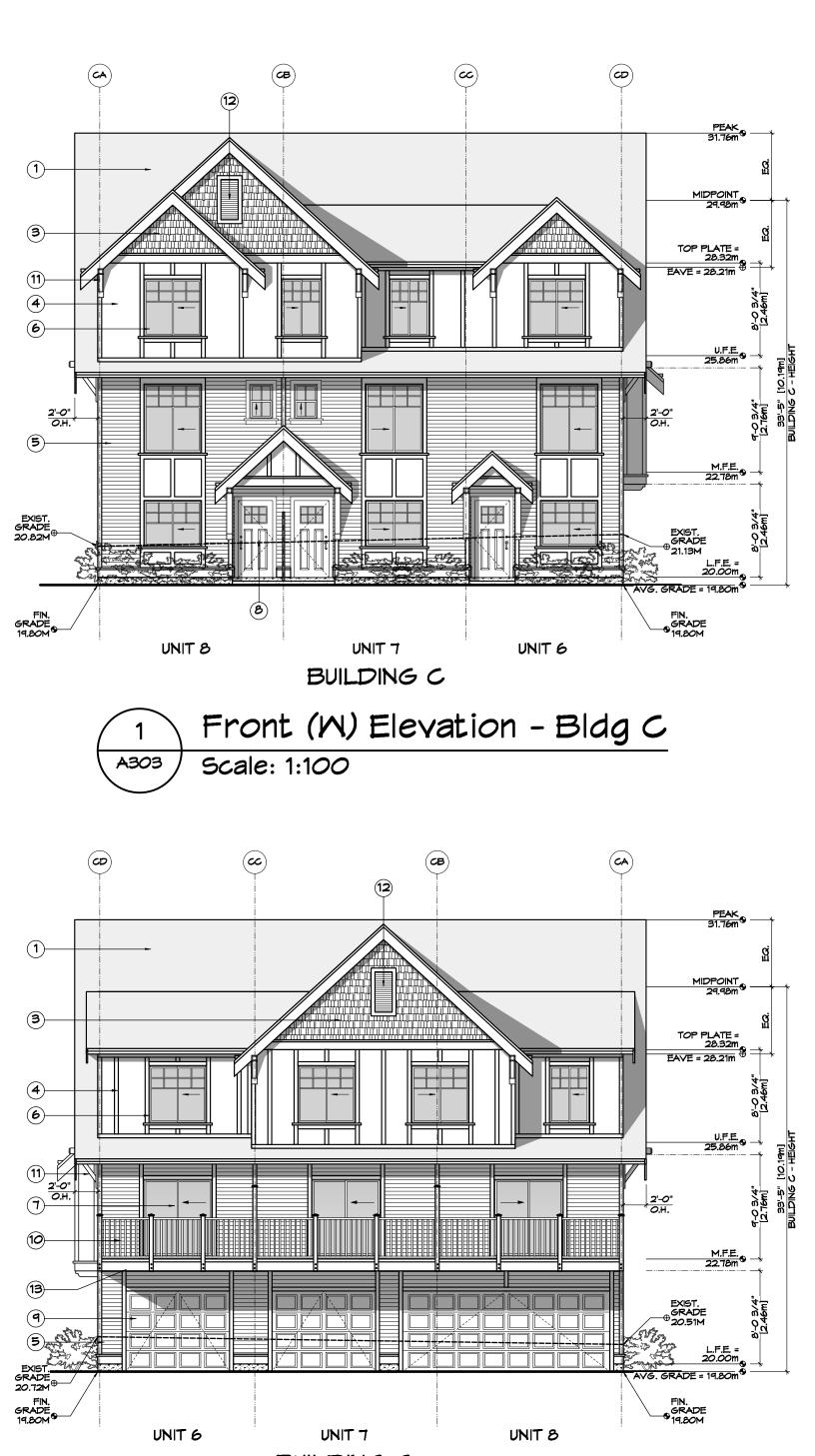
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NO CHANGES

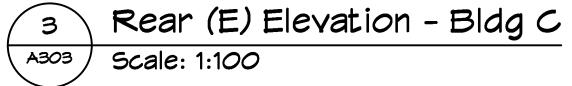
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL

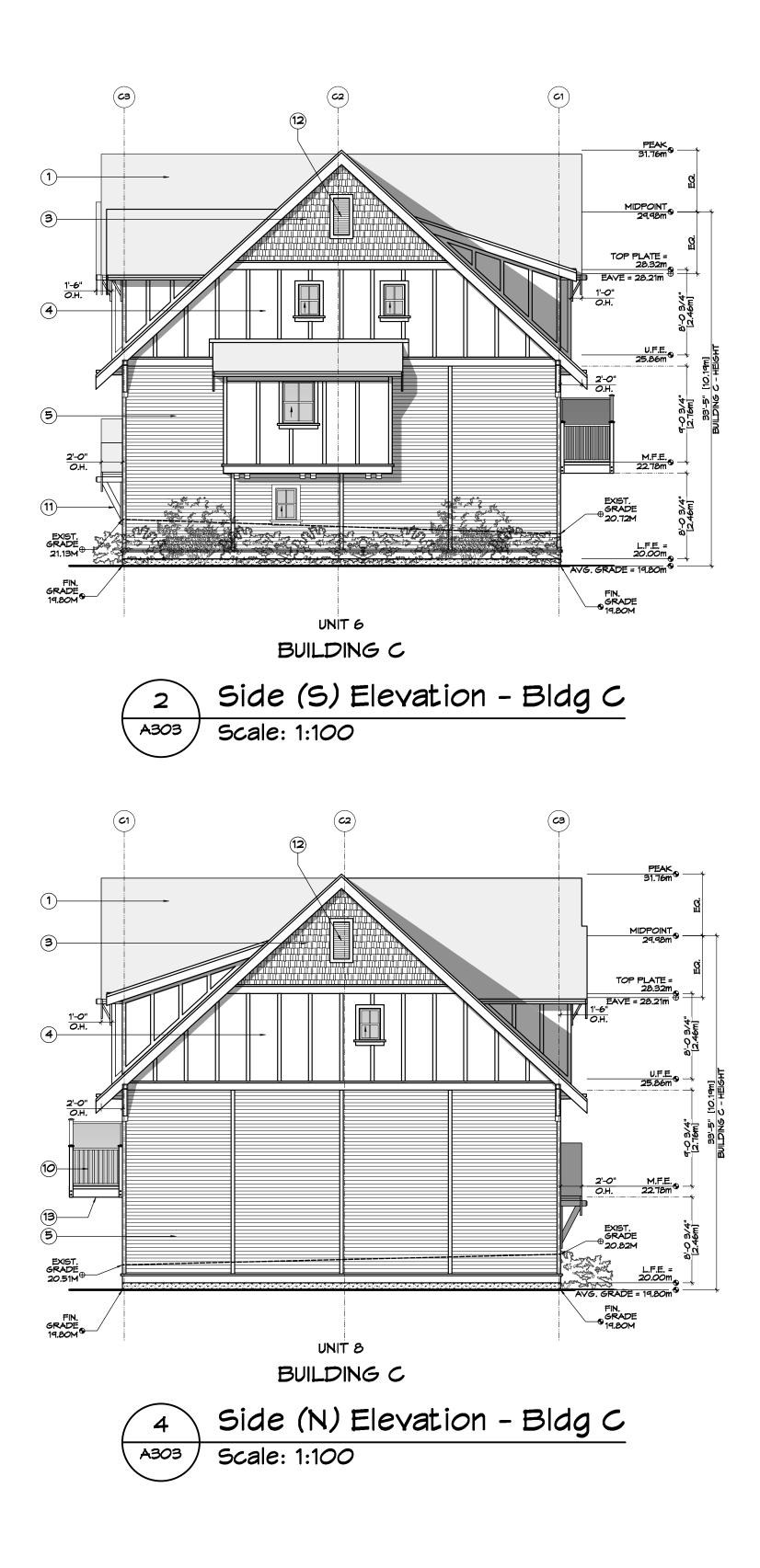


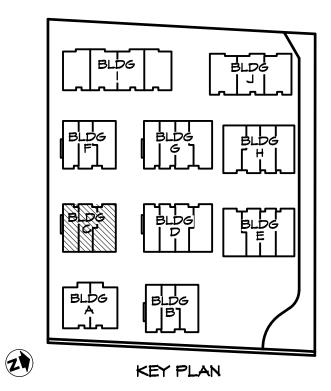






Bldg C							
<u>Glazing Area Calc.</u>	<u>Unit 6</u>		<u>Unit 7</u>		<u>Unit 8</u>		
Front (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric	
limit distance	14.40	4.39	14.40	4.39	14.40	4.39	
building face area	381.51	35.44	474.60	44.09	420.65	39.08	
glazing area	65.47	6.08	76.81	7.14	69.56	6.46	
percentage	17.16%		16.18%		16.54%		
max allowed	39.22%	ok	33.66%	ok	39.22%	ok	
Side (N)	N/A		N/A		Imperial	Metric	
limit distance					11.32	3.45	
building face area					1164.73	108.21	
glazing area					4.09	0.38	
percentage					0.35%		
max allowed					10.90%	ok	
Rear (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric	
limit distance	12.83	3.91	12.83	3.91	12.83	3.91	
building face area	381.51	35.44	379.25	35.23	516.00	47.94	
glazing area	55.90	5.19	55.90	5.19	70.03	6.51	
percentage	14.65%		14.74%		13.57%		
max allowed	31.06%	ok	31.06%	ok	27.19%	ok	
Side (S)	Imperial		N/A		N/A		
limit distance	11.12	3.39					
building face area	1155.61	107.36					
glazing area	21.53	2.00					
percentage	1.86%						
max allowed	10.78%	ok					





FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

REV. NO. DESCRIPTION

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NO CHANGES

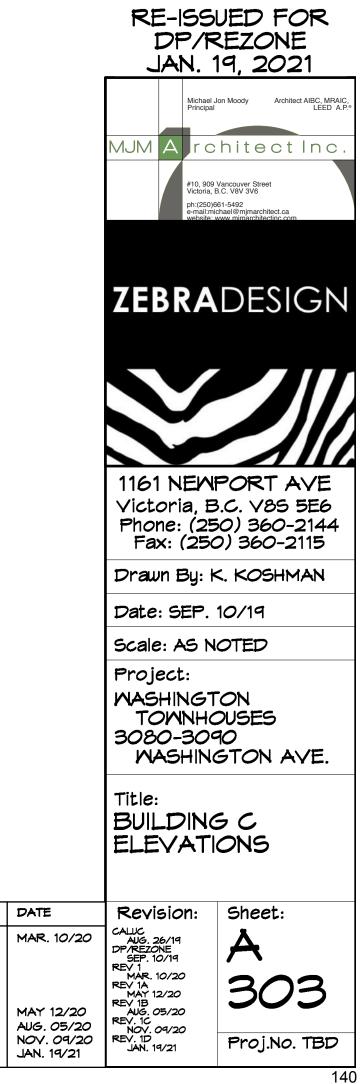
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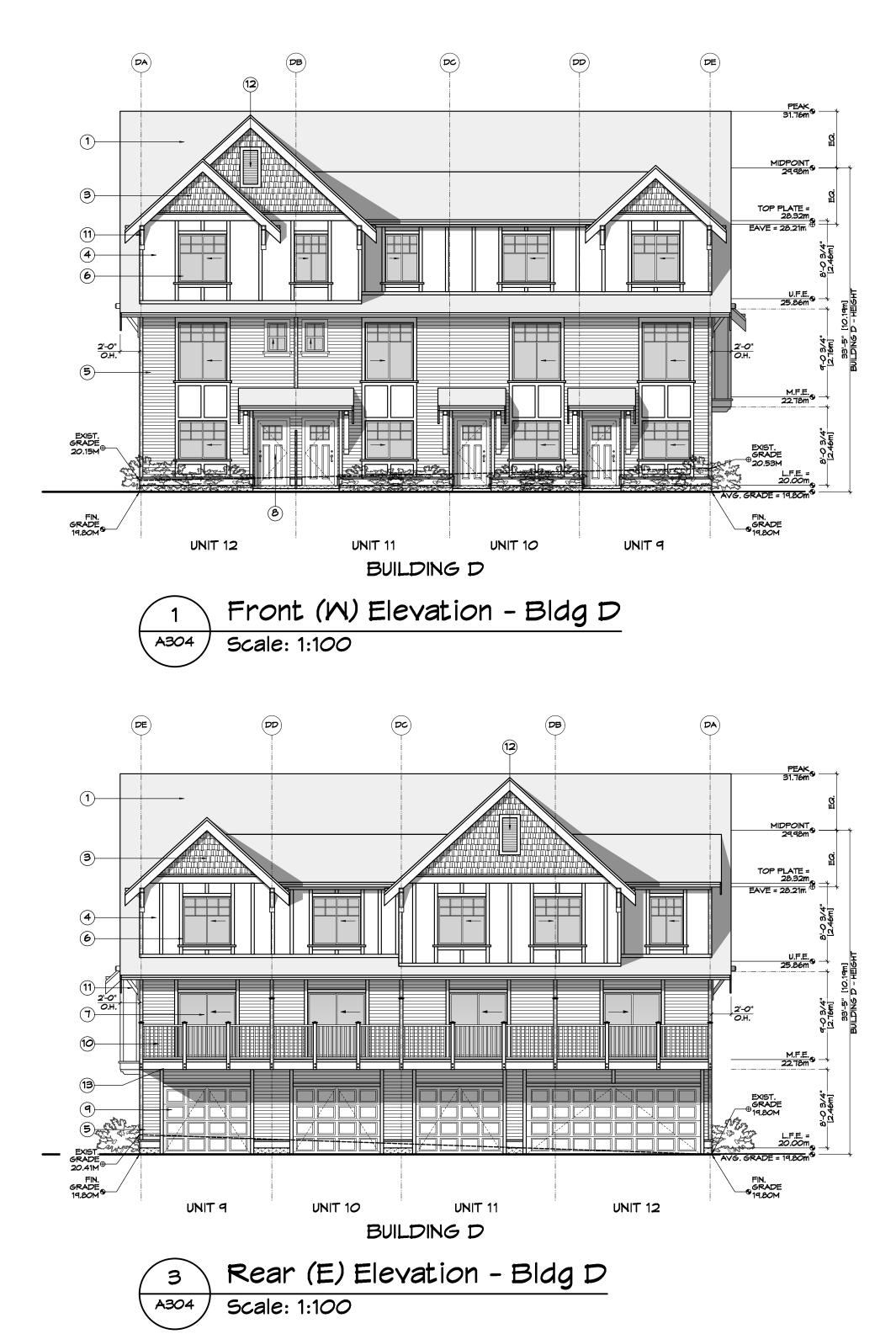
NO CHANGES

NO CHANGES

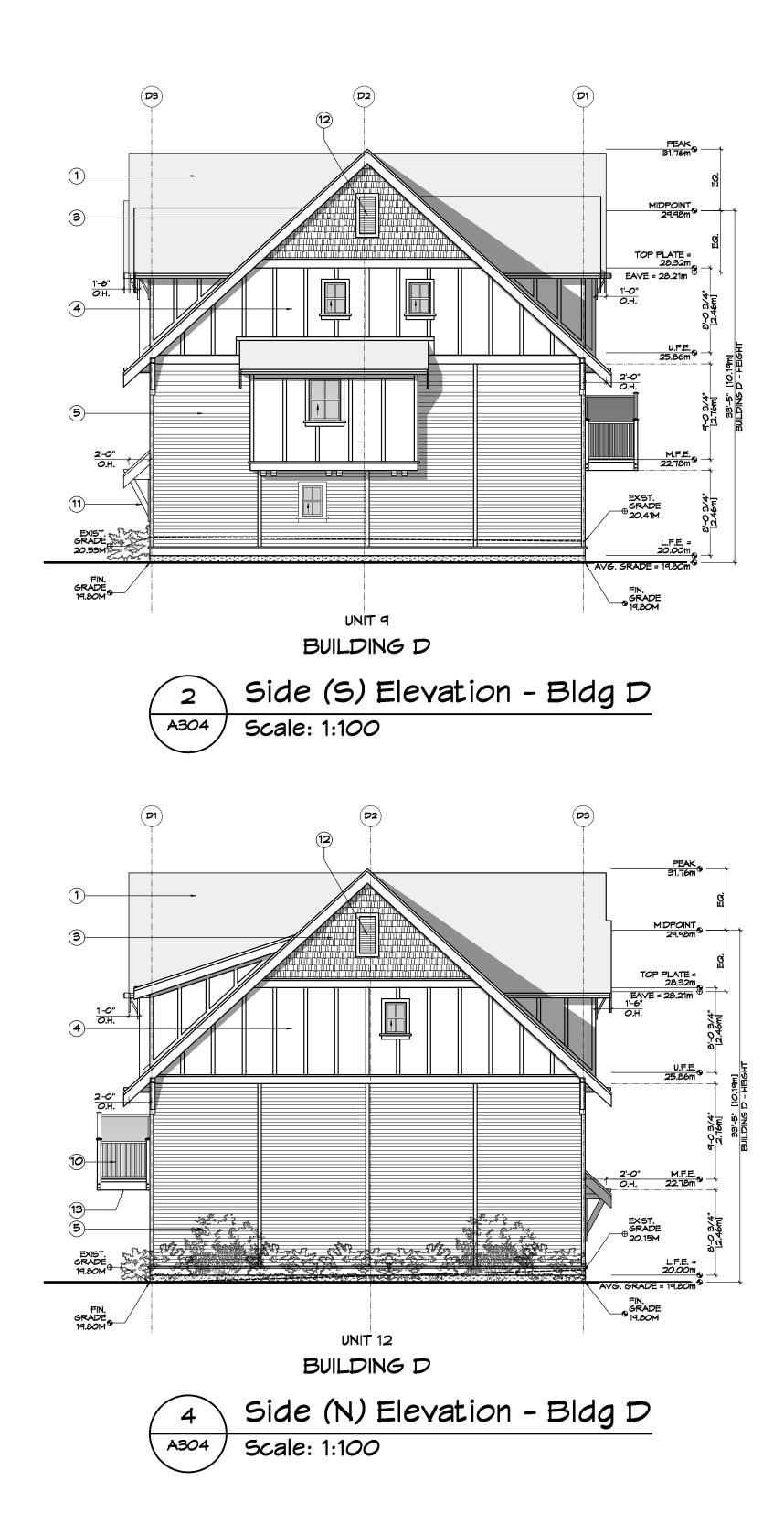
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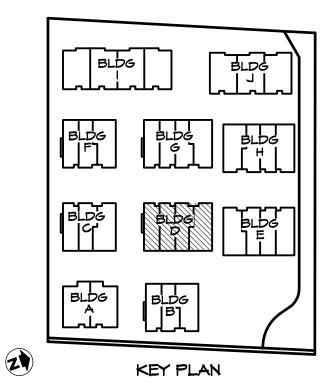
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL





Bldg D									
Glazing Area Calc.	<u>Unit 9</u>		<u>Unit 10</u>		U	<u>Init 11</u>		<u>Unit 12</u>	
					_				
Front (W)	Imperial	Metric	Imperial	Metric		Imperial	Metric	Imperial	Metric
limit distance	14.40	4.39	14.40	4.39	_	14.40	4.39	14.40	4.39
building face area	381.51	35.44	373.94	34.74	_	474.60	44.09	420.65	39.08
glazing area	65.47	6.08	65.47	6.08		76.81	7.14	69.56	6.46
percentage	17.16%		17.51%			16.18%		16.54%	
max allowed	39.22%	ok	39.22%	ok	_	33.66%	ok	39.22%	ok
Side (N)	N/A		N/A		-	N/A		Imperial	Metric
limit distance								4.92	1.50
building face area								1164.73	108.21
glazing area								4.09	0.38
percentage								0.35%	
max allowed								7.00%	ok
Rear (E)	Imperial	Metric	Imperial	Metric	-	Imperial	Metric	Imperial	Metric
limit distance	13.29		13.29	4.05		13.29	4.05	13.29	4.05
building face area	381.51		373.94	34.74		379.25	35.23	516.00	47.94
glazing area	55.90	5.19	55.90	5.19		55.90	5.19	70.03	6.51
percentage	14.65%		14.95%			14.74%		13.57%	
max allowed	32.93%	ok	32.93%	ok		32.93%	ok	28.73%	ok
Side (S)	Imperial	Metric	N/A		_	N/A		N/A	_
limit distance	11.32	3.45	N/A		_	Ny A		Ny A	
building face area	1155.61				-				
glazing area	21.53	2.00			_				
	1.86%	2.00			-				
percentage		ok			_				
max allowed	10.90%	UK							





FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

REV. NO. DESCRIPTION

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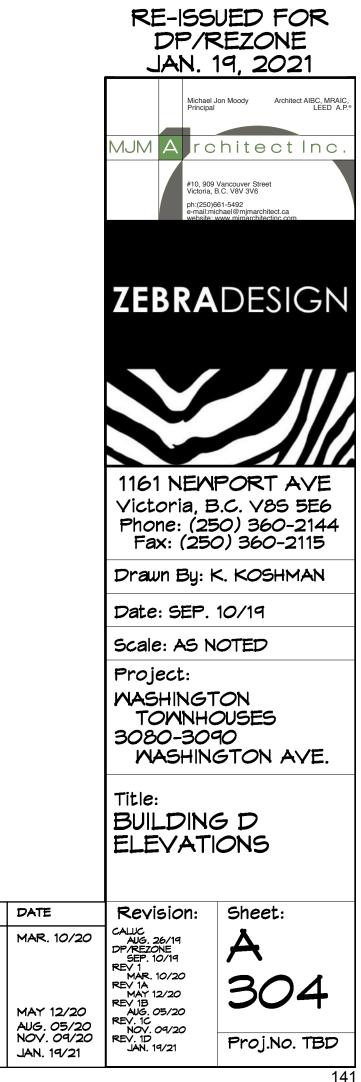
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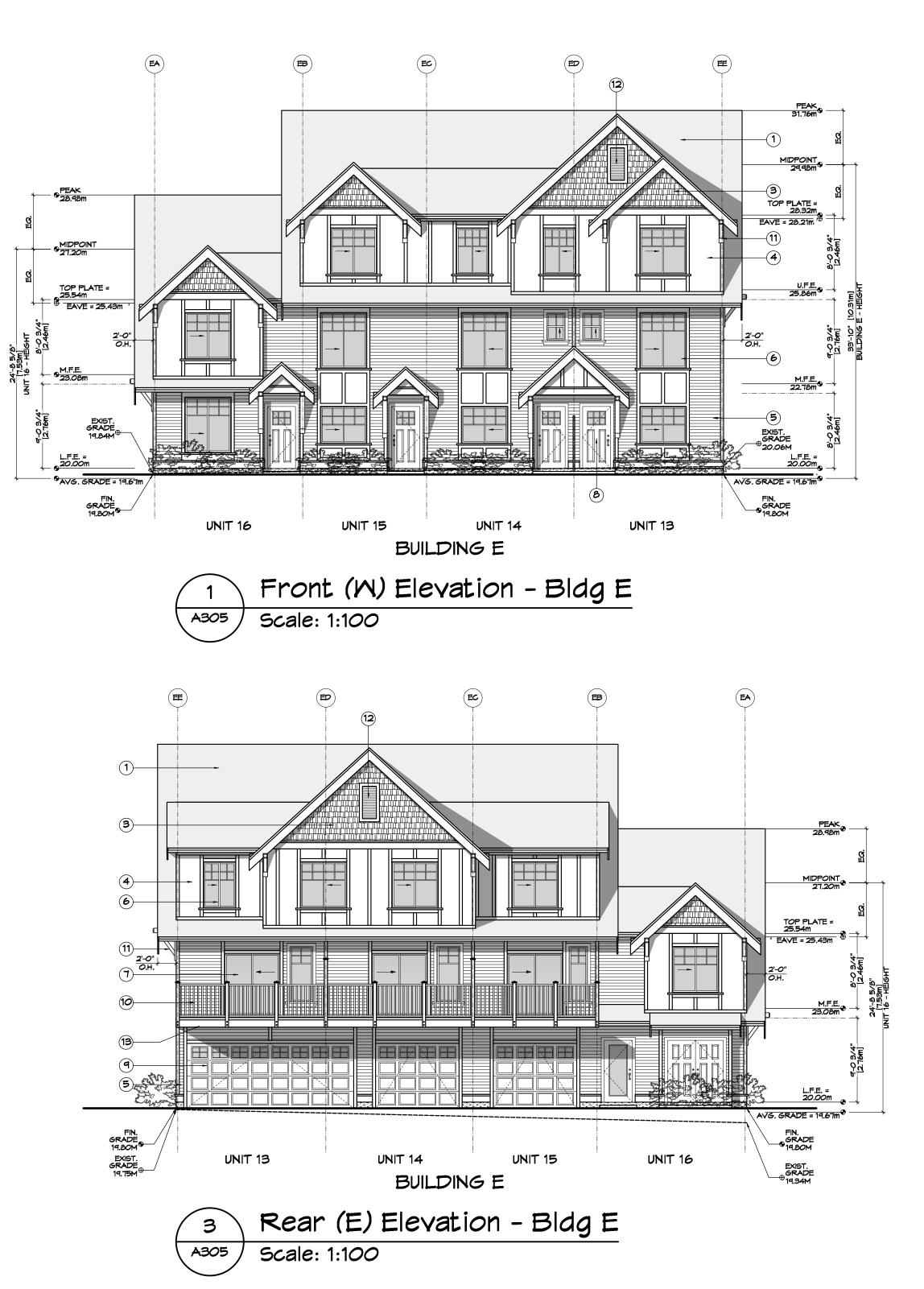
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NO CHANGES

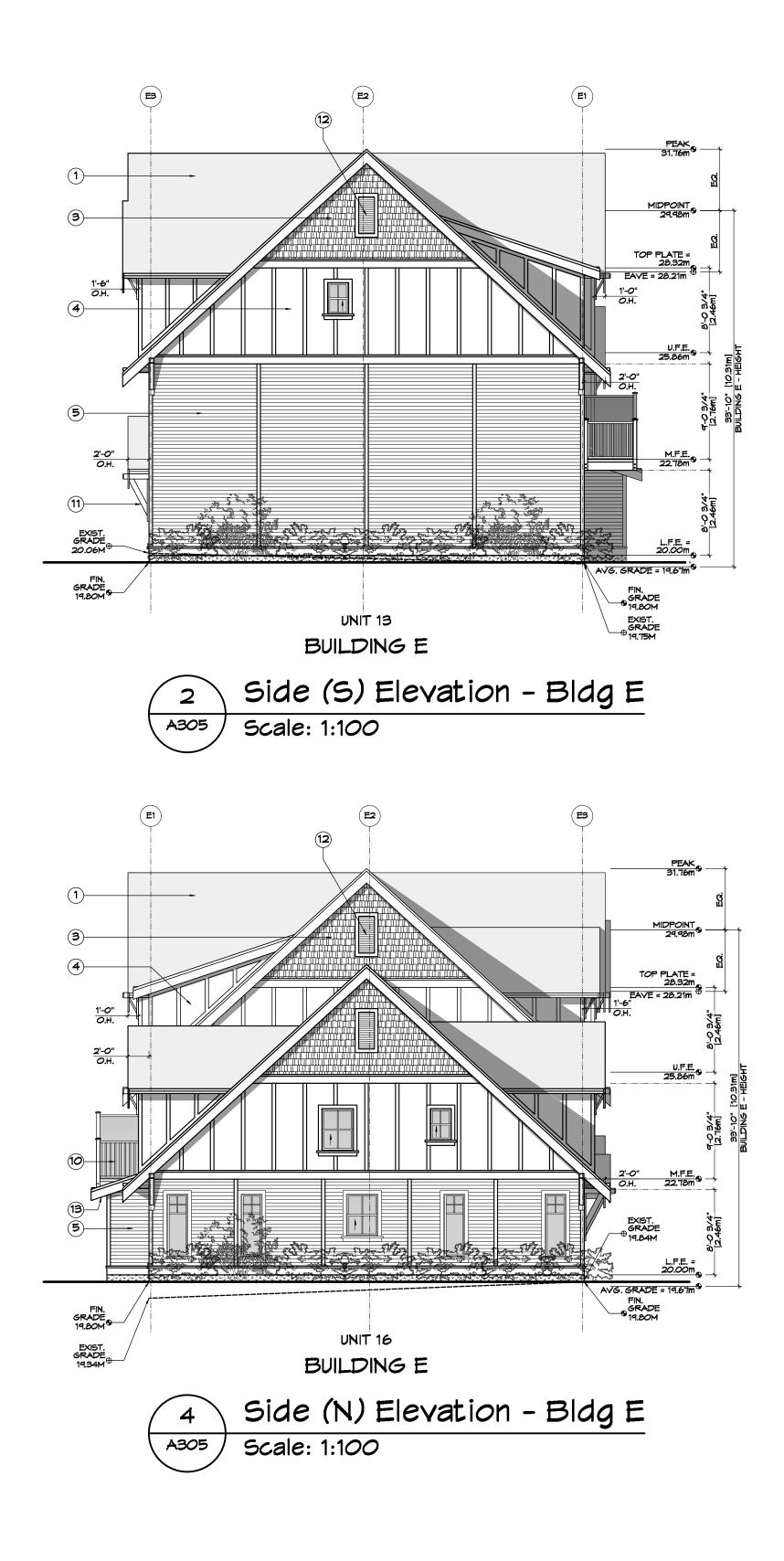
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

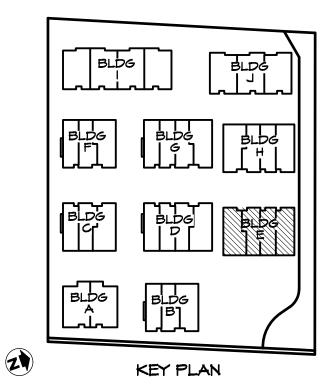
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL





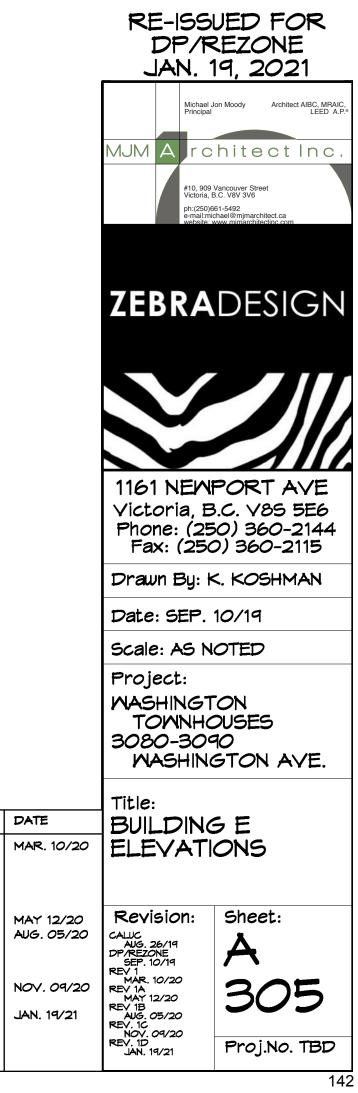
Bldg E									
-	<u>Unit 13</u>		<u>Unit 14</u>		Unit	<u>15</u>		<u>Unit 16</u>	
		_							
Front (W)	Imperial	Metric	Imperial	Metric	Imp	erial	Metric	Imperial	Metric
limit distance	14.40	4.39	14.40	4.39	1	4.40	4.39	14.40	4.39
building face area	420.65	39.08	474.60	44.09	37	73.94	34.74	304.25	28.266
glazing area	69.56	6.46	76.81	7.14	e	5.47	6.08	49.04	4.56
percentage	16.54%		16.18%		17.	51%		16.12%	
max allowed	39.22%	ok	33.66%	ok	39.	22%	ok	48.56%	ok
Side (N)	N/A		N/A			N/A		Imperial	
limit distance								17.95	
building face area								797.10	
glazing area								57.97	5.39
percentage								7.27%	
max allowed					_			29.76%	ok
Rear (E - Washington)	N/A		N/A			N/A		N/A	
limit distance									
building face area									
glazing area		_							
percentage									
max allowed		_							_
Side (S)	Imperial	Metric	N/A			N/A		N/A	_
limit distance	4.92	1.50	N/A			NY A		N/A	
building face area	1164.73								
glazing area	4.09	0.38							
percentage	0.35%	0.50							
max allowed	7.00%	ok							





FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR W/ GLAZING
- 10 METAL RAILING
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL



REV. NO. | DESCRIPTION

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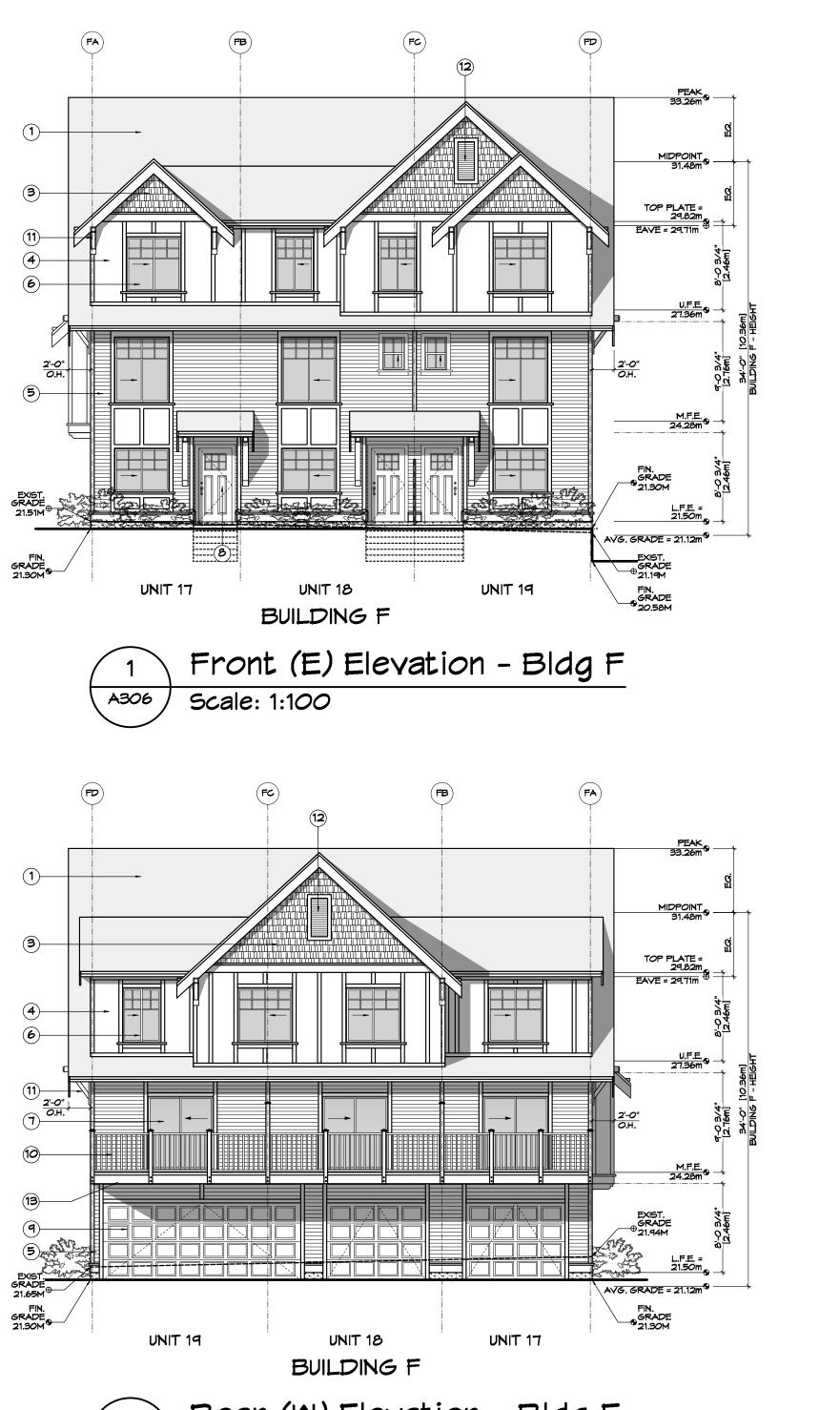
NO CHANGES

NO CHANGES

UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

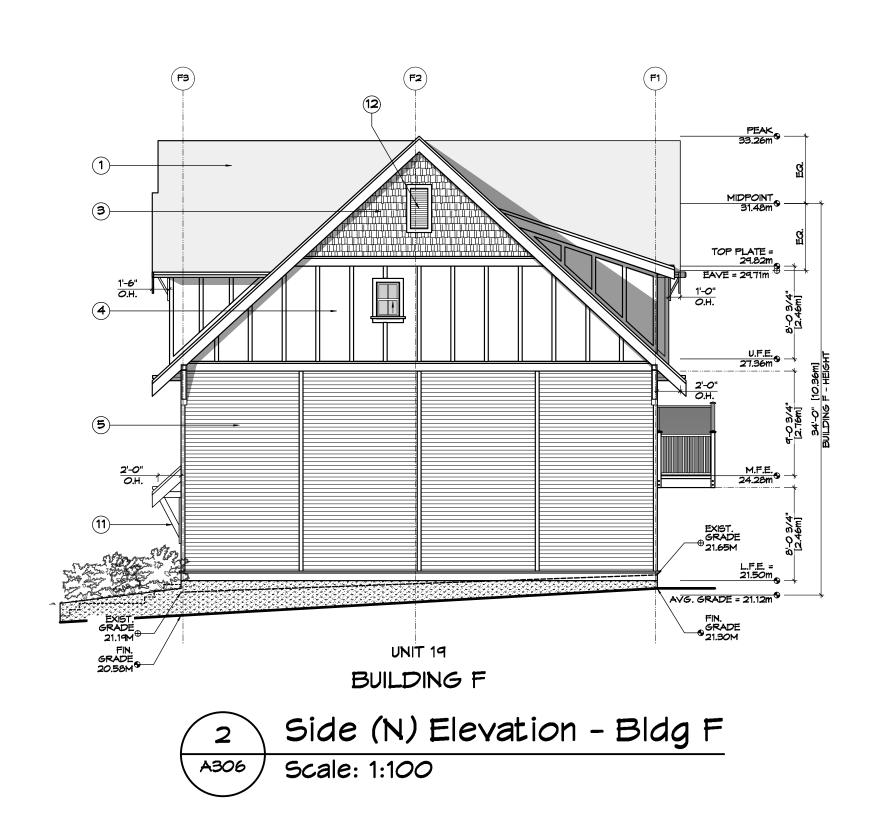
ADD WINDOWS TO LIVING ROOM (REAR ELEVATION); ADD GLASS TO GARAGE DOORS; ADD WINDOW TO UNIT 16 DEN; REVISE GLAZING CALC'S

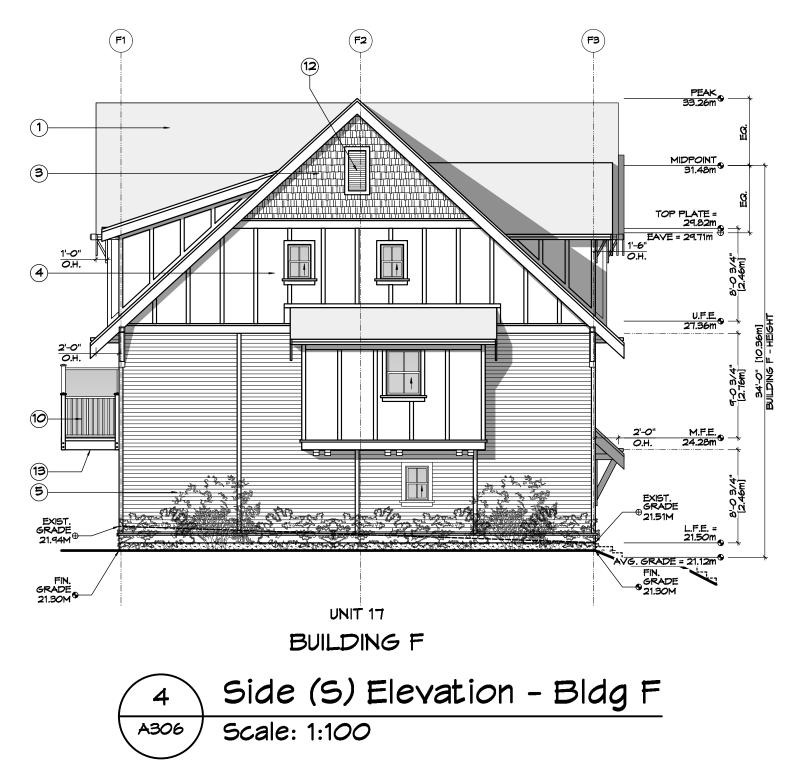
REVISE UNIT 16 TO 2-STOREY; UPDATE GLAZING CALCS

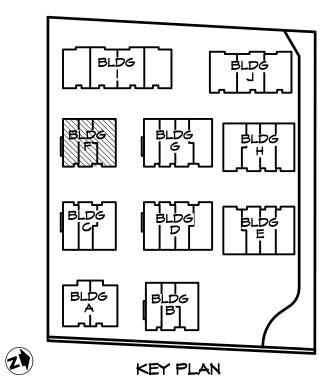




Bldg F						
<u>Glazing Area Calc.</u>	<u>Unit 17</u>		<u>Unit 18</u>		<u>Unit 19</u>	
Front (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	14.40	4.39	14.40	4.39	14.40	4.39
building face area	381.51	35.44	474.60	44.09	420.65	39.08
glazing area	65.47	6.08	76.81	7.14	69.56	6.46
percentage	17.16%		16.18%		16.54%	
max allowed	39.22%	ok	33.66%	ok	39.22%	ok
Side (N)	N/A		N/A		Imperial	Metric
limit distance					11.32	3.45
building face area					1164.73	108.21
glazing area					4.09	0.38
percentage					0.35%	
max allowed					10.90%	ok
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	12.83	3.91	12.83	3.91	12.83	3.91
building face area	381.51	35.44	379.25	35.23	516.00	47.94
glazing area	55.90	5.19	55.90	5.19	70.03	6.51
percentage	14.65%		14.74%		13.57%	
max allowed	31.06%	ok	31.06%	ok	27.19%	ok
Side (S)	Imperial	Metric	N/A		N/A	
limit distance	11.12	3.39	,		ŕ	
building face area	1155.61					
glazing area	21.53	2.00				
percentage	1.86%					
max allowed	10.78%	ok				







FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL WINDOW
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

REV. NO. DESCRIPTION

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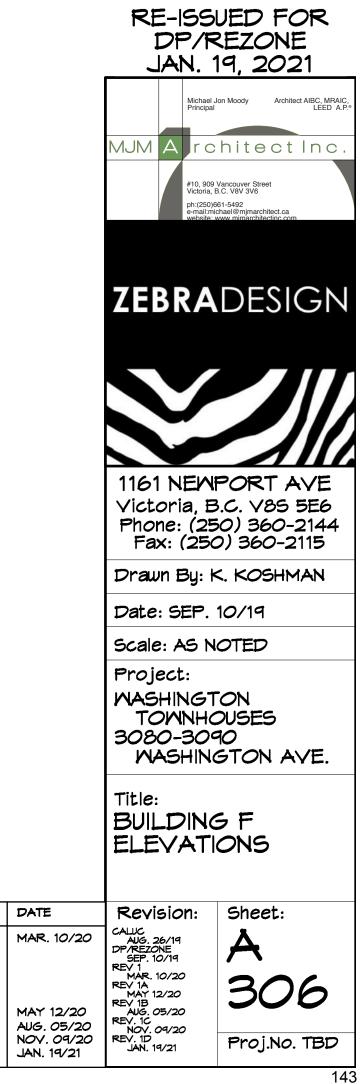
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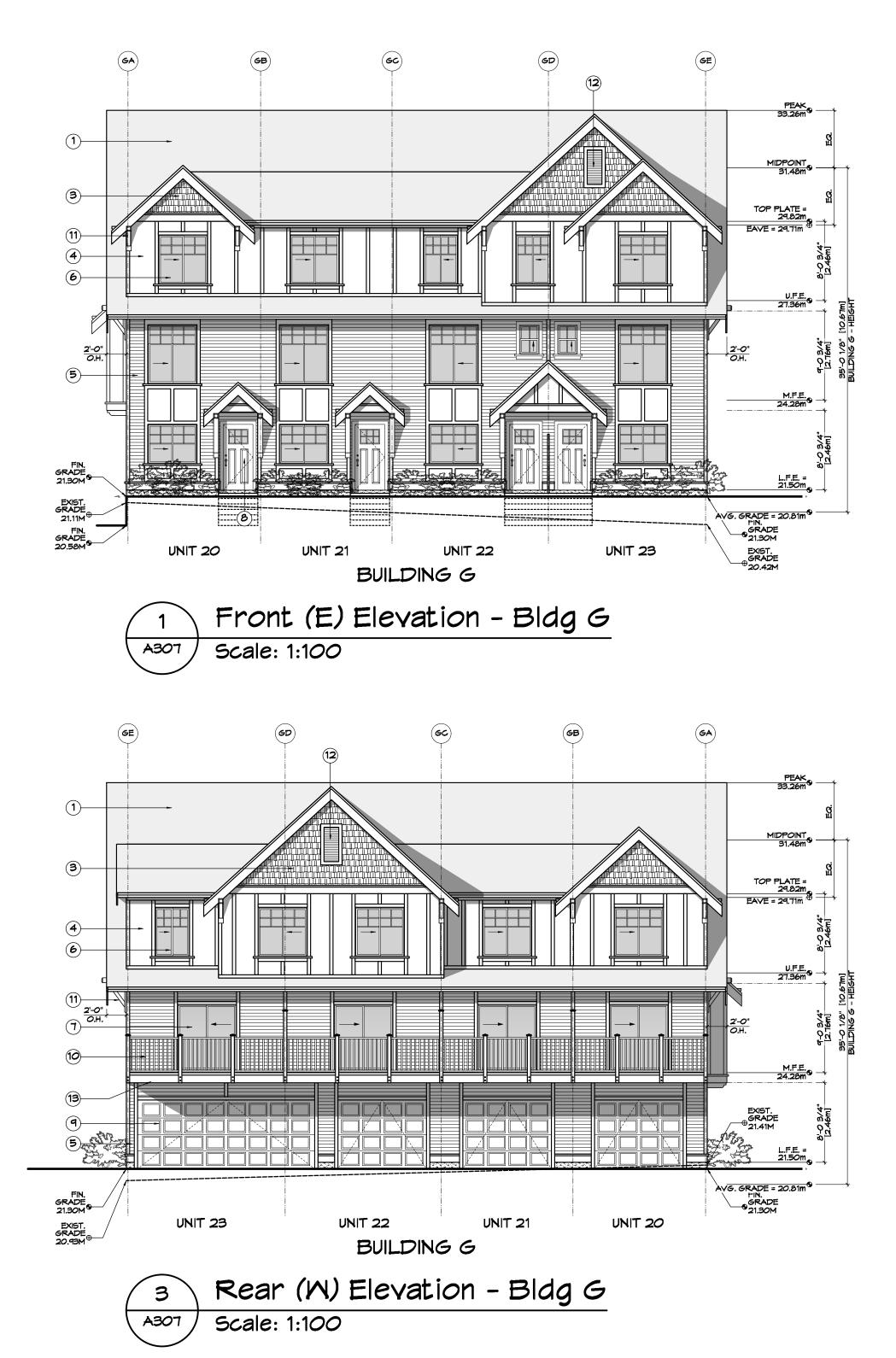
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NO CHANGES

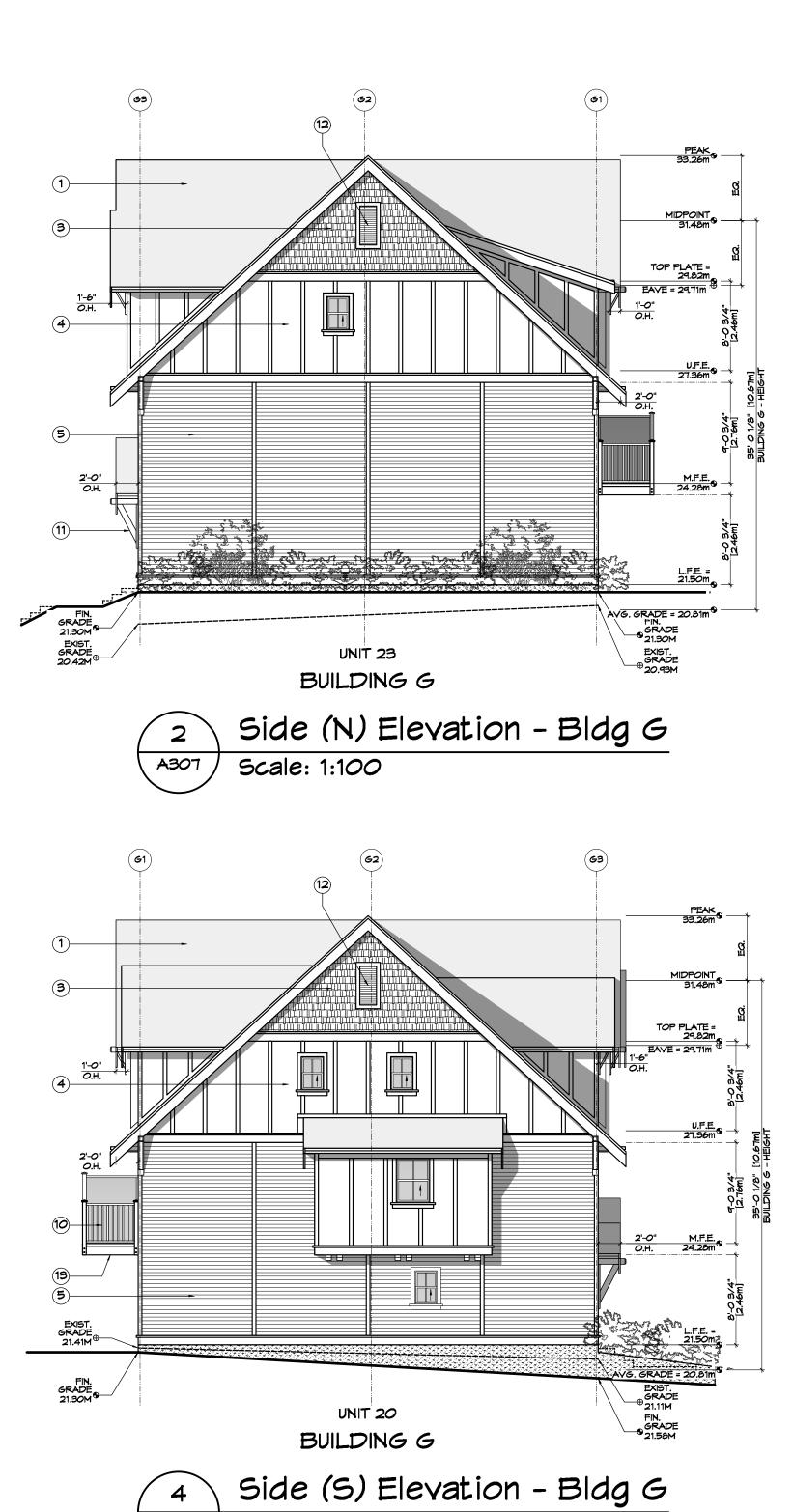
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

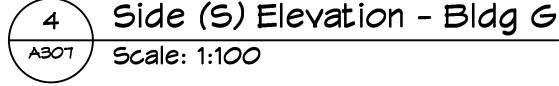
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL

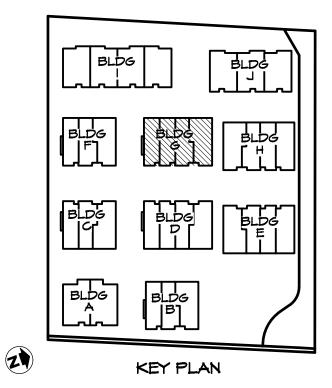




Bldg G								
<u> Glazing Area Calc.</u>	<u>Unit 20</u>		<u>Unit 21</u>		<u>Unit 22</u>		<u>Unit 23</u>	1
	Tree re e vier l	Matria	Tree re e vie l	Matria	Tree re e vie l	Matuia	Tueneniel	Matria
Front (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	14.40		14.40		14.40	4.39	14.40	
building face area	381.51	35.44	373.94	34.74	474.60	44.09	420.65	
glazing area	65.47		65.47	6.08	76.81	7.14	69.56	
percentage	17.16%		17.51%		16.18%		16.54%	
max allowed	39.22%	ok	39.22%	ok	33.66%	ok	39.22%	ok
Side (N)	N/A		N/A		N/A		Imperial	Metric
limit distance							4.92	1.50
building face area							1164.73	108.21
glazing area							4.09	0.38
percentage							0.35%	
max allowed							7.00%	ok
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	12.83	3.91	12.83	3.91	12.83	3.91	10.99	3.35
building face area	381.51	35.44	373.94	34.74	379.25	35.23	516.00	47.94
glazing area	55.90		55.90	5.19	55.90	5.19	70.03	
percentage	14.65%		14.95%		14.74%		13.57%	
max allowed	31.06%	ok	31.06%	ok	31.06%	ok	22.15%	ok
Side (S)	Imperial	Metric	N/A		N/A		N/A	
limit distance	11.32							
building face area	1155.61							
glazing area	21.53							
percentage	1.86%							
max allowed	10.90%	ok						







FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

REV. NO. DESCRIPTION

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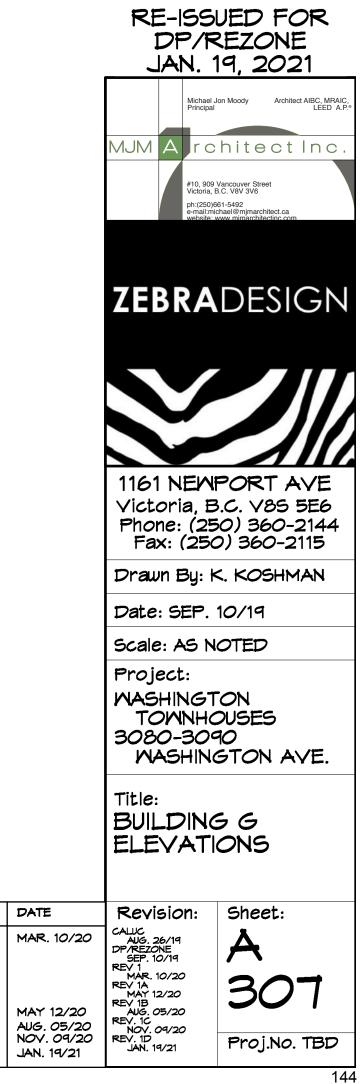
10 1D NO CHANGES

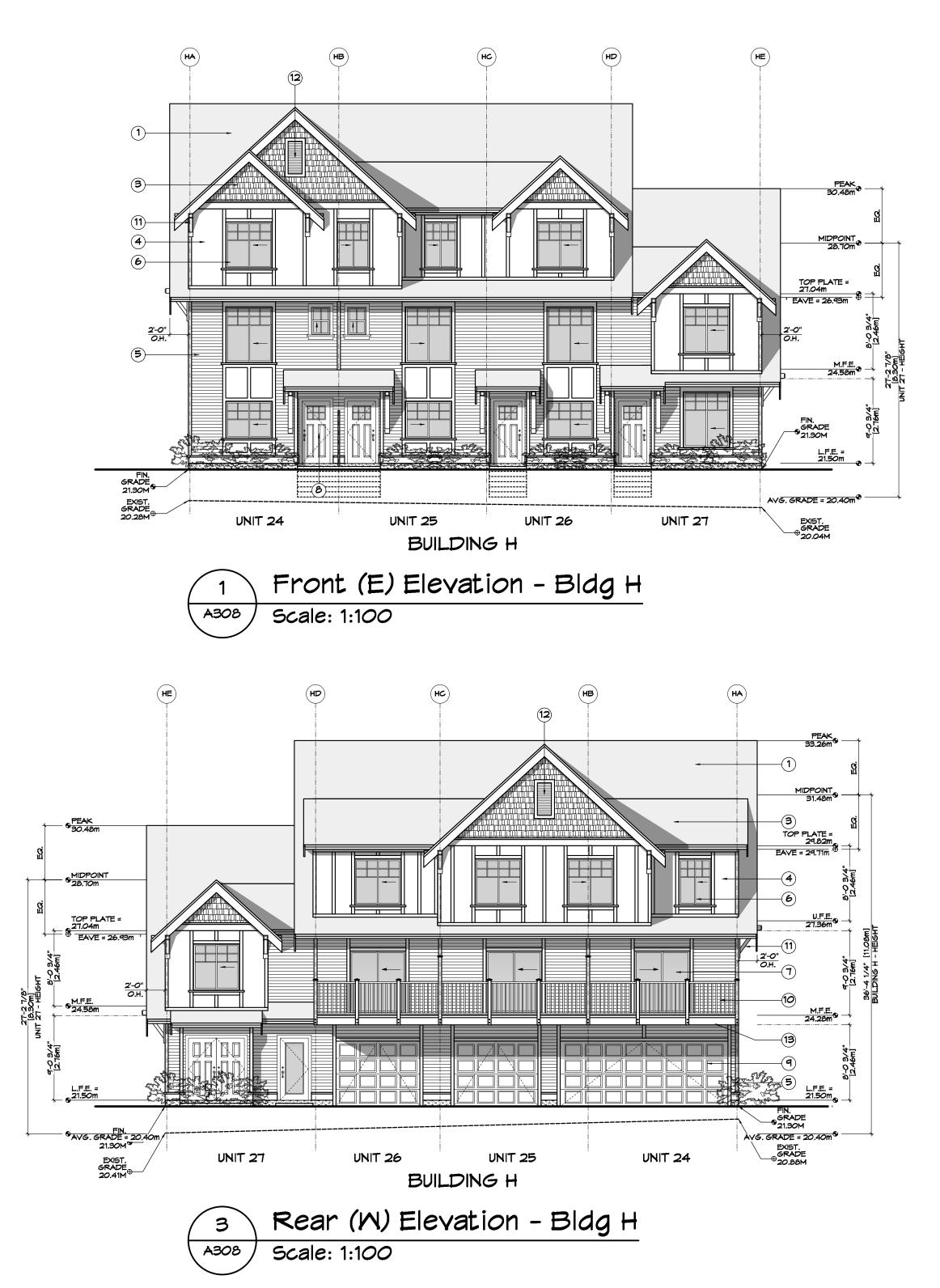
NO CHANGES NO CHANGES

NO CHANGES

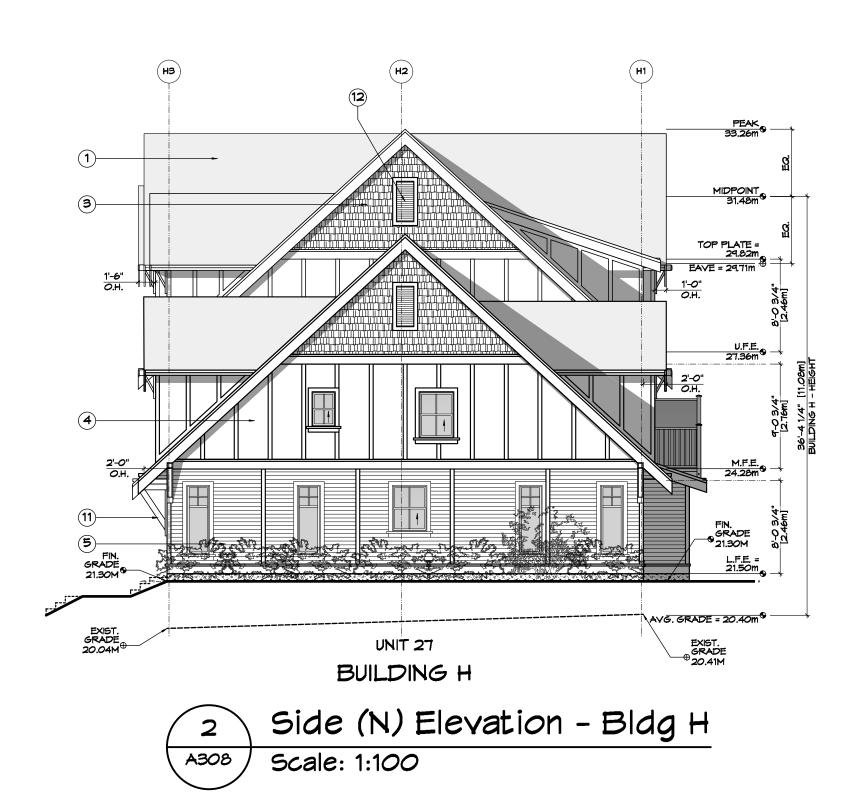
UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

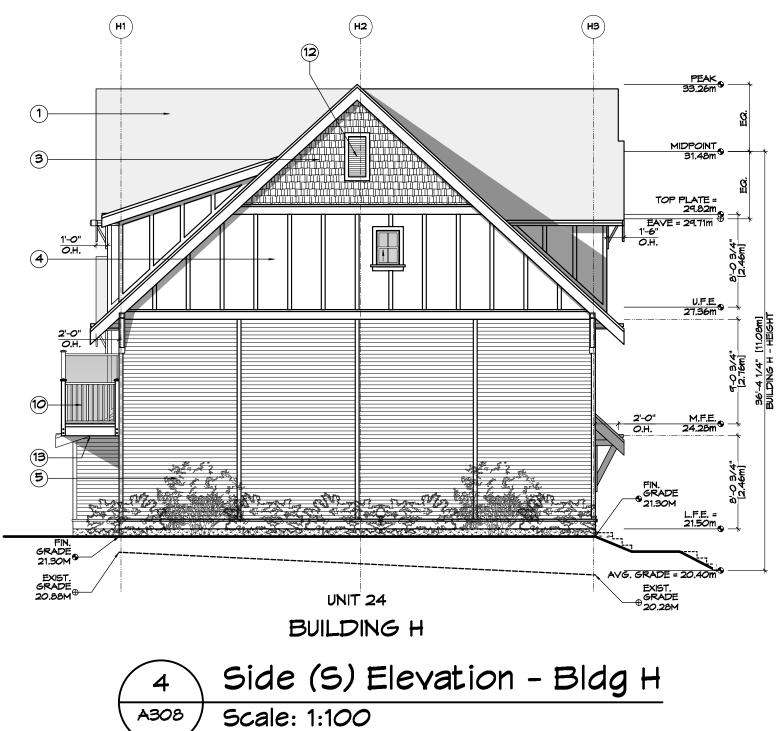
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL





5 11 11								
Bldg H <u>Glazing Area Calc.</u>	<u>Unit 24</u>		<u>Unit 25</u>		<u>Unit 26</u>		<u>Unit 27</u>	
<u>Giazing Area Calc.</u>	01111 24	_	<u>Unit 25</u>	_	<u>Unit 20</u>	_	<u>Unit 27</u>	
Front (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	14.40		14.40	4.39	14.40		14.40	
building face area	420.65	39.08	474.60	44.09	373.94	34.74	304.25	28.27
glazing area	69.56	6.46	76.81	7.14	65.47	6.08	49.04	4.56
percentage	16.54%		16.18%		17.51%		16.12%	
max allowed	39.22%	ok	33.66%	ok	39.22%	ok	48.59%	ok
Side (N)	N/A		N/A		N/A		Imperial	Metric
limit distance							17.95	5.47
building face area							797.10	74.05
glazing area							57.97	5.39
percentage							7.27%	
max allowed			_	_	_		17.15%	ok
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	12.93	3.94	12.93	3.94	12.93	3.94	11.42	3.48
building face area	516.00	47.94	379.25	35.23	373.94	34.74	304.25	28.27
glazing area	70.03	6.51	55.90	5.19	55.90	5.19	30.78	2.86
percentage	13.57%		14.74%		14.95%		10.12%	
max allowed	27.46%	ok	31.37%	ok	31.37%	ok	31.98%	ok
Side (S)	Imperial	Metric	N/A		N/A		N/A	
limit distance	4.92	1.50						
building face area	1164.73	108.21						
glazing area	4.09	0.38						
percentage	0.35%							
max allowed	7.00%	ok						





REV. NO. DESCRIPTION

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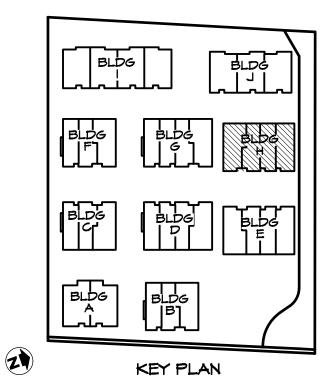
NO CHANGES

NO CHANGES

UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

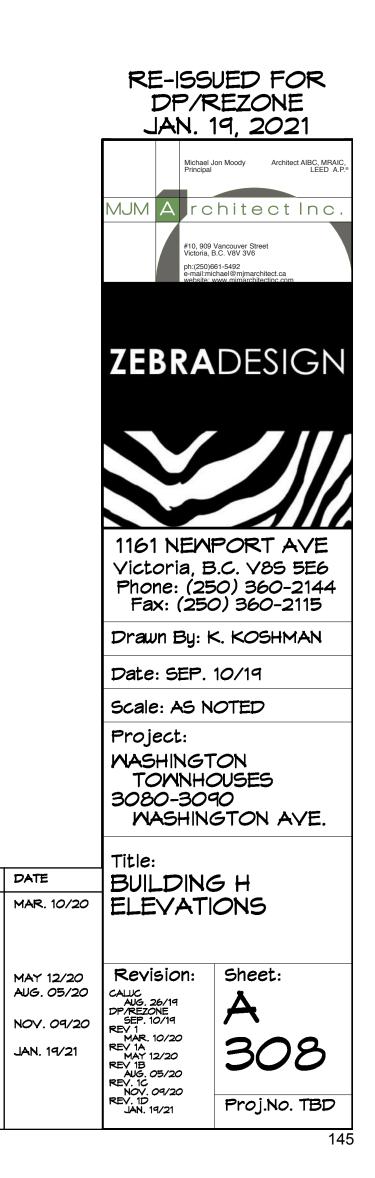
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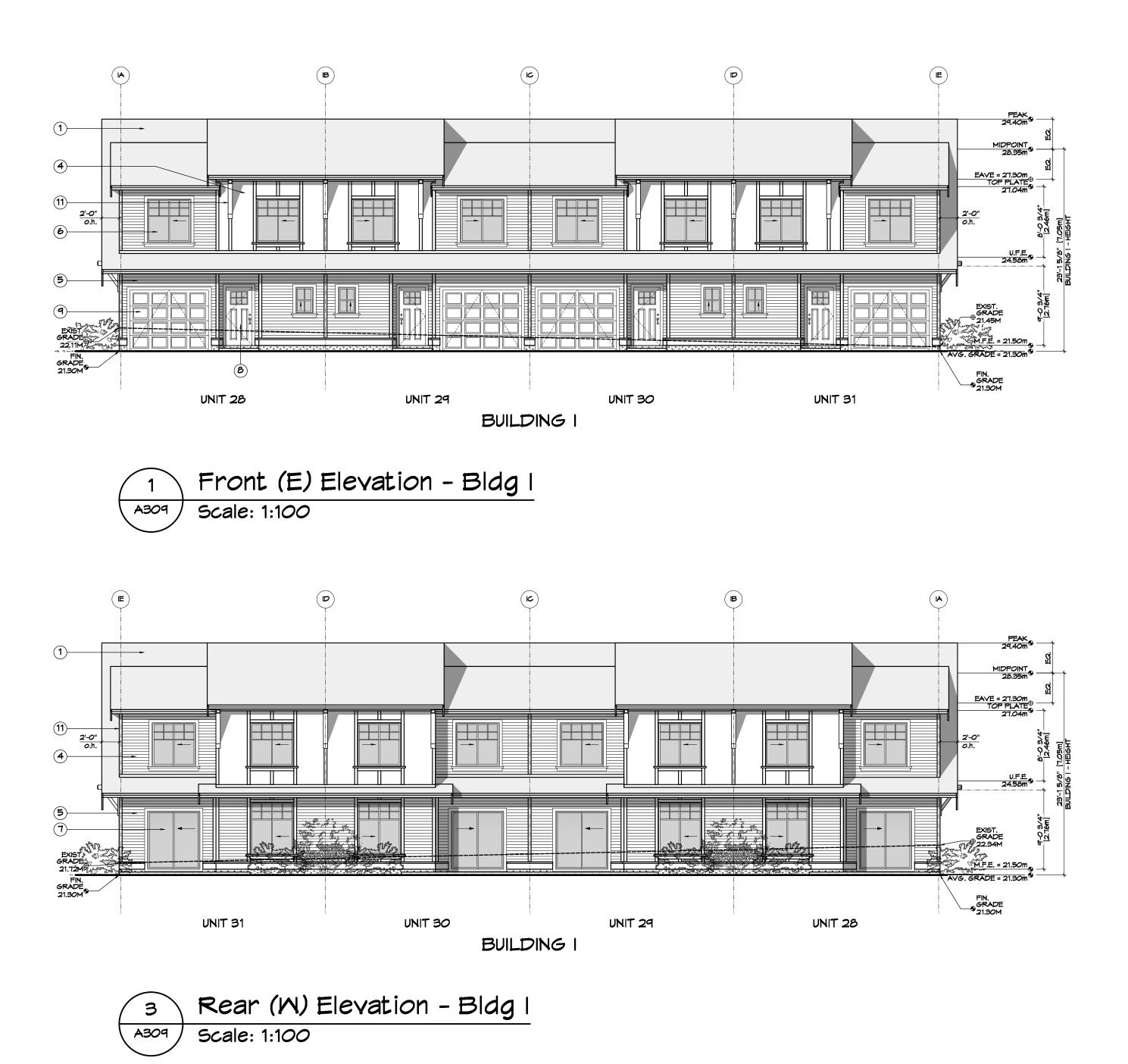
REVISE UNIT 27 TO 2-STOREY; UPDATE GLAZING CALCS



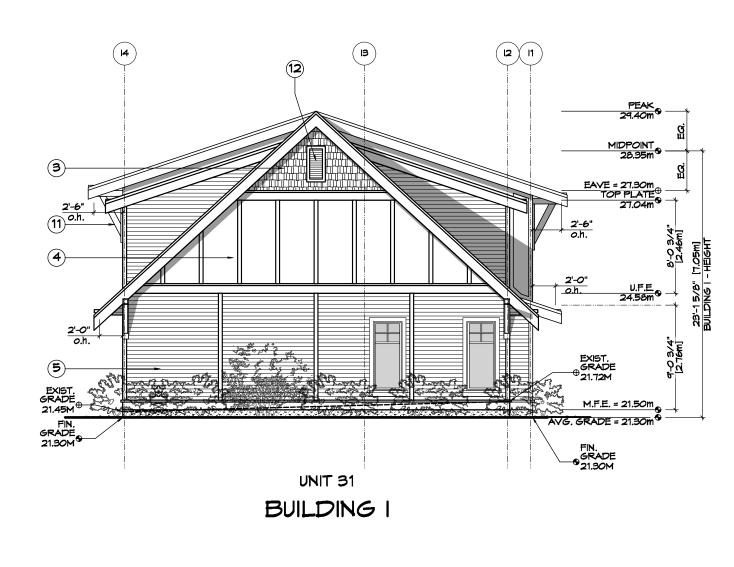
FINISH SCHEDULE KEY

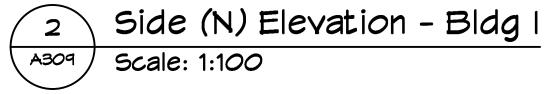
- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL WINDOW
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING
- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL

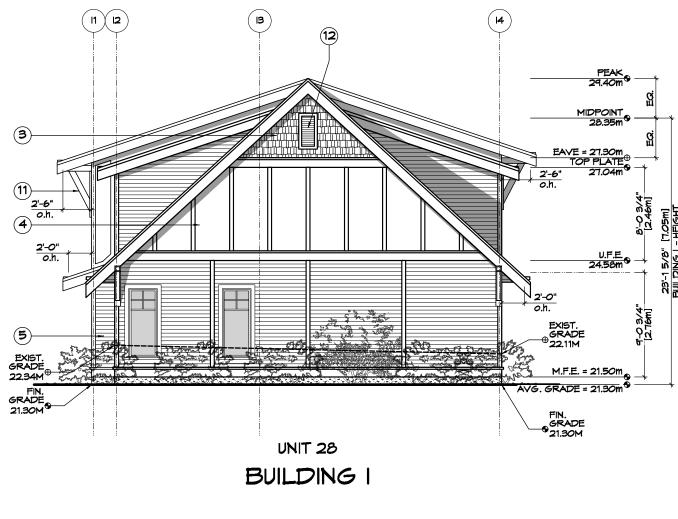


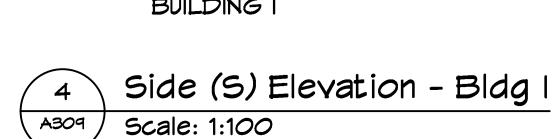


Bldg I									
<u>Glazing Area Calc.</u>	<u>Unit 28</u>		<u>Unit 29</u>		<u>Unit 30</u>		<u>Unit 31</u>		
Front (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric	
limit distance	12.83	3.91	12.83	3.91	12.83	3.91	12.83	3.91	
building face area	445.58	41.40	440.47	40.92	440.47	40.92	445.58	41.40	
glazing area	48.55	4.51	48.55	4.51	48.55	4.51	48.55	4.51	
percentage	10.90%		11.02%		11.02%		10.90%		
max allowed	27.19%	ok	27.19%	ok	27.19%	ok	27.19%	ok	
Side (N)	N/A		N/A		N/A		Imperial	Metric	
limit distance							16.73	5.10	
building face area							670.52	62.29	
glazing area							23.26	2.16	
percentage							3.47%		
max allowed							15.85%	ok	
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric	
limit distance	20.93	6.38	20.93	6.38	20.93	6.38	20.93	6.38	
building face area	445.58	41.40	440.47	40.92	440.47	40.92	445.58	41.40	
glazing area	102.50	9.52	102.50	9.52	102.50	9.52	102.50	9.52	
percentage	23.00%		23.27%		23.27%		23.00%		
max allowed	65.17%	ok	65.17%	ok	65.17%	ok	65.17%	ok	
Side (S)	Imperial	Metric	N/A		N/A		N/A		
limit distance	13.12	4.00							
building face area	670.52								
glazing area	23.26	2.16							
percentage	3.47%								
max allowed	12.00%	ok							









REV. NO. DESCRIPTION

1A

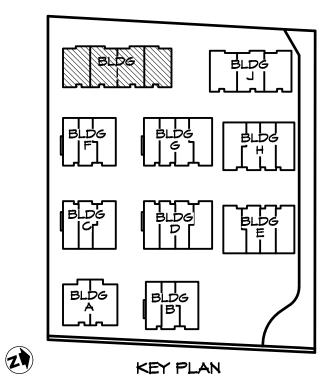
1B

10 1D NO CHANGES

NO CHANGES NO CHANGES

NO CHANGES

UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

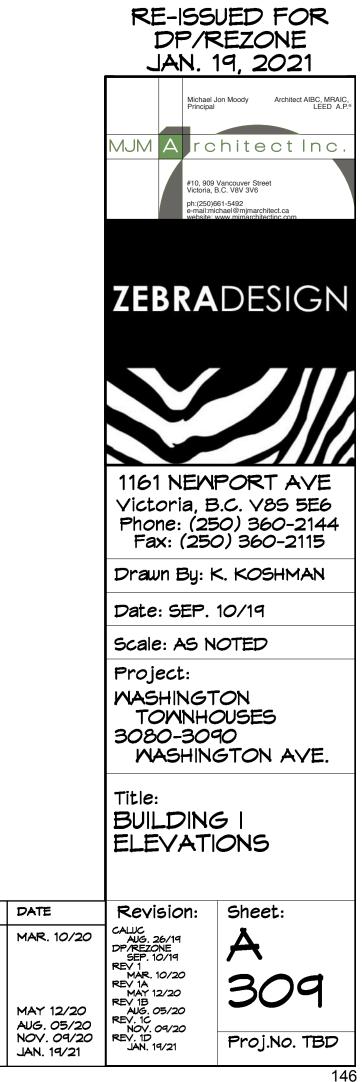


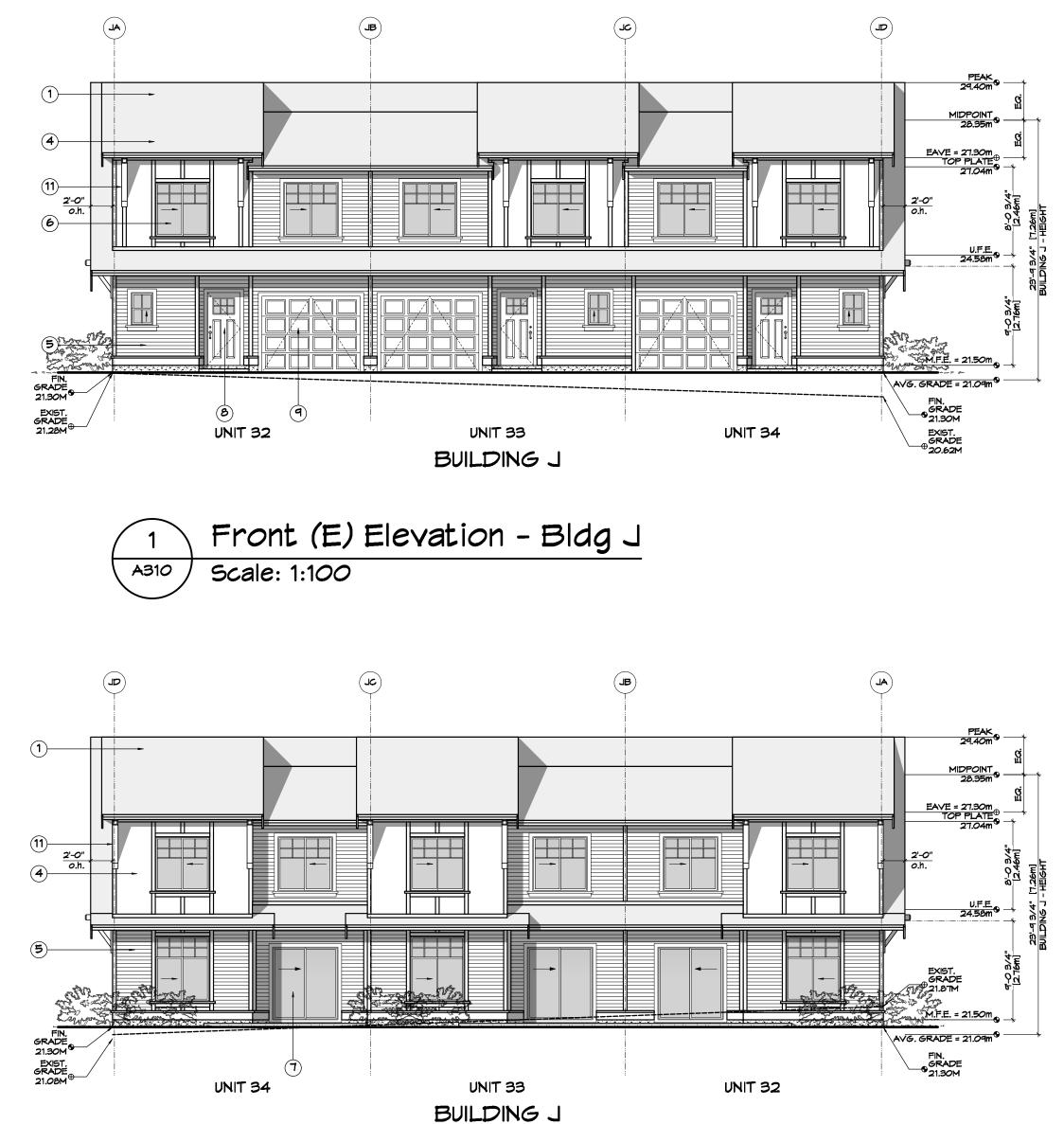
FINISH SCHEDULE KEY

- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
- (3) CEMENTITIOUS SHINGLE FINISH
- (4) CEMENTITIOUS PANELS & TRIM
- 5 HORIZONTAL SIDING
- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (8) MOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL

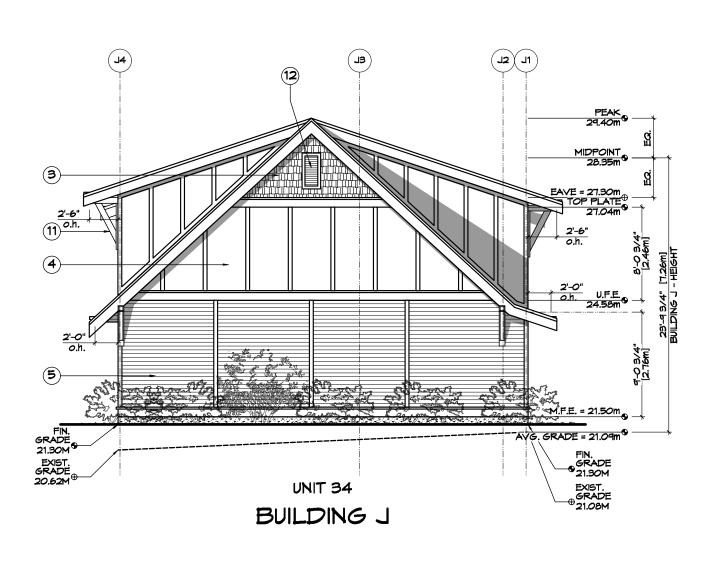




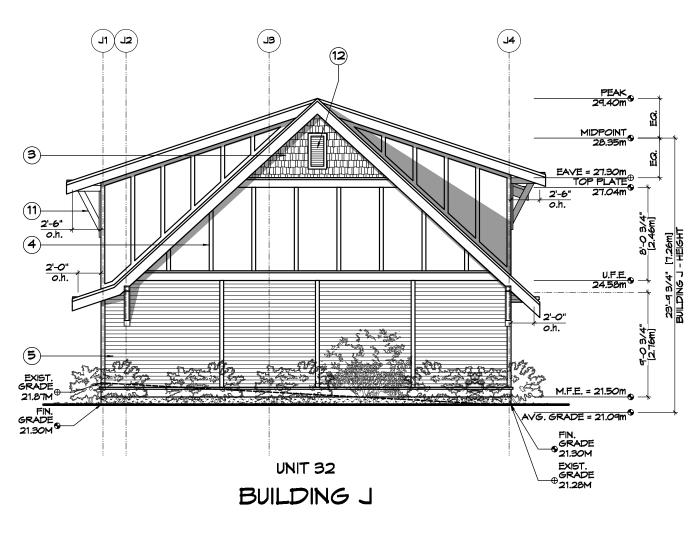
3	Rear (W) Eleva	a
A310	Scale: 1:100	

Bldg J						
Glazing Area Calc.	<u>Unit 32</u>	-	<u>Unit 33</u>		<u>Unit 34</u>	-
Front (E)	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	10.99	3.35	12.93	3.94	11.42	3.48
building face area	445.58	41.40	440.47	40.92	445.58	41.40
glazing area	48.55	4.51	48.55	4.51	48.55	4.51
percentage	10.90%		11.02%		10.90%	
max allowed	22.15%	ok	27.46%	ok	23.32%	ok
Side (N)	N/A		N/A		Imperial	Metric
limit distance					20.51	6.25
building face area					670.52	62.29
glazing area					0.00	0.00
percentage					0.00%	
max allowed					20.13%	ok
Rear (W)	Imperial	Metric	Imperial	Metric	Imperial	Metric
limit distance	18.14		18.14	5.53	18.14	
building face area	445.58		440.47	40.92	445.58	
glazing area	102.50		102.50	9.52	102.50	
percentage	23.00%	<i>J</i> .JZ	23.27%	5.52	23.00%	5.52
max allowed	50.19%	ok	50.19%	ok	50.19%	ok
	50.1570		50.1970		50.1970	
Side (S)	Imperial	Metric	N/A		N/A	
limit distance	16.73	5.10				
building face area	670.52	62.29				
glazing area	0.00	0.00				
percentage	0.00%					
max allowed	15.85%	ok				

ation - Bldg J



Side (N) Elevation - Bldg J 2 A310 Scale: 1:100



Side (S) Elevation - Bldg J 4 A310 Scale: 1:100





REV. NO. DESCRIPTION

1A

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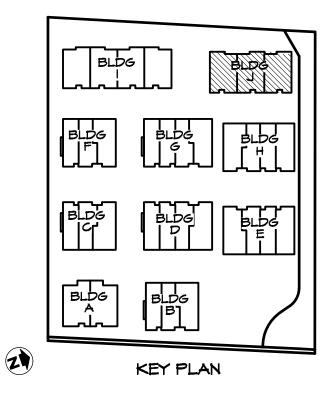
1D

NO CHANGES

NO CHANGES

UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS; NOTES ADDED PER PLAN CHECK COMMENTS; GLAZING CALC'S UPDATED; AVG GRADE/BLGD HEIGHT UPDATED

NO CHANGES FLIP UNIT 34, REVISE GLAZING CALCS

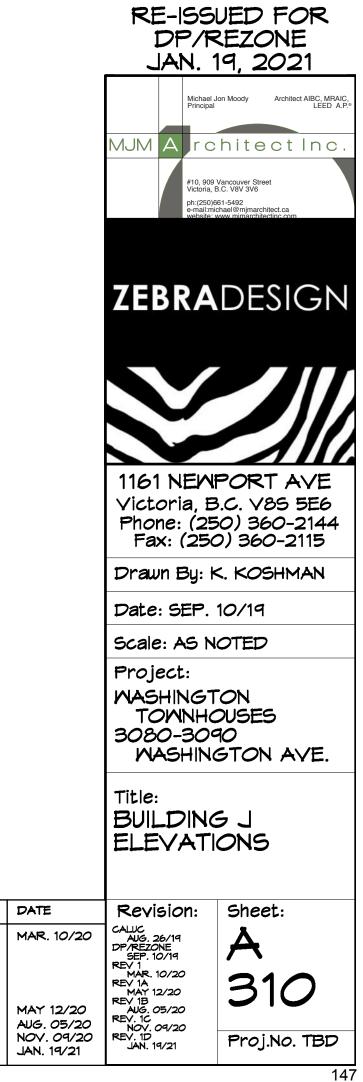


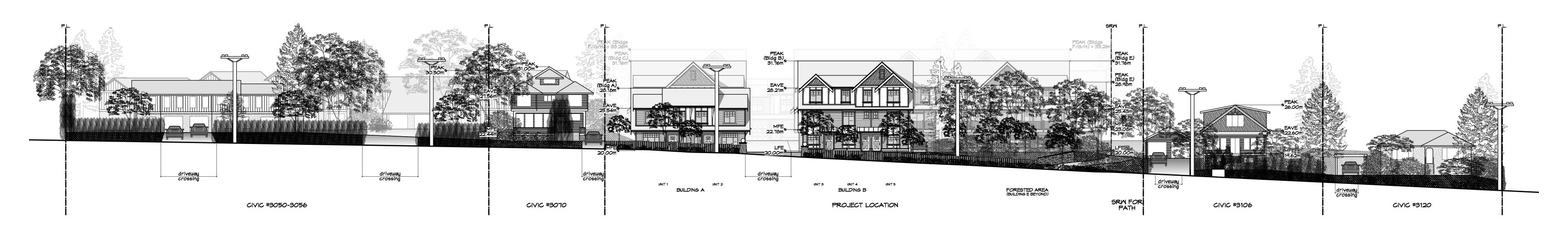
FINISH SCHEDULE KEY

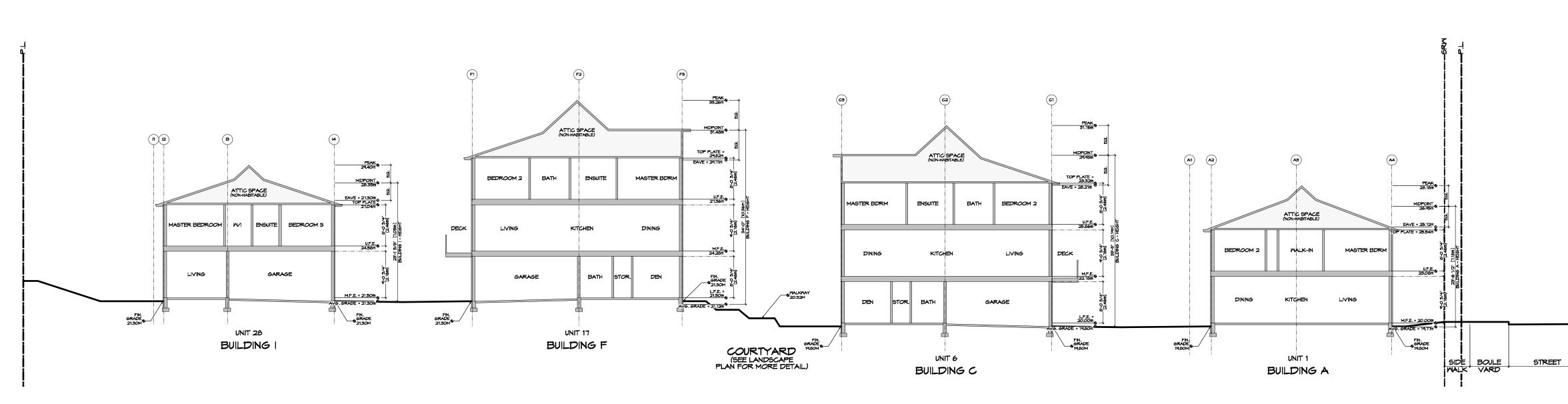
- (1) FIBERGLASS SHINGLE ROOFING
- (2) STANDING SEAM METAL ROOFING
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- (6) VINYL MINDOM
- (7) VINYL SLIDING DOOR
- (B) WOOD VENEER ENTRY DOOR
- (9) VINYL GARAGE DOOR
- 10 METAL RAILING

DATE

- (11) WOOD BRACKETS
- (12) VINYL GABLE END VENT
- (13) SOFFIT PREFIN. VENTED METAL



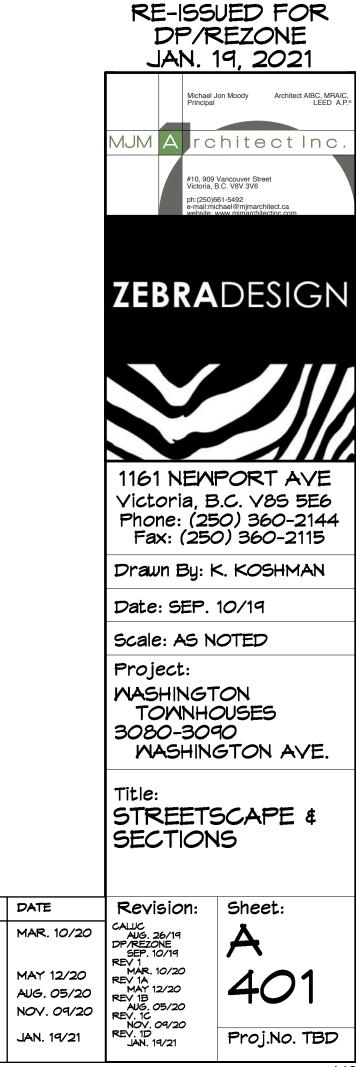




2 A401







DATE

REV. NO. DESCRIPTION

1A 1B

10

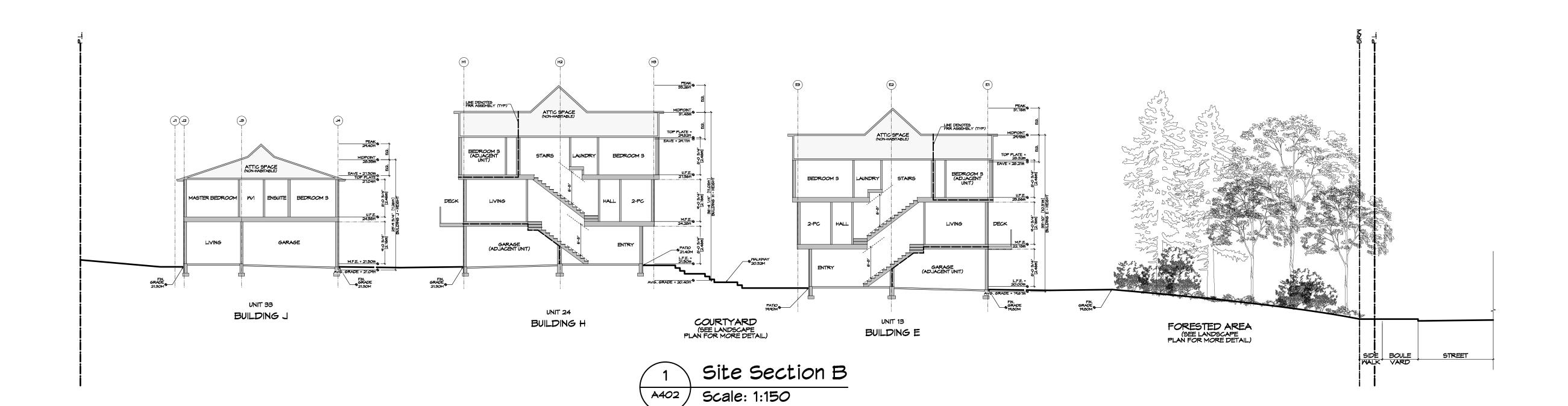
1D

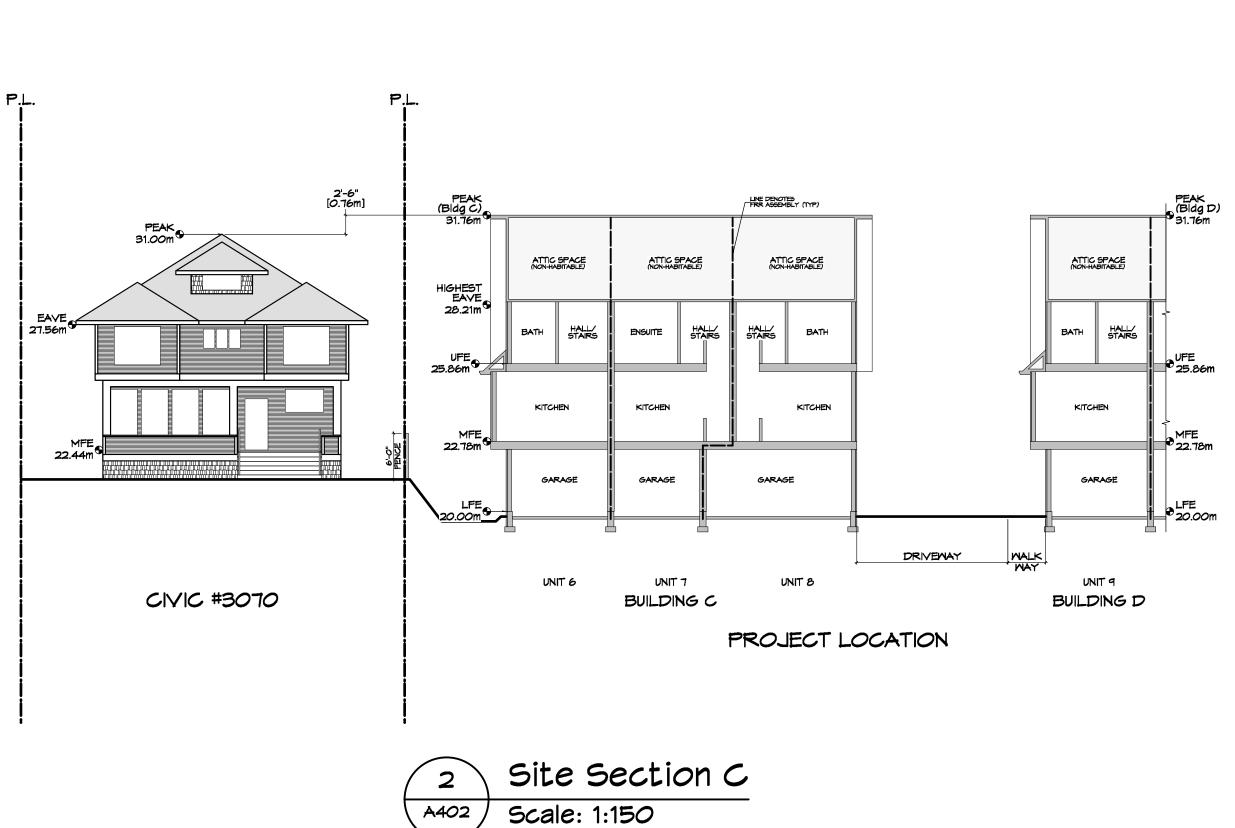
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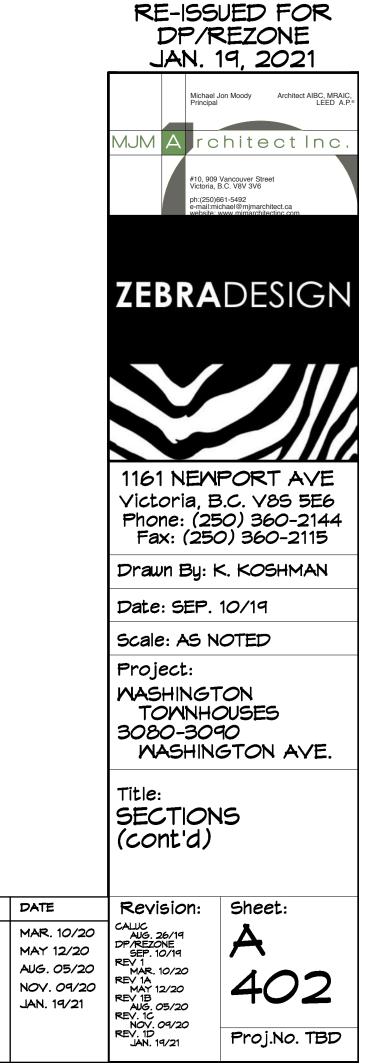
NO CHANGES

UPDATED TO REFLECT CHANGES MADE TO SITE PLAN / BLDG MASSING / LOCATIONS OF BLDGS

REVISE STREETSCAPE; MOVE SECTION B TO PAGE A402 NO CHANGES







DATE

REV. NO. DESCRIPTION

NO CHANGES

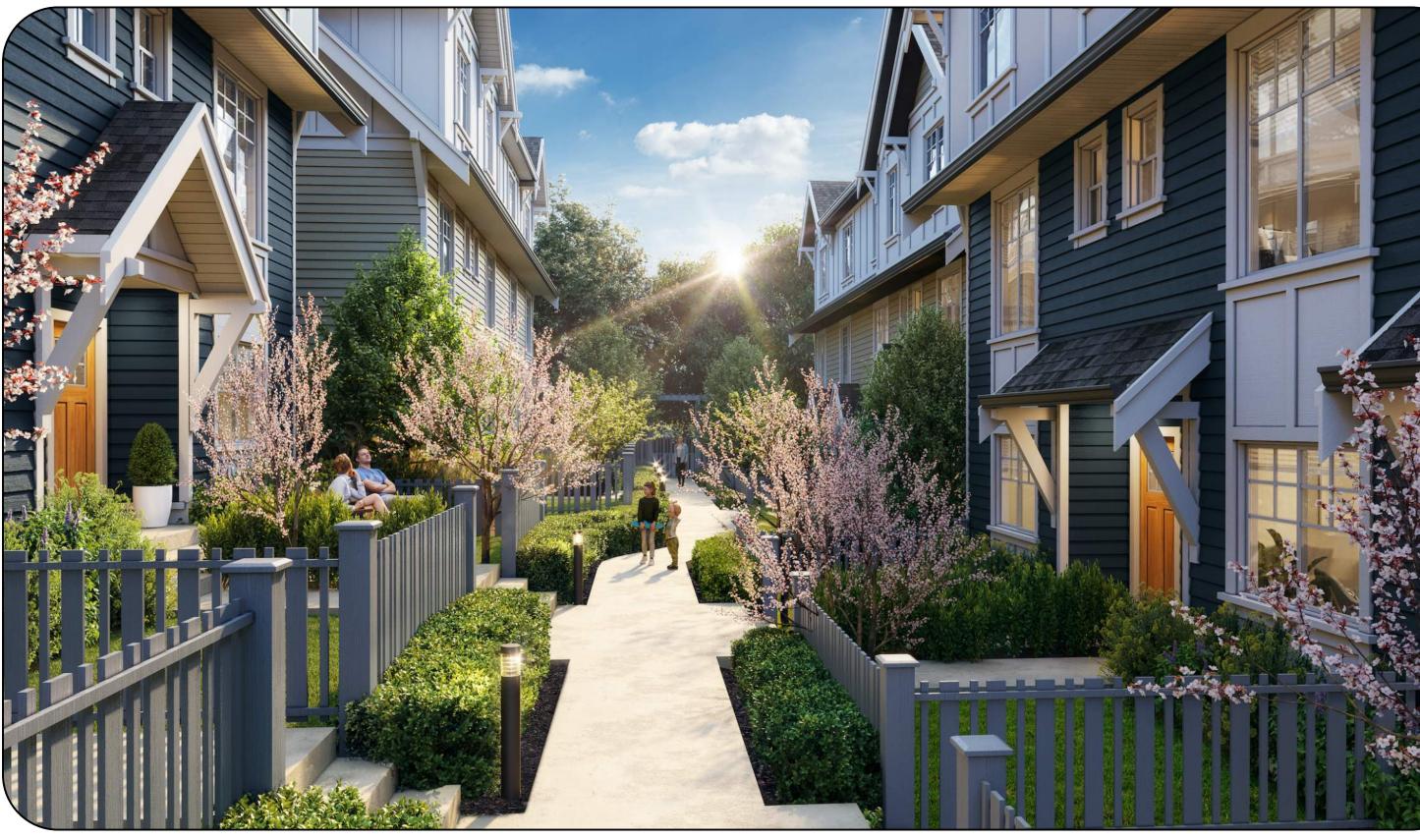
SHEET ADDED; ADD SITE SECTION C

1 1A 1B

10

1D





VIEW OF BUILDINGS A & B FROM WASHINGTON AVE

VIEW OF COURTYARD WALKWAY

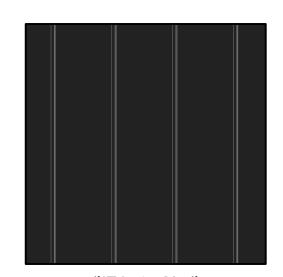
	RE-ISSUED FOR DP/REZONE JAN. 19, 2021
	Michael Jon Moody Principal Architect AIBC, MRAIC, LEED A.P.* MJM A rchitectlnc. #10, 909 Vancouver Street Victoria, B.C. V3V 3V6 ph:(250)661-5492 e-mail:michael@mjmarchitect.ca website: www.mimarchitect.ca
	ZEBRADESIGN
	1161 NEWPORT AVE Victoria, B.C. V85 5E6 Phone: (250) 360-2144
	Fax: (250) 360-2115 Drawn By: K. KOSHMAN
	Date: SEP. 10/19
	Scale: AS NOTED
DATE MAR. 10/20 MAY 12/20	Project: WASHINGTON TOWNHOUSES 3080-3090 WASHINGTON AVE.
AUG. 05/20 NOV. 09/20 JAN. 19/21	Title: RENDERINGS
	$\begin{array}{c} \text{Revision:} \\ \text{CALUC} \\ \text{AUG. 26/19} \\ \text{DF/REZONE} \\ \text{SEP. 10/19} \\ \text{REV 1} \\ \text{MAR. 10/20} \\ \text{REV 1A} \\ \text{MAY 12/20} \\ \text{REV 1B} \\ \text{AUG. 05/20} \\ \text{REV. 1C} \\ \text{NOV. 09/20} \\ \text{REV. 1D} \\ \text{JAN. 19/21} \end{array} $ Sheet: $\begin{array}{c} \text{A} \\ \text{A} \\ \text{Solution} \\ Sol$

REV. NO. DESCRIPTION

DESCRIPTION UPDATED RENDERINGS IA NO CHANGES IB NO CHANGES IC NO CHANGES ID NO CHANGES







"BLACK" STANDING-SEAM METAL CANOPY ROOF



SCHEME 1 (3-STOREY PLANS - 3-PLEX & 4-PLEX) BLDGS B, D, & G



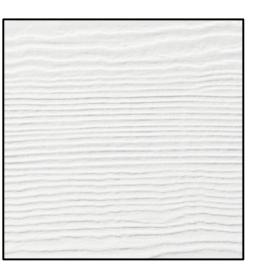
HORIZONTAL SIDING



"MHITE" VINYL MINDOMS & PATIO DOORS





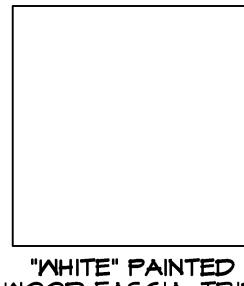


"ARCTIC MHITE" CEMENTITIOUS PANELS & TRIM

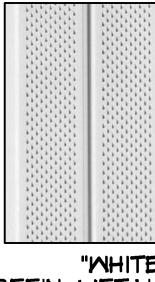
--- COMMON COLOURS TO ALL SCHEMES ----



"FIR" VENEER FIBERGLASS ENTRY DOORS



"MHITE" PAINTED MOOD FASCIA, TRIM & BRACKETS

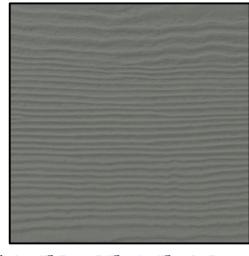


"MHITE" PREFIN. METAL SOFFITS





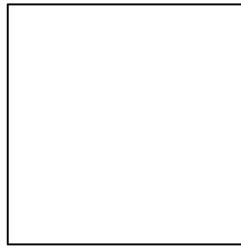
SCHEME 2 (3-STOREY PLANS - 3-PLEX & 4-PLEX) BLDGS C, E, F, & H



"CHESAPEAKE GRAY" HORIZONTAL SIDING



"GRAY SLATE" CEMENTITIOUS SHINGLES

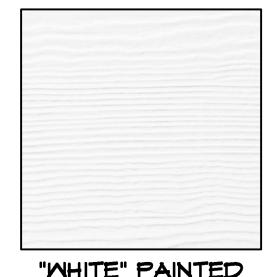


"MHITE" VINYL MINDOMS & PATIO DOORS



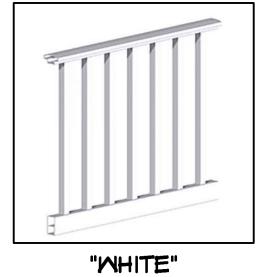
"ARCTIC MHITE" CEMENTITIOUS PANELS & TRIM





"WHITE" PAINTED CEMENTITIOUS SHINGLES, PANELS & TRIM



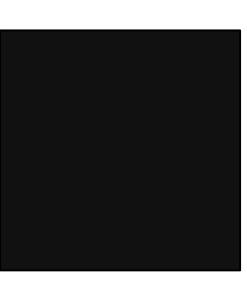


"MHITE" PREFIN. METAL RAILINGS



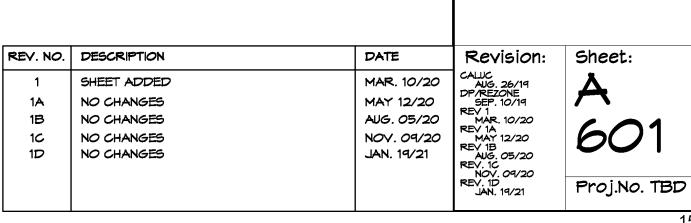
SCHEME 3 (2-STOREY PLANS) BLDGS A, I, J

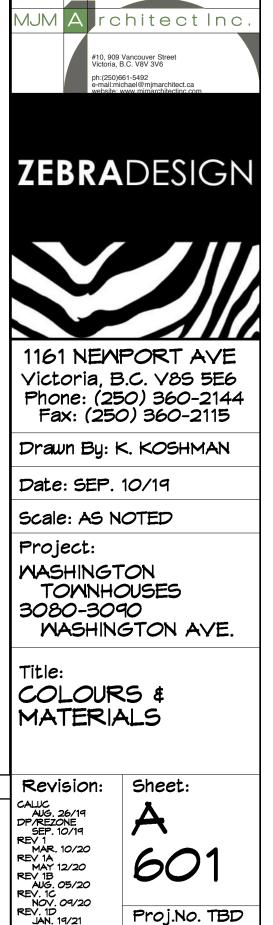
"SNOM MHITE" HORIZONTAL SIDING



"BLACK" VINYL WINDOWS & PATIO DOORS

1B





RE-ISSUED FOR DP/REZONE JAN. 19, 2021

Michael Jon Moody Architect AIBC, MRAIC, Principal LEED A.P.®

SUN STUDY - JUNE 21 (SUMMER SOLSTICE)



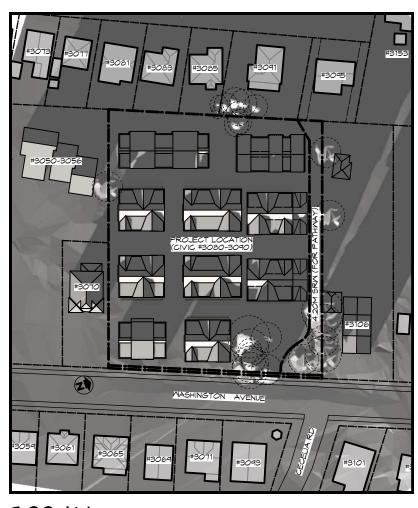
9:00 AM

SUN STUDY - MAR 20/SEP 22 (EQUINOX)

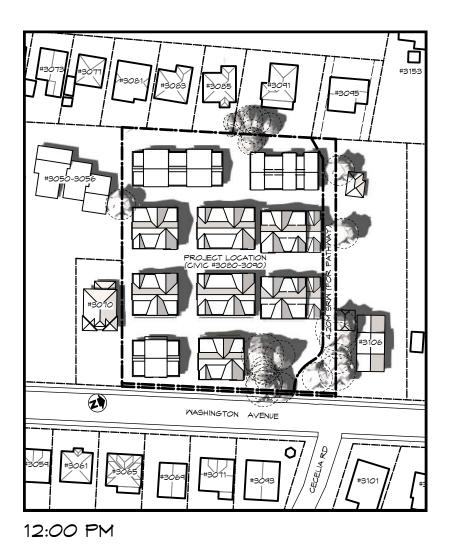


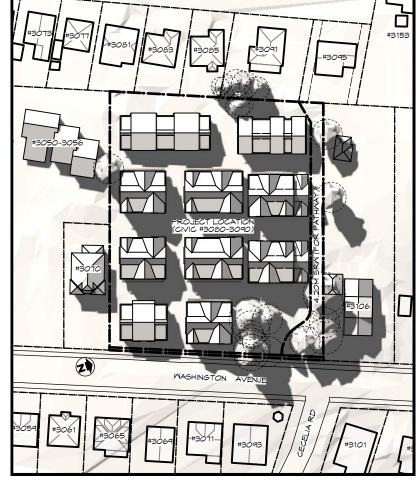
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SUN STUDY - DEC. 21 (WINTER SOLSTICE)

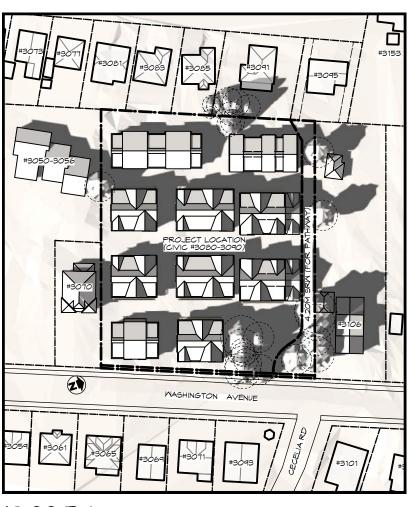


9:00 AM

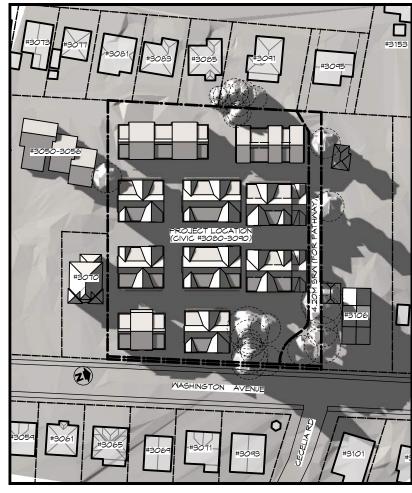




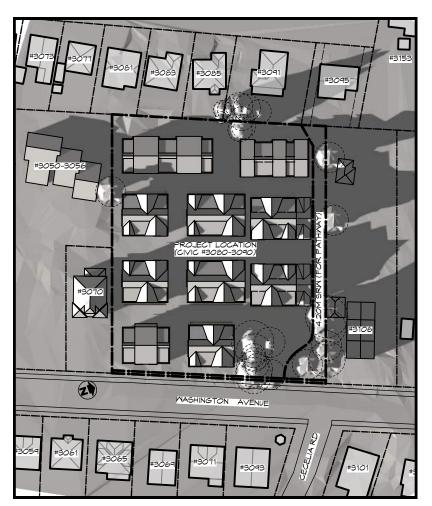
3:30 PM



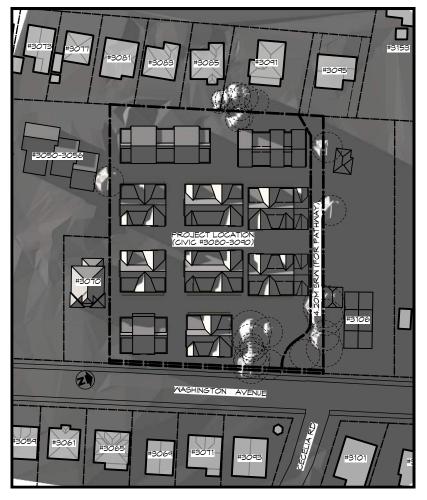




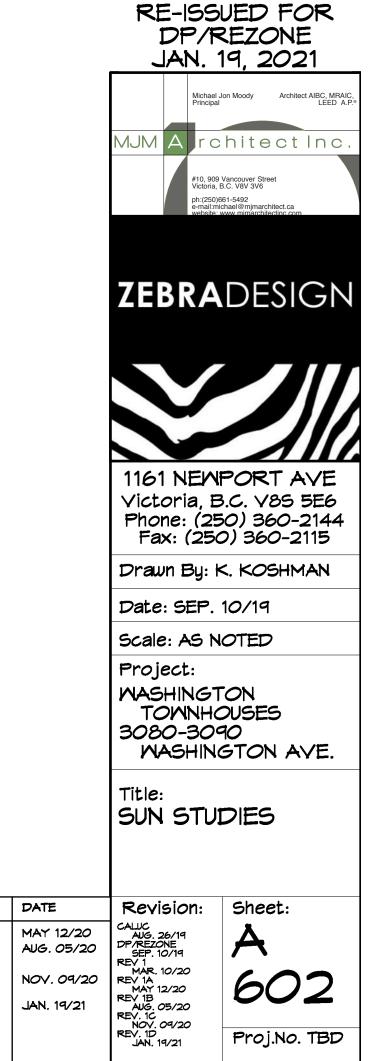
3:30 PM



12:00 PM



3:30 PM



DATE

REV. NO. DESCRIPTION

NO CHANGES

1A 1B

10

1D

SHEET ADDED UPDATED TO REMOVE TREES (SEE PLAN ON PAGE A103)

UPDATED TO SHOW 2-STOREY UNIT CHANGE





- $\langle B \rangle$ CITY OF VICTORIA TO INSTALL WATER SERVICE TO PROPERTY LINE AT DEVELOPERS EXPENSE.



GREENWAY NOTES

- 1. Contact Parks for review and approval of fence alignment and footing locations prior to excavation. Excavation for post footings to be
- performed by hand under the direct supervision of the Project Arborist. 2. Greenway surfacing to consist of 5 cm depth asphalt paving over 10 cm depth structural base course. With prior approval from Parks and Engineering, the base preparation for the path may be modified to utilize a geogrid or geocells to preserve tree roots, where recommended by the Project Arborist in consultation with the Project Engineer
- 3. Finished grade of asphalt to be 15 cm above existing grade to avoid excavation where possible, connecting to existing grade at both ends with a running slope not to exceed 5%.

DRAWING NOTES

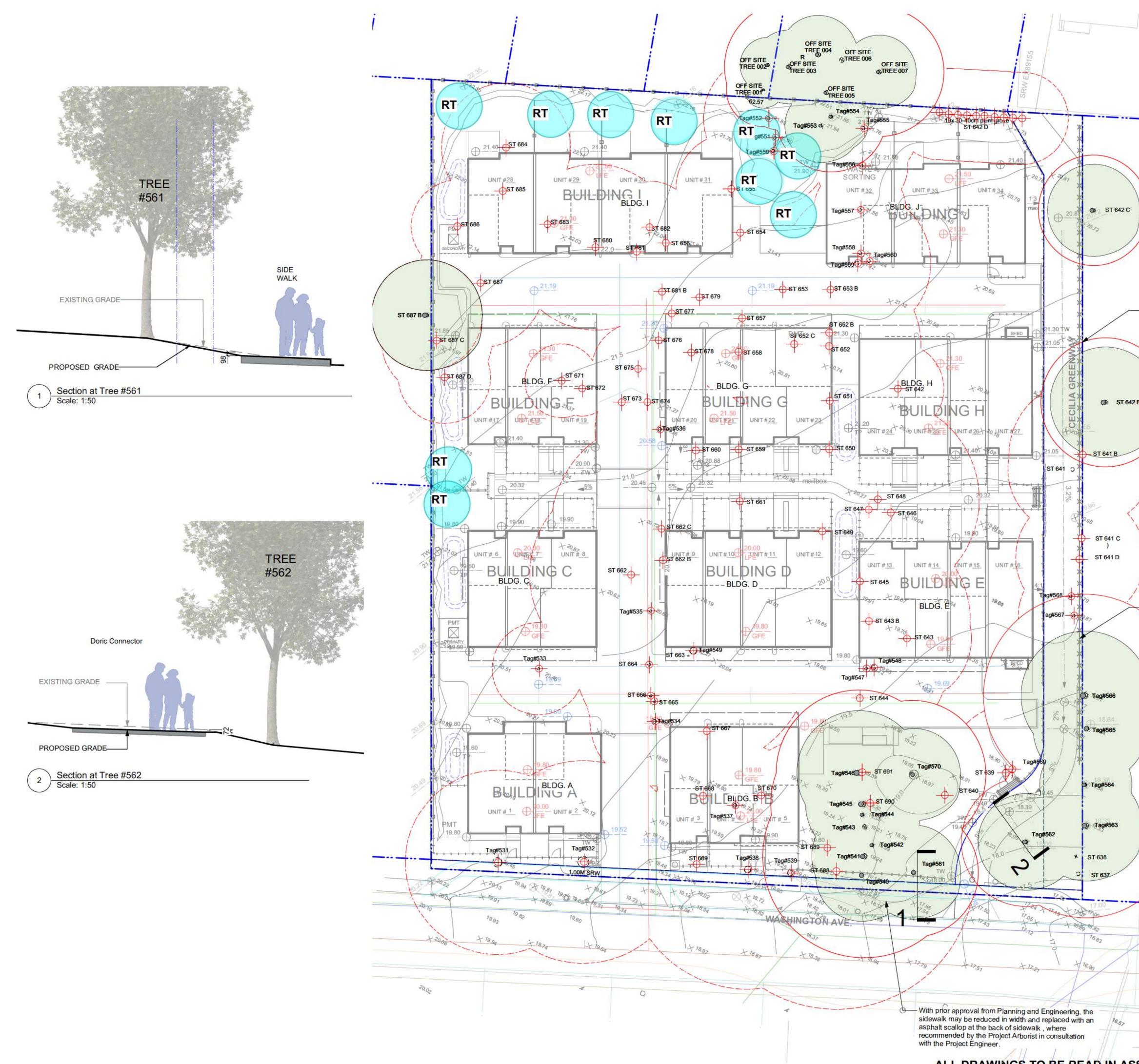
- 1. DO NOT SCALE DRAWING: Verify all property lines and existing structures/vegetation to remain, prior to commencing work.
- 2. All plan dimensions in metres and all detail dimensions in millimetres.
- 3. Plant quantities on Plans shall take precedence over plant list quantities.
- 4. Contractor to confirm location and elevation of all existing services and utilities prior to start of construction.
- 5. Provide layout of all work for approval by Landscape Architect prior to proceeding with work.
- Contractor to provide irrigation system for all planters to current IIABC Standards and Contract Specifications.
- 7. Landscape installation to carry a 1 year warranty from date of acceptance.
- 8. Plant material, installation and maintenance to conform to the current edition of the Canadian Landscape Standard.
- 9. General Contractor and/or sub-contractors are responsible for all costs related to production and submission to consultant of all landscape as-built information including irrigation.
- 10. Tree protection fencing, for existing trees, to be installed prior to commencement of all site work



Example Stone Feature Wall at Cecilia Road Greenway

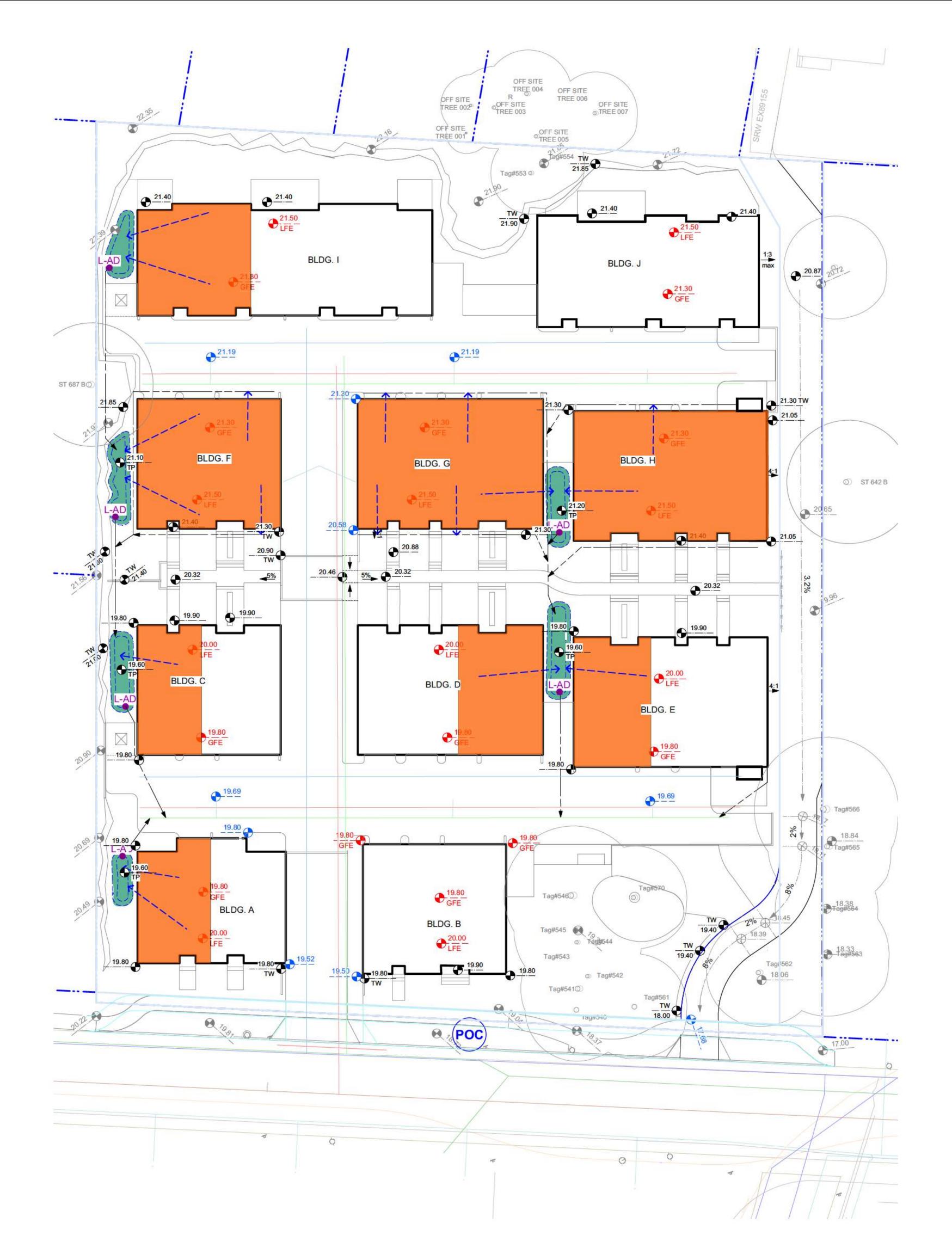


ALL DRAWINGS TO BE READ IN ASSOCIATION WITH LANDSCAPE SPECIFICATIONS DOCUMENT.

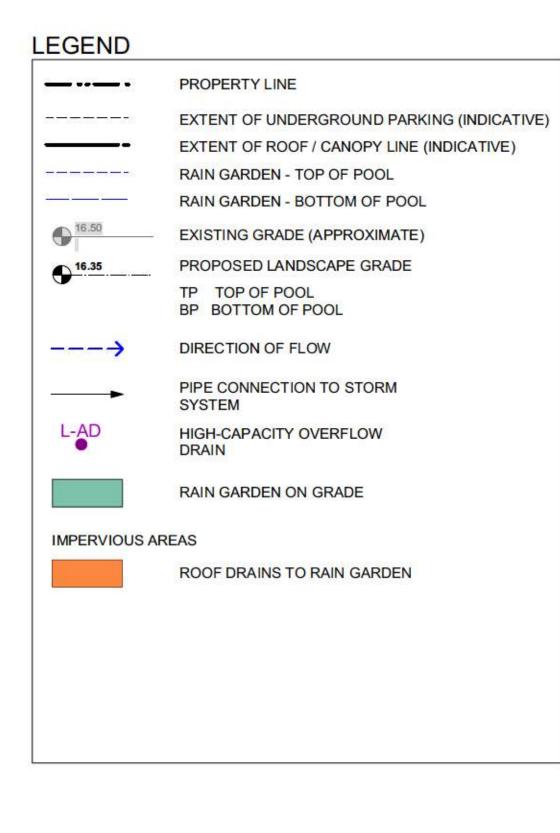


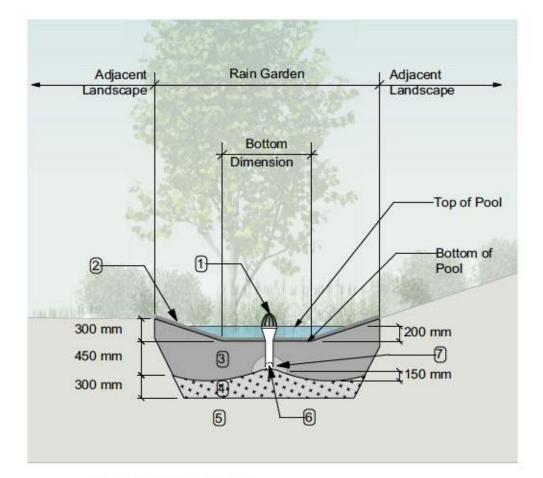
1 7		
	LEGEND	
	Property line	
	Right of Way	
/ i	Existing Landscape Grade	
	Architectural grade, provided for reference only	
	Proceed Londonno Crodo	
	O 23.75 Proposed Landscape Grade TW Top of Wall TP Top of Pool	
	BW Bottom of Wall BP Bottom of Pool TOC Top of Curb TS Top of Stairs BC Bottom of Curb BS Bottom of Stairs	
	Existing Tree to be Retained	
	Critical Root Zone (CRZ)	
	Tree Tag #	
	Existing Tree to be Removed	
	Critical Root Zone (CRZ)	
	Tree Tag #	
	Designated Replacement Tree	
	(RT (bylaw protected)	
And Second		
 With prior approval from Parks and Engineering, 		
the base preparation for the path may be modified		
to utilize a geogrid or		
geocells to preserve tree roots, where		
recommended by the Project Arborist in		
consultation with the		
Project Engineer	TREE SUMMARY	
	Bylaw Protected Trees Removed: 5	
	New Trees Proposed Onsite: 76 Onsite, 4 Boulevard Total Replacement Trees: 10	
	6 - Quercus garryana 3 - Acer macrophyllum	5 Revised DP 21.01.15
	1 - Pseudotsuga menziesii	4 Revised DP 20.11.09
/	Replacement Tree ratio = 2:1 as per City of Victoria bylaws. Refer L3.01 Planting Plans for additional information.	3 Revised DP 20.08.04
	Trees will be of the appropriate scale, species and location to meet the City of	2 Revised DP 20.03.13
l.	Victoria requirements. Final species to be determined in consultation with City of Victoria Parks staff.	1 Development Permit 19.09.09
	Refer to Gye and Associates Tree Inventory documents for full details, to be	rev no description date
N N		
1	read in associated with the landscape drawings.	
	read in associated with the fandscape drawings.	Murdoch
	read in associated with the fandscape drawings.	Murdoch
	read in associated with the fandscape drawings.	Murdoch de Greeff INC
	read in associated with the fandscape drawings.	Landscape Planning & Design
GREENWAY EENCE	read in associated with the fandscape drawings.	
GREENWAY FENCE FOOTINGS TO BE	read in associated with the fandscape drawings.	Landscape Planning & Design 200 - 524 Culduthel Road Phone: 250.412-2891 Victoria, BC V8Z 1G1 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO	read in associated with the fanoscape drawings.	Landscape Planning & Design 200 - 524 Culduthel Road Phone: 250.412-2891 Victoria, BC V8Z 1G1 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL	Tead in associated with the fanoscape drawings.	Landscape Planning & Design 200 - 524 Culduthel Road Phone: 250.412-2891
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST	read in associated with the fandscape drawings.	Landscape Planning & Design 200 - 524 Culduthel Road Phone: 250.412-2891 Victoda, BC V8Z 1G1 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER		Landscape Planning & Design 200-524 Culduthel Road Phone: 250.412-2891 Victoria, BC V8Z 1G1 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Culduthel Road Votoda, BC V8Z 1G1 Phone: 250.412-2892 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Culdulel Road Votoda, BC V8Z 1G1 Plane: 250.412-2892 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Culduthel Road Votoda, BC V8Z 1G1 Phone: 250.412-2892 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Cudulnel Road Victoria, BC V8Z 1G1 Pax: 250.412-2892 Eax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Culdutel Road Votoda, BC V8Z 1G1 Phone: 250.412-2892 Fax: 250.412-2892
FOOTINGS TO BE FIELD-ADJUSTED TO PREVENT DAMAGE TO TREE ROOTS. INSTALL FOOTINGS UNDER PROJECT ARBORIST		Landscape Planning & Design 200-524 Culdutel Road Velosia, BC V8Z 1G1 Phone: 250.412-2892 Fax: 250.412-2892 25
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ALL DRAWINGS TO BE READ IN ASSOCIATION WITH LANDSCAPE SPECIFICATIONS DOCUMENT.



0 5





RAIN GARDEN MATERIALS

- 1. Overflow drain, 200 mm domed grate + adapter
- Composted mulch, 50 -70 mm depth
 Bio-retention growing medium, 450 mm depth
- 4. Scarified/tilled subgrade, 300 mm depth
- 5. Existing subgrade/native material
- 6. 100 mm diameter (min) perforated pipe
- 7. 25 mm diameter drain rock, 100 mm depth

Typical Rain Garden Scale: 1:50

1

RAIN WATER MANAGEMENT NOTES

Water collected from building roofs flow to the rain gardens located throughout the site.

Rain gardens are integrated building landscapes that are designed to capture, slow flows, and treat runoff from roadways.

Rain gardens will be designed with underdrains and a high capacity overflow drain that will be connected to the onsite piped drainage system.

The rain gardens are sized such that the bottom of the rain garden is 5% of the impervious area.

Revised DP 21.01.15 5 Revised DP 20.11.09 4 20.08.04 3 Revised DP Revised DP 20.03.13 2 Development Permit 19.09.09 1 description date rev no Murdoch deGreeff andscape Planning & Design 250.412-2891 250.412-2892 Phone: Fax: 200 - 524 Culduthel Road Victoria, BC V8Z 1G1 AAAAAA 2021-01-15 2021-01-15 client **Curate Developments** 406-1990 Fort St, Victoria, BC project Washington Townhouses 3080-3090 Washington Ave. Victoria, BC sheet title Stormwater Management project no. 119.04 : ### @ 24"x36" scale MDI drawn by SM/PdG checked by sheet no. revison no. 5 L1.03

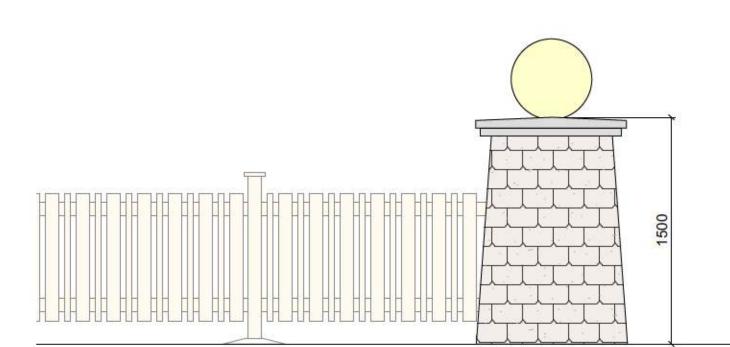
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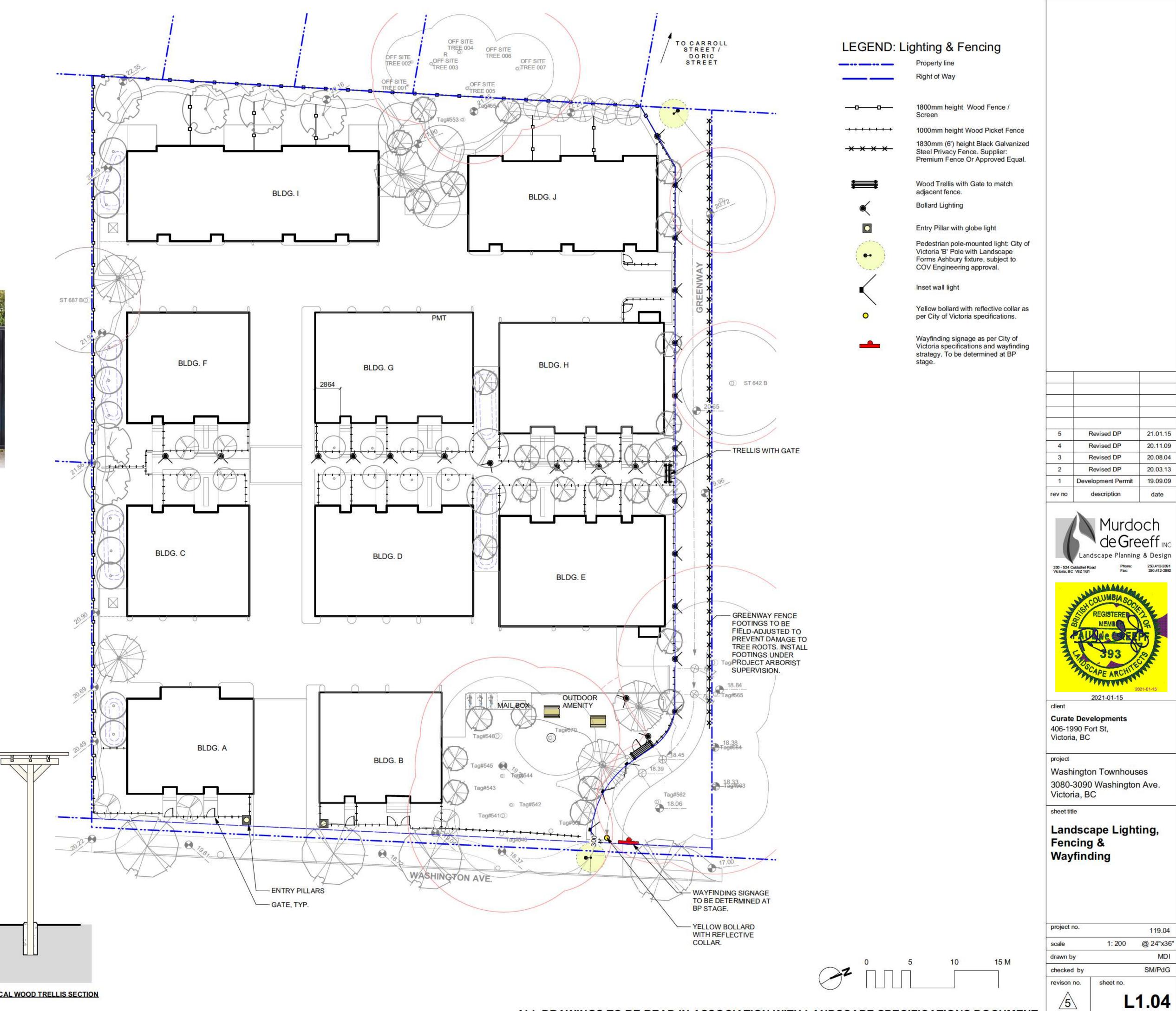


STEEL PRIVACY FENCE EXAMPLE



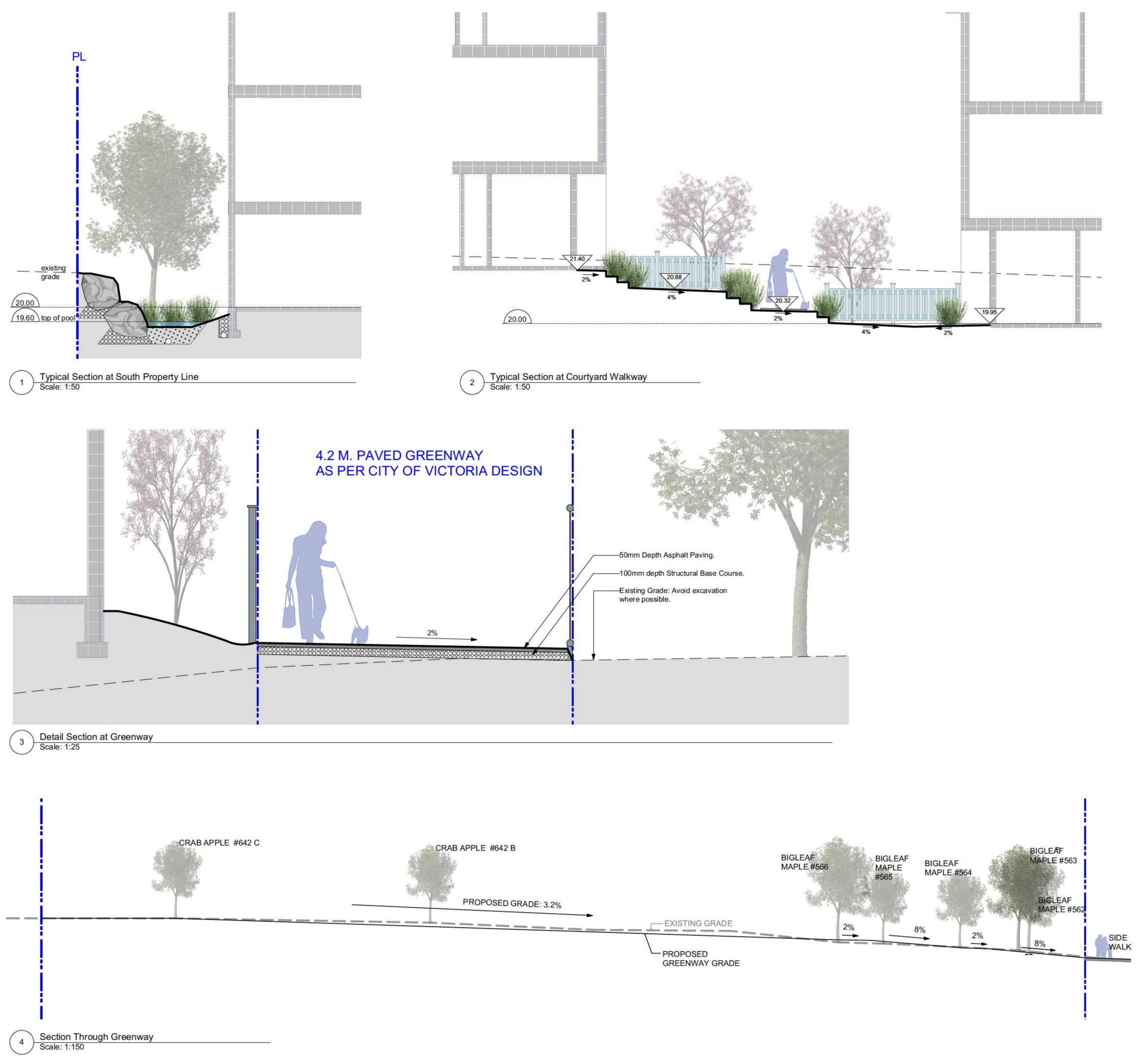
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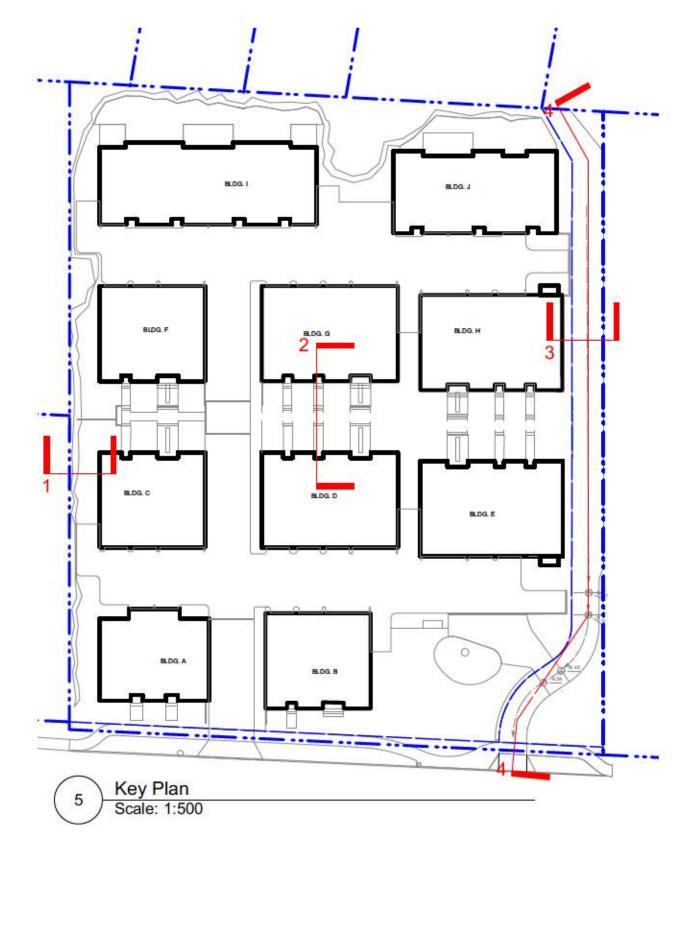
<mark>B B B B B B B B </mark> Light Bollard in break in fence. See – plan for locations.

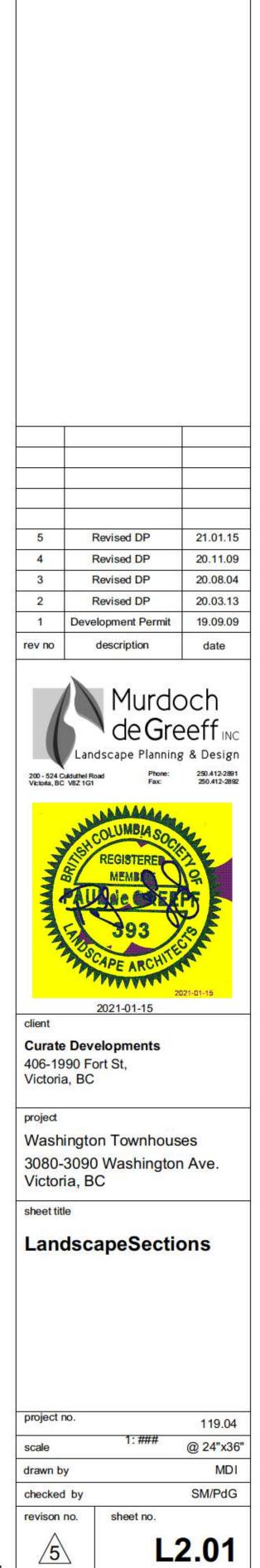


WOOD TRELLIS WITH GATE

TYPICAL WOOD TRELLIS SECTION







LEGEND

Property line PROPOSED VEGETATION

PLANT LIST - Sym Qty	Botanical Name	Common Name	Schd. Size / Plant Spacing	
TREES:	Botanical Name	Common Name	Schu. Size / Plant Spacing	
27	Acer circinatum	Vine Maple	1.5 m ht.	
3	Acer macrophyllum	Bigleaf Maple	2.5 m b&b	
11	Acer rubrum 'Armstrongii'	Armstrong Red Maple	6.0cm cal, b&b	
4	Boulevard Tree as per COV Parks	Boulevard Tree as per CC	5.0cm cal, b&b	
4	Cercidiphyllum japonicum	Katsura Tree	5.0cm cal, b&b	
3	Cercis canadensis	Eastern Redbud	5.0cm cal, b&b	
2	Chamaecyparis nootkatensis 'Pendula'	Nootka False Cypress	2.5 m ht	
8	Cornus kousa 'Milky Way'	Milky Way Kousa Dogwoc		
5	Fagus sylvatica 'Dawyck' Pseudotsuga menziesii	Fsd Douglas Fir	3.0cm cal, b&b 1.5m ht, b&b	
6	Quercus garryana	Garry Oak	4.0cm cal, b&b	
4	Styrax japonicus 'Emerald Pagoda'	Japanese Snowbell	5.0cm cal, b&b	
	Lawn Area Sod over 150 mm depth growing Standard)	medium (Type 2L, refer	to Canadian Landscape	
\sim	Naturalized Shrub Plantings			
5	Total area approx. 535 sq m. Plan OR 3 x #1 pots / sq. m.	nting areas planted @ 1	x #5 pot OR 2 x #3 pots	
	Recommended Species: Sword fern (<i>Polystichum munitum</i> Oregon Grape (<i>Mahonia aquifoliu</i> Oceanspray (<i>Holodiscus discolor</i>) Salal (<i>Gaultheria shallon</i>) Red Flowering Current (<i>Ribes sar</i> Nootka Rose (<i>Rosa nutkana</i>) Snowberry (<i>Symphoricarpos albus</i> Coastal Strawberry (<i>Fragaria chilo</i>)	m) nguineum) s)		6
	Low Native Understory Planti Total area approx. 80 sq m. Planti sq. m. or 3 / #1 pots / sq. m. Planti Municipal Staff at BP. Recommended Species: Sword fem (<i>Polystichum munitum</i>)	ng areas planted @ 2 x ing design to be coordin		
	Hedge & Mass Plantings			
	Hybrid Yew (Taxus x media)			
	Kohuhu (<i>Pittosporum tenuifolium</i> Rock Rose (<i>Cistus x purpureus</i>) Hebe (<i>Hebe 'Patty's purple</i>) Sword fern (<i>Polystichum unitum</i>)	'Golf Ball')		
	Rain Garden Plantings Total area approx. 80 sq m. Planti sq. m.	ing areas planted @ 2 x	#3 pots /	
mul	Recommended Species:			
	Slough sedge (Carex obnupta)	10.0		
	Juncus 'carmen's gray' (Juncus pa			
	Yellow-twig dogwood (Comus sei	icea llavilallea)		
	Mixed Shrub and Perennial P Total area approx. 510 sq m. Plan OR 3 x #1 pots / sq. m.		x #3 pots	
(Recommended Species: Rose Creek Abelia (Abelia x chin Glacier Azalea (Azalea iaponica)			
	Glacier Azalea (Azalea japonica Beautyberry (Callicarpa bodini		ion')	
	Sageleaf Rockrose (Cistus salviit			
	Barrenwort (Epimedium x rubrum			
	Newport Dwarf Escallonia (Escal			
	Topiarist's hebe (Hebe topiaria)			
	Lily turf (Liriope muscari)	- W		
	Sword Fem (Polystichum munitul	m)		



Revised DP 21.01.15 5 20.11.09 Revised DP 4 20.08.04 Revised DP 3 Revised DP 20.03.13 2 19.09.09 1 Development Permit rev no description date



2021-01-15 client

Curate Developments 406-1990 Fort St, Victoria, BC

project

Washington Townhouses 3080-3090 Washington Ave. Victoria, BC

sheet title

Planting Plan

project no.		119.04
scale	1:200	@ 24"x36"
drawn by		MDI
checked by		SM/PdG
revison no.	sheet no.	3.01



Arborist Report

3080, 3082 & 3090 Washington Avenue Victoria, BC

Date of Original Report: February 18, 2019 **Date of Previous Revision: November 15, 2020 Date of Current Revision: January 18, 2021** Dates of Field Work: March 2018, October & November 2019

Prepared by Jeremy Gye, Senior Consultant Gye and Associates, Urban Forestry Consultants Ltd. Tel: (250) 544-1700 Email: jgye@gyeandassociates.ca



EXECUTIVE SUMMARY

Rezoning of three existing single-family residential lots and a development permit are sought for the construction of a 34-unit townhouse development. The on-site tree resource consists of 119 trees, six of which are designated as *protected* by the previous tree bylaw, under which this application is grandfathered. The bulk of the smaller trees on the site are comprised of fruit and flowering trees (largely volunteer plum trees infected with *Black knot canker* and English hawthorn, infected with leaf blight). Several larger trees are located along the front of the site, including London plane, Douglas-fir, Red cedar and Big-leaf maple.

While the proposed concept plan is extensive, the project team has worked diligently with Victoria Parks to retain 12 trees, 10 of which are in a contiguous stand at the north-east corner of the site. A generous tree planting program is included in the landscape plan with many large canopy tree species.

14 off-site and 3 boundary trees have root systems that encroach into the site; the 14 off-site trees will be retained and protected; the three boundary-trees are proposed for removal to make way for the greenway along the north boundary of the site. No boulevard trees front the three lots that comprise the proposed site.

SUMMARY TREE STATISTICS	
CATEGORY	# OF TREES
Total number of trees Inventoried	136 +/-
On site trees	119
(Bylaw protected trees under former tree bylaw)	(6)
(non-bylaw-protected trees)	(113)
Off site or boundary trees	17
Boulevard (municipal) trees	0
Total number of trees to be retained	26
On site bylaw-protected trees to be retained	1
On site non-bylaw-protected trees to be retained	11
Off site & boundary trees to be retained	14
Total number of trees to be removed	110
On site bylaw-protected trees to be removed	5
On site non-bylaw-protected trees to be removed	102
Boundary trees to be removed	3
Total number of replacement trees required	10

Table-1 Summary Tree Statistics



BACKGROUND

The subject site currently consists of three large residential lots. Rezoning to consolidate the lots and a 34-unit townhouse development is proposed. The site slopes gently down from the southwest to the north-east and is populated with a range of different tree species, both native and introduced.



Figure-1 Context photo indicating location of subject properties

ASSIGNMENT

Prepare a Tree Preservation Plan (TPP) and written summary per the City's published Terms of Reference. The TPP shall address all phases of the development requiring tree protection, including site preparation, on-site servicing, construction, landscaping and post-construction care.

METHODOLOGY

Gye and Associates visually assessed the site and associated trees in March of 2018. Further survey work was completed in October and November 2019. All on-site trees and off-site trees with root systems extending into the site have been measured, assessed and surveyed. Trees with multiple stems were measured by taking the largest stem diameter and adding to it 60% of the sum of the residual stems.

Site conditions associated with these trees were also assessed, including ambient grades, signs of recent disturbance and proximity to buildings, driveways, retaining walls or other existing site elements.



The species, age, health and condition of the trees, along with their associated site conditions, are considered in estimating Protected Root Zones (PRZs). These factors inform the selection of an appropriate multiplier of 12x, 15x or 18x, which is then applied to the stem diameter (DBH) to determine the radial offsets for the PRZs.

Legal survey, architectural, civil and landscape site plan drawings were used as a base to develop the tree plan and analyze potential conflicts between the trees and the proposed development, including site grading, underground services and utilities.

We met with the developers on-site to discuss several trees around the perimeter of the site which presented challenges for retention.

OBSERVATIONS

Trees:

The on-site tree resource consists of 119 trees, six of which are designated as *protected* by the previous tree bylaw, under which this application is grandfathered. The bulk of the smaller trees on the site are comprised of fruit and flowering trees (largely volunteer plum trees infected with *Black knot canker* and English hawthorn, infected with leaf blight). Several larger trees are located along the front of the site, including London plane, Douglas-fir, Red cedar and Big-leaf maple. 17 off-site and boundary trees have root systems that encroach into the site.

Broad-leafed and coniferous species within the sub-set of larger growing trees are evenly represented.

- Broadleafed species include Big-leaf maple, London plane, ornamental plum and Horse chestnut.
- Coniferous species include Douglas-fir, Western Red cedar and Scot pine.

Most of the more significant on-site trees are located along the Washington Avenue frontage or at the north-east corner of the site. These include the following:

- two large, multi-stemmed London Planes with crowns that extend well into the development envelope (Tree numbers 531 and 532)—see Figure 2 below;
- Two large ornamental plums (538 and 539);
- Several Western Red cedars (544, 545, 561 and 570);
- Several Douglas-firs (537, 541, 543, 546, 567 and 568);
- Two Big-leaf maples and a Horse chestnut (562, 542 and 540 respectively);
- There are many smaller trees in the interior of the site, including fruiting cherry, many ornamental plums, English hawthorn and laburnum volunteers and a small Weeping willow.





Figure-2 Multiple-stemmed London planes (#s 531& 532) located on Washington Avenue frontage.

There are two groups of larger off-site trees with root systems that grow into the development site:

- four Big-leaf maples located on the property adjoining the north boundary of the site (563 566); and
- a group of seven Douglas-firs located on two properties adjoining the west boundary of the site at the north end (Off-site Trees 01 – 07).



Figure-3 East-looking perspective of seven off-site trees 01 - 07 beyond north-west corner of site



Site plan review:

While the proposed concept plan is extensive, the project team has worked diligently with Victoria Parks to retain 14 trees, 12 of which are located in a contiguous stand at the north-east corner of the site. A generous tree planting program is included in the landscape plan with many large canopy tree species.

Efforts have been made in the site planning and design process to ensure that the mature off-site trees on the adjoining properties noted above are not affected. Three small volunteers (two English hawthorn and one plum) growing on the north property boundary will need to be removed to make way for the greenway fencing.

SUMMARY TREE STATISTICS					
CATEGORY	# OF TREES				
Total number of trees Inventoried	136 +/-				
On site trees	119				
(Bylaw protected trees under former tree bylaw)	(6)				
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On site non-bylaw-protected trees to be removed	102				
Boundary trees to be removed	3				
Total number of replacement trees required	10				

Table-1 Summary Tree Statistics

DISCUSSION

Given the scope of the sub-grading required for this development, we recommend a strategy that combines preservation of viable trees where possible--including a significant stand of higher-value trees at the north-east corner of the site--with a strong replanting of trees appropriate to the new land-use and site conditions. (See the landscape planting plan prepared by Murdoch de Greef Inc.) This strategy will provide better long-term outcomes appropriate for the new land-use context.



Many of the larger landscape trees proposed for the development are located along the southern and western flanks of the site. Without protection, it is probable that the growing soils along these edges will be disturbed and compacted during the construction phase of the project. For this reason, we recommend that fencing be erected to protect these soils during construction, as indicated on the attached tree plan drawing. This can be achieved by simply moving the site hoarding in toward the interior of the site by 2m.

To preserve the condition of the four off-site maples at the north-east corner of the site, it will be necessary to carefully manage the sub-grading for the portion of the Cecilia Greenway and side yards of the proposed townhomes to the south of these trees and within their protected root zones. The proposed grading for the Greenway appears favourable. The current surfacing of the Greenway is indicated as asphalt on the Landscape Materials plan; porous storm water pavers are recommended instead in order to infiltrate rainfall into the roughly 130m² area of root zone covered. Similar care and approach will be needed at the west end of the greenway where it transits over the protected root zones of the off-site firs indicated on the tree plan (attached).

TREE MANAGEMENT MEASURES

Tree protection measures to limit impacts from the construction of the building foundation, driveway, utility lines upgrading and installation include the following:

- 1. **Start-up meeting:** Before demolition, site servicing, landscaping or other site work commences, the Site Superintendent shall meet with the arborist to review the Tree Protection Plan and associated measures. The Site Superintendent shall ensure that all relevant sub-contractors and trades are familiarized with the tree protection measures and permit conditions that apply to the project.
- 2. **Tree Plan Posting:** A 24x36" all-weather copy of the tree plan shall be posted in plain site in the site office.

3. **Tree removal, grubbing & mulching:** During the demolition and grubbing phase, all tree protection areas (TPAs) will be clearly flagged. In addition, the project arborist shall be on site to monitor and supervise site works occurring adjacent to flagged TPAs.

4. **Tree protection fencing:** Protective tree barrier fencing shall be erected as indicated on the attached tree plan once tree removal and grubbing is completed and prior to other site work commencing. Tree fencing and signage shall be inspected by the project arborist, approved by the City of Victoria and remain in good condition throughout the duration of the project.

5. **Prohibition of disturbance:** All forms of disturbance to the protected trees or their habitat within the fenced protection areas (TPAs) is prohibited.

6. **Temporary access to TPAs:** Temporary construction access to a Tree Protection Area (TPA) must be approved and supervised by the project arborist. This includes landscaping.

7. **Soil armouring:** If it should prove necessary to reduce the tree fencing, the exposed TPA outside the fencing shall be armoured with 3/4" plywood or a temporary cover of geo-textile and 200mm of road-base, moderately compacted with a plate compactor.

8. **Prohibition of material storage within TPAs:** No equipment, materials, waste products or excavated soil shall be placed or stored within the TPA. THIS PARTICULARLY INCLUDES HOARDING OF EXCAVATED SOILS NEEDED FOR BACKFILLING OF THE FOUNDATION.



9. **Arborist supervision of site works:** The arborist shall be present to oversee stump removal, excavation, sub-grading, lane or pathway base preparation, service trenching, blasting *or any other form of disturbance* within, or adjacent to, the tree protection areas (TPAs). Any tree roots or branches damaged shall be pruned back to undamaged tissue by the arborist.

10. **Covering excavated cuts:** Any excavated cut within or adjacent to a TPA shall be securely covered with heavy-gauge plastic to prevent soil dessication and erosion.

11. **Site monitoring:** The Project Arborist shall monitor the site during the site preparation, construction and landscaping phases to ensure ongoing and effective compliance with the tree protection measures specified in this tree plan and in on-site meetings with the General Contractor and relevant consultants and sub-contractors.

12. **Pre-blasting meeting:** The contractor and blasting sub-contractor shall meet with the arborist to review the blasting plan prior to drilling. Modified blasting practices or rock removal techniques shall be utilized where considered necessary by the arborist to minimize blasting impacts to protected trees.

13. Procedure for blasting near tree root zones:

a) When blasting is required immediately adjacent to a Tree Protection Area, the blasting contractor shall work with the arborist to develop a blasting plan and deploy best practices that minimize impacts to protected trees.

b) Blasting vibrations in the vicinity of the Tree Protection Areas are not to exceed a peak particle velocity of 25 mm/sec.

c) Use DYNAMITE as the explosive product. No fertilizer-based explosive is permitted, due to its toxicity to tree roots.

d) The contractor shall prevent rock debris from the blast site from entering the TPA.

14. **Irrigation of TPAs:** Mulched TPAs shall be irrigated once every two weeks during the dry summer period (May 1 - Sept 31) to a minimum effective depth of 30cm. The General Contractor shall ensure that a temporary water service for irrigation purposes is emplaced on site.

15. **Pre-landscaping meeting:** The General Contractor, Landscape Contractor and Landscape Architect shall meet with the arborist to review the landscaping workplan prior to landscape construction or site preparation commencing. Potential impacts to sensitive tree habitat will be identified and measures provided to eliminate or mitigate the impacts.

16. **Replacement tree requirements:** Replacement trees shall be planted on the subject property and adjacent road allowance as shown on the Landscape plan. (See the Landscape Plan for proposed species and planting locations.) Planting area around the site perimeter shall be fenced to protect growing soils, as indicated on the tree plan.

17. **Post-construction inspection and sign-off:** A post-construction inspection and assessment of the site and protected trees shall be conducted by the Project Arborist in the company of the General Contractor. Any deficiencies will be identified. Once all deficiencies have been addressed to the satisfaction of the Project Arborist and the City of Victoria, a post-construction letter of completion will be prepared by the arborist and submitted to the City.Additional detail is provided on the attached tree plan.



If diligently implemented, the tree protection measures specified in the Tree Management Plan and this report will effectively preserve the on-site habitat of all off-site trees and replacement trees proposed for planting around the periphery of the site.

ROLE OF THE PROJECT ARBORIST

In addition to assisting with tree preservation planning during the rezoning and permit application phases of the project, the arborist shall be present during the construction and landscape phases of the project to supervise work within or immediately adjacent to the tree protection areas and to monitor the site for ongoing compliance with the protection measures and conditions required by the tree permit.

The following is a summary of the key interventions required by the arborist (G&A). **The owner's building contractor is responsible for coordinating with the arborist for the required on-site work.**

- A mandatory site meeting is required with the owner and General Contractor to review the tree preservation plan prior to work commencing on site. The purpose of the meeting is to systematically review the objectives of the plan and the specific measures required to protect the relevant trees during the site preparation, construction and landscape phases of the redevelopment. The meeting provides an opportunity to address any building constraints or conflicts and answer questions.
- The arborist shall inspect the prescribed tree protection fencing and any soil-armoring prior to work commencing on site.
- The use of explosive for rock removal can kill or injure trees if not managed carefully. If rock removal is required as part of the site preparation phase, the building and blasting contractor shall meet on site with the arborist to develop the rock removal work plan together, prior to an estimate of costs being provided by the blasting contractor.
- The arborist shall be present to oversee the following site work within or immediately adjacent to the Tree Protection Areas identified on the attached plan:
 - o demolition and renovation of existing buildings or other site elements,
 - \circ sub-grading
 - o excavation for new building foundation and perimeter drains;
 - o rock removal or blasting;
 - trenching for both municipal service connections and extension of these underground services to the building sites;
 - periodic site inspections to ensure effective compliance with required tree preservation measures;
 - meetings as required to resolve any emergent conflicts between building or landscape construction requirements and tree protection.
- Landscaping activities--such as trenching for irrigation or lighting, grubbing of vegetation, distribution of soils and other landscape materials—are another potential source of damage to the sensitive soils and root systems of protected trees.

- The arborist shall coordinate with the landscape consultant to ensure that relevant aspects of the tree protection plan are considered in the development of the landscape plan.
- The arborist shall review a draft of the proposed landscape plan prior to the plan being finalized.
- The landscape consultant and landscape contractor shall meet on site with the project arborist to review all aspects of the landscaping work plan within the TPAs.
- The arborist shall supervise landscape activity within the tree protection areas as necessary.
- At the completion of the redevelopment, the arborist shall ensure that any tree protection or restoration deficiencies are addressed by the owner and building contractor. Once all deficiencies have been repaired, the arborist shall prepare a letter to the City of Victoria confirming successful completion of the project, including resolution of any deficiencies.

CERTIFICATION

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

APPENDICES

- Tree Inventory Tables
- Tree Management Plan drawing

Respectfully submitted,

Jeremy Gye – Senior Consultant Gye and Associates, Urban Forestry Consultants Ltd.

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



G&A Tree ID	Common Name	DBH (cm)	PRZr (m)	Crown Radius (m)	Health	Structural Condition	Bylaw Protected Tree?	Amenity & Ecological Value	Comments	Action
Tree 01	Douglas fir	25	4	2	Fair	Good	No		Off-site tree (no tag)	RETAIN
Tree 02	Douglas fir	35	5	3	Good	Good	No		Off-site tree (no tag)	RETAIN
Tree 03	Douglas fir	45	7	4	Good	Fair	No		Off-site tree (no tag)	RETAIN
Tree 04	Douglas fir	50	8	4.5	Good	Good	No		Off-site tree (no tag)	RETAIN
Tree 05	Douglas fir	45	7	4	Good	Good	No		Off-site tree (no tag)	RETAIN
Tree 06	Douglas fir	50	8	4.5	Good	Good	No		Off-site tree (no tag)	RETAIN
Tree 07	Douglas fir	45	7	4	Good	Good	No		Off-site tree (no tag)	RETAIN
531	Plane tree	100+	10	8	Good	Fair	Yes	Moderate-to-high		Remove
532	Plane tree	120+	11	9	Good	Fair	Yes	Moderate-to-high		Remove
533	Douglas fir	30	5	4	Fair	Fair	No	Moderate-to-high		Remove
534	Bigleaf maple	40	7	6	Fair	Fair	No	Moderate-to-high	Tree leaning East	Remove
535	Bigleaf maple	28;26;12	6	4	Fair	Fair	No	Moderate-to-high		Remove
536	Douglas fir	38	7	4	Fair	Fair	No	Moderate-to-high		Remove
537	Douglas fir	40	7	5	Fair	Good	No	Moderate-to-high		Remove
538	Ornamental plum	70	13	5	Fair	Fair	No	Moderate-to-high		Remove
539	Ornamental plum	60	11	5	Fair	Fair	No	Moderate-to-high		Remove
540	Chestnut	40;30	8	6	Fair	Fair	No	Moderate-to-high		RETAIN
541		60	11	6	Fair	Fair		-		
541	Douglas fir Bigleaf maple	30	5	4	Good	Fair	Yes No	Moderate-to-high	Tree leaning North	RETAIN RETAIN
	Bigleaf maple							Moderate-to-high	Tree leaning North	
543	Douglas fir	48	9	4	Fair	Fair	No	Moderate-to-high		RETAIN
544	Red cedar	30	5	4	Good	Good	No	Moderate-to-high		RETAIN
545	Red cedar	58	10	6	Good	Good	No	Moderate-to-high		RETAIN
546	Douglas fir	50	9	7	Fair	Good	No	Moderate-to-high		RETAIN
547	Chestnut	32	6	5	Good	Good	No	Moderate-to-high		Remove
548	Douglas fir	46	8	6	Fair	Fair	No	Moderate-to-high	Tree leaning North	Remove
549	Douglas fir	72	13	6	Fair	Good	Yes	Moderate-to-high		Remove
550	Douglas fir	34	6	5	Fair	Fair	No	Moderate-to-high		Remove
551	Douglas fir	34	6	4	Fair	Fair	No	Moderate-to-high		Remove
552	Bigleaf maple	38	7	4	Poor	Poor	No	Moderate-to-high		Remove
553	Scots pine	24	4	4	Fair	Fair	No	Moderate-to-high		RETAIN
554	Scots pine	32	6	4	Fair	Fair	No	Moderate-to-high	Tree leaning North-west	RETAIN
555	Douglas fir	36	6	3	Poor	Poor	No	Moderate-to-high		Remove
556	Douglas fir	30	5	3	Poor	Poor	No	Moderate-to-high		Remove
557	Douglas fir	30	5	3	Fair	Fair	No	Moderate-to-high		Remove
558	Douglas fir	30	5	2	Poor	Poor	No	Moderate-to-high		Remove
559	Douglas fir	42	8	4	Fair	Fair	No	Moderate-to-high		Remove
560	Douglas fir	30	5	3	Fair	Fair	No	Moderate-to-high		Remove
561	Red cedar	30;30;16	7	5	Good	Fair	No	Moderate-to-high		RETAIN
562	Bigleaf maple	38	7	5	Good	Fair	No	Moderate-to-high		RETAIN
563	Bigleaf maple	58	10	6	Fair	Fair	No		Off-site tree	RETAIN
564	Bigleaf maple	32	6	5	Good	Good	No		Off-site tree	RETAIN
565	Bigleaf maple	28;26	7	6	Good	Good	No		Off-site tree	RETAIN
566	Bigleaf maple	62	11	7	Good	Fair	Yes		Off-site tree	RETAIN
567	Douglas fir	34	6	5	Fair	Fair	No	Moderate-to-high		Remove
568	Douglas fir	30	5	4	Fair	Fair	No	Moderate-to-high		Remove
569	Golden cedar	38	5	4	Fair	Fair	No	Moderate-to-high		Remove
569		38	8	5						
570 637	Red cedar Big-leaf maple		6	5	Fair	Fair Fair	No No	Moderate-to-high		RETAIN
638		5, 10, 15, 15	3	3	Fair Good	Good	No	Moderate-to-high		Remove
	Golden cedar	15						Moderate-to-high		Remove
639	Laburnum	15,15	4	3	Good	Good	No	Poor		Remove
640	Laburnum	10, 10, 10	4	3	Good	Good	No	Poor		Remove
641a	Fruiting plum	40	7	5	Poor	Poor	No	Poor	Davia dami tara dan tari	Remove
641b	Fruiting plum	20, 30	6	5S	Poor	Poor	No	Poor	Boundary tree (no tag)	Remove
641c	English hawthorn	20	4	4	Fair	Fair	No	Poor	Boundary tree (no tag)	Remove
641d	English hawthorn	20, 25	7	5	Fair	Fair	No	Poor	Boundary tree (no tag)	Remove
642a	Pear	25	5	5N	Fair	Poor	No	Poor		Remove
642b	Crab apple	40	6	5	Fair	Poor-Fair	No		Off-site tree (no tag)	RETAIN
642c	English hawthorn	35	6	5S	Poor-Fair	Fair	No		Off-site tree (no tag)	RETAIN

APPENDIX 1 – TREE INVENTORY TABLE



G&A Tree ID	Common Name	DBH (cm)	PRZr (m)	Crown Radius (m)	Health	Structural Condition	Bylaw Protected Tree?	Amenity & Ecological Value	Comments	Action
642d	Row of 10+/- plum &	30-40 range	various	6	Fair-Good	Fair	No	Poor	(No tag)	Remove
643a	Apple	40	7	7NW	Fair	Poor	No	Poor		Remove
643b	Big-leaf maple	30, 28, 25	11	5	Fair	Fair	Yes	Moderate-to-high	(No tag)	Remove
644	Grove of 10+/- fruiting	10x20	various	6	Fair	Poor-Fair	No	Poor		Remove
645	Laburnum	5, 10, 10	3	3	Good	Good	No	Poor		Remove
646	Laburnum	15, 20, 20	7	3	Fair	Fair	No	Poor		Remove
647	Douglas-fir	40	7	3N	Poor	Poor	No	Moderate-to-high		Remove
648	English hawthorn	25, 25, 30	11	5N	Poor	Poor	No	Poor		Remove
649	Weeping willow	10, 15, 15, 20, 25	11	5	Good	Fair	No	Moderate-to-high		Remove
650	Apple	20	4	2	Poor	Fair	No	Poor		Remove
651	Pear	10, 15, 20, 25	9	4	Poor	Poor	No	Poor		Remove
652a	Pear	20, 20, 30	10	4	Fair	Poor-Fair	No	Poor		Remove
652b	Apple	35	6	4	Fair	Fair	No	Poor	(No tag)	Remove
652c	Fruiting plum	10, 10	3	4	Good	Good	No	Poor	(No tag)	Remove
653a	Apple	40	7	2	Poor	Poor	No	Poor		Remove
653b	Fruiting plum	10, 10	3	2	Good	Fair	No	Poor	(No tag)	Remove
654	Apple	5	1	2	Fair	Poor	No	Poor		Remove
655	Apple	35	6	6SE	Fair	Poor	No	Poor		Remove
656	Fruiting plum	30	5	6W	Poor-Fair	Poor	No	Poor		Remove
657	Fruiting plum	25	5	5N	Fair	Fair	No	Poor		Remove
658	Fruiting plum	25	5	5E	Fair	Poor	No	Poor		Remove
659	Apple	30	5	3	Poor	Poor	No	Poor		Remove
660	Apple	40	7	3	Poor	Poor	No	Poor		Remove
661	Pear	45	8	2	Poor-Fair	Poor	No	Poor		Remove
662a	Laburnum	12X5	11	3	Fair	Poor	No	Poor		Remove
662b	Big-leaf maple	30	5	4N	Fair	Poor	No	Poor	(No tag)	Remove
662c	Big-leaf maple	25, 25, 20, 20	12	4	Poor	Poor	Yes	Moderate-to-high	(No tag)	Remove
663	Laburnum	10, 15	4	3E	Good	Fair	No	Poor	(Ivo tag)	Remove
664	Laburnum	30	5	35	Fair	Fair	No	Poor		Remove
665	English hawthorn	15, 30	7	3	Fair	Fair	No	Poor		Remove
666	Laburnum	30, 15	7	5SE	Poor-Fair	Poor	No	Poor		Remove
667	Laburnum	20	4	6E	Good	Poor-Fair	No	Poor		Remove
668	Fruiting cherry	25	5	4S	Poor	Poor-Fair	No	Poor		Remove
669	English hawthorn	10X10	7	5	Poor-Fair	Poor-Fair	No	Poor		Remove
670	Camelia (tree form)	6X8	5	3	Good	Good	No	Moderate-to-high		Remove
671	Fruiting plum	20	4	2	Good	Fair	No	Poor		
672	Fruiting plum	15	3	2	Fair	Fair	No	Poor		Remove
673		10	2	25	Fair	Fair	No	Poor		Remove
673	Fruiting plum	15	3	23	Good	Good	No	Poor		Remove
675	Fruiting plum Fruiting plum	30	5	4S	Fair	Fair	No	Poor		Remove
676	English hawthorn	5, 10, 10	3	43 5S	Poor	Poor	No	Poor		Remove
676	Fruiting plum	20, 10	5	55 5E	Poor	Poor	No	Poor		Remove Remove
678	Fruiting plum	20, 10	4	55	Fair	Fair	No	Poor		
679	Fruiting plum	15, 20, 30	9	5	Fair	Poor	No	Poor		Remove
679	Apple	30, 30	9	4	Fair	Fair	No	Poor		Remove Remove
681a	Fruiting plum	25	5	4 6S	Fair	Poor	No	Poor		
	Fruiting plum	15	3	6S	Fair	Poor	No	Poor	(No tag)	Remove
		30	5	6S	Fair	Poor	No	Poor	(Remove
	Fruiting plum	15, 15	5	65 5W	Fair	Poor Poor	No	Poor Poor		Remove Remove
684	Fruiting plum	25, 25	4	500 4N	Fair	Poor Poor	No	Poor Poor		
685	Apple Pear	25, 25	5	3	Fair	Fair	No	Poor		Remove
686	Apple	25	5	3	Poor	Poor	No	Poor		Remove
										Remove
687a	Fruiting plum	40	7	6N	Fair	Poor	No	Poor	Off site tree (see to)	Remove
	Fruiting plum	35	6	5W	Fair	Poor	No	Deer	Off-site tree (no tag)	RETAIN
	Fruiting plum	35 25	6 5	4	Fair	Fair	No No	Poor	(No tag)	Remove
	Fruiting plum				Fair	Fair		Poor	(No tag)	Remove
688	English hawthorn	5, 10, 10, 15	15	3	Poor	Poor	No	Poor		Remove
689	Fruiting plum	30	5	7S	Fair	Poor	No	Poor		Remove
690	Big-leaf maple	20	4	3N	Fair	Fair	No	Moderate-to-high		Remove
691	English hawthorn	20	4	3	Poor	Poor	No	Poor		Remove

APPENDIX 1 – TREE INVENTORY TABLE cont.







10

Total number of replacement trees required

			Т	REE	TABL	.E			
&A Tree ID	Common Name	DBH (cm)	PRZr (m)	Crown Radius	Health	Structural Condition	On-site Bylaw Protected	Comments	Action
	Douglas fir	25	4	(m) 2	Fair	Good	Tree? n/a	Off-site tree (no tag)	RETAIN
Tree 02 Tree 03	Douglas fir Douglas fir	35 45	5	3 4	Good Good	Good Fair	n/a n/a	Off-site tree (no tag) Off-site tree (no tag)	RETAIN RETAIN
Tree 03	Douglas fir	50	8	4.5	Good	Good	n/a	Off-site tree (no tag)	RETAIN
Tree 05 Tree 06	Douglas fir Douglas fir	45 50	7	4 4.5	Good Good	Good Good	n/a n/a	Off-site tree (no tag) Off-site tree (no tag)	RETAIN RETAIN
	Douglas fir	45	7	4.5	Good	Good	n/a	Off-site tree (no tag)	RETAIN
531 532	Plane tree Plane tree	100+ 120+	10 11	8 9	Good Good	Fair Fair	Yes Yes		Remove Remove
533	Douglas fir	30	5	4	Fair	Fair	No		Remove
534 535	Bigleaf maple Bigleaf maple	40 28;26;12	76	6 4	Fair Fair	Fair Fair	No No	Tree leaning East	Remove Remove
536	Douglas fir	38	7	4	Fair	Fair	No		Remove
537 538	Douglas fir Ornamental plum	40 70	7 13	5 5	Fair Fair	Good Fair	No No		Remove Remove
539	Ornamental plum	60	11	5	Fair	Fair	No		Remove
540 541	Chestnut	40;30 60	8	6 6	Fair Fair	Fair Fair	No		RETAIN RETAIN
541 542	Douglas fir Bigleaf maple	30	11 5	4	Good	Fair	Yes No	Tree leaning North	RETAIN
543	Douglas fir	48	9	4	Fair	Fair	No		RETAIN
544 545	Red cedar Red cedar	30 58	5 10	4	Good Good	Good Good	No No		RETAIN RETAIN
546	Douglas fir	50	9	7	Fair	Good	No		RETAIN
547 548	Chestnut Douglas fir	32 46	6 8	5 6	Good Fair	Good Fair	No No	Tree leaning North	Remove Remove
549	Douglas fir	72	13	6	Fair	Good	Yes		Remove
550 551	Douglas fir Douglas fir	34 34	6 6	5 4	Fair Fair	Fair Fair	No No		Remove Remove
552	Bigleaf maple	34 38	6 7	4	Poor	Pair Poor	No		Remove
	Scots pine	24	4	4	Fair Fair	Fair Fair	No No	Tree leaning North wast	RETAIN
554 555	Scots pine Douglas fir	32 36	6 6	4	Fair Poor	Fair Poor	No No	Tree leaning North-west	RETAIN Remove
556	Douglas fir	30	5	3	Poor	Poor	No		Remove
557 558	Douglas fir Douglas fir	30 30	5 5	3 2	Fair Poor	Fair Poor	No No		Remove Remove
559	Douglas fir	42	8	4	Fair	Fair	No		Remove
560 561	Douglas fir Red cedar	30 30;30;16	5 7	3 5	Fair Good	Fair Fair	No No		Remove RETAIN
562	Bigleaf maple	38	7	5	Good	Fair	No		RETAIN
	Bigleaf maple Bigleaf maple	58 32	10 6	6 5	Fair Good	Fair Good	n/a n/a	Off-site tree Off-site tree	RETAIN RETAIN
565	Bigleaf maple	28;26	7	6	Good	Good	n/a n/a	Off-site tree	RETAIN
566 567	Bigleaf maple Douglas fir	62 34	11 6	7 5	Good Fair	Fair Fair	n/a No	Off-site tree	RETAIN Remove
568	Douglas fir	30	5	4	Fair	Fair	No		Remove
569	Golden cedar	38	7	5	Fair	Fair	No		Remove
570 637	Red cedar Big-leaf maple	46 5, 10, 15, 15	8 6	5 5	Fair Fair	Fair Fair	No No		RETAIN Remove
638	Golden cedar	15	3	3	Good	Good	No		Remove
639 640	Laburnum Laburnum	15,15 10, 10, 10	4	3	Good Good	Good Good	No No		Remove Remove
641a	Fruiting plum	40	7	5	Poor	Poor	No		Remove
641b 641c	Fruiting plum English hawthorn	20, 30 20	6 4	5S 4	Poor Fair	Poor Fair	No No	Boundary tree (no tag) Boundary tree (no tag)	Remove Remove
641d	English hawthorn	20, 25	7	5	Fair	Fair	No	Boundary tree (no tag)	Remove
642a 642b	Pear Crab apple	25 40	5	5N 5	Fair Fair	Poor Poor-Fair	No	Off-site tree (no tag)	Remove RETAIN
• • • • • • •						r oor-r an	in/a		
642c	English hawthorn	35	6	55	Poor-Fair	Fair	n/a n/a	Off-site tree (no tag)	RETAIN
642d	Row of 10+/- plum &			5S 6	Poor-Fair Fair-Good	Fair Fair		· · · · · · · · · · · · · · · · · · ·	RETAIN Remove
642d 643a 643b	Row of 10+/- plum & Apple Big-leaf maple	35 30-40 range 40 30, 28, 25	6 various 7 11	5S 6 7NW 5	Poor-Fair Fair-Good Fair Fair	Fair Fair Poor Fair	n/a No No Yes	Off-site tree (no tag)	RETAIN
642d 643a 643b 644	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting	35 30-40 range 40 30, 28, 25 10x20	6 various 7 11 various	5S 6 7NW 5 6	Poor-Fair Fair-Good Fair Fair Fair	Fair Fair Poor Fair Poor-Fair	n/a No No Yes No	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove Remove
642d 643a 643b	Row of 10+/- plum & Apple Big-leaf maple	35 30-40 range 40 30, 28, 25	6 various 7 11	55 6 7NW 5 6 3 3	Poor-Fair Fair-Good Fair Fair Good Fair	Fair Fair Poor Fair	n/a No No Yes	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove
642d 643a 643b 644 645 646 647	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40	6 various 7 11 various 3 7 7 7	55 6 7NW 5 6 3 3 3N	Poor-Fair Fair-Good Fair Fair Good Fair Poor	Fair Fair Poor Fair Poor-Fair Good Fair Poor	n/a No No Yes No No No No	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20	6 various 7 11 various 3 7	55 6 7NW 5 6 3 3	Poor-Fair Fair-Good Fair Fair Good Fair	Fair Fair Poor Fair Poor-Fair Good Fair	n/a No No Yes No No No	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648 649 650	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir English hawthorn Weeping willow Apple	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40 25, 25, 30 10, 15, 15, 20, 25 20	6 various 7 11 various 3 7 7 7 11 11 4	55 6 7NW 5 6 3 3 3 3 3 5 N 5 5 2	Poor-Fair Fair-Good Fair Fair Good Fair Poor Poor Good Poor	Fair Fair Poor Fair Poor-Fair Good Fair Poor Fair Fair Fair	n/a No No Yes No No No No No No	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648 649	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir English hawthorn Weeping willow	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40 25, 25, 30 10, 15, 15, 20, 25	6 various 7 11 various 3 7 7 7 11 11	55 6 7NW 5 6 3 3 3 3 8 5 N 5	Poor-Fair Fair-Good Fair Fair Good Fair Poor Poor Good	Fair Fair Poor Fair Poor-Fair Good Fair Poor Poor Fair	n/a No No Yes No No No No No	Off-site tree (no tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648 649 650 651 652a 652b	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir English hawthorn Weeping willow Apple Pear Pear Apple	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40 25, 25, 30 10, 15, 15, 20, 25 20 10, 15, 20, 25 20 10, 15, 20, 25 20, 20, 30 35	6 various 7 11 various 3 7 7 11 11 11 4 9 10 6	55 6 7NW 5 6 3 3 3 3 8 5 5 2 4 4 4 4	Poor-Fair Fair-Good Fair Fair Good Fair Poor Poor Good Poor Poor Fair Fair	Fair Fair Poor Fair Poor-Fair Good Fair Poor Fair Fair Poor Poor-Fair Fair	n/a No No Yes No No No No No No No No No No	Off-site tree (no tag) (No tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648 649 650 651 652a	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir English hawthorn Weeping willow Apple Pear Pear Apple Fruiting plum	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40 25, 25, 30 10, 15, 15, 20, 25 20 10, 15, 20, 25 20, 20, 30	6 various 7 11 various 3 7 7 7 11 11 11 4 9 10	55 6 7NW 5 6 3 3 3 3 8 5 5 2 4 4 4	Poor-Fair Fair-Good Fair Fair Good Fair Poor Poor Poor Poor Poor Fair	Fair Fair Poor Fair Poor-Fair Good Fair Poor Fair Fair Poor Fair Poor Poor-Fair	n/a No No Yes No No No No No No No No No	Off-site tree (no tag) (No tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove
642d 643a 643b 644 645 646 647 648 649 650 651 652a 652b 652c 653a 653b	Row of 10+/- plum & Apple Big-leaf maple Grove of 10+/- fruiting Laburnum Laburnum Douglas-fir English hawthorn Weeping willow Apple Pear Pear Apple Fruiting plum Apple Fruiting plum	35 30-40 range 40 30, 28, 25 10x20 5, 10, 10 15, 20, 20 40 25, 25, 30 10, 15, 15, 20, 25 20 10, 15, 20, 25 20, 20, 30 35 10, 10 40 40 10, 10	6 various 7 11 various 3 7 7 11 11 11 4 9 10 6 3 7 3	55 6 7NW 5 6 3 3 3 3 5 5 5 2 4 4 4 4 4 4 2 2	Poor-Fair Fair-Good Fair Fair Good Fair Poor Poor Poor Poor Fair Fair Good Poor Fair Good	Fair Fair Poor Fair Poor-Fair Good Fair Poor Fair Poor Poor-Fair Fair Good Poor Fair	n/a No No Yes No	Off-site tree (no tag) (No tag) (No tag)	RETAIN Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove Remove
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TREE PRESERVATION MEASURES

Start-up meeting: Before demolition, or other site work commences, the Site Superintendant shall meet with the arborist to review the Tree Protection Plan, Arborist Report and associated measures. The Site Superintendant is responsible for ensuring that all relevant sub-contractors and trades are familiarized with the tree protection measures and permit conditions in effect on the site.

2. **Plan posting:** A full-size all-weather copy of the Tree Plan shall be posted in the site office in plain site.

3. Tree removal, grubbing & mulching: Construction/Tree fencing shall be erected after tree removal and grubbing within the TPAs is completed but prior to other site work commencing. The on-site portion of the TPAs shall be grubbed under supervision of the arborist and top-dressed with 10cm of disease-free tree chip mulch. The tree planting areas indicated on the Landcape planting plan around the site perimeter shall be fenced to protect growing soils, as indicated on the tree plan.

4. Tree protection fencing: Tree fencing and signage shall be inspected by the project arborist, approved by the City of Victoria and remain in good condition throughout the duration of the project.

5. Prohibition of disturbance: All forms of disturbance to the protected trees or their habitat within the fenced protection areas (TPAs) is prohibited.

6. Temporary access to TPAs: Temporary construction access to a Tree Protection Area (TPA) must be approved and supervised by the project arborist. This includes landscaping.

7. Soil armouring: If it should prove necessary to reduce the tree fencing, the exposed TPA outside the fencing shall be armoured with 3/4" plywood or a temporary cover of geo-textile and 200mm of road-base, moderately compacted with a plate compactor.

8. Prohibition of material storage within TPAs: No equipment, materials, waste products or excavated soil shall be placed or stored within the TPA. THIS PARTICULARLY INCLUDES HOARDING OF EXCAVATED SOILS NEEDED FOR BACKFILLING OF THE FOUNDATION.

9. Arborist supervision of site works: The arborist shall be present to oversee stump removal, excavation, sub-grading, lane or pathway base preparation, service trenching, blasting or any other form of disturbance within, or adjacent to, the tree protection areas (TPAs). Any tree roots or branches damaged shall be pruned back to undamaged tissue by the arborist. (Grading of greenway has been designed to minimize tree impacts as much as possible within existing constraints.)

10. Covering excavated cuts: Any excavated cut within or adjacent to a TPA shall be securely covered with heavy-gauge plastic to prevent soil dessication and erosion.

11. Site monitoring: The Project Arborist shall monitor the site on a regular basis during the site preparation, construction and landscaping phases to ensure ongoing and effective compliance with the tree protection measures specified in this tree plan and in on-site meetings with the General Contractor and relevant consultants and sub-contractors.

12. Pre-blasting meeting: The site superintendant and blasting sub-contractor shall meet with the arborist to review the blasting plan prior to drilling. Modified blasting practices or rock removal techniques shall be utilized where considered necessary by the arborist to minimize blasting impacts to protected trees.

13. Procedure for blasting near tree root zones:

a) When blasting is required immediately adjacent to a Tree Protection Area, the blasting contractor shall work with the arborist to develop a blasting plan and deploy best practices that minimize impacts to protected trees. b) Blasting vibrations in the vicinity of the Tree Protection Areas

are not to exceed a peak particle velocity of 25 mm/sec. c) Use DYNAMITE as the explosive product. No fertilizer-based

explosive is permitted, due to its toxicity to tree roots. d) The contractor shall prevent rock debris from the blast site from entering the TPA.

14. Irrigation of TPAs: Mulched TPAs shall be irrigated once every two weeks during the dry summer period (May 1 - Sept 31) to a minimum effective depth of 30cm. The General Contractor shall ensure that a temporary water service for irrigation purposes is emplaced on site.

15. **Pre-landscaping meeting:** The General Contractor, Landscape Contractor and Landscape Architect shall meet with the arborist to review the landscaping workplan prior to landscape construction or site preparation commencing. Potential impacts to sensitive tree habitat will be identified and measures provided to eliminate or mitigate the impacts.

16. Replacement tree requirements: 10 replacement trees shall be planted on the subject property and adjacent road allowance as shown on the Landscape plan. See Landscape Plan for proposed species and planting locations. All replacement trees shall meet or exceed the minimum size requirements set forth in Section 17(g)(ii) of the City's tree bylaw (1.5m in height or 4cm caliper diameter). If there are an insufficient number of plantable spaces available to accomodate all replacement trees, the applicant may discuss a cash-in-lieu payment to the City for trees surplus to requirements.

17. Post-construction inspection and sign-off: post-construction inspection and assessment of the site and protected trees shall be conducted by the Project Arborist in the company of the General Contractor. Any deficiencies will be identified. Once all deficiencies have been addressed to the satisfaction of the Project Arborist and the City of Victoria, a post-construction letter of completion will be prepared by the arborist and submitted to the City.



SHEET NO.

GyeandAssociates.ca

PROJECT 3080, 3082 & 3090 Washington Avenue, Victoria, BC

SHEET TITLE Tree Management Plan for Development Permit

8	REVISED DP	Nov 15, 2020					
7	REVISED DP	Oct 29, 2020					
6	FOR SUBDIVISION APP.	Aug 6, 2020					
5	FOR SUBDIVISION APP.	Jul 24, 2020					
4	FOR SUBDIVISION APP.	Mar 10, 2020					
3	FOR SUBDIVISION APP.	Feb 12, 2020					
2	FOR SUBDIVISION APP.	Oct 23, 2019					
1	FOR SUBDIVISION APP.	Oct 13, 2019					
EV NO	DESCRIPTION	DATE					
PROJE	CT NO.	18-030					
DATE September 16, 201							
SCALE		1:225					
ORAWN	BY	JG					

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curatedevelopments.com

November 16, 2020

City of Victoria No. 1 Centennial Square Victoria, BC V8W 1P6

Attn	Mayor and Members of Council
Re	Application Revisions in Response to COTW Motion 3080, 3082, and 3090 Washington Avenue

Dear Mayor and Members of Council,

In accordance with the motion adopted on October 8, 2020 by the Committee of the Whole, we have revised the Rezoning and Development Permit Application for the properties located at 3080, 3082, and 3090 Washington Avenue. The details below provide a description of how we have responded to each portion of the motion:

Item 2b

Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Direction of Engineering and Public Works.

Applicant Response

The design of the greenway has been revised to ensure it meets accessibility guidelines, resulting in a grade no greater than 8.%. The majority of the pathway is at a grade less than 5%.

Item 2c

Consideration of revisions to the design of the attached dwellings on the north and/or south property lines to achieve a sensitive transition to, and minimize impacts on, adjacent neighbours.

Applicant Response

The height of all units along the north property line are now two storeys. The two northern most units of Buildings E and H (units #16 and 27) have been reduced from three storeys to two storeys. This will reduce shadow impacts and potential privacy and overlook concerns into the property to the north. The setback to the north property line is also generous at 5.47m (17'-11"). With this revision, the setback to the three-storey portion of those buildings are now 10.25m (33'-7").

We also reviewed the transition along the south property line. Building A at the front of the proposed development was previously reduced from three storeys to two storeys to offer more visual prominence to the house to the south (3070 Washington Avenue). We have also provided a

Curate

section to illustrate the relationship of Building C to 3070 Washington. This shows the height difference is only 0.76m (2'-6") which we feel is a contextual relationship. Further west along the south property line, Building F (tree storeys) is next to the driveway of existing townhouses, and Building I is proposed at two storeys. Overall, we feel our transition approach to the southern edge of the property is contextual and respectful of the existing conditions.

ltem 2d

Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.

Applicant Response

The pathway at the eastern end of the property, closest to Washington Avenue, has been relocated and now meanders through the retained greenspace to retain trees along the north property line and to meet accessibility guidelines.

More specifically, the big leaf maple trees #563, #564, #565, and #566 are now being retained.

Item 2e

Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.

Applicant Response

The fence along the north property line is now proposed as a 6-foot-high solid galvanized steel fence. This will ensure safety and privacy is maintained for the property on the north side of the greenway.

Development Permit Item 2

The applicant revise the proposed Phasing Plan to ensure that the outdoor amenity space and Doric Connector are constructed in Phase 1 and provide more details on potential interim conditions of each phase, to the satisfaction of the Director of Sustainable Planning and Community Development.

Applicant Response

The phasing plan has been revised, which now includes two phases with the greenway and the outdoor amenity space being included in phase 1.

Sincerely,

Sam Ganong Curate Developments

Curate

Katie Lauriston

From: Sent: To: Subject: Leanne Taylor November 2, 2020 8:37 PM Katie Lauriston FW: OCP amendment for 3080 Washington

Hi Katie,

Below is correspondence concerning the Washington OCP amendment.

Thanks, Leanne

From: Bruce Clarke Sent: November 2, 2020 7:34 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: OCP amendment for 3080 Washington

Good day:

I do NOT support amending the OCP Bylaw to permit an Urban Residential designation in my neighborhood. I do not want to see a three-story development in this area.

Thank you,

- Bruce Clarke

410-252 Gorge Rd. East

From: Ryan Smith < Sent: November 2, 2020 2:19 PM To: Leanne Taylor <<u>ltaylor@victoria.ca</u>> Subject: Greetings from 3085 carroll Street

I have just received your post today.

I would like to put my name against this 3 story development.

As it stands we have a nice quiet and secluded backyard, we purchased this property as this was available for us.

The proposed construction will strip that away from us, lessen our property value and now have a 3 story building staring directly into our common areas of our house.

I am all for making more homes for people in Victoria, i know the town needs it.

But not at the sacrifice of many people who live along that property line.

Last we checked it was slated to start 6 feet from our property line giving us zero privacy.

I object in this letter, have in person at the meetings the developer has called and will continue to do as it is not a reasonable plan for the space(the parking allocation is a while other situation)

From: MARY ASHWORTH < Sent: November 3, 2020 12:14 PM To: Leanne Taylor <<u>ltaylor@victoria.ca</u>> Subject: "It's My NeighbourHood" Burnside-Gorge Area

Dear Ms. Taylor (Leanne),

Thank you for your City of Victoria letter entitled, "It's Your Neighbourhood" dated October 30, 2020.

With this reference one thing you might want to know about me. After living last 11 years on Carmanah Terrace, North Saanich (Dean Park) I have returned to my childhood neighbourhood! My family of six kids and mom and dad, owned house on Steele Street, 1940's through to 1980's but leaves me so emotional regarding the now industrial area.

Yes, and living corner Gorge/Washington condo now daily walks I am in sort of a dream world as I remember the way it used to be. I tell my four sisters (we are all over 60 now) & I am flying solo here. I don't want to move! But before I moved here my brother-in-laws (2 of them) warned me, "It's not a nice area, Miss Mary" !

It is my concern with the proposed 3080, 3082 and 2090 Washington Avenue is Mother Nature.

With that exact spot there are, about and have counted about say, (not many) two or three or even four extremely historic tall evergreens, Douglas fir, & some maple trees. These evergreens or conifers (? not sure) are located exactly on the sidewalk, off the sidewalk by not much. I'm going to leave it there, as I get too emotional about losing any more of these extraordinary landmarks I've remembered since 1960's (Born 1952).

I am in awe of you and your job with its decisions; I worked in Public Service my entire working life.

Please excuse any spelling errors

From: Sent: To: Subject: Leanne Taylor November 4, 2020 3:17 PM Katie Lauriston FW: Washington avenue

Hi Katie,

Below is an email in response to the OCP notice mail out for the Washington rezoning.

Thanks, Leanne

From: Bob Kilmer Sent: November 4, 2020 2:56 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Washington avenue

Leanne Taylor;

I have sent two responses to Mayor and Council previously, responded to by Councillor Isitt, re the development proposal by Curate Developments on Washington Avenue. It seems none of our neighbourhood concerns were accounted in the process as your letter dated Oct30,2020 for new input before Nov 30 seems to show. Now the goalposts have been moved according to the new wording of the OCP. I am not opposed to development of

some kind but this one at 2080 2082 and 2080 Washington is just too massive. As I have stated before, the single lat

but this one at 3080,3082 and 3090 Washington is just too massive. As I have stated before, the single lot development farther north on Washington

Is for 8 single homes extrapolated to Curate's 3 lots would come to 24 units. If the other proposal is economically viable then Curate's should be viable at a much smaller scale.

Thank you for your attention;

Yours truly,R.E. Kilmer(owner of 3070 Washington Ave.) Sent from <u>Mail</u> for Windows 10

From: Sent: To: Subject: Leanne Taylor November 5, 2020 11:20 AM Katie Lauriston FW: Washington ave development

Hi Katie,

Below is an email in response to the OCP notice mail out for Washington.

Thanks, Leanne

From: ALISON Sent: November 5, 2020 7:25 AM To: Leanne Taylor <ltaylor@victoria.ca> Subject: Washington ave development

Hello Leanne,

We live at 425 Cecelia Road. I have concerns about the proposed development at 3080,3082,3090 washington Ave.

1. I think 3 stories is too high, it will create too much shade for neighbouring properties and look too high compared to buildings around it. I've seen the elevation drawings.

2. A really big issue for me is the traffic on Washington. We already have a congestion problem, one car has to pull over to let the next one pass. As more cars are being parked on that road it is harder to pull over. There are 2 parking spots for each unit meaning 68 additional cars driving on Washington. I just don't see how this will be resolved, I have heard no suggestions about this from the Developer. One side of Washington may have to be a no-parking zone?

Thanks for listening, I have no problem with new developments in my neighbourhood unless they are excessive.

Alison and Matt Gardner

From:Leanne TaylorSent:November 9, 2020 8:41 AMTo:Katie LauristonSubject:FW: proposed official community plan addresses on Washington Ave

Hi Katie,

Please see correspondence below concerning 3080, 3082 and 3090 Washington Ave.

Thanks, Leanne

From: Joanne Nicolson <freya1333@hotmail.com>
Sent: November 7, 2020 8:13 PM
To: Leanne Taylor <ltaylor@victoria.ca>
Subject: proposed official community plan addresses on Washington Ave

Dear Leanne Taylor, re: 3080, 3082, 3090 Washington Ave.

I did look at the site but am not an architect so cannot tell what the parking situation is for proposed development.

What I can tell you right now is that parking on Washington Ave is already very tight. Currently cars heading in opposite directions cannot pass on Washington Ave. If cars come in opposite directions, one needs to pull over in order to let the other car pass. If there is increased parking on the street and increased traffic this will become MORE of a nightmare.

On Friday Nov. 3 there was a road closure on Gorge Rd. This caused all traffic to be diverted up Washington Ave. Traffic was backed up almost to Gorge Rd, from Burnside Rd. It took several minutes for me to exit my residence at 3048 Washington Ave. at 8:15 am. Then it took a further 12 minutes for me to make my way to Burnside Rd. I NEVER choose to go that way in the morning due to the fact it is virtually impossible to make that right hand turn onto Burnside due to intense traffic on Burnside Rd. This was a forced situation on Friday.

Traffic that turned off Burnside onto Washington at that time, could not progress down Washington as there was no room to get past the traffic. Traffic heading East had to actually stop all movement to let the oncoming cars complete that turn. Again, I will use the term NIGHTMARE.

So a proposal for 34 more units on Washington Ave. Let's assume 1.5 cars per unit. NO NO NO. The street cannot sustain that increase in traffic.

Already we have 4 new townhouses across the road from this new proposal. It does not appear as tho parking is included on sight for those townhouses. That means we can assume (at a ratio of 1.5 vehicles per unit) an increase of 6 new cars parking on Washington Ave.

Please DO NOT approve this new development. There is no room for more vehicles on Washington Ave. This is a huge safety concern.

Thank you for using your common sense. Joanne Nicolson

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I did look at the site but am not an architect so cannot tell what the parking situation is for proposed development.

What I can tell you right now is that parking on Washington Ave is already very tight. Currently cars heading in opposite directions cannot pass on Washington Ave. If cars come in opposite directions, one needs to pull over in order to let the other car pass. If there is increased parking on the street and increased traffic this will become MORE of a nightmare.

On Friday Nov. 3 there was a road closure on Gorge Rd. This caused all traffic to be diverted up Washington Ave. Traffic was backed up almost to Gorge Rd, from Burnside Rd. It took several minutes for me to exit my residence at 3048 Washington Ave. at 8:15 am. Then it took a further 12 minutes for me to make my way to Burnside Rd. I NEVER choose to go that way in the morning due to the fact it is virtually impossible to make that right hand turn onto Burnside due to intense traffic on Burnside Rd. This was a forced situation on Friday.

Traffic that turned off Burnside onto Washington at that time, could not progress down Washington as there was no room to get past the traffic. Traffic heading East had to actually stop all movement to let the oncoming cars complete that turn. Again, I will use the term NIGHTMARE.

So a proposal for 34 more units on Washington Ave. Let's assume 1.5 cars per unit. NO NO NO. The street cannot sustain that increase in traffic.

Already we have 4 new townhouses across the road from this new proposal. It does not appear as tho parking is included on sight for those townhouses. That means we can assume (at a ratio of 1.5 vehicles per unit) an increase of 6 new cars parking on Washington Ave.

Please DO NOT approve this new development. There is no room for more vehicles on Washington Ave. This is a huge safety concern.

Thank you for using your common sense. Joanne Nicolson

From: Sent: To: Subject: Leanne Taylor November 15, 2020 8:33 PM Katie Lauriston Fw: 3080, 3082, 3090 Washington Ave Proposal

Hi Katie's,

Below is correspondence on the OCP mailout for Washington.

Thanks, Leanne

From: Duncan M Sent: 15 November 2020 15:58 To: Leanne Taylor < Itaylor@victoria.ca> Subject: 3080, 3082, 3090 Washington Ave Proposal

Hello Leanne,

In regards to this proposal, I am not in agreement with it as it stands. I live on Washington Ave, and the current buildings need to be replaced, but this proposal is far too dense, and tall, in addition to not providing for adequate parking. The original LUC, which is still in effect for seven more years indicates a maximum of 24 units. This seems more reasonable, and livable.

Three stories is too tall. Maximum two. The units facing each other are very close. One parking space for two, three and four bedroom units is not reasonable. Street parking is very tight now. Add to the fact that the city approved four homes (on a single small lot), each with a suite, and with NO Provisions for parking!! This complex is near completion, and virtually across the street from this development. Parking on this street and adjoining streets will be severely impacted.

Finally, the proposed Doric corridor for walking/biking through the complex and connected to Cecelia and beyond; Really??!! Why don't you call it what it is, or will be in this neighbourhood; a Crime Corridor.

Thanks for the opportunity to share my views.

Regards,

Duncan Milne

From:Leanne TaylorSent:November 21, 2020 12:29 PMTo:Katie LauristonSubject:Fw: Comments Re-Zoning Application for 3080 to 3090 Washington Ave, Victoria BC

Hi Katie,

Please see correspondence below concerning the OCP amendment for 3080, 3082 and 3090 Washington.

Thanks, Leanne

From: Pat Miller Sent: 21 November 2020 12:24 To: Leanne Taylor <ltaylor@victoria.ca> Cc:

Subject: Comments Re-Zoning Application for 3080 to 3090 Washington Ave, Victoria BC

Ms. Taylor,

As requested in your letter of October 30, 2020 requesting residents of Washington Avenue properties comment on the proposed development planned for 3080-3090 Washington Ave, please find our comments below regarding this Project.

Phasing – We would request that the developer change the Phasing to allow Phase 2 to proceed first. It normally would take 4 to 5 years for a project of this size to be completed. We are assuming that Phase 2 is planned to be completed last to allow construction and supply vehicles to access all parts of the property. We would prefer not to live beside a construction zone that a long period of time but do understand that projects do take time.

Thus, we would hope that the developer would be able to flip the phasing (do Phase 2 first) to minimize the time our property is directly impacted by this project.

2. Parking – We would request that the developer secure parking for all construction trades (other than deliveries) in a location that does not utilize parking on Washington Avenue. The street is already full of residences' vehicles and is down to one lane most of the time. If construction vehicles are added to the already dense parking, driving in and out of our development is going to be negatively impacted.

While I understand that Victoria is encouraging residences to walk or bike ride, both my husband and I have mobility challenges and walking long distances or biking are not options for us.

3. Noise – We would request that the developer be respectful of Victoria's noise bylaws and take additional measures for sound mitigation like ensuring compressors are run inside buildings, generators have noise dampening devices, etc.

While we welcome this project and do believe it will benefit the Burnside Gore Neighbourhood in the long run, we as the owners of 3056D Washington Avenue and out of our complex, we will be the ones most impacted by this development thus our concerns addressed above.

Please contact me should you require any further clarification.

Sincerely,

Pat A Miller & Randy R Miller 3056D Washington Avenue Victoria, BC, V9A 1P6

From:	Leanne Taylor
Sent:	November 25, 2020 3:18 PM
То:	Katie Lauriston
Subject:	FW: Comments Re-Zoning Application for 3080 to 3090 Washington Ave, Victoria BC

Hi Katie,

Below is correspondence re: Washington.

Thanks, Leanne

From: Pat Miller Sent: November 25, 2020 11:58 AM To: Sam Ganong Cc: Leanne Taylor < Itaylor@victoria.ca> Subject: Re: Comments Re-Zoning Application for 3080 to 3090 Washington Ave, Victoria BC

Thank you for you're your quick response and explanations. I thought there might be something like that in your phasing. Looking forward to the completed project and its positive impact on the neighbourhood.

Cheers – Pat Pat A Miller

rom: Sam Ganong
Date: Wednesday, November 25, 2020 at 10:58 AM
Fo: Pat Miller
C c: Leanne Taylor < <u>ltaylor@victoria.ca</u> >
Subject: Re: Comments Re-Zoning Application for 3080 to 3090 Washington Ave, Victoria BC

Dear Pat and Randy,

Thank you for providing your feedback. I can understand living next to a construction project is not the most ideal situation. Our current construction schedule is showing a total timeline of just under two years to complete the entire project.

The phasing is primarily governed by the City's request to have the pathway along the north and the greenspace at the front of the property completed in Phase 1. This results in the need to work through the project from north to south.

For construction trade parking, we will do our best to ensure there is enough room on the property for trades to park. Given the property is 1.5 acres we should be able to accommodate on-site parking to minimize congestion on Washington Avenue.

I will make sure the construction team adheres to the noise bylaw and looks for opportunities to use noise mitigation measures where possible. I recognize we will be building in a quiet residential neighbourhood, and we will be as respectful as possible.

Please feel free to reach out if you have any questions at any time.

Regards,

Sam Ganong

Curate Developments 841 Fort Street Victoria, BC V8W1H8

On Sat, Nov 21, 2020 at 12:24 PM Pat Miller wrote:

Ms. Taylor,

As requested in your letter of October 30, 2020 requesting residents of Washington Avenue properties comment on the proposed development planned for 3080-3090 Washington Ave, please find our comments below regarding this Project.

Phasing – We would request that the developer change the Phasing to allow Phase 2 to proceed first. It
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the property. We would prefer not to live beside a construction zone that a long period of time but do
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While I understand that Victoria is encouraging residences to walk or bike ride, both my husband and I have mobility challenges and walking long distances or biking are not options for us.

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While we welcome this project and do believe it will benefit the Burnside Gore Neighbourhood in the long run, we as the owners of 3056D Washington Avenue and out of our complex, we will be the ones most impacted by this development thus our concerns addressed above.

Please contact me should you require any further clarification.

Sincerely,

Pat A Miller & Randy R Miller

3056D Washington Avenue

Victoria, BC, V9A 1P6

From: Sent: To: Subject: Leanne Taylor November 25, 2020 12:21 PM Katie Lauriston FW: Proposed development on Washington Street

Hi Katie,

Below is correspondence in response to the OCP mail out notice for Washington.

Thanks, Leanne

From: Van Buchanan Sent: November 25, 2020 12:03 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Re: Proposed development on Washington Street

Dear Ms. Taylor:

I am writing in response to the "It's Your Neighbourhood" letter recently circulated in my neighbourhood.

I live in Washington Co-op Housing which consists of a four storey apartment building on Burnside Road East and several three and four bedroom townhouses on Washington Avenue. I have lived here for 22 years. I am intimately familiar with Burnside Road East, Washington Avenue and Gorge Road.

I have walked on the Galloping Goose Trail, accessing it from Cecilia, almost every day since living here. It was one of the attractions when I considered living in this neighbourhood. I also walk often on Washington Avenue when heading for Gorge Road to access the park. My building consists almost entirely of older adults who, like me, have chosen to live here for the proximity to the Galloping Goose.

The proposed development with a density of 34 dwelling units, replacing the two or three single family dwellings currently there, is entirely unacceptable!

Consider this: 34 households, each with two vehicles, attempting to access Washington Avenue two or three times daily. Both Gorge Road & Burnside Roads are main traffic routes in and out of Victoria. The increase on both Gorge & Burnside, to say nothing of Washington, currently with vehicles parked on both sides of the street every day, will create traffic bedlam, entirely unsafe for pedestrians, cyclists & vehicular traffic.

Add to this bedlam the specter of at least two children per unit, add in pets, and the entire personality of Burnside, Washington, Gorge & Carroll Streets are altered forever. Yes Burnside Road is busy and home to much traffic; Washington & Carroll are not. Peaceful & quiet, mostly single family

dwellings, and not close to schools. Please Google "Personality of a Neighbourhood" for excellent definitions. This is what I'm talking about!

I strongly object to this proposal as do many residents of Washington Co-op but who may not write; such is human nature.

I urge Victoria City Council to deny this proposed change to the OCP and to retain the single family residences on Washington.

(Ms.) Van M. Buchanan 304, 373 Burnside Road East Victoria BC V9A 1A7

From:	cameron burton <	
Sent:	November 26, 2020 9:29 PM	
То:	Leanne Taylor; Bob Kilmer; Todd Buchanan; Hanne State (; Sam Saprunoff	
Subject:	RE: Application to Amend Official Community Plan (OCP) for 3080, 3082, 3090	
	Washington Ave	
Attachments:	Application to Amend Official Community Plan (OCP) for 3080, 3082, 3090 Washington	
	Ave.docx	

Good Evening Leanne,

Please find attached my comments on the Application to Amend Official Community Plan (OCP) for 3080, 3082, 3090 Washington Ave.

I do not support amending the OCP nor granting a variance for height to this development for the reasons identified in the attached letter.

Please contact me if you have any questions.

Cameron Burton Owner, 3065 Washington Ave

Dear Mayor, Council & Planners c/o Leanne Taylor

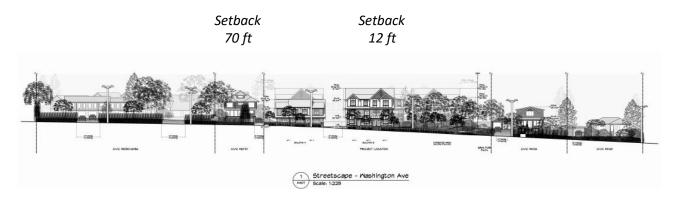
RE: Application to Amend Official Community Plan (OCP) for 3080, 3082, 3090 Washington Ave

I am the owner of 3065 Washington Ave, a 109-year-old character home. My family and I have lived on Washington Ave for 28 years (1991) and my house is located across the street from the proposed development. My home is of Historical Merit along with the six others that immediately border the subject properties on 3 sides.

In my two previous letters to Mayor and council I outlined the ways the development, as proposed, does not align with neither the OCP nor the Burnside Gorge Neighbourhood Plan (BGNP). I am against amending the OCP bylaw to change the urban place designation from Traditional Residential to Urban Residential, specifically to support three-storey attached dwellings, for the reasons listed below:

- 1. The proposed development is not adjacent to Urban Residential housing (BGNP 12.5.2).
 - a. The proposed development is located at the mid-point of this local street.
- 2. Washington Ave is designated as a Local Street (Section 7, Map 4 Official Community Plan, City of Victoria)
 - a. The concept is not appropriate for a local street and, at this height and proximity to the street, will take away from the historical nature and feel of this section of the street which is highlighted in the Burnside Gorge Heritage Walk and The Burnside Gorge Heritage Walking Tour (BGNP 8.2.1).
- 3. The height of the proposed buildings specifically Building 'B' in conjunction with the planned setback from Washington Ave, is not consistent with the character of the street (BGNP 2.3, 4.1.4 & 12.5.1).
 - a. Three-storey buildings, specifically Building 'B' would destroy the privacy enjoyed by the four 100yr old+ homes situated across the street. Existing setbacks and heights provide distance and solitude from each other. The 3rd floor of this 42-foot tall building, as proposed, would look down and into the top floor rooms of the homes across the street. Most of these are bedrooms. This situation is magnified by the fact the project is located on the 'high side' of the street. While some of the buildings have been reduced in height because of similar concerns, I feel all neighbours bordering the development deserve the same consideration and respect.
 - b. Using 3070 Washington Ave, the tallest home on the west side of Washington Ave, as a benchmark for height, is not appropriate (Sheet A-402 of Curate plans). The house at 3070 is set back 70-feet from the sidewalk. Building B of the development, as proposed, is both taller and only 12-feet back from the sidewalk. This would dramatically change the feel of the street for pedestrians, cyclists, drivers and residents.

c. Streetscape (Sheet A-401) NOTE: Setbacks are very different and not apparent here.



Rendering (Sheet A-501) NOTE: the rendering below purposely does not show the existing, adjacent buildings and the development's relationship to them.



VIEW OF BUILDINGS A & B FROM WASHINGTON AVE

Both of these show views from impossible and non-existent perspectives. Because these perspectives are not possible, they do not accurately portray the visual impact of buildings of such height, so close to the street from the road.

d. For comparison, the development as proposed, is also both taller, and situated closer to the street, than the two existing, OCP conforming, Urban Residential developments at either end of the street. <u>There are no other buildings of this height and proximity to the road along this street regardless of their designation.</u>

The developer has claimed numerous times that profitability can only be achieved through the increased density achieved by a third storey. I reject this statement for two reasons:

1. As a Project Management Professional (PMP) I understand and exploit scales of economy whenever possible. The development, as proposed, is able to do the same. For comparison, two

developments, currently underway on the same street, both on smaller lots, where the OCP and BGNP are being followed (3120 & 3103 Washington Ave), are both profitable even at a much smaller scale, <u>demonstrating that building outside of our existing community plans is not necessary</u>.

2. This neighbourhood is not responsible for, nor should it bear the permanent burden of, a poorly negotiated, conditional deal between the owner and the developer, requiring construction outside of the OCP and BGCP in order to be profitable.

Many of us neighbours worked hard on the BGNP. While the OCP was 7-years old at the time (2012), when the Developers first proposal was submitted in September of 2019, the ink was still wet on the 2-year-old BGNP (2017). The BGCP was developed knowing the Doric Connector would be a priority for the City of Victoria (BGNP 12.10.1, 12.16.2). Despite specifically identifying the Doric Connector 8 times in the BGNP:

- Nowhere does the BGNP give concession or suggest relaxed rules for developers when including the connector in a development.
- The choice to develop these lots <u>does not create a quid pro quo relationship with the City</u>. The BGNP and OCP still apply.

For years, my neighbours and I have been expecting and looking forward to the change a developer can bring to these properties. When we all worked on and developed the BGCP, we created a document we were proud of and one that reflected the direction in which we wanted our community to grow. These lots were specifically mentioned in our plan for this reason. The design considerations Curate has made to visually match the heritage nature of the street should be commended and does give us hope.

I need to point out that the 'It's Your Neighbourhood' letter sent by the city to the neighbouring properties has created some confusion. The City's letter was dated October 30th, 2020 and requested feedback by November 30th, 2020. The letter also refers the recipients to view the plans on the City's online Development Tracker. In mid-October we heard rumours that the plans had changed once again (even after the Committee of the Whole meeting) and Curate confirmed this when asked. The city also confirmed this when asked via email. In the City's email it was mentioned that the plans had changed and had just been received (November 16th, 2020) and they would be posted to the development tracker in a day or two. I'm concerned that two different sets of plans were available to be commented on during this time and no notification was given to inform stakeholders that the plans had changed. I fear this has resulted in both less feedback, due to time allotted to provide comment being cut in half, as well as feedback that is irrelevant due the plans having changed. Notification of changes and more time should have been allotted for this process.

The development, as proposed, already oversteps the BGCP in so many places, I cannot support amending the OCP.

I am happy to meet with any of you, with COVID-19 protocols in place, to explain my concerns, in person, at the site of the proposed development. Please contact me if you have any questions.

Cameron Burton, PMP Owner – 3065 Washington Ave

From: Sent: To: Subject: LINDSAY BRUCE November 27, 2020 10:06 AM Leanne Taylor Washington Ave. three properties

Hello Leanne,

A few weeks ago I wrote to the City of Victoria about this proposed property development, 3080, 3082, and 3090 Washington Ave. I spoke of my feelings about the offshoot of the Galloping Goose going through to Carroll St and beyond. Particularly, I was hoping that you would push that path through on the side of the house <u>most preferred</u> by the house owners on Carroll St. If you would refer to my email I would be most appreciative. What I failed to add in that email was my concern of increased traffic going down Carroll St, since more drivers intent on going to the proposed site means more cars on Carroll. Vehicles that cannot turn left onto Washington from Burnside tend to go down Carroll and then drive up Washington, or they begin to drive down Carroll and do a U-turn in someone's driveway. I am hoping that you will look into allowing a left hand turn onto Washington from Burnside (or figure out a way to mitigate the problem). We already get dozens of pizza cars, among dozens of other drivers, going down Carroll due to the disallowed left turn onto Washington. Carroll St is already congested - we don't need to exacerbate the problem. Please.

Thank you for your consideration of the above.

Jill Holden-Bruce 3054 Carroll St. Victoria BC V9A 1P9

From: Sent: To: Subject: Carmen Parry November 28, 2020 4:16 PM Leanne Taylor 3080, 3082 and 3090 Washington Ave

Good afternoon,

I wanted to write a quick note to express my thoughts on the bike path on Washington Ave. It is already a congested street with very little extra space or parking. Crime has sharply risen in our neighbourhood as it is and this rezoning only serves to add another path for people to evade the police. I am not supportive of the rezoning or the bike path for this area. There are lots of great areas to add density and more bike routes in the city, this is not one of them.

Thank you for your time.

November 25, 2020 408-373 Burnside Rd E Victoria BC V9A1A7

Dear Ms Taylor, Senior Planner:

Re: "It's Your Neighbourhood" and input on the proposed Official Community Plan Amendment for 3080,3082 and 3090 Washington Avenue.

In my general comments (Part A) I express why I believe it would be regressive for the City to allow a change of zoning from Traditional Residential to Urban Residential in order to accommodate this proposed development. My specific comments express why I believe this re-zoning application needs to be rejected and reference the vision and goals described in sections of the Burnside Gorge Neighbourhood Plan and specifically from the section on Gorge Residential Sub Area (where this development is sited).

Part A. My general comments:

The Burnside Gorge Plan was carefully developed. Despite the best of intentions and some developments i.e. the Playground on Cecelia Street, there has been a lack of attention on the part of the City to what is actually happening to this particular sub area of Burnside Gorge. Despite the specific reference to land use within the Neighbourhood Plan to not use Gorge Rd for SRO housing, there has been an increase in SRO as well as using motels to house the homeless. There has also been the loss of green space when one of the few parks and green space in the area, Cecelia Ravine Park, was designated as a homeless encampment. This area of the city needs support to retain its character and its sense of community.

Yes, there could be more housing in this area, suitable for families, but it needs to be carefully planned. Changing zoning to make a development fit is not the way to do it. Make the development fit the Traditional Residential Zoning. That is the way to support this community and its well thought out urban plan. The Burnside Neighbourhood Plan does identify the large lots on Washington (12.5.4) and refers to townhomes (not necessarily multi-storey) that could allow for families. But this provision remains under the heading for meeting ground-oriented housing policies. Those provisions include "minimum open space and maximum lot coverage should provide for landscaped front and back yards and access to individual or shared open space for units." (pg. 52) and "Rear lot setbacks should respect the existing pattern of landscaped back yards, respect privacy and provide sufficient building separation under current and potential development patterns." (pg. 52)

The Burnside Gorge Neighbourhood plan is sound, well thought out; the members of the community took into consideration the land use policies for the sub area and the social aspect of living here. It was developed by residents of the community. sThe Plan talked about how to

1.maintain a sustainable community,

2 develop a better transportation network (and suggests ways of moving away from dependency on single occupancy automobiles). (13,000 cars travel Burnside per day; 40,000 cars travel Gorge per day) 3.maintain a green residential area with ample tree coverage.

4. value and maintain the natural heritage of this community with the possibility of having more homes in the sub area of Gorge and Sumas recognized with heritage designations. Rightly so, this is one of the last traditional residential areas with many still livable homes from the early 1900's.

The Burnside Gorge plan recognizes the need to provide infill housing but it also identifies the need to keep the traditional community feel, trees, setbacks, back yards, lower density and managed traffic on local streets

and busy corridor streets to maintain this area as a livable one despite being on the edge of heavy and light industry areas.

Certainly, additional infill housing could contribute to the community but the density proposed in this development, with this proposal of 34 units that require the cutting down of more than a 100 trees – Douglas Firs, Big Leaf Maples, Cedars is not appropriate. **The development needs to fit the Traditional zoning not make the Zoning to fit the development.** The current Neighbourhood Plan is quite clear on the vision for this neighbourhood.

The City needs to support the original Burnside Gorge Neighbourhood Plan – particularly the aspects of the plan relating to this sub area of Gorge and **reject the proposed change to zoning to allow this development to in its present form.**

Part B: Specific concerns relate to 3 areas

- 1. Transportation/infrastructure/traffic
- 2. Heritage Value
- 3. Environmental cost to the community in the cutting of more than 100 trees (some protected)

1. Regarding Transportation and routes and local traffic

"The vision for this Residential Sub -Area is as a "stable neighbourhood **bisected by two main arterial corridors.** ... The traditional residential areas include a mix of ground -oriented residence including single-family homes and attached housing such as duplexes and townhomes." (Pg. 49 of The Plan).

Washington **Avenue is a local street** bounded on the north by one of the arterial streets, Burnside Rd, with truck traffic that comes down from McKenzie and with local truck traffic, this being a neighbourhood with considerable light industry nearby. Burnside and entry to Washington is busy, noisy and dangerous to access. A curb/median was placed at the north end of Washington to attempt to calm traffic that was crossing at the end of Washington at Burnside. (On Burnside Rd 13,000 people travel it by car per day.) As a resident who lives here that curb/median at the end of Washington north at Burnside is regularly ignored as cars use it as a customized roundabout to deal with the considerable traffic coming from Duppelin and wanting to turn left onto Burnside or cross Burnside and travel south on Washington to Gorge Rd. There is a pedestrian light but no traffic light at Washington and Burnside. On the south end of Washington is the busy corridor of Gorge Rd. (with 40,000 people by car per day.) There is a traffic light here. According to the vision of The Plan these roads are to be:

- Burnside Road improved with bicycle lanes, canopy trees and landscape boulevards separating pedestrians from traffic.
- Gorge Road as an "All Ages and Abilities" bikeway consistent with the Bicycle Master Plan (pg20)

Despite the vision of the above, Burnside remains a busy, dangerous street not suitable for biking. Nothing has been done to meet the above goal yet this proposed development will definitely increase traffic trying to get onto and off Burnside as well as trying to drive along the local street of Washington.

Summary: Washington Street is a LOCAL street, with traffic bumps and narrow road. Already residential parking has cars and light trucks lining the street often on both sides with a one lane through.

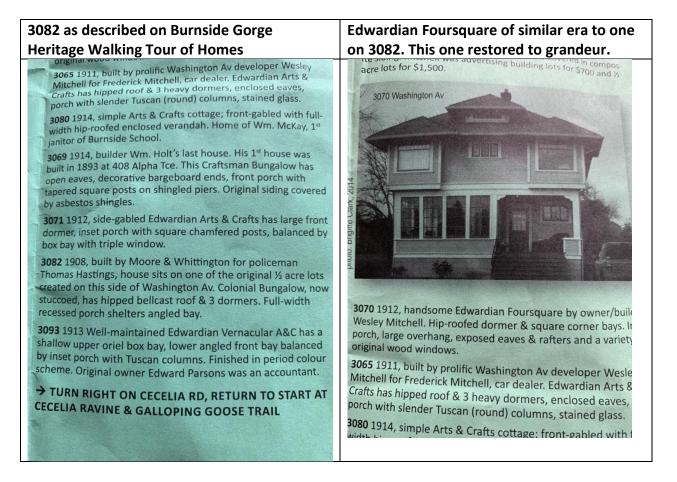
- What would a development of an additional 34 housing units mean?
- Across the street there is already a new development with 4 new infill houses.
- And there is a proposed development at lot 3120 for 8 more townhouses.
- All of these units would require access to and increase traffic on Washington, a local street. Local streets are meant to accommodate Traditional Residential.

Urban Residential zones are located along major traffic corridors as seen on the area maps.
 Washington Avenue is not a corridor; it remains a local street. Unless there are plans to rebuild the street, the proposal needs to scale down.

2.Regarding Heritage Policy and Recognition:

This sub area of the Gorge has a long history. Many houses were craftsmen-built homes of the early 1900's and are listed on the Burnside Heritage Walking Tour. Washington has several homes that are of interest including the one on lot 3082 (see below write up information from walking tour) which lists it as the original home on the lot, built in 1908, one of the earliest homes if not the earliest remaining home, of this area. The other picture shows a restored home at 3070 of the same type as the one of 3082. This home is evidence of what can be done with such homes if the intent is to preserve heritage and not tear it down.

The Neighbourhood Plan goal: (pp39) "8.2.1. Encourage heritage conservation and sensitive change in the Cecelia-Sumas area and the Gorge Residential Sub-Area, including consideration of Heritage Conservation Areas and appropriate boundaries. "



Concern: Additional Buildings of Heritage Merit are identified as being in the very area slated for development by this project. The lots on Washington are identified in the picture below taken from the Burnside Gorge Neighbourhood Plan.



From the picture above, the houses on the lots for development are identified as Additional Buildings of Heritage Merit in the Burnside Gorge Area.

Summary: This residential area needs to remain zoned Traditional Residential and make the best effort to retain its traditional heritage aspects. The development needs to fit the Present Zoning not the other way around which is to make the Zoning fit the Development.

3. Regarding the Maintenance of a Sustainable, Green Community. How does that fit with cutting down over 100 trees including Douglas Firs, Large Leaf Maples, Chestnut?

One section of the Burnside Gorge Neighbourhood Plan sets as a goal to "Green the Neighbourhood". Another section refers to the fact that the neighbourhood "lacks a broad variety of easily accessible, quality green spaces. With 75% of housing units in multi-family buildings, access to a variety of open space and activities is essential." Yet another says: ""The vision of the Gorge Sub-area is of a **green residential area with ample tree coverage. Public realm improvements should enhance this quality...**" (pg. 55)

In particular, Washington Avenue is already a heavily treed street with the 3 lots mentioned for development covered with trees and with orchards at the back. These trees are large and are enjoyed by all of the residents close by and within the area. (In fact, those trees are my green space, they are as valuable as parkland for the neighbourhood, visible for a long way in this neighbourhood.)

Furthermore, one of the assets of this community, old as it is, is the presence of many large trees, a mixture of deciduous and conifers, even many fruit trees from orchards that were common in the back yards of homes. Calling their condition "poor, fair or good health" to justify cutting them all does not stand up to reason. Reasonably, one could destroy almost every tree in the area with this justification; many of them are of the

same type and era as those identified on the report of the trees in the plan for the proposed development. These trees have a long life and if in the event there is some dead branches, they could be pruned and preserved. (In my lifetime, I have planted about one hundred trees; I can't imagine watching the destruction of more than than 100 on just 3 city lots.)

Who would have authorized the cutting of so many large trees, some of them protected by by -law?

The over 100 trees to be destroyed include big leaf maple that have a long life; these are the trees of maple syrup produce. The cutting down of so many large, trees is beyond troublesome. The loss of these trees will impact the entire neighbourhood. Yes, there can be thoughtful development but it must be environmentally sound and support the sustainable, green community. A city plan that would tolerate the cutting of over 100 trees in a 3-block lot for a development is not acceptable. The loss of this greenery would have an impact far beyond the lifetime of these houses.

136 trees 26 retained 6 SUMMARY TREE STATISTICS 110 removed #OF TREES By law protected CATEGORY 136 +/-Total number of trees Inventoried trees 5 119 On site trees (6) (Bylaw protected trees under former tree bylaw) Classified for (113)(non-bylaw-protected trees) ecological value 17 Off site or boundary trees moderate to high 0 Boulevard (municipal) trees 43 26 Total number of trees to be retained Low value 76 2 On site bylaw-protected trees to be retained 10 On site non-bylaw-protected trees to be retained Trees to be 14 Off site & boundary trees to be retained removed include 110 Total number of trees to be removed 5 On site bylaw-protected trees to be removed • Plane trees! On site non-bylaw-protected trees to be removed 102 Douglas Fir 3 Boundary trees to be removed Golden 10 Cedar Total number of replacement trees required Chestnut!! On-site trees classified by amenity or ecological value • Big Leaf 43 Trees of moderate-to-high value 76 Maple Trees of low value Many fruit trees including pears, plums

Below is the summary of what is to happen to the trees on the 3 lots.

5

In closing: Based on the above reasons and the vision for this community as expressed in the Neighbourhood Plan, I oppose allowing the Zoning to be changed from Traditional Residential to Urban Residential. Please:

The requirement: Review the development, address the approach to environmental loss of so many trees, consider the transportation concerns and place a value on preserving a small area of a community that has a long history dating to the early 1900's and require any development to meet the zoning for traditional residential rather than changing the zoning to fit the proposal.

Thank you for the opportunity to provide input on the proposal.

Jeanne Melady Resident of Burnside Gorge Community

Additional Material for Reference from the Burnside Gorge Neighbourhood Plan expressing the vision for this community.

12.2.5. In order to avoid the concentration of single- room occupancy (SRO) housing in one part of the city, and to support the continued role of Gorge Road for tourism the further conversion of existing hotel and motel buildings to SRO housing are not supported west of Cecelia Ravine.

12.2.6. A mix of housing units, including units attractive to families with children (e.g., 3-bedroom units) is encouraged where appropriate.

12.5 .1 Ground-Oriented Housing Policies (pg. 52)

Ground oriented housing including attached or detached townhouses and fee simple row houses, will be supported subject to the following criteria: a) Setbacks should be based on the following guidance:

- i. Front setbacks should maintain the sense of landscaped front yards and street trees, while creating semi-private space which encourages social interaction.
- ii. Side setbacks should respond to a development's building orientation and facade height in order to mitigate impacts on neighbours and provide sufficient building separation. Where units' primary elevation and living space faces the side lot line, larger side setbacks (approximately 6 metres) are preferred to create usable outdoor amenity space and sufficient access to light and air. On the other hand, side setbacks for units fronting the street may be reduced for consistency with adjacent zoning and development patterns.
- iii. Rear lot setbacks should respect the existing pattern of landscaped back yards, respect privacy and provide sufficient building separation under current and potential development patterns.

12.5.5. The retention of homes with heritage designation, listed on the Heritage Register, or of heritage merit (see Map 7) is encouraged as a condition of a rezoning which adds density. Ways of incentivizing heritage conservation may include added density or the relaxation or varying of requirements (such as on-site parking or maximum lot coverage) if a heritage property is designated.

12.5.6. For redevelopment of townhomes, consolidation of deeper lots is encouraged. This results in more efficient densities, circulation and site layouts. Development sites should have sufficient with and depth to accommodate the desired character identified in 12.5.1.

12.7 Gorge Sub Area Ground-oriented Housing Urban Design Policies The City will adopt design guidelines for ground- oriented residential infill development to guide new housing with consideration for the following:

12.7.1. present a friendly face, with units adjacent to the street or other public spaces

12.7.2. be a good neighbour to adjacent homes, with massing mitigating impacts on neighbours 12.7.3. encourage street vitality and social interaction amongst neighbours, with useable semi- private space or front porches along streets

- 12.7.4. ensure livability and considerations for outdoor space
- 12.7.5. contribute positively to the unique character and identity of the neighbourhood
- 12.7.6. emphasize green building and site sustainability approaches

12.7.7. provide sufficient building separation to create an attractive living environment. Separation between buildings on one lot should generally be equal to the height of building facades for a unit's primary living spaces and should provide opportunities for landscape along interior drive (pg. 54)

Regarding Placemaking and Public Realm: Enhance Cecelia Ravine Park as a gathering place with features such as an enhanced amphitheater, picnic shelter, seating or other features for live music, theatre, movies, block parties and informal gatherings. (Note: this development has not happened.)

On dealing with Burnside Road

12.11. Burnside Road Burnside Road is to be prioritized as a people place characterized by sidewalks separated from traffic by planted medians and canopy trees, by on-street parking and by redevelopment creating a positive environment along the street. Burnside Road is also part of the City's secondary bicycle network.

12.11.1. Interim Improvements

a. Complete detached sidewalk along length of Burnside Road, with treed boulevards where voluntary easements can be acquired. Evaluate removal of an eastbound lane to accommodate on-street parking or a bicycle lane (with Saanich)

b. If the proposed Cecelia Road Greenway is not completed in due course, bicycle facilities on Burnside Road should be prioritized in place of on-street parking from Harriet Road to Douglas Street.

From: Sent: To: Subject: Attachments: Katy Dillon November 28, 2020 1:48 PM Leanne Taylor 3080, 3083, 3090 Washington comments Washington development.pdf

Hello Leanne,

I've attached a letter with my comments on the proposed development on my street, Washington Ave.

I am not in favour, as you will see in the letter.

Sincerely,

Kathleen Dillon

Leanne Tayler, Senior Planner

Re: 3080, 3082, 3090 Washington Ave development proposal

Good day.

I live at , just a few houses away from the proposed developments.

There are several things about the proposal which make it impossible for me to support it.

- (1) If you add up the existing construction at 3103 Washington, where one SFD was demolished to be replaced with four, as well as this proposal, where three SFDs are being replaced with townhouses and duplexes for 34 families, plus the proposal at 3120 where one SFD will be replaced with eight homes, the street will cumulatively increase by 41 new families, with possibly as many as 82 new vehicles. It is unacceptable to consider any new development on this street without considering their impacts collectively. I believe the city should do their own traffic impact assessment and consider the 3080/3082/3090 and 3120 developments cumulatively. During rush hour on Burnside (7:45-8:45 and 11:45-1:30) I have waited at the corner of Burnside for a break in traffic for as long as 20 minutes! Adding another 80 cars waiting to turn would make this unbearable. This could be solved by having a traffic light at the corner of Burnside and Washington, but I think the traffic assessment is a must before considering the four properties.
- (2) Point #1 is made worse by the insane traffic on Burnside Road. This road has become a popular route for downtown traffic since Douglas lost a lane in each direction for bus traffic. It is bumper to bumper in rush hour, and isn't much better at other times. Dropping the speed limit on Burnside to 40 km/hr will result in a dramatic reduction of traffic easing up our ability to turn off Washington for Burnside and will result in a reduction of traffic noise, which is very loud. This will result in increased property values and enjoyment for everyone on Burnside and those unfortunate enough to live on side streets close to the main road.
- (3) Residential parking on Washington Ave is already seriously over-subscribed. With cars parked on both sides of the road, the available space between them is not wide enough for cars to pass each other. With the existing traffic we can usually find a gap to duck into so someone can pass, but an additional 40+ parked vehicles will make that impossible. There are two possible solutions to this, make the road fronting the three properties time limited and do not grant them access to park overnight on Washington, or make Washington a one-way street. However, I do not support the latter, as the one way exit onto Burnside is already the bane of my existence (see points #1 and 2).
- (4) Although not related to the proposed development and that on 3120 Washington, the impact of the new developments will be exacerbated beyond just the additional 80 cars by the city's decision to allow the residents living at the apartment building at 373 Burnside Road to be able to park on Washington Ave as if they were residents on this street. The 373 Burnside apartment building is owned by the Washington Housing Cooperative, which also has row-houses fronting Washington. Although the properties are owned by the same entity, and considered to be one lot as far as the city is concerned, they do not agree. The apartment and row-houses are two separate entities, with their own parking, garbage, recycling, common areas, and you cannot even travel from the apartment to the row-houses by foot without going around by road. The apartment resident's ability to park is stressing out a situation that will be made immeasurably worse by the new developments underway and proposed.

- (5) The developer has offered a small portion of land to the city to add a pathway known as the Doric Corridor. Presumably this is to have council look more favourably on the development. I can see little to no value in the offer and considerable drawbacks. Most of the people living on Carroll Street will access go by foot via either Burnside or Gorge depending on which end they live on. Only those living in the middle of the street will choose to access the corridor, presumably to get to the Goose, which is a fairly small number of people to begin with. Extending the walking trail further into the surrounding neighbourhoods is going to be virtually impossible as there is nowhere for it to go. It will, however, offer the residents of the Ceclia Valley encampment access to a slew of new homes where they can help themselves to whatever they can find. My property and that of my neighbours has been heavily used with people charging their electronics at our outdoor electricity sources, washing their bodies and belongings at our garden spigots, and removing anything of value that isn't secured. The Doric Corridor extension will make an easy, hidden pathway to bring that unwanted behaviour even further into the neighbourhood.
- (6) The proposals I have seen call for three-storey buildings to front along Washington. I am appalled that this is being considered. The OCP reserves such buildings to downtown city streets, where it fits within the neighbourhood feel. Washington is a sleepy residential street and should not have such a mammoth building here. I realize that my own building doesn't fit this mold, which is why I'm so opposed to it. My building wouldn't be allowed under the current OCP, and I think that is correct. It does not fit, and should not have been allowed.
- (7) The proposal also indicated that the bulk of the land on the three properties will be paved. They are currently mostly grass or garden. This will have a dramatic impact on the amount of water that will run off the property and towards the neighbouring properties, increasing their risk of flooding, and towards the Goose. This is a needless design choice that could have serious impacts. I think the bulk of that paving should be reconsidered to address rain fall with consideration of non-impervious surfaces.

All in all, there are some serious problems on Washington, related to parking and traffic, and the proposed density of housing would make them significantly worse. As for the buildings themselves, they do not fit our neighbourhood feel or the OCP. I don't support amending the OCP to allow them either.

I hope council rejects the proposals as being contrary to the OCP and impractical without considerable re-thinking of the surround roads in terms of max speed, traffic lights, direction of traffic, or parking. While you are at, please reconsider the decision to extend residential parking rights to the residents of the apartment building at 373 Burnside.

From: Sent: To: Cc: Subject: Amie Shepherd November 29, 2020 6:58 PM Leanne Taylor

3080 Washington st proposal

Leanne Taylor, Senior Planner Victoria City Council

We are quite devastated about the proposed OCP amendment for the development on 3080, 3082, and 3090 Washington avenue. I believe that there is not enough infrastructure in place for this type of development. Driving down Washington st is congested and adding 34 new units to the area would really not change the fact that the road does not support room for vehicles moving in both directions. At the moment first responders have not been able to access emergencies when needed.

Not only is this proposal adding density to Washington Ave it is directly affecting the people that live on Carroll St and Albany st. through the pathway associated with the proposed development. Our community has had trouble with crime that is directly affected from the access to the galloping goose trail. The police have a difficult time dealing with the crime along these pathways and they act as getaway. The difference between the crime on Washington st and Carroll is frightening at best.

When we bought our house 12 years ago we bought it to be our forever house. The stress that this proposal has caused over the last year has been overwhelming to say the least. Not only will we be losing our yard to the pathway, we will also be losing our privacy and security. We will also be dealing with years of noise, and mess from the construction making the use of our back yard with 2 small children unenjoyable.

I know that it is easy to dismiss us because we did buy the house knowing of the easement. We were told that easements are common and that ours looked like an old path that would never happen. Being younger I don't think that we really understood what that meant. A few years ago when the new burnside gorge plan was put into place we were not notified that this was happening. That seems crazy to me as it directly affects us. We only learned of this plan last year when approached by the developer. Still today we have never had the city contact us about the bike path yet the developers tell us that it will be the first thing put in. How is that even possible.

The unit on the far back corner will directly look into our yard, bathroom and bedroom. With 2 small children who spend most days in the yard we will be losing all privacy. We have considered selling but with the pending path no one will buy without losing money and financially as a young couple our goal is to be mortgage free not incur more debt. Along where the path would be there are also some very old beautiful trees that give us privacy from the house next door so really we are losing privacy on 2 sides of our house.

I am the block watch captain for our street. At the moment I am calling the police every few weeks. When we originally moved into the neighborhood we had a scary drug house next door that was eventually stopped. After that the neighbourhood picked up, more owners, more families. The goose trail heading up to Washington st has brought a lot of crime to our neighbourhood. Just yesterday, 3 cars had their windows broken out. Every time the police come to my house we discuss the path. They warn me that it will be so hard on our neighbourhood as it is a direct route for criminals to escape. Every neighbor directly around my house who is around the path has expressed concern to me and they don't want it.

I spoke with another neighbour who was part of the original community for the path. She has expressed to me, to neighbours and to the city that the path was originally agreed upon as access to the school. That school is

no longer there. We have bike paths down the gorge so why a secondary path less than a block away. Also there are plans to do a community bike path and walkway along Gorge rd so this path is so unnecessary. The path itself goes out to a street and has nowhere to go. Our corner has a lot of traffic on it and a sharp corner that is hard to see. Not sure how it was thought that having bikes pop out on the street was a good idea. It feels like maybe the idea is there but the location is not. The path going in will have to take a sharp turn on our property line and it will make it hard to bike and will be a dark corner for scary things to happen.

The reason it has taken so long to write is because we are having a hard time processing this project. We have even considered leaving Victoria completely as we are so disappointed in the direction that our neighbourhood and city are taking. I feel like this won't even be read or considered. It leaves us heartbroken.

Amie and Justin Hardiman 3095 Carroll st.

From:	Cathy Bhandar
Sent:	November 29, 2020 9:16 AM
То:	Leanne Taylor
Subject:	Proposal for 3080. 3082 and 3090 Washington

Dear Ms Taylor,

I am writing in support of the neighbourhood in the Gorge area and specifically the people living on Washington Ave.

This proposal for increased density on Washington is unacceptable and will further destroy the community and put

current residents at further risk of theft and harm.

I believe that the gorge area is far too dense and has a far greater density of homeless people than any other district or municipality in

Victoria. My mother in law lives at 563 E. Burnside . Mrs Americk Bhandar. I hired a garden worker last summer to do some work in her yard

off her back alley.

He found many needles and garbage and according to the police I happened to chat with, they used her yard as a dumping place for stolen goods.

She is 90 years old and does not go out alone but I feel sorry for residents with young families in the Burnside Gorge area who are now stuck with

an unsafe neighbourhood and too many homeless unsupported people in our midst.

_This development along with the extension of the galloping goose path through to Carrol st will bring more crime ,more theft, and more harm to

undeserving residents.

Please stop this development and the galloping goose from going so near these homes.

As you see, I myself am not directly on this road but I see this every time I drive along Gorge Rd and worry about my safety and am concerned for the whole area as I have had theft in my yard as far away as Harrist and Logan Lwas bern in Vistoria and remember Gorge rd as a lovely place. Lam not se proud of

as Harriet and Logan. I was born in Victoria and remember Gorge rd as a lovely place. I am not so proud of living in Victoria anymore and am saddened

by what has become of this city.

Cathy Bhandar

54 Logan Ave.

From:	Leanne Taylor
Sent:	November 30, 2020 9:03 AM
To:	Katie Lauriston
Subject:	FW: Rezoning 3080, 3082, 3090 Washington ave
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Katie,

Below is correspondence regarding the OCP mail out notice for Washington Ave.

Thanks, Leanne

From: Natasha Reed Sent: November 29, 2020 8:00 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Rezoning 3080, 3082, 3090 Washington ave

Leanne Taylor, Senior Planner Victoria City Council

I am quite concerned about the proposed OCP amendment for the development on 3080, 3082, and <u>3090 Washington</u> <u>avenue</u>. After reading the proposed amendment and speaking with neighbours I have learned that by changing the zoning, this allows for the **Doric Street Connector** to connect Carroll st. and Washington ave which I think is a terrible idea for our neighbourhood.

Burnside-Gorge neighbourhood has always been an urban neighbourhood with crime and traffic congestion, but in the last six months our police have been run ragged responding to the increase in property crime and theft in our neighbourhood. Creating a connection to the galloping goose that runs straight through to Balfour ave frightens me quite a bit. The last thing our neighbourhood needs is a dark alley!

The **Doric Street Connector** was originally planned to connect our neighbourhood with Burnside school which hasn't been open for years and as a parent to a child who attends school at the Selkirk waterfront I can say that walking down Burnside road for 2 blocks to get to the galloping goose has never been a problem. Mind you in the past 6 months we have become less keen on using the galloping goose trail as the incidence of crime and drug use has sky rocketed and my child no longer feels safe walking home alone, he is 12 years old.

I know the city is still looking to buy houses on Albany and Balfour to connect the pathway, but I still don't understand how bikes would zig zag from Albany to Carrol, and then pop out on Washington or Balfour which are 2 of the most heavily used and sped upon 'cut through' streets in the neighbourhood. Also Washington and Balfour are lined bumper to bumper with cars and visibility of pedestrians and cyclists emerging from between cars would be terrible.

I kindly ask that the city does not move forward on the Doric Street Connector, rethinks the rezoning on the development on Washington and listens to the pleas of the residents of what is wanted and needed in the Burnside-Gorge neighbourhood.

Thank you,

Natasha Reed Home owner, Balfour ave for 16 years

From: Sent: To: Subject: Attachments: Leanne Taylor November 30, 2020 9:40 AM Katie Lauriston FW: Curate Development Curate Development.docx

Hi Katie,

Attached is a lettering concerning the OCP amendment proposal for Washington.

Thanks, Leanne

From: Todd Buchanan Sent: November 29, 2020 6:43 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Curate Development

Hi Leanne,

I do not support an amendment to the OCP Bylaw, changing the designation on lots 3080, 3082, and 3090 Washington Ave. to Urban Residential for reasons I have outlined in the letter I have attached.

Hope you are doing well,

Todd.

To Mayor and Council,

We live at 3106 Washington Ave. and this letter regards our concerns with the development proposed for 3080, 3082 and 3090 Washington Ave. We would ultimately like to see these lots developed, but in a way that aligns more closely with Gorge/Burnside Neighbourhood Plan; the plan that we as a community put a lot of thought and energy into creating just a few years ago. Curate developments has made some changes which I think are positive. These changes include the laneway behind buildings D and E; the park next to 3106 Washington; and changing the building orientation of E, H, and J so that they face Washington Ave. and not into the back yard of 3106 Washington. That being said we believe that this revised plan should be the starting point for conversations about making improvements to the redevelopment rather than a finished concept to be supported by the Committee of the Whole. Curate's original proposal and lack of amendments after the original community consultation was insulting.

Some of the concerns we have with Curate's proposal are as follows:

The Gorge/Burnside Neighbourhood Plan States:

8.2.1. Encourage heritage conservation and sensitive change in the Cecelia-Sumas area and the Gorge Residential Sub-Area, including consideration of Heritage Conservation Areas and appropriate boundaries.

and

12.5.5. The retention of homes with heritage designation, listed on the Heritage Register, or of heritage merit (see Map 7) is encouraged as a condition of a rezoning which adds density

Two of the homes on Curate's lots are listed as having heritage merit, but there has been no discussion of preserving either. We know they are in rough shape, but other buildings around Victoria that were also in disrepair that have been moved on the property and utilized in the redevelopment. Curates proposal is in the heart of our street which has a number of character homes that are maintained and add much needed character to our neighbourhood. In particular we would like to see the house on 3082 Washington used in the redevelopment; possibly to a character conversion. In the heritage report, the inspector said that it was in good shape. The inside has lost many of its character features but preserving the exterior would help maintain the character of our street. The proposed building B is too large for the scope of our neighbourhood and with its proximity to the sidewalk and being on the high side of the road, it will tower over all the other homes and be way out of proportion.

12.7.2. be a good neighbour to adjacent homes, with massing mitigating impacts on neighbours

and

The current proposal, not including the corner lots of Washington Ave, will almost double the number of residences along the west side of the avenue. An attempt at a density increase of this magnitude fails to 'mitigate the impact on neighbours through appropriate design' (BGNP 12.4).

The proposed three story buildings will have a negative impact on the surrounding neighbours. As stated in this letter Building B is completely out of scope with respect to the rest of the neighbourhood and will tower over the sidewalk and their neighbours across the road. Even though they have reduced the end units on Buildings E and H to two stories, the buildings remain much too tall as they are built on the higher side of their neighbours at 3106 Washington. The lots were designated as traditional residential in the new Community plan and we feel it should remain so!

Another concern with Curate's proposal is the loss of trees. There will be a net loss of over 100 trees in order for the proposed project to be built. Curate has proposed to put a small strata run park and construct the Doric Corridor. I do not consider the Doric Corridor to be green space as numerous mature trees along the northern property line with would be cut down for its construction and then it will be paved. We would like to see the Doric Corridor jog around these mature trees.

In closing, I know that I have struck a somewhat negative tone about this development and I want to be clear that I think the development of these three lots is really important to the future of our small community. It is so important and so vital that I think it really needs to be done right and with the support of the neighbours and surrounding community. I think this development done right could reinforce a lot of pride many of us feel about Gorge Burnside and placate a growing resentment of not being heard. I think the Curate is getting closer to that with this revision, but I still think there is work to be done. We would like to see some of the buildings reduced in height to reduce their impact on the neighbourhood and the density reduced to allow for less congestion and more green space.

All the best,

Todd and Danielle Buchanan

Katie Lauriston

From:	Yoka
Sent:	November 29, 2020 3:05 PM
То:	Leanne Taylor
Subject:	Application to Amend Official Community Plan (OCP) for 3080,3082, 3090 Washington
	Ave
Attachments:	CoV Nov29 2020.docx

Hello Leanne

The attached letter addresses the Application to Amend the Official Community Plan (OCP) for 3080, 3082, 3090 Washington Avenue and outlines the reasons I do not support amending the OCP or granting a variance for height to this development.

Please let me know if you have questions Yoka Bailey 3069 Washington Ave Mayor and Council City of Victoria

<u>Re: Application to Amend the Official Community Plan (OCP) for 3080, 3082, 3090 Washington</u> <u>Avenue</u>

As a home owner and resident of Washington Avenue since 1993 I welcome the addition of new family housing in our neighbourhood.

However, I do object to the proposed amendment to the Official Community Plan (OCP) changing the designation of these three properties from Traditional Residential to Urban Residential for the following reasons:

- 1. The proposed development is not adjacent to Urban Residential housing (BGNP 12.5.2).
 - The proposed development is located at the mid-point of this local street.
- 2. Washington Ave is designated as a Local Street (Section 7, Map 4 Official Community Plan, City of Victoria)
 - The concept is not appropriate for a local street and, at this height and proximity to the street, will take away from the historical nature and feel of this section of the street which is highlighted in the Burnside Gorge Heritage Walk and The Burnside Gorge Heritage Walking Tour (BGNP 8.2.1).
- 3. The height of the proposed buildings specifically Building 'B' in conjunction with the planned setback from Washington Ave, is not consistent with the character of the street (BGNP 2.3, 4.1.4 & 12.5.1).
 - Three-storey buildings, specifically Building 'B' would destroy the privacy enjoyed by the four 100yr old+ homes situated across the street. Existing setbacks and heights provide distance and solitude from each other. The 3rd floor of this 42-foot tall building, as proposed, would look down and into the top floor rooms of the homes across the street. Most of these are bedrooms. This situation is magnified by the fact the project is located on the 'high side' of the street. While some of the buildings have been reduced in height because of similar concerns, <u>all neighbours bordering the development deserve the same consideration and respect</u>.
 - Using 3070 Washington Ave, the tallest home on the west side of Washington Ave, as a benchmark for height, is not appropriate (Sheet A-402 of Curate plans). The house at 3070 is set back 70-feet from the sidewalk. Building B of the development, as proposed, is both taller and only 12-feet back from the

sidewalk. This would dramatically change the feel of the street for pedestrians, cyclists, drivers and residents.

- For comparison, the development as proposed, is also both taller, and situated closer to the street, than the two existing, OCP conforming, Urban Residential developments at either end of the street. <u>There are no other buildings of this height and proximity to the road along this street regardless of their designation</u>.
- 4. Two developments, currently underway on the same street, both on smaller lots, where the OCP and BGNP are being followed (3120 & 3103 Washington Ave), are both profitable even at a much smaller scale, <u>demonstrating that building outside of our existing community plans is not necessary.</u>

Many neighbours worked hard on the BGNP. While the OCP (2012) was 7-years old at the time when the Developers first proposal was submitted in September of 2019, the BGNP (2017) was only two years old. The BGCP was developed knowing the Doric Connector would be a priority for the City of Victoria (BGNP 12.10.1, 12.16.2). Despite specifically identifying the Doric Connector 8 times in the BGNP:

- Nowhere does the BGNP give concession or suggest relaxed rules for developers when including the connector in a development.
- The choice to develop these lots <u>does not create a quid pro quo relationship with</u> <u>the City</u>. The BGNP and OCP still apply.

Please consider the above issues and refuse to amend the OCP Bylaw to change the urban place designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential.

Sincerely

Yoka Bailey 3069 Washington Avenue Victoria BC

Katie Lauriston

From:	Leanne Taylor
Sent:	November 30, 2020 1:57 PM
To:	Katie Lauriston
Subject:	FW: Washington Avenue development
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Katie,

Correspondence regarding proposed Washington OCP Amendment.

Thanks, Leanne

From: Melanie Waltham-Smith Sent: November 30, 2020 1:15 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Washington Avenue development

I would strongly prefer this to remain traditional Residential

we have seen the size of urban residential developments

nearby at the end of Carroll st. If you grant this designation change there will

be pressure from further applications from developers to be granted and further erosion of traditional neighborhoods to the detriment to the environment with greater housing space needed and the loss of a large number of old growth trees in this case.We need to protect our neighborhoods from these for maximum profit developments regards

Anthony Waltham-Smith

Katie Lauriston

From:Leanne TaylorSent:November 30, 2020 10:36 AMTo:Katie LauristonSubject:FW: Washington Development Re-Zoning Request 3080, 3082 and 3090

Hi Katie,

Correspondence concerning the OCP amendment for 3080, 3082 and 3090 Washington Ave.

Thanks, Leanne

From: Jeanne Melady Sent: November 30, 2020 10:24 AM To: Leanne Taylor <Itaylor@victoria.ca> Subject: Re: Washington Development Re-Zoning Request 3080, 3082 and 3090

Good morning Leanne,

Re: Traffic Congestion and Flow as a result of the Zoning Change

I expressed the concern in my submission about the traffic congestion problem both along the major corridors of Burnside and The Gorge (identified also in the Burnside Gorge Neighbourhood Plan) and the significant congestion that is presently a feature of the local street of Washington Avenue.

Since then, I have heard from people along Carroll Street of the recent (in last year) considerable increase of traffic on their street and on Albany to Burnside from Gorge or vice versa. This is likely the result of the fact that traffic off Washington cannot turn left onto Burnside because of the meridian placed there. So it flows around, moves through residential areas to access the two main corridors of Burnside and The Gorge. Adding more cars on Washington - without taking into consideration traffic flow and increased number of cars on what has become almost a one lane street - narrow to start with and now parking is all along both sides. Emergency vehicles have had to use this street on a regular basis since the increase of SROs and motel and homeless populations have been moved to the Gorge.

To the east of Washington is the ravine so there is no access between Burnside and Gorge and to the west of Washington is Carroll - without a traffic light - and it splits partway down into Albany and Carroll, And then the next west is Balfour but that is a long block .So the vehicles go south on Washington Avenue.

To rezone this development to Urban as though Washington is a major corridor street with lots of space (ie the visual of the streetscape on the development shows an empty street with one parked car and lots of open green space; that is just not accurate.) will result in making this area even more 'disjointed', the word used to describe the state now - and little has been supported by the city to change that description.

To think that creating a bike path will be the solution is unrealistic.

Solutions to 'disjointedness' have been suggested in the Neighbourhood Plan such as using one of the lanes of the Gorge to create a bike path. Another is using a meridian all along Burnside with greenery to calm what has become the major connector off McKenzie to downtown with car, trucks, light and heavy using the road.

But adding a bike path as a feature to this development doesn't deal with the real issue of traffic flow (one of the reasons for the use of 'disjointed' as a descriptor for this area). The City needs to do its part and address the increased traffic flow **from any development in this a**rea but especially one asking for a change of zoning to Urban Residential - a zoning appropriate for development on a major corridor. Even more of an oversight is needed when the development is sited on a narrow, often one lane, busy local street such as Washington.

A bike path is not a reasonable solution to traffic movement.

Even after a close reading of the proposal I could find nothing other than the talk of the bike path that speaks to the traffic congestion. Furthermore, I could find nothing from the City to demand that the Developer address the increased traffic access Washington Avenue nor any input from the City on the topic.

This expresses my own view and it also reflects comments from some residents who have spoken to me.

Jeanne

Katie Lauriston

From:Leanne TaylorSent:December 1, 2020 5:10 PMTo:Katie LauristonSubject:FW: Response to proposed development/rezoning for 3080, 3082, & 3090 Washington
Ave

Hi Katie,

Below is correspondence re: 3080, 3082 and 3090 Washington Avenue.

Thanks, Leanne

From: Leanne Taylor Sent: December 1, 2020 5:08 PM To: Mark Planiden Subject: RE: Response to proposed development/rezoning for 3080, 3082, & 3090 Washington Ave

Dear Mr. Planiden,

Thank you for your email regarding the rezoning proposal for 3080, 3082 and 3090 Washington Avenue, and sharing your comments with us. Your email will be shared with Council for their consideration and form part of the public record.

With respect to underground services, Engineering reviews City servicing (sewer, drain, water) to ensure that the servicing requirements for the development can be met by the applicant. For this rezoning proposal, the applicant would be required to upgrade their service connections for sewer, drain and water from the City main lines in the public right of way to the property line (which is typical of this type of development), at the applicant's expense, at building permit provided that the rezoning is approved by Council. Upgrades to the main lines for these services are not required with this application. The applicant is also responsible for determining third-party infrastructure (i.e. power, phone, internet, gas) requirements. The developer would deal directly with the utility companies on this aspect of the project. The City's involvement in the review of the utility designs is to ensure that there are no conflicts with City infrastructure, trees, etc.

I hope this answers your question below. If you have any other questions, please do not hesitate to contact me.

All the best,

Leanne

Leanne Taylor, MCIP, RPP Senior Planner Sustainable Planning and Community Development City of Victoria 1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0561 F 250.361.0386



From: Mark Planiden Sent: November 30, 2020 1:23 PM To: Leanne Taylor <<u>ltaylor@victoria.ca</u>> Subject: Response to proposed development/rezoning for 3080, 3082, & 3090 Washington Ave

Dear Leanne Taylor and Victoria City Council,

I live in the Burnside Gorge community, near the corner of Burnside Road East and Washington Avenue. I do not want to be a NIMBY, but I have some issues with the proposed rezoning and development of 3080, 3082, and 3090 Washington Avenue.

Adding 34 homes with only access via Washington Avenue is going to make that street a lot busier. Access to Washington Ave from Burnside (and vice versa) is restricted and could prove problematic.

Can the existing neighbourhood infrastructure (sewer, water, power, etc) handle this many new homes?

The Doric Greenway could be useful, but it could also fall prey to nefarious use as other alleyways and even the Galloping Goose have at times. I'm not sure it's going to be a benefit to the neighbourhood. It needs to be well lit at the very least

I understand that we need to increase housing in the city, but I feel this development may be a bit too much for this one area. I don't support the rezoning to Urban Residential and feel the properties should remain as Traditional Residential and that the development reduce the total dwelling units to ~20 from 34.

Thank you for the opportunity to provide feedback. Mark Planiden

Katie Lauriston

From: Sent: To: Subject: Leanne Taylor December 1, 2020 3:10 PM Katie Lauriston FW: 'It's Your Neighbourhood'

Hi Katie,

Below is correspondence concerning 3080, 3082 and 3090 Washington Ave.

Thanks, Leanne

From: Sheila Mooney Sent: November 30, 2020 5:32 PM To: Leanne Taylor <ltaylor@victoria.ca> Subject: 'It's Your Neighbourhood'

Leanne Taylor, City Planner City Hall, Victoria

Re: Official Community Plan Amendment for 3080, 3082 and 3090 Washington Ave

Dear Leanne:

In response to your request for feedback I'm most definitely against the proposal to change the zoning on these properties from Traditional Residential to Urban Residential.

In theory it sounds reasonable but in an area such as we have around us in Washington, Gorge and Burnside, approval of such a large influx of families is ill-considered.

We already have developments with milder encroachments going ahead... this would be a stage too far. Whether these are to be three storey buildings or two is hardly the issue; it's the number of units and extent of the development which is out of place.

My main concerns lie in the effects to the general infrastructure (water, sewer lines) and the existing natural terrain.

I've lived in this neighbourhood for over forty years in Washington Co-op which takes up the corner area of about two acres off Washington and Burnside, housing 59 units consisting of 38 apartments in one building facing Burnside and 21 townhouses in a horseshoe format off Washington.

In that time I've become aware of the natural high watershed in the area. It's evident we sit on bedrock and clay and the 'monsoon runoffs' at this time of year cause continual erosion.

Over the years the joint driveways around the townhouses have sunk several feet with the annual loss of soil and debris and rapid erosion and there's obvious runoff further along Washington from the southwest. The City has had to amend the drainage system along Washington Avenue to cope with the sudden floods.

I've noticed a slight reduction to the quantities of rain runoff in spite of the escalating rainfall and put this down to the growth and number of our trees and vegetation.

This proposed development will see upwards of 100 trees being removed from the landscape and will undoubtedly affect the stability of the region in terms of ground cover as well as the obvious removal of valuable bird and animal habitat.

I hear protests about the additional traffic on Washington but, with residential-owner vehicles already parked along the sides it's been reduced to single lane traffic and the addition of the 'traffic calmer' installation of speed humps, the street could be considered safe for residential use.

That said, it can hardly be considered 'Rural' in any sense of the word, surely? Trying to qualify that zoning by adding-in 'Residential' makes a mockery of one with the other and flies in the face of the attempt to change it to accommodate this proposed mini community.

It's rather like making room for the proverbial cuckoo in the nest and we know how that turns out, don't we?

Please do reconsider any thoughts to approve a change in the existing zoning.

Too many developments have been allowed to overwhelm our area over the years in spite of 'TownHall-style' meetings with local politicians. I do hope this message you hear from the residents will be given favourable acknowledgement.

Our neighbourhood is suffocating, please don't bury us completely.

I thank you for allowing us the opportunity to speak to the proposal and hope you'll give this full consideration.

Sincerely,

Sheila Mooney (with agreement on the content by next-door neighbours, Witold and Barbara Jaworski)

November 30th, 2002

Katie Lauriston

From: Sent: To: Subject: Leanne Taylor November 30, 2020 5:04 PM Katie Lauriston FW: Feedback re: 3080, 3082, 3090 Washington Ave

Hi Katie,

Correspondence below concerning 3080, 3082 and 3090 Washington Ave (re: OCP amendment and rezoning).

Thanks, Leanne

From: Wendy Wall Sent: November 30, 2020 4:45 PM To: Leanne Taylor < Itaylor@victoria.ca> Subject: Feedback re: 3080, 3082, 3090 Washington Ave

Dear Leanne Taylor, Senior Planner,

Thank you for the opportunity to provide feedback regarding the proposed development at 3080, 3082, 3090 Washington Ave.

While I am a neighbour living at 3050A Washington Ave, my comments are drawn from my extensive experience in the strata community. I have been a board member of the the Vancouver Island Strata Owners Association for 8 years and am the currently president. In 2016, as a representative of VISOA, I sat on a Technical Advisory Group for the city and their consultant Boulevard Transportation to review the City of Victoria's off-street parking regulations. I understand the anticipated population growth in the coming years and the need to densify neighbourhoods to create housing. As such I am not opposed to the number of units proposed at 34.

The success or failure of a strata community is often decided by the initial building design and the details of the strata plan that is filed at the Land Titles Office. If the long-term well-being of this mini community is not well considered at the outset, the strata can find itself struggling with problems for the life of the strata corporation - problems that could have been easily resolved at the outset

With that in mind I offer the following which I hope will be taken as constructive suggestions:

1. One of the most common issues in stratas are disputes about parking. These are 2-3 bedroom units. Most have only one parking space. Only 7 of the 34 units have 2 parking spaces. And there is no driveway in front of any of them. This is not practical. At some point in the next decade, quite a few of these other homeowners are going to have more than one vehicle.

2. The lack of visitor parking is concerning. Even without the concerns of the rest of the neighbourhood about the congestion of on-street parking, a lack of visitor parking on the property is going to cause issues for this little community. Visitor parking is not only important for the residents, but it is necessary for tradespersons working for the strata corporation and the individual owners. Having no parking to offer tradespersons can cause frustration and operational issues. Some contractors simply refuse to do work in strata complexes that cannot provide parking.

3. There are a large number of trees on the property and very close to buildings. While I am supportive of maintaining a canopy in the city, the long-term health of a strata community is often saddled with very expensive repairs to perimeter drains, sewer lines and irrigation because of tree roots. I implore the planners to envision the size and affects of trees and bushes 40 years from now. It is heartbreaking to spend tens of thousands (potentially hundreds of thousands) of dollars repairing damage to infrastructure that could easily have been prevented by keeping plantings at a distance from this infrastructure.

4. Water shut-offs. The strata insurance crisis has reminded us all that water damage is the number one cause of insurance claims in stratas. Surprisingly many strata units are not built with an easily accessible shutoff for the water supply to each individual unit. I hope that the building design includes water shut offs to each unit that are clearly labelled and easily accessible. The sustainability of the strata model of ownership is in crisis due to skyrocketing insurance rates. Issues in new buildings are a large part of the insurance problem. Mitigating water damage is the number one factor in stabilizing the industry and is easy to address at the planning stage.

5. I also hope that the electrical supply of each strata unit allows capacity for an electric vehicle charging system. This is an emerging issue in many stratas and these new homeowners should not be put in the position of each having to purchase additional electrical equipment to monitor the load of their individual panel when charging their car.

6. I am pleased to see the community bike path, the application of CPTED concepts and the rain gardens. I hope the plan provides the strata with the full discount to their stormwater utility charges. The planning stage is a great opportunity to plan to meet that threshold.

6. While it is likely outside the scope of the City of Victoria's planning department, I highly encourage that the strata plan be checked by a third party before being filed at the Land Titles Office. It is very common for strata plans to be vague, confusing or contradictory and this can cause issues for the life of the strata - decades of fighting - particularly in regards to responsibility for repair and maintenance. Clarity is needed to ensure that the strata plan can be interpreted for ownership and duty to repair for everything from fireplaces, crawl spaces, attics, patios, balconies, fences, garage doors and more. Litigation is very common and could be easily prevented.

I apologize for the length of this letter.

Should you wish to discuss positive steps in creating healthy strata communities, please do not hesitate to contact me.

My personal email address is the second se

Thank you and good luck with this project.

Wendy Wall



November 30, 2020

To: Leanne Taylor Victoria City, Senior Planner

Dear Ms. Taylor:

Thank you for the opportunity to provide our feedback on the proposed development at 3080, 3082 and 3090 Washington Avenue with the proposed change of zoning from Traditional Residential to Urban Residential.

We are a housing co-operative that was established in 1975 with 21 townhouses on Washington Avenue and a 4 storey apartment building on Burnside. We are a mix of seniors, retirees, single members, couples and families. The Board of Directors have reviewed the proposed development in some detail along with the Burnside Gorge Neighbourhood Plan, and have the following suggestions for consideration:

<u>Parking on Washington Avenue</u>: It is a small, narrow street that is already congested with many vehicles parked on both sides of the street. There is the ability to easily exit at the light on Gorge Road but the same is not true of exiting to Burnside Road East. There is no ability to support the kind of increased parking that would result from the change in zoning.

<u>Traffic Volume on Burnside Road East</u>: Burnside is a major feeder road in and out of the city with rush hours for roughly 6 hours of the day and heavy traffic for the rest of the daytime. Adding the amount of traffic that would result from the zoning change would make a bad situation that much worse. Instead efforts should be made to address the current volumes and congestion.

<u>Neighbourhood feel</u>: Many of our members have lived here for a number of years and seen many changes in our neighbourhood. Some has been positive with the addition of modest new development like the townhouses on Carroll Street while other, such as the current push to house the "hard to house" and camping in our lovely green space on Cecilia Ravine, has led to increased crime and trespassing, lack of safety for residents and the loss of our park. The proposed change of zoning would not remedy any of the current problems but would certainly create even more pressure in the neighbourhood.

<u>Heritage Homes</u>: It is sad to see the lack of historic homes being declared as heritage in Victoria and their subsequent destruction with new developments. One of these houses at 3082 was built in 1908 and it would benefit the community to see houses like these start to be registered and preserved on site or at the very least, moved to a new location. The destruction of these heritage homes forever changes the important history of our community and this is an area with other such homes on surrounding streets. Most do not have heritage status.

<u>Trees</u>: In times of drastic climate changes and the compelling evidence that mature trees provide increased oxygen supply, shade, temperature control, calmness and support for wildlife and birds that every neighbour needs more of, it is disturbing to read that, of the 136 mostly mature trees listed, only 26 will be preserved. Planting new trees is not a solution as Douglas fir, for instance, takes 120 years to mature and create the benefits that we now experience.

<u>Green spaces and parks</u>: These are limited in our community and the proposed development does not go far enough to include increased "green value" to the neighbourhood. Maintaining the current zoning would ensure that green space would be enhanced and provide value in a community currently being subjected to rampant development plans.

<u>Burnside Gorge (BG) Neighbourhood Plan:</u> The plan speaks to the situation in our neighbourhood as a community under pressure on many fronts, the need for sustainability and more trees and the need to provide traffic calming for Burnside Road. We feel this proposed development does not support the BG Neighbourhood Plan.

We would suggest that the city consider using us as a model for development with adequate parking, density supported by the existing infrastructure, green space and playground, mature trees, garden plots and a cooperative that acts as a community within our community.

We would be delighted to have you tour our co-op and to better understand, while we don't oppose development, we don't support this development proposal as it stands and do not support changing the zoning from Traditional Residential to Urban Residential.

Respectfully,

ab fle . C

Mark Planiden On behalf of the Board of Directors Washington Cooperative Housing Association

NO. 21-006

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R2-61 Zone, Washington Townhouse District, and to rezone land known as 3080, 3082 and 3090 Washington Avenue from the R1-B Zone, Single Family Dwelling District, to the R2-61 Zone, Washington Townhouse District.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1242)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 2 – ATTACHED DWELLING ZONES</u> by adding the following words:

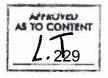
"2.156 R2-61 Washington Townhouse District"

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 2.155 the provisions contained in Schedule 1 of this Bylaw.
- 4 The following lands, which are shown hatched on the attached map forming part of this Bylaw as Appendix 1, are removed from the R1-B Zone, Single Family Dwelling District, and placed in the R2-61 Zone, Washington Townhouse District:
 - a) land known as 3080 Washington Avenue and legally described as: PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431
 - b) land known as 3082 Washington Avenue and legally described as: PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431
 - c) land known as 3090 Washington Avenue and legally described as: PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



Schedule 1 PART 2.156 – R2-61 ZONE, WASHINGTON TOWNHOUSE DISTRICT

2.156.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling, subject to the regulations contained in Part 1.2
- b. Two family dwelling, subject to the regulations in this Part
- c. Attached dwelling, subject to the regulations in this Part
- d. Home occupation subject to the regulations in Schedule "D"
- e. Accessory Buildings subject to the regulations in Schedule "F"

2.156.2 Number of Buildings, Restrictions on Use

- a. Notwithstanding Section 19 of the General Regulations, more than one <u>building</u> is permitted on a <u>lot</u> subject to the regulations in this Part.
- b. No more than four self-contained dwelling units per attached dwelling.
- c. No more than one two family dwelling may be permitted on a lot.
- d. More than one attached dwelling may be located on a lot.
- e. One two family dwelling and more than one attached dwelling may be permitted on the same lot.

2.156.3 Lot Area and Width	
a. Lot area (minimum)	6031m ²
b. <u>Lot</u> width (minimum)	70m
2.156.4 Floor Space Ratio	
a. Floor space ratio (maximum)	0.78:1
2.156.5 Height, Storeys	
a. Building height (maximum)	11.10m
b. <u>Storeys</u> (maximum)	3

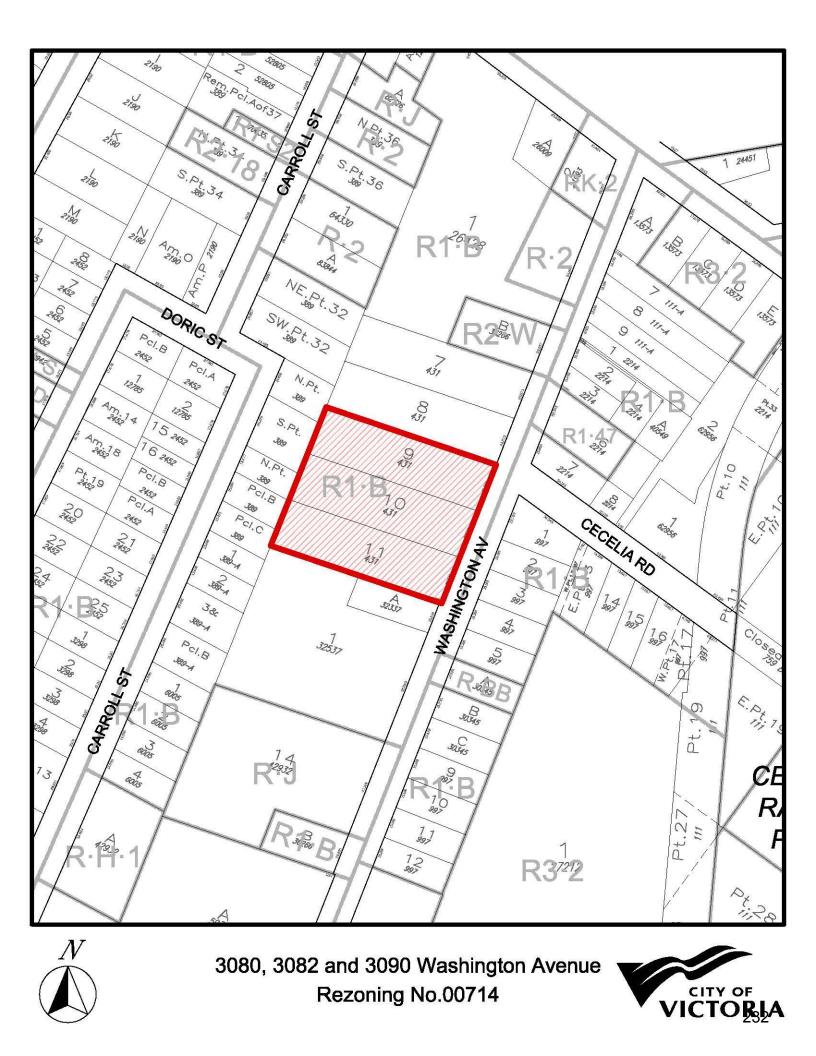
Schedule 1 PART 2.156 – R2-61 ZONE, WASHINGTON TOWNHOUSE DISTRICT

2.156.6 Setbacks, Projections, Building Separations		
a.	Front yard setback (minimum)	4m
b.	Rear yard setback (minimum)	5.50m
C.	Side yard setback (north) (minimum)	5.45m
d.	Side yard setback (south) (minimum)	3.40m
e.	Eave projection (maximum)	0.75m
f.	East-West <u>building</u> separation distance, excluding <u>balcony</u> (minimum)	6.70m
g.	North-South <u>building</u> separation distance, excluding balcony (minimum)	3m
2.156.	7 Site Coverage, Open Site Space	
a.	<u>Site Coverage</u> (maximum)	40%
b.	<u>Open site space</u> (minimum)	39%
2.157.8 Vehicle and Bicycle Parking		
a.	Vehicle parking (minimum)	Subject to the regulations in Schedule "C"

b. Bicycle parking (minimum)

Subject to the regulations in

Schedule "C"



NO. 21-008

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation for 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential.

Under its statutory powers, including sections 471 to 474 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

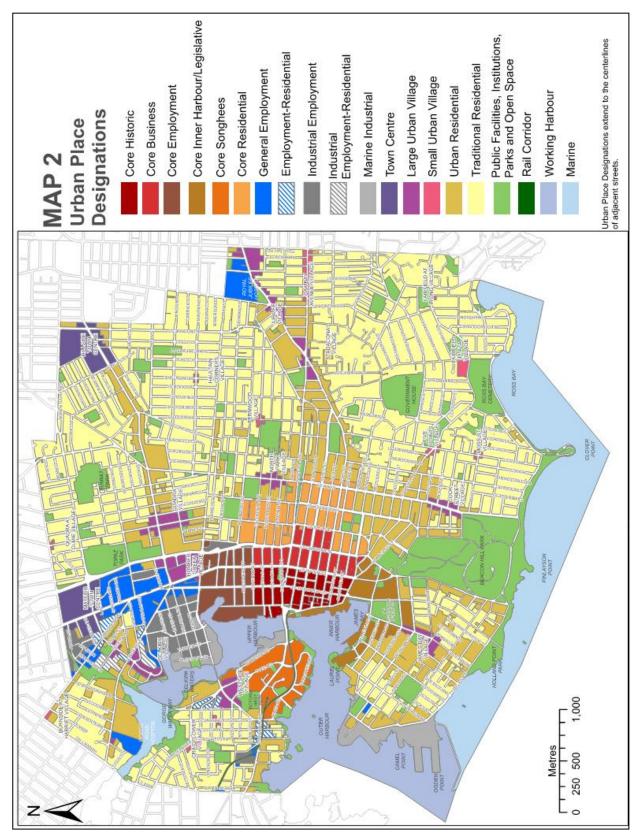
- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 37)".
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended as follows:
 - a) the urban place designations of the lands known as 3080, 3082 and 3090 Washington Avenue are changed from Traditional Residential to Urban Residential;
 - b) in Section 6, Map 2: Urban Place Designations is repealed and replaced with the Map 2 attached to this bylaw as Schedule "A";
 - c) in Section 21, Map 19 is repealed and replaced with the Map 20 attached to this bylaw as Schedule "B".

READ A FIRST TIME the	day of	2021.
READ A SECOND TIME the	day of	2021.
Public hearing held on the	day of	2021.
READ A THIRD TIME the	day of	2021.
ADOPTED on the	day of	2021.

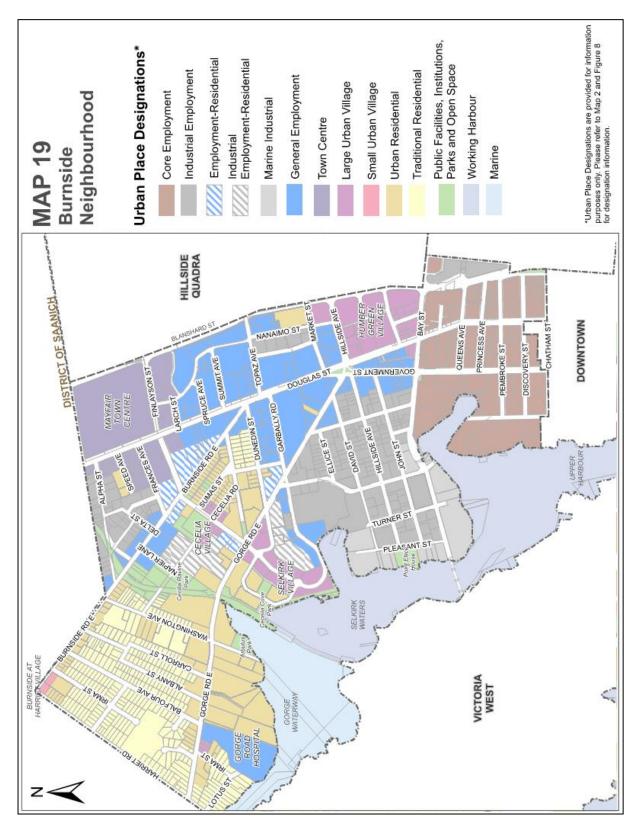
APRUVED CONTENT

CITY CLERK

MAYOR



Schedule A



Schedule B

NO. 21-019

LAND USE CONTRACT DISCHARGE (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 3080, 3082 and 3090 Washington Avenue.

Under its statutory powers, including section 546 of the *Local Government Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the "LAND USE CONTRACT DISCHARGE (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW".

Definition

2 In this Bylaw,

"Lands" means the land civically known and legally described as:

- (i) 3080 Washington Avenue, PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431
- (ii) 3082 Washington Avenue, PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431
- (iii) 3090 Washington Avenue, PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431

"Land Use Contract" means the contract registered in the Victoria Land Title Office under charge number F32837.

Discharge of land use contract

- 3 The Land Use Contract registered against the Lands is discharged.
- 4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021.

CITY CLERK

MAYOR



NO. 21-007

HOUSING AGREEMENT (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure no restrictions on rental housing for the lands known as 3080, 3082 and 3090 Washington Avenue, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (3080, 3082 AND 3090 WASHINGTON AVENUE) BYLAW (2021)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Kasapi Construction Co. Ltd., Inc. No. 42,495 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 3080, 3082 and 3090 Washington Avenue Victoria, BC, legally described as:

PID: 009-077-618 Lot 9, Section 7A, Victoria District, Plan 431 PID: 009-077-634 Lot 10, Section 7A, Victoria District, Plan 431 PID: 009-077-642 Lot 11, Section 7A, Victoria District, Plan 431

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR

APRUVEU AS TO CONTENT

HOUSING AGREEMENT

(Pursuant to section 483 of the Local Government Act)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

AND:

3080 WASHINGTON DEVELOPMENT LTD. INC NO., BC1224918 538 Dupplin Road Victoria, B.C.

(the "Owner")

WHEREAS

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 3080, 3082 and 3090 Washington Avenue, Victoria, BC and legally described as:

PID: 009-077-618 LOT 9, SECTION 7A, VICTORIA DISTRICT, PLAN 431 PID: 009-077-634 LOT 10, SECTION 7A, VICTORIA DISTRICT, PLAN 431 PID: 009-077-642 LOT 11, SECTION 7A, VICTORIA DISTRICT, PLAN 431

(the "Lands").

- D. Application has been made to the City to rezone the Lands to permit 34 townhouses within the Development in accordance with this Agreement.
- E. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the strata corporation, but the intent of this housing agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units).

{00011160:5}

F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement.

2

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"Business Day" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia.

"Development" means the proposed development of residential housing on the Lands to include 34 Dwelling Units.

"Dwelling Units" means any or all, as the context may require, of the 34 self-contained townhouse dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise; and

"Dwelling Unit" means any of such residential dwelling units located on the Lands.

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse.

"Non-owner" means a person other than a Related Person or the Owner.

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner.

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming:
 - (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 3.2 The Owner covenants and agrees:
 - (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
 - (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

4.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

4

5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

6.0 General Provisions

- 6.1 Notice. If sent as follows, notice under this Agreement is considered to be received:
 - (a) upon confirmation of delivery by Canada Post if sent by registered mail,
 - (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
 - (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria #1 Centennial Square Victoria, BCV8W 1P6

Attention: Director of Sustainable Planning and Community Development Fax: 250-361-0386 Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

3080 Washington Development Ltd. 204-655 Tyee Road. Victoria, BC V9A 6X5

Attention: Sam Ganong tel: 250-475-2291 Email: sam@curatedevelopments.com

{00011160:5}

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or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.
- 7.2 Time. Time is of the essence of this Agreement.
- 7.3 **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 7.4 **Waiver.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.5 **Headings.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 7.6 **Language.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 7.7 **Legislation**. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 7.8 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 7.9 Cumulative Remedies. No remedy under this Agreement is to be deemed exclusive but

{00011160:5}

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will, where possible, be cumulative with all other remedies at law or in equity.

- 7.10 **Entire Agreement.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 **Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 No Derogation From Statutory Authority. Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 7.15 **Severability.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 7.16 **Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 7.17 **Counterparts.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 7.18 **Effective Date.** This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

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)

THE CORPORATION OF THE CITY OF) VICTORIA by its authorized signatory:

Karen Hoese, Director of Sustainable Planning and Community Development

Date signed:_____

7



Council Report For the Meeting of March 11, 2021

To:CouncilDate:March 4, 2021From:Karen Hoese, Director, Sustainable Planning and Community DevelopmentSubject:Update on Rezoning Application No. 00711 and Development Permit with
Variances Application No. 00140 for 1114 Rockland Avenue

RECOMMENDATION

Rezoning Application No. 00711

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-025 (Amendment No. 1249), and give first, second and third reading of Housing Agreement (1114 Rockland Avenue) Bylaw No. 21-026.

Development Permit with Variances Application No. 00140

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00711 for 1114 Rockland Avenue, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00140 for 1114 Rockland Avenue, in accordance with:

- 1. Plans date stamped June 29, 2020.
- 2. Revisions to the plans to shift the location of the sidewalk to the property line and adjust the landscaping along the street frontage to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 2.6 metres (building face) and 0.35 metres (lobby only)
 - iv. reduce the front setback from 4 metres to 3.6 metres
 - v. reduce the rear setback from 5 metres to 3.33 metres
- 4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning Application and Development Permit with Variances Application for the property located at 1114 Rockland Avenue. The proposal is to create a new site-specific zone that permits an increase in density and allows for a five-storey building with multiple dwelling units. The applicant has fulfilled the conditions set by Council and the application is ready to advance to Public Hearing.

PUBLIC HEARING CONDITIONS

Legal Agreements

In accordance with Council's motion of November 19, 2020 (see attached minutes), the following conditions have been fulfilled:

Affordable Home Ownership Units

The applicant has worked with the Capital Regional District (CRD) to secure two one-bedroom units to be sold at a minimum of ten percent below market value. This arrangement has been secured through a housing agreement with the CRD and legal agreements on title. The maximum income threshold for qualifying buyers has been set at \$75,000 (gross annual income), which falls within the target income range identified in the City's Housing Strategy for affordable home ownership units.

While the agreement is not in perpetuity, it would be for the lesser of the life of the building or ninety-nine years. This commitment is also included in the new zone as a community amenity provision should a new proposal come forward seeking density above 1:1 floor space ratio.

Housing Agreement

A Housing Agreement to ensure a future strata cannot restrict the rental of dwelling units, with the exception of the two one-bedroom dwelling units secured with the CRD, has been executed by the applicant.

Transportation Demand Management

A Section 219 Covenant securing the following Transportation Demand Management measures has been registered on title:

- one car share membership per dwelling unit
- one hundred dollars in car share usage credits per membership
- 20 long term bicycle parking stalls in addition to the requirements under Schedule C of the Zoning Regulation Bylaw
- a bicycle maintenance area
- 22 BC Transit Eco passes.

The value of the bus passes is generally equivalent to the commitment to provide a \$22,500 bus pass subsidy to the future residents and would be provided instead of the original commitment specified in the original Council motion.

OTHER UPDATES

Zoning Variances

Variances related to setbacks and parking are proposed as part of this application. This approach is recommended to ensure that reduced siting and parking requirements are not entrenched in a new custom zone and that any future alternative development proposals would need to apply to Council to achieve these, or different variances. While there are no changes to the plans that were presented to Council at the Committee of the Whole meeting of November 12, 2020, the recommended motion for Development Permit Application with Variances No. 00140 has been updated to include front, rear and east side yard variances (shown in bold) and the notification and hearing would address these accordingly.

CONCLUSIONS

The applicant has fulfilled the conditions set by Council. The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a Public Hearing and an Opportunity for Public Comment.

Respectfully submitted,

Alec Johnston Senior Planner Development Services Division Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Plans date stamped June 29, 2020
- Attachment B: November 12, 2020 Committee of the Whole meeting staff report
- Attachment C: November 12, 2020 Committee of the Whole meeting minutes
- Attachment D: November 19, 2020 Council motion
- Attachment E: Capital Regional District Housing Agreement.





1114 Rockland Ave Victoria, BC PROJECT NO.18-016

ROCKLAND REDEVELOPMENT

ROCKLAND REDEVELOPMENT

Attachment A

STREET DETAIL 2020.04.14 - REVISED REZONING / DP



Revisions

Received Date: June 29, 2020





ROCKLAND REDEVELOPMENT

SOUTH / WEST VIEW 2020.04.14 - REVISED REZONING / DP





ROCKLAND REDEVELOPMENT

SOUTH / EAST VIEW 2020.04.14 - REVISED REZONING / DP

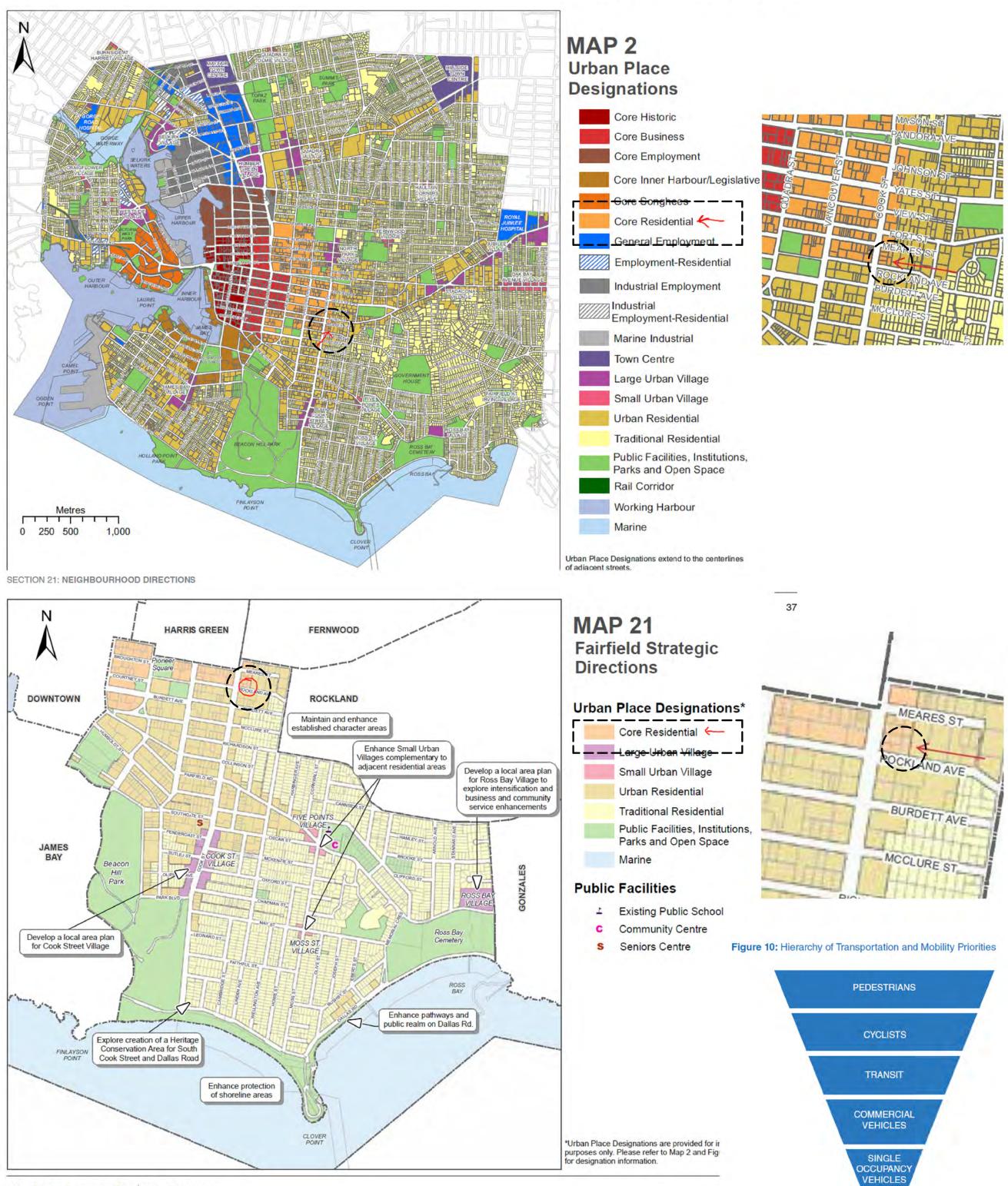




1114 Rockland Ave Victoria, BC PROJECT NO.18-016

ROCKLAND REDEVELOPMENT

AERIAL CONTEXT 2020.04.14 - REVISED REZONING / DP



146 Official Community Plan CITY OF VICTORIA



without prior written agreement of Praxis Architects Inc. Do not scale the drawings.



SECTION 6: LAND MANAGEMENT AND DEVELOPMENT

Designation	Built Form	Place Character Features	Uses	Dens
Core Residential	Multi-unit residential, commercial and mixed-used buildings from three storeys up to approximately 20 storeys. Large floor-plate commercial and institutional buildings oriented to the street.	Three to five storey building facades define the street wall with upper storeys set back above. Buildings set close to the street to define the public realm along retail streets, with landscaped setbacks in more residential	Diverse housing types, including low, mid, and high-rise multi-unit residential and mixed-use. Commercial, including office and visitor accommodation. Institutional and complementary uses.	Total floor space r ranging from a ba maximum of 5.5:1 south of Mason St Quadra Street/ we Street; and, east of Street/ west of Coo Pandora Avenue.
	Buildings up to approximately eight storeys for the area east of Cook Street/ south of Pandora Avenue/ north of Meares Street. Buildings up to approximately	areas, wide sidewalks, regularly spaced tree planting. Building heights are greatest along Yates Street and Blanshard	Home occupations.	Total floor space ra from a base of 1:1 of 2:1 for areas: or east of Vancouver Cook Street.
Priorities	six storeys for areas: south of Meares Street/ east of Quadra Street; and, north of Pandora Avenue/ east of Cook Street.	Street. Off-street parking structured, underground or located at the rear.		Total floor space r from 2:1 up to app 3.5:1 for the areas Street; and, south Street/ east of Qua west of Cook Street
				Total floor space r from a base of 3:1 of 5:1 for the area Street/ north of Pa south of Caledonia
				Total commercial f ratios up to 1:1 ex Pandora Avenue (a maximum of 3:1 Street and Fort Str 3:1 to a maximum of Cook Street and to maximum of 3.5 Cook Street).

ROCKLAND REDEVELOPMENT

e ratios generally base of 3:1 to a 5:1 for the area Street/ east of west of Vancouver st of Vancouver Cook Street/ on

e ratios ranging 1:1 to a maximum on Mason Street/ ver Street/ west of

e ratios ranging pproximately

eas: east of Cook th of Meares Quadra Street/ reet.

e ratios ranging 3:1 to a maximum ea west of Quadra Pandora Avenue/ nia Avenue.

al floor space except along e (base of 1:1 to 3:1), and Yates Street (base of im of 5.5:1 west and a base of 2:1 3.5:1 east of



CONTEXT PLAN

PROPOSED PROJECT INFORMATION

EXISTING ZONING	R3-A1 LOW PROFILE MULTIP	PLE DWELLING	DISTRICT	
PROPOSED ZONE	NEW COMPREHENSIVE ZON	E		
SITE AREA	0.067 Ha / 0.165 Ac / 669 m² / 7	7,201 ft ²		
TOTAL FLOOR AREA	1,337 m² (14,391 ft²)			
FLOOR SPACE RATIO	2.0 : 1			
SITE COVERAGE	62.4 %			
OPEN SITE SPACE	28.8 %			
HEIGHT	18.9m			
NO. STOREYS	5 STOREYS WITH ROOFTOP	ACCESS		
PARKING PROVIDED	13			
BIKE PARKING	 44 CLASS 1 (2 / UNIT) 6 CLASS 2 (RACK FOR 4 POSSIBLE ADDITION. 		,	
BUILDING SETBACKS	FRONT (ROCKLAND AVE.) REAR INTERIOR SIDE (WEST) INTERIOR SIDE (EAST)	4.1m (13.5') 5.9m (19.4') 3.0m (9.8') 3.0m (9.8')	<i>SITING EXCEPTION @ FRAME SITING EXCEPTION @ STAIR SITING EXCEPTION @ PROJECTION SITING EXCEPTION @ BALCONY SITING EXCEPTION @ BALCONY</i>	0.33m (1.1') 3.33m (1.9') 2.08m (6.5') 1.77m (5.8') 0.35m (1.2') 1.75m (5.7')

RESIDENTIAL USE DETAILS:

NO. UNITS	22	(1BR = 17	2BR = 5)
MIN. UNIT FLOOR AREA	34.58	m² (372.18 f	^{[†2}]
MAX. UNIT FLOOR AREA	68.9 n	n² (741.6 ft²)	
TOTAL RES. FLOOR AREA	944 m	² (10,161 ft ²)	

DRAWING LIST

ARCHITECTURAL A0 COVER + PROJECT INFO

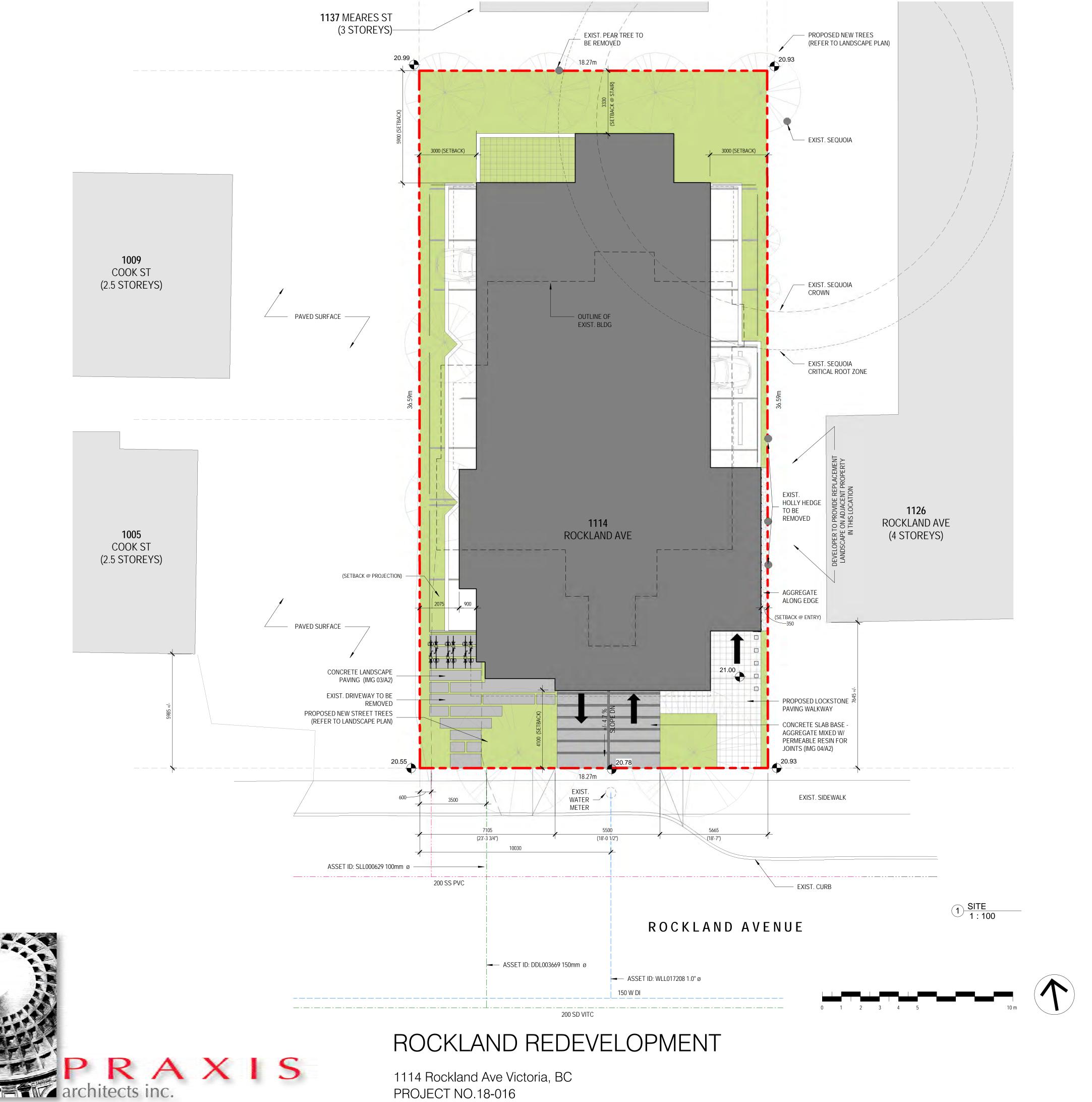
- A1 SITE
- A2 PRELIMINARY PLANS (BSMT + L1 + L2) A3 PRELIMINARY PLANS (L3-L5 + ROOF)
- A4 3D CONCEPTUAL VIEWS
- A5 ELEVATIONS A6 STREET VIEWS
- A7 SECTIONS
- A8 SHADOW STUDY

LANDSCAPE LANDSCAPE CONCEPT PLAN

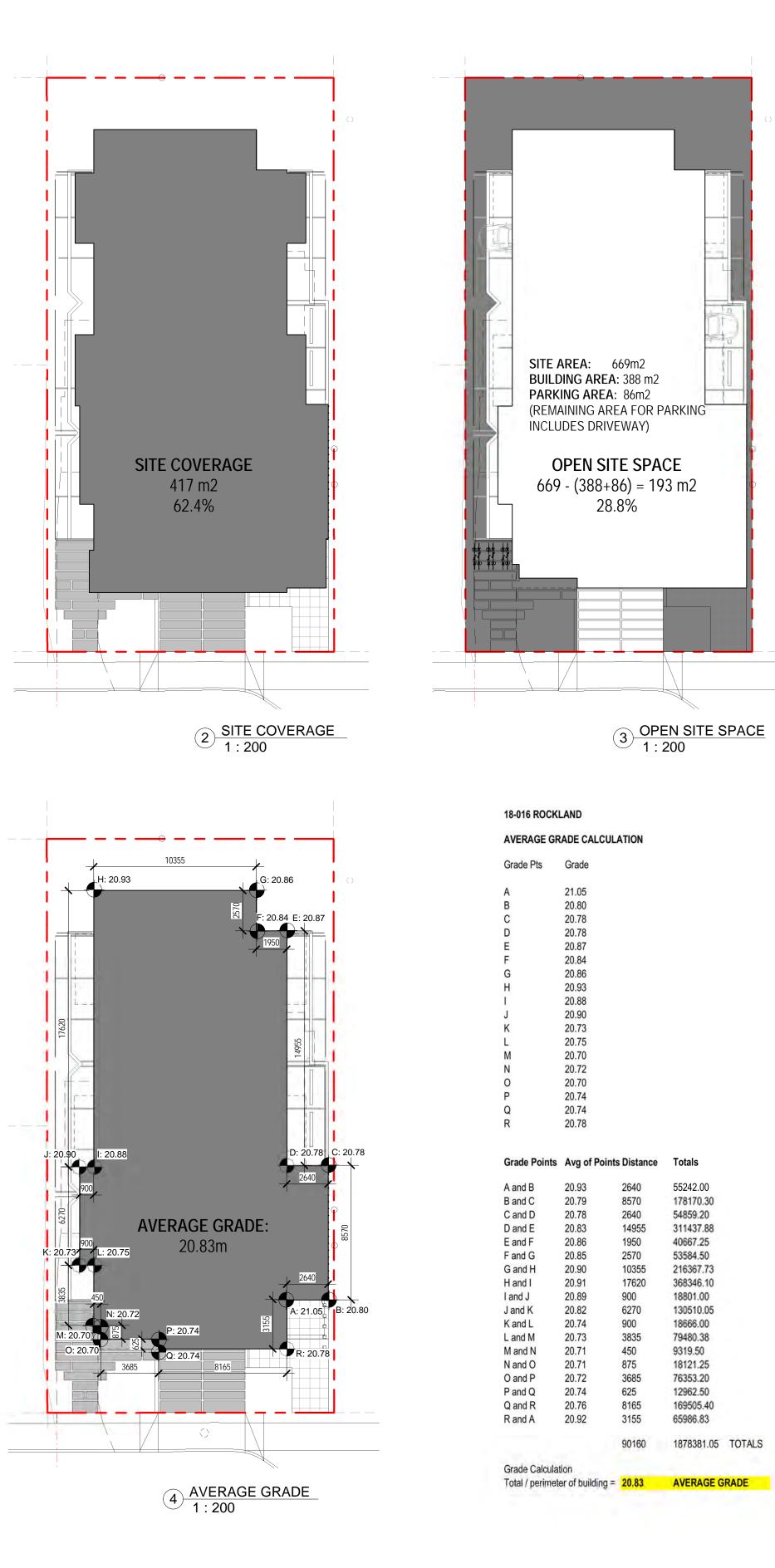
SURVEY

PROJECT INFO + CONTEXT 2020.06.16 - IN RESPONSE TO COMMENTS FROM PLANNING



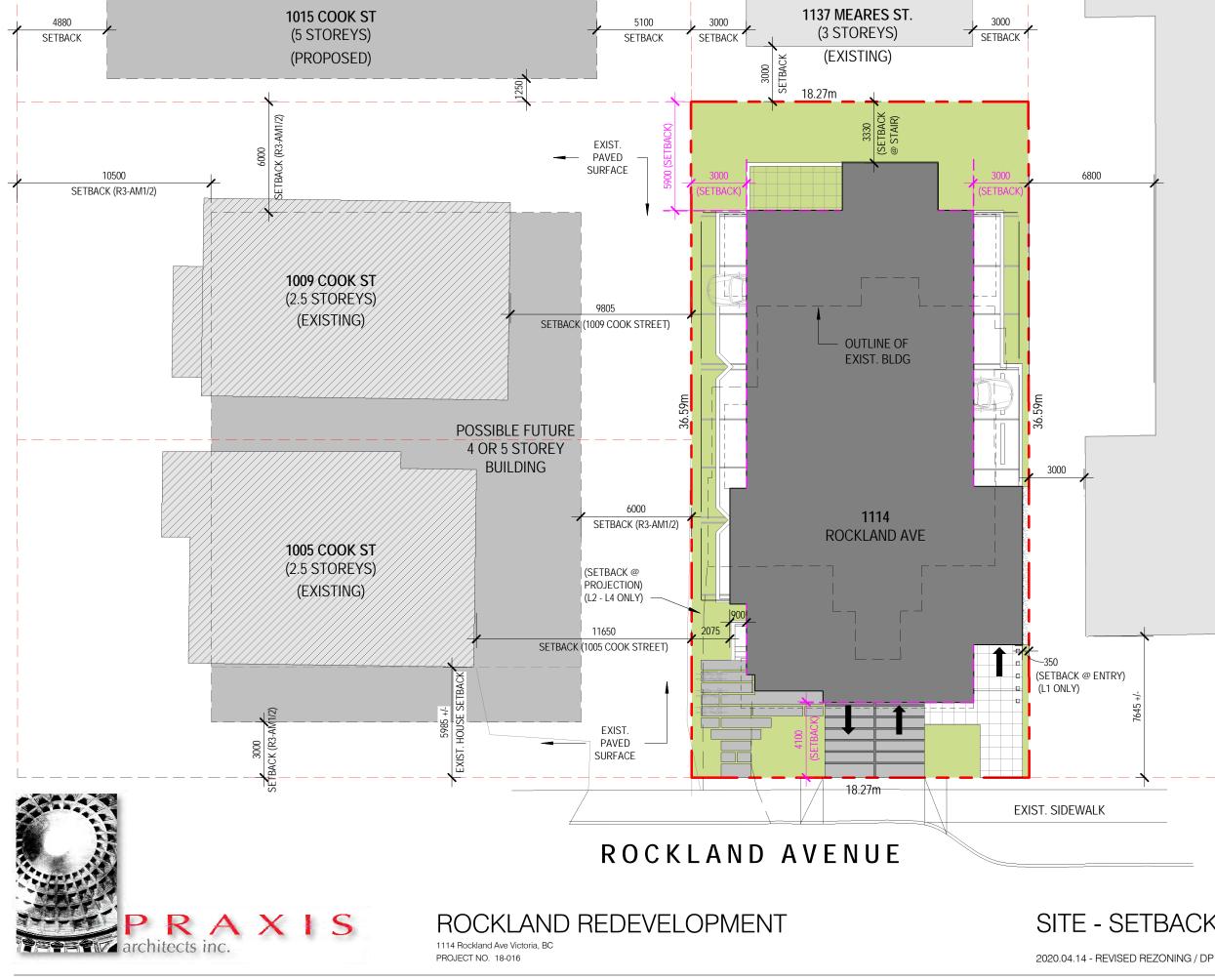


without prior written agreement of Praxis Architects Inc. Do not scale the drawings.



SITE 2020.06.16 - IN RESPONSE TO COMMENTS FROM PLANNING

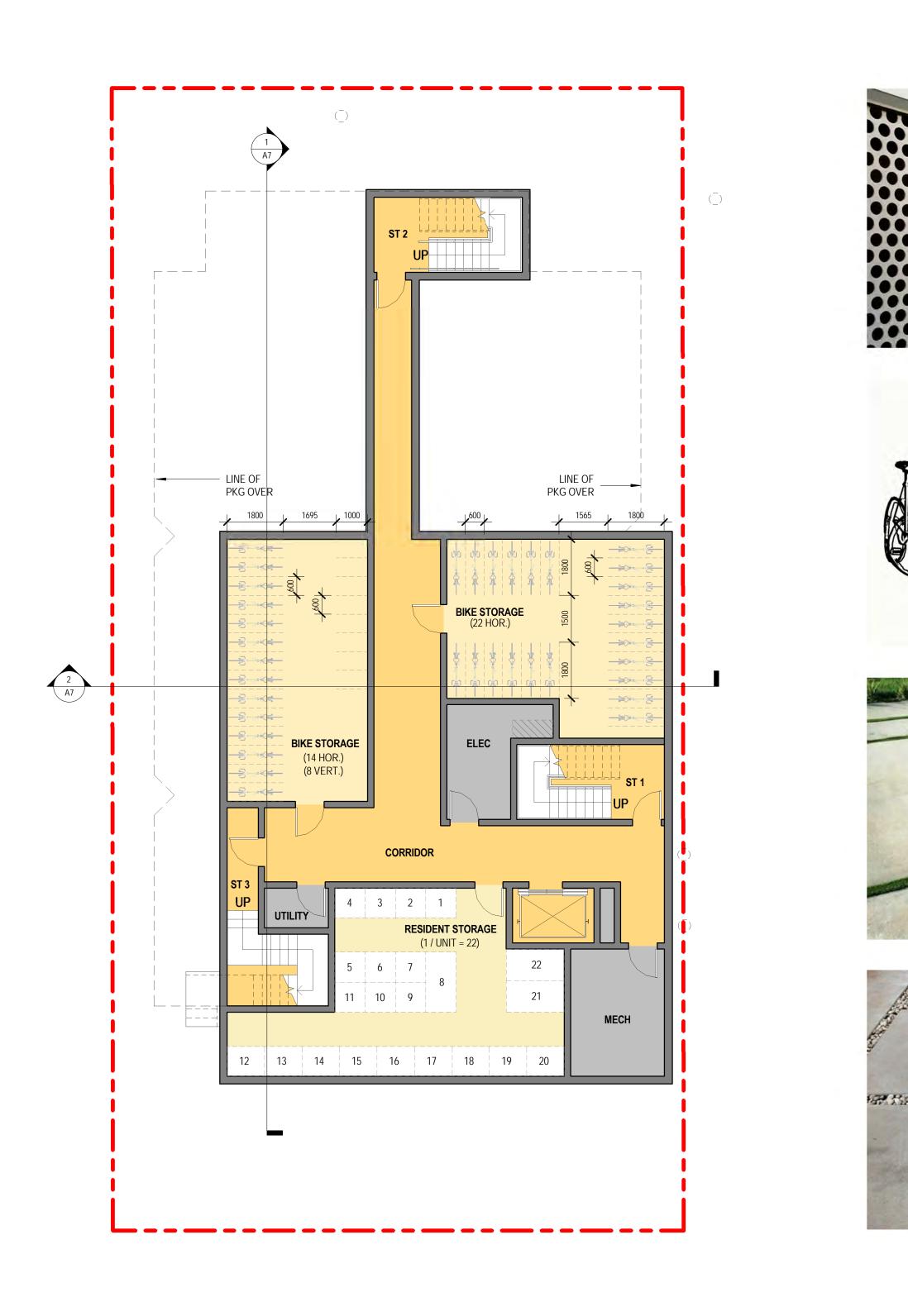




SITE - SETBACK CONTEXT

1126 ROCKLAND AVE (4 STOREYS) (EXISTING)

A1.1









IMG 02: EXAMPLE OF POSSIBLE BIKE "SUPER-GRAPHIC"





900— GARBAGE / ST 2 RECYCLING UP 5100 7000 5100 900-1.5m HIGH WOODGRAIN PREFINISHED METAL SCREEN LINE OF BLDG -BELOW LINE OF BLDG 1.5m HIGH WOODGRAIN OVER 2 A7 PREFINISHED METAL SCREEN VISITOR SVC. 12 PARKING STALLS UP DN VISITOR LOBBY LINE OF BLDG OVER ST 3 BIKE "SUPER-GRAPHIC"
 ON THIS WALL (IMG 02) EXIT SECURE ACCESS (IMG 01) 1800 DN BIKE REPAIR / SERVICE AREA CONCRETE LANDSCAPE PAVING (IMG 03)

1114 ROCKLAND AVE. MODIFIED PARKING PLAN 2020.04.03

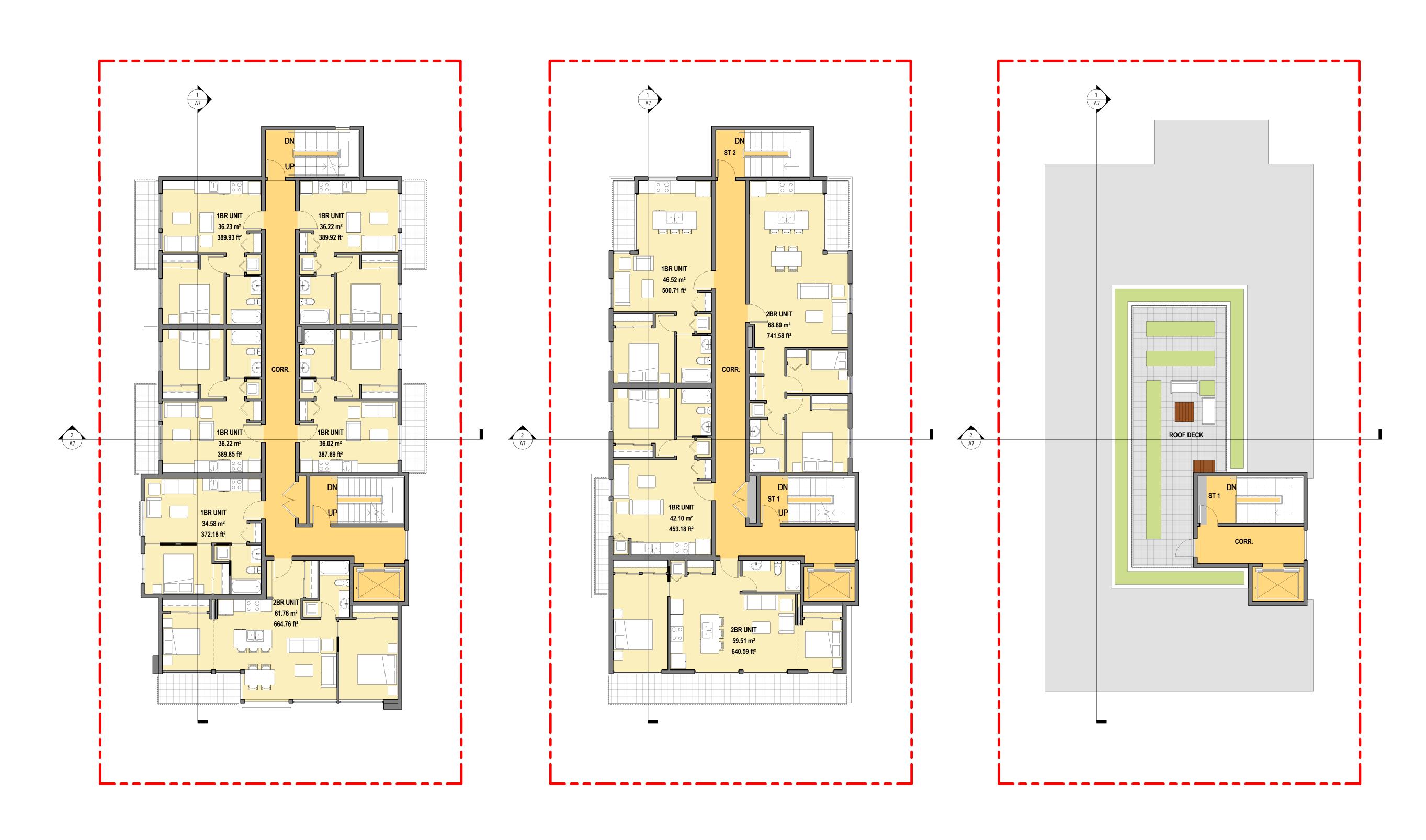
2 LEVEL 1 / PARKADE 1 : 100

ROCKLAND REDEVELOPMENT



3 <u>LEVEL 2</u> 1 : 100

PRELIMINARY PLANS (BSMT + L1 + L2) 2020.04.14 - REVISED REZONING / DP





1114 Rockland Ave Victoria, BC PROJECT NO.18-016

2 <u>LEVEL 5</u> 1 : 100

3 ROOF DECK 1:100

ROCKLAND REDEVELOPMENT

PRELIMINARY PLANS (L3-L5 + ROOF)







MATERIAL FINISH LEGEND

- (1) STUCCO WHITE
- STUCCO GRAY (2)
- (3)WOOD GRAIN - PREFIN. METAL
- STANDING SEAM METAL (4)
- PRIVACY SCREEN / TRELLIS (5)
- $\left(6 \right)$ SBS MEMBRANE ROOF
- ALUMINUM GUARD (7)
- (8) PVC WINDOWS
- PREFIN. METAL SOFFIT (9)
- PREFIN. METAL FASCIA (10)





(4) WEST 1:100

1114 Rockland Ave Victoria, BC PROJECT NO.18-016

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PRAXIS architects inc.

ROCKLAND REDEVELOPMENT

ELEVATIONS 2020.04.14 - REVISED REZONING / DP



A5





ROCKLAND REDEVELOPMENT

2020.04.14 - REVISED REZONING / DP

1114 Rockland Ave Victoria, BC PROJECT NO. 18-016





PRAXIS architects inc.





2 STREET VIEW - PROPOSED



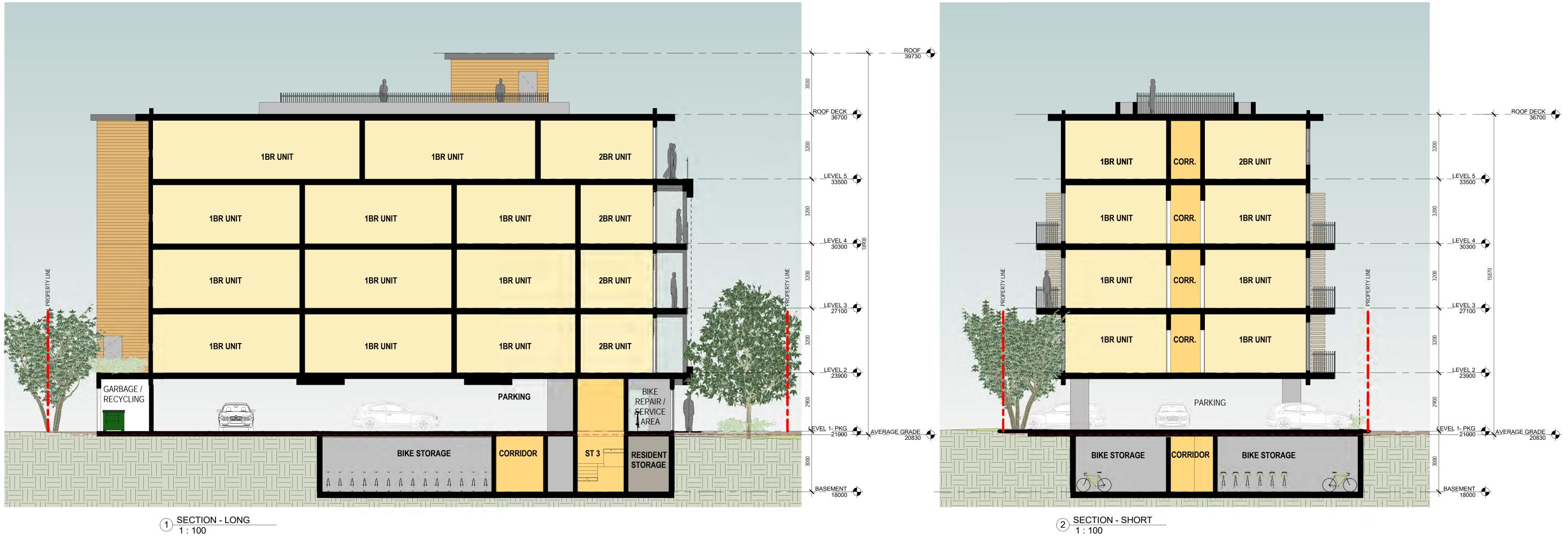




ROCKLAND REDEVELOPMENT









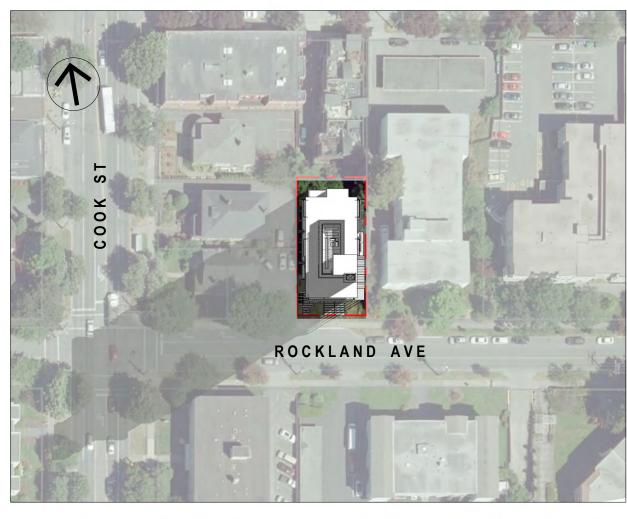




ROCKLAND REDEVELOPMENT



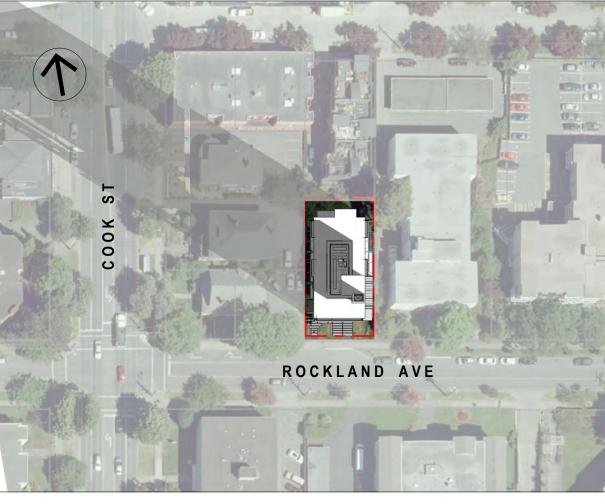




1 <u>SUMMER 6:42AM</u> 1 : 1000



5 SPRING / FALL 8:31AM 1 : 1000



9 WINTER 9:32AM 1 : 1000



1114 Rockland Ave Victoria, BC PROJECT NO.18-016







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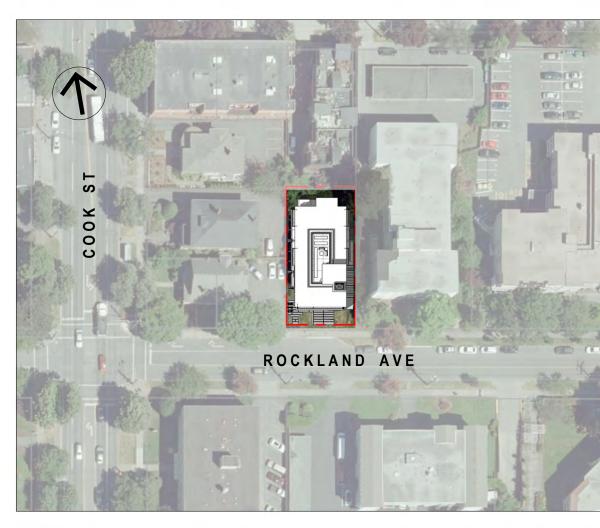


2 SUMMER 12PM 1:1000

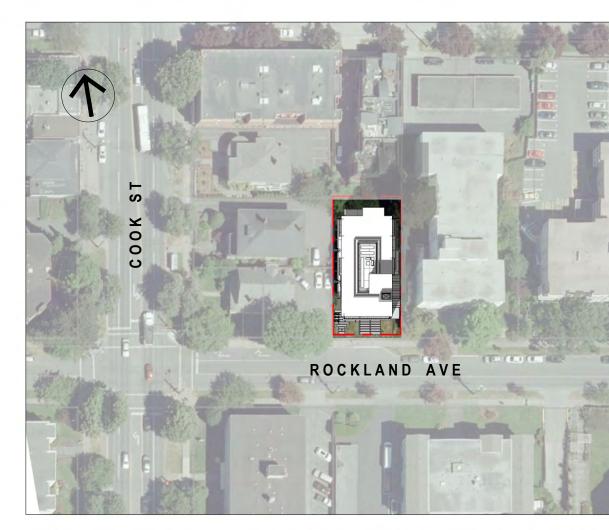


6 SPRING / FALL 12PM 1 : 1000

10 WINTER 11AM 1 : 1000



3 SUMMER 4PM 1 : 1000



7 SPRING / FALL 3PM 1 : 1000



(1) WINTER 1PM 1 : 1000

NOTE: ALL SHADOWS SHOWN 1.5 HOURS AFTER SUNRISE AND 1.5 HOURS BEFORE SUNSET

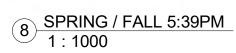
ROCKLAND REDEVELOPMENT

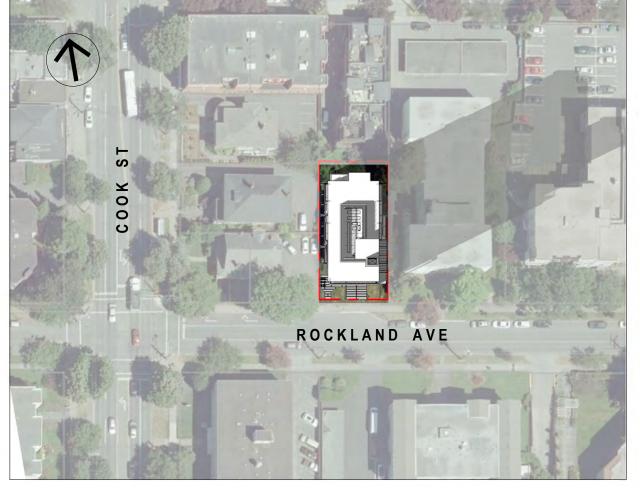
SHADOW STUDY 2019.07.24 - REZONING APPLICATION



(12) WINTER 2:51PM 1 : 1000











 \odot ST S 2

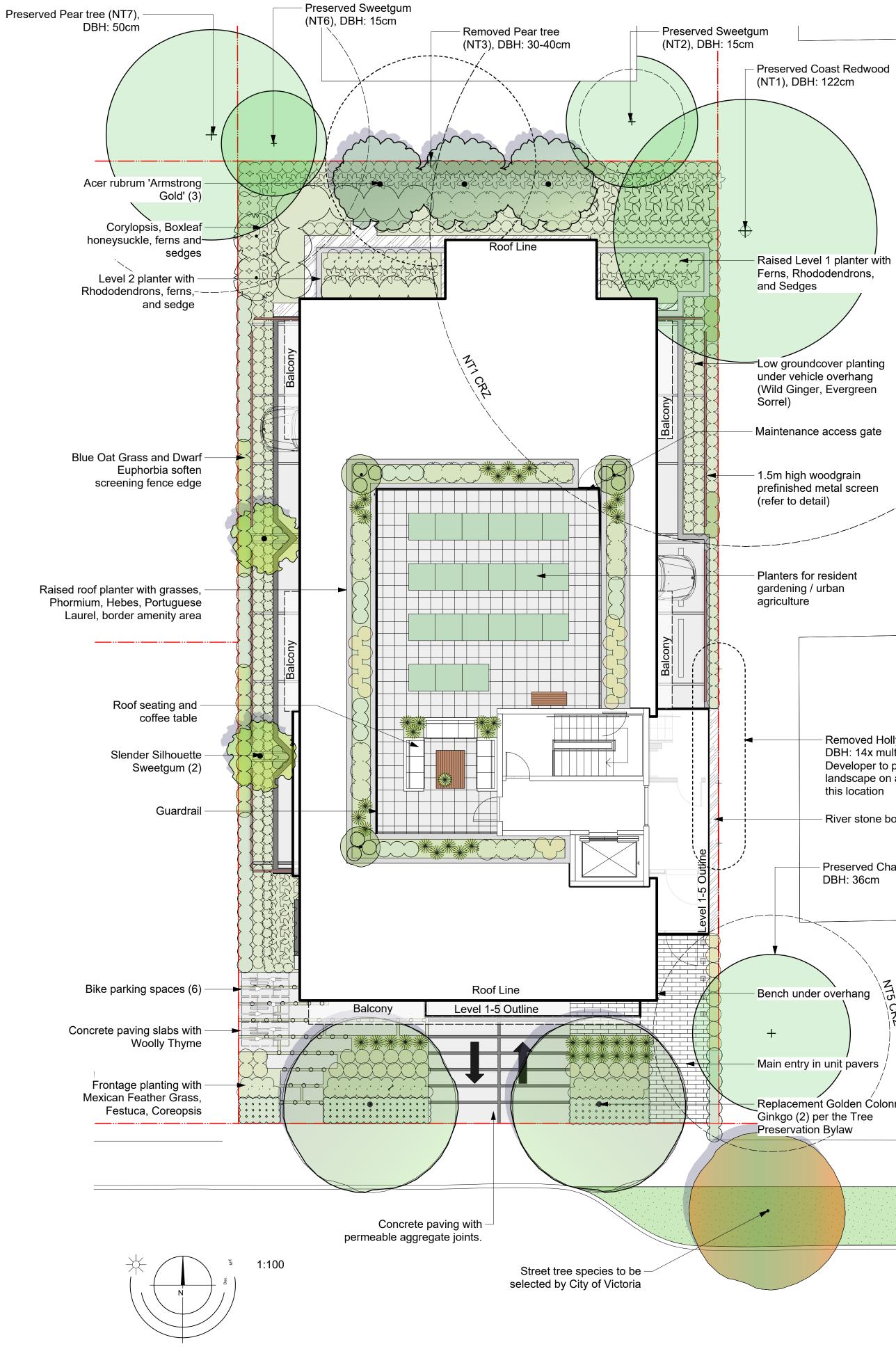
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1114 Rockland - Landscape Concept Plan

Reference Images







Acer rubrum 'Armstrong Gold'



30

662

Small Shrubs



Boxleaf Honeysuckle

Spurge

Recommended Nursery Stock

Trees		
8	Botanical Name	С
	Acer rubrum 'Armstrong Gold'	А
	Ginkgo biloba 'Golden Colonnade'	Μ
	Liquidambar styraciflua 'Slender Silhouette'	S
	TBD	Т
Large Shrubs		
3	Botanical Name	С
	Prunus Iusitanica	Ρ
Medium Shrubs		
23	Botanical Name	С
	Corvlopsis pauciflora	В

Corylopsis paucifiora Lonicera pileata Rhododendron 'Nancy Evans' Rhododendron 'Rosa Mundi'

Botanical Name Hebe pinguifolia 'Sutherlandii' Mahonia repens

Perennials, Annuals and Ferns **Botanical Name** Calamagrostis x acutiflora `Karl Foerster' Carex oshimensis 'Evergold' Chasmanthium latifolium Coreopsis verticillata 'Moonbeam' Dryopteris erythrosora Euphorbia characias ssp. characias 'Shorty' Helictotrichon sempervirens Nassella tenuissima Phormium tenax 'Tiny Tiger' Polystichum munitum Thymus praecox arcticus

> **Botanical Name** Arctostaphylos uva ursi 'Vancouver Jade' Asarum caudatum Oxalis oregana Thymus pseudolanuginosus

Armstrong Gold Red Maple Maidenhair Tree Slender Silhousette Sweetgum Typical Street Tree

Common Name Portugal Laurel

Common Name Buttercup Winterhazel Box-leaf Honeysuckle Nancy Evans Rhododendron Rosa Mundi Rhododendron

Common Name Sutherland Hebe Creeping Oregon Grape

Common Name Foerster's Feather Reed Gra Evergold Sedge Northern Sea Oats Moonbeam Threadleaf Tickse Autumn Fern Dwarf Spurge Blue Oat Grass Mexican Feather Grass Dwarf Variegated New Zeala Sword Fern Wild Creeping Thyme

Common Name Vancouver Jade Kinnickinnick Wild Ginger Evergreen Sorrel Woolly Thyme

Notes:

177

Groundcovers

1. All work to be completed to current BCSLA Landscape Standards 2. All soft landscape to be irrigated with an automatic irrigation system

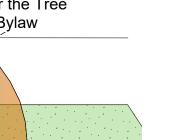
Removed Holly hedge (NT4), DBH: 14x multistem trees. Developer to provide replacement landscape on adjacent property in this location

River stone border

- Preserved Chamaecyparis (NT5), DBH: 36cm

NIC

Main entry in unit pavers Replacement Golden Colonnade



Slender Silouette Sweetgum





Blue oat Grass



Resident gardening planters

Size #5 pot #3 pot #3 pot

#5 pot

Size

#10 pot

6cm cal

6cm cal.

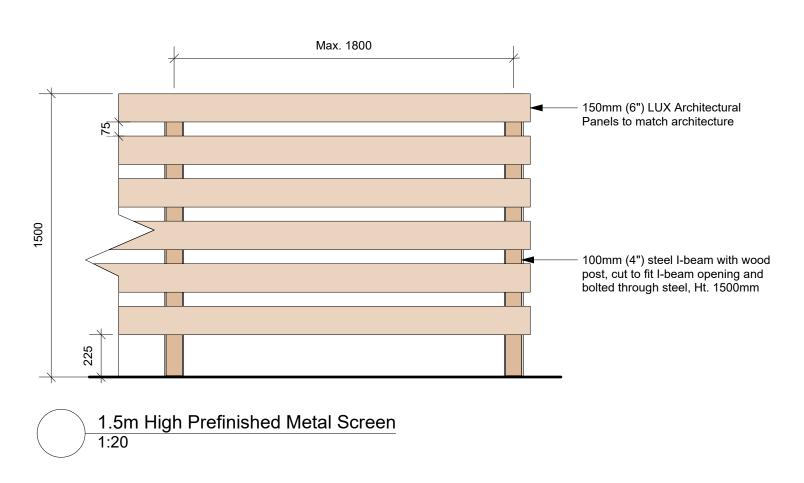
6cm cal.

6cm cal.

Size #2 pot #1 pot

	Size
ass	#1 pot
	#1 pot
	#1 pot
seed	#1 pot
	#1 pot
and Flax	#1 pot
	#1 pot
	#1 pot

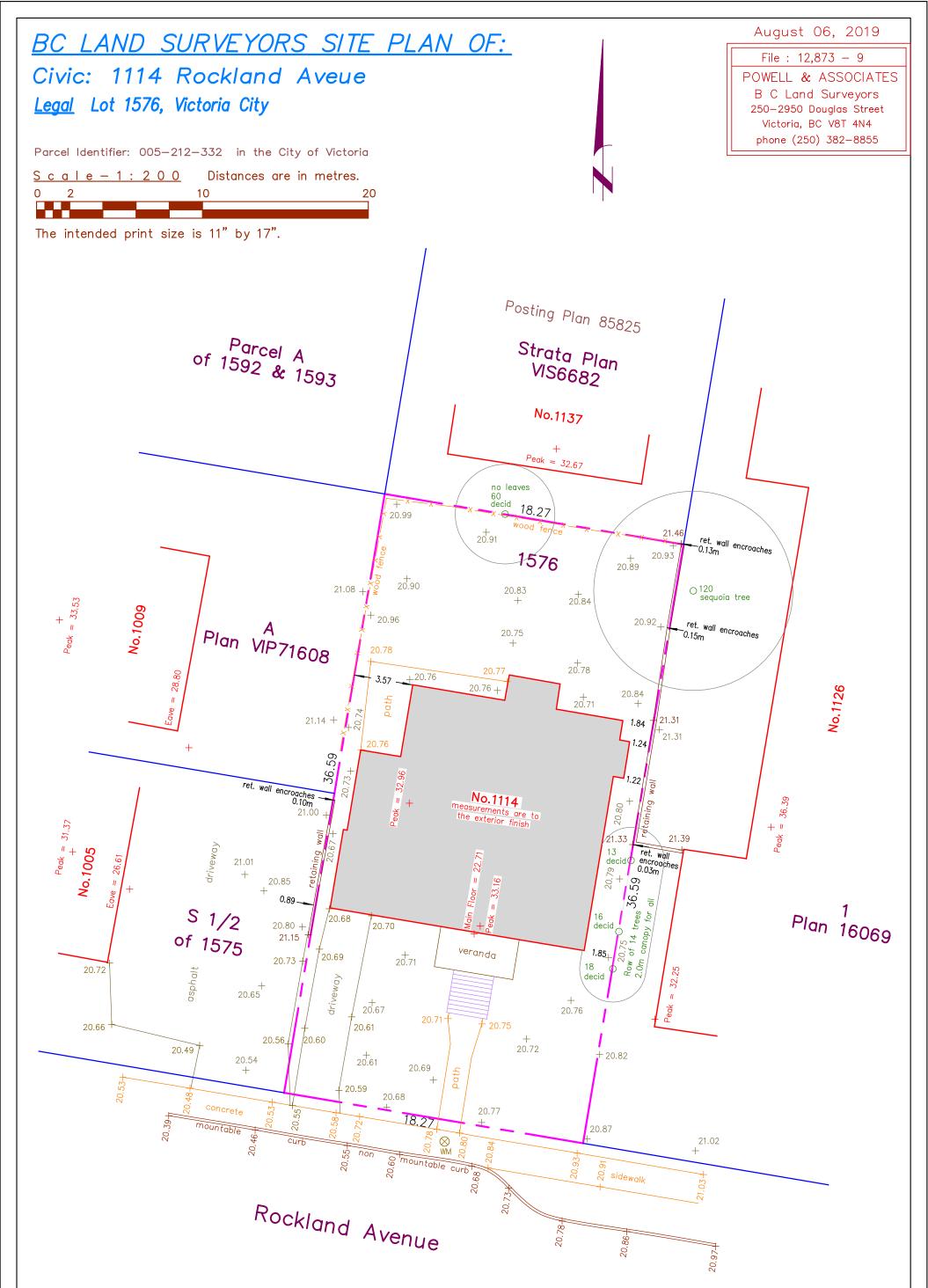
Size #1 pot SP4 SP4 SP3





#3-864 Queens Ave. Victoria B.C. V8T1M5 Phone: (250) 598-0105

LADR LANDSCAPE ARCHITECTS



<u>LEGEND</u>

Elevations are to geodetic datum. + - denotes - existing elevation MM - denotes - Water Meter

Tree diameters are in centimetres.

Lot Area = 668.5 m2

The following non-financial charges are shown on the current title and may affect the property. M76301 — Undersurface Rights Setbacks are derived from field survey.

Parcel dimensions shown hereon are derived from Land Title Office records.

This document shows the relative location of the surveyed features and shall not be used to define property boundaries. 264



Committee of the Whole Report

For the Meeting of November 12, 2020

То:	Committee of the Whole	Date:	October 22, 2020
From:	Karen Hoese, Director, Sustainable Planning	and Commun	ity Development
Subject:	Development Permit with Variances A Rockland Avenue	Application	No. 00140 for 1114

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00711, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00140 for 1114 Rockland Avenue, in accordance with:

- 1. Plans date stamped June 29, 2020.
- 2. Revisions to the plans to shift the location of the sidewalk to the property line and adjust the landscaping along the street frontage to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 0.35 metres (lobby only)
- 4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1114 Rockland

Avenue. The proposal is to construct a five-storey building (four levels of housing over one level of parking) with multiple dwellings. The variances are related to decreased parking and side yard setbacks.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines contained in Development Permit Area 16: General Form and Character of the Official Community *Plan, 2012* (OCP) and would integrate new multi-unit development in a manner that compliments and enhances the place character of the area
- the parking variance is considered supportable as the applicant is proposing Transportation Demand Management (TDM) measures to mitigate the potential impacts from this variance which would be secured by legal agreement in conjunction with the concurrent Rezoning Application
- the west side yard setback variance is considered supportable as the majority of the building would be setback three metres, which is similar or greater than side yard setbacks in the immediate context
- the east side yard setback variance is considered supportable as the 0.35m setback would only apply to the building lobby; the majority of the building would be setback three metres, maintaining a setback which is consistent with the context.

BACKGROUND

Description of Proposal

The proposal is to construct a five-storey residential building with approximately 22 dwelling units. Specific details include:

- contemporary architectural expression that incorporates durable and contextually appropriate materials
- under building parking accessed via Rockland Avenue and screened with a secure metal gate
- a common residential entryway located on the east side of the building fronting Rockland Avenue
- a common amenity room located at-grade fronting Rockland and designed as a bike repair and general workspace for residents of the building
- a basement level that accommodates storage and a bike room with 44 bike parking stalls.

Exterior materials include:

- white and grey stucco
- standing seam metal panels
- metal panels with a wood grain finish
- aluminium picket guard rails
- metal fascia, soffits, privacy screens between balconies and parking stall screens.

Landscape features include:

- private balconies for each unit
- extensive front and rear landscaping
- common rooftop amenity space
- outdoor bench seating with trellis located at the main entry

- six-stall bicycle rack located at the front of the building
- unit pavers, concrete slabs and paving with permeable aggregate joints for front yard hardscaped areas
- one new street tree and seven new trees on site
- five neighbouring trees preserved including a large Coast redwood tree located at 1126 Rockland Avenue
- replacement of a Holly hedge located at 1126 Rockland Avenue with new landscaping.

The proposed variance relates to reducing the vehicle parking from 17 stalls to 13 stalls and reducing the side yard setbacks for portions of the east and west elevations.

Sustainability

As indicated in the applicant's letter dated July 31, 2019, the following sustainability features are associated with this proposal:

- use of high performance, durable and resilient exterior materials
- building design and construction that are air-tight and minimizes thermal bridging to reduce heat loss and energy demand
- transportation demand management measures to reduce vehicle use and transportation emissions
- parking stalls with electric vehicle charging capacity.

Data Table

The following data table compares the proposal with the existing R3-A1 Zone, Low Profile Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zoning. A double asterisk indicates where the proposal is legal non-conforming in relation to the existing zoning. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	Zone Standard	OCP and Fairfield Neighbourhood Plan Policy
Site area (m²) – minimum	669**	920	-
Density (Floor Space Ratio) – maximum	2:1*	1:1	1.5:1 – 3:1
Height (m) – maximum	15.87*(main roof) 18.90* (roof top access)	10.70	20
Storeys – maximum	5* (plus rooftop access)	3	6
Site coverage (%) – maximum	62.40*	33.33	-
Open site space (%) – minimum	28.80*	30	-

Zoning Criteria	Proposal	Zone Standard	OCP and Fairfield Neighbourhood Plan Policy
Setbacks (m) – minimum			
Front (Rockland Avenue)	3.77*	7.50	
Rear (S)	3.33*	9.00 (for portions of a building less than 7m in height) 10.50 (for portions of a building greater than 7m in height)	Three to five storey buildings define the street wall
Side (E)	0.35* (to main entry) 3.00* (to building) 1.74* (to balconies)	9.45 (half the building height)	Buildings with landscaped setbacks in more residential areas
Side (W)	2.07* (to building) 1.77* (to balconies)	9.45 (half the building height)	
Vehicle parking – minimum	12*	17	-
Visitor vehicle parking included in the overall parking – minimum	2	2	-
Bicycle parking stalls – minimum			
Long term	44	24	-
Short term	6	6	-

ANALYSIS

Development Permit Area and Design Guidelines

The subject property is located in Development Permit Area 16: General Form and Character. This DPA seeks to integrate new multi-unit residential development in a manner that is complementary to the place character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA. The applicable design guidelines are the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and the *Guidelines for Fences, Gates and Shutters* (2010). The proposal is consistent with these Guidelines as follows:

- the building height, massing and setbacks are generally consistent with other multi-unit residential buildings in the immediate context
- building entrances and windows face the street
- the proposed building is setback from the street to allow for some landscaping and enhanced pedestrian space

- the contemporary design incorporates materials and colours that are contextually appropriate, durable, and add to the character of the street
- common outdoor space has been landscaped with a combination of native, edible and pollinator plants
- parking is located under the building and screened from view. While underground parking is typically preferable, the provision of at-grade, screened parking is supportable as it limits the depth of excavation within the critical root zone of the large Coast redwood tree located on the adjacent property.

Fairfield Neighbourhood Plan

The subject site is located within the Fort Street corridor in the northwest portion of the Fairfield Neighbourhood. The Fairfield Neighbourhood Plan (2019) provides policy for land development in this area consistent with the OCP. The area is characterized by low-rise residential buildings with mixed-use and commercial buildings fronting onto more major roads (e.g. Fort Street and Cook Street). To reinforce the existing pattern and rhythm of small-scale commercial, residential and heritage character in the area, the plan envisions a continuation of this mix of uses with increased densities, building heights up to six-storeys and front yard landscaping that provide attractive walking environment along residential streets such as Rockland Avenue. The proposed development is generally consistent with these policies.

Regulatory Considerations

A variance is requested to reduce the required number of parking stalls from a total of 17 (as per Schedule C of the *Zoning Regulation Bylaw*) to 12 (see table below).

Zoning Criteria	Proposal	Schedule C
Vehicle parking stalls – minimum		
Parking	10*	15
Visitor Parking	2	2
Bicycle parking stalls – minimum		
Long Term	44	24
Short Term	6	6

This variance is considered supportable because the applicant is proposing the following Transportation Demand Management (TDM) measures to mitigate the potential impacts from this variance:

- car share memberships (one for each dwelling unit)
- \$100 car share credit per membership
- additional long-term bike parking beyond what is required in the Zoning Regulation Bylaw
- a bicycle maintenance area
- a BC Transit bus pass subsidy of at least \$22,500 for future residents.

These TDM measures would be secured by legal agreement as a condition of the Rezoning Application. It is also worth noting that the location of the site is in close proximity to services in the Downtown and Cook Street Village and is close to major transit routes.

Variances are also requested to reduce the east side yard setback from 3.00m to 0.35m and the west side yard setback from 3.00m to 2.00m. The east side yard setback variance would accommodate the ground floor lobby, while the majority of the building would be setback 3.00m from the property line. To help mitigate the impact of the reduced setback, the applicant will provide landscaping on the neighbouring property at 1126 Rockland Avenue. The west side yard setback would accommodate a projection portion of the building which provides articulation that helps break up the massing as encouraged by the Design Guidelines. The heritage designated buildings to the west of the subject site front onto Cook Street and have parking located in the rear yard. Separation between the heritage buildings and the proposed building, which ranges from 12.8m (1009 Cook Street) and 13.7m (1005 Cook Street), provides sufficient breathing room with the heritage buildings, and minimizes privacy impacts and shadowing.

Advisory Design Panel

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on February 26, 2020. The meeting minutes are attached to this report. The ADP motion recommended that the application be declined due to the proposed setbacks.

In response to the ADP motion the applicant has updated the application to include:

- supplementary drawings including a setback diagram and south elevation detail
- additional context renderings of the proposed building.

These updates provide a better understanding of how the proposed massing, setbacks and character are appropriate given the surrounding Core Residential context which includes several existing or recently approved multi-unit residential developments with similar or lesser setbacks.

CONCLUSIONS

The proposal to construct a five-storey multi-unit residential building is considered consistent with Development Permit Area 16: General Form and Character. The building would integrate with the existing residential context, be sympathetic to the adjacent heritage buildings and provide pedestrian interest. The proposal includes appropriate mitigation measures to off-set the proposed variances and is considered supportable. Therefore, staff recommend that council consider approving the application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00140 for the property located at 1114 Rockland Avenue.

Respectfully submitted,

Alec Johnston Serior Planner Development Services Division

Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 29, 2020
- Attachment D: Letter from applicant to Mayor and Council dated July 31, 2019, amended April 17, 2020
- Attachment E: Community Association Land Use Committee meeting summary dated June 27, 2019
- Attachment F: Letter from the Capital Regional District regarding below-market housing dated January 27, 2020
- Attachment G: Arborist Report dated November 1, 2019
- Attachment H: Arborist Report Addendum dated August 15, 2020
- Attachment I: Advisory Design Panel meeting minutes dated February 26, 2020
- Attachment J: Correspondence (Letters received from residents).

F. LAND USE MATTERS

F.1 <u>1114 Rockland Avenue: Rezoning Application No. 00711 and Development</u> Permit with Variances Application No. 00140 (Fairfield)

Councillor Isitt withdrew from the meeting at 10:26 a.m. and returned at 10:37 a.m.

Committee received a report dated October 22, 2020 from the Director of Sustainable Planning and Community Development regarding a proposal to construct a five-storey building with multiple dwellings on the property located at 1114 Rockland Avenue.

Committee discussed:

- Concerns with the number of trees that will be lost in the proposal
- Concerns with the amount of surface parking

Moved By Mayor Helps Seconded By Councillor Loveday

Rezoning Application No. 00711

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00711 for 1114 Rockland Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Secure an amenity contribution in the amount of \$144,021.20 towards the Victoria Housing Reserve Fund (70%) and Local Amenities Fund (30%), to the satisfaction of the Director of Sustainable Planning and Community Development.
- 2. Secure two one-bedroom units to be sold at a minimum of 10% below market rate (below-market ownership units) in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Preparation and execution of legal agreements for the following:
 - a. to ensure that future strata bylaws cannot restrict the rental of units to nonowners (with the exception of two below-market ownership units), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. to secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
 - i. one care share membership per dwelling unit;
 - ii. one hundred dollars in car share usage credits per membership;
 - iii. 20 long term bicycle parking stalls in addition to the requirements under Schedule C of the Zoning Regulation Bylaw;
 - iv. a bicycle maintenance area; and
 - v. a BC Transit bus pass subsidy of at least \$22,500 for future residents.

Development Permit with Variances Application No. 00140

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00711, if it is approved, consider the following motion:

That Council authorize the issuance of Development Permit with Variance Application No. 00140 for 1114 Rockland Avenue, in accordance with:

- 1. Plans date stamped June 29, 2020.
- 2. Revisions to the plans to shift the location of the sidewalk to the property line and adjust the landscaping along the street frontage to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 0.35 metres (lobby only)
- 4. The Development Permit lapsing two years from the date of this resolution.

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

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Committee recessed at 10:48 a.m. and returned at 10:56 a.m.

E.1.a.c <u>1114 Rockland Avenue: Rezoning Application No. 00711 and Development</u> Permit with Variances Application No. 00140 (Fairfield)

Rezoning Application No. 00711

Motion:

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- 2. Secure two one-bedroom units to be sold at a minimum of 10% below market rate (below-market ownership units) in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.
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 - i. one care share membership per dwelling unit;
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- 3. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 0.35 metres (lobby only)
- 4. The Development Permit lapsing two years from the date of this resolution.

Carried

GEN	VERAL INSTRUMENT - PART 1 Province of British Co	olumbia			1614022088 PAGE 1 OF 22 PAGES
- 1- 1 ²	Your electronic signature is a representation that you ar certify this document under section 168.4 of the <i>Land T</i> that you certify this document under section 168.41(4 execution copy, or a true copy of that execution copy, is in	itle Act, R	SBC 199 act, and	6 c.250,	
1.	APPLICATION: (Name, address, phone number of applic Farris LLP	ant, applica	nt's solic	itor or ag	gent)
	Barristers and Solicitors			Т	elephone: (250) 382-1100
	3rd Floor-1005 Langley Street			Fi	le: 43510-0008
	Victoria BC	V8W 1\	/7		
	THE REPORT OF THE PROPERTY OF				Deduct LTSA Fees? Yes
2.	PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF [PID] [LEGAL DESCRIPT 005-212-332 LOT 1576, VICTORIA (ION]			
	STC? YES				
3.	NATURE OF INTEREST	СН	ARGE N	0.	ADDITIONAL INFORMATION
	SEE SCHEDULE				
4.	TERMS: Part 2 of this instrument consists of (select one c (a) Filed Standard Charge Terms D.F. No. A selection of (a) includes any additional or modified term		(b)	Expres	ss Charge Terms Annexed as Part 2 a schedule annexed to this instrument.
5.	TRANSFEROR(S):				
	RTR PROPERTIES LTD., INC. NO. BC	070799	6		
6.	TRANSFEREE(S): (including postal address(es) and post	al code(s))			
	CAPITAL REGIONAL DISTRICT				
	625 FISGARD STREET				
	VICTORIA	В	RITIS	H COI	LUMBIA
	V8W 1R7	С	ANAD	A	
7.	ADDITIONAL OR MODIFIED TERMS: n/a				
8.		ind by this	es, discha instrume ecution I M	nt, and a	coverns the priority of the interest(s) described in Item 3 and cknowledge(s) receipt of a true copy of the filed standard Transferor(s) Signature(s) RTR Properties Ltd.
	See Affidavit of Execution	21	03	02	Print name:
	As to all signatures				ROBERT KOOPMAN Print name:

As to all signatures

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this 276 instrument.

LAND TITLE ACT

FORM D

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21 CAPITAL REGIONAL DISTRICT by its authorized signatory(ies): Print name: Print name: as to all signatures Print name:	Officer Signature(s)	Execution Date			Transferor / Borrower / Party Signature(s)	
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E_V27			
LAND TITLE ACT FORM E			
SCHEDULE		PAGE	3 OF 22 PAGES
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION	
Covenant		Section 219 Covenant Page 8, paragraph 2.1	
NATURE OF INTEREST Rent Charge	CHARGE NO.	ADDITIONAL INFORMATION Page 12, paragraph 2.4	
NATURE OF INTEREST Option to Purchase	CHARGE NO.	ADDITIONAL INFORMATION Page 14, paragraph 3.1	
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION	
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION	
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION	

SECTION 219 COVENANT AND HOUSING AGREEMENT WHEREAS:

- A. RTR Properties Ltd. (the "Developer") is the registered owner of the Lands described in Item 2 of Part 1 of this General Instrument and the Developer intends to complete a multi unit residential development on the Lands (the "Strata Development") and shall designate two (2) Affordable Units comprising two (2) one-bedroom units of the strata lots to be created by the strata plan for the Strata Development as the Affordable Units to which strata lots this Agreement will apply.
- B. The Developer intends to build the Affordable Unit to ensure the availability of affordable housing in Victoria British Columbia.
- C. To ensure that the Affordable Unit continues to be available as affordable housing, the Developer has agreed to grant the Capital Regional District ("**CRD**"):
 - (a) a covenant under Section 219 of the *Land Title Act* (the "**Covenant**") and a housing agreement under Section 483 of the Local Government Act setting out, amongst other things, the procedure to be followed in connection with any sale of an Affordable Unit as well as restrictions on the sale price on use and rental of the Affordable Unit;
 - (b) an option to purchase an Affordable Unit if it is sold, rented or used in breach of the Covenant; and
 - (c) Notice of Housing Agreement:

For clarity, the Owner acknowledges and agrees that:

- (i) this Agreement constitutes both a covenant under Section 219 of the Land Title Act and a housing agreement entered into under Section 483 of the Local Government Act;
- (ii) the CRD is required to file a notice of housing agreement in the Land Title Office against title to the Land; and
- (iii) once such notice is filed, this Agreement binds all persons who acquire an interest in the Land as a housing agreement under Section 483 of the *Local Government Act*.

NOW THEREFORE in consideration of the mutual covenants set out below and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by each of the parties), the parties agree as follows:

SECTION 1. INTERPRETATION

- 1.1 **Definitions**. In this Agreement:
 - 1.1.1 "Affordable Unit" or "Affordable Units" shall mean the two (2) one-bedroom strata lots to be designated by the Developer within the Strata Development as the strata lots to which this Agreement shall apply;
 - 1.1.2 "Affordable Rate" means a rate determined from time-to-time by the NPO in its sole discretion with reference to BC Government guidelines, if any;
 - 1.1.3 "Agreement" means Parts 1 and 2 of this General Instrument;
 - 1.1.4 "Appraisal" has the meaning stated in Section 2.2;
 - 1.1.5 "Appraisal Review Period" has the meaning stated in Section 2.2.4.1;
 - 1.1.6 "Appraiser" means an appraiser accredited by the Appraisal Institute of Canada and duly qualified to appraise an Affordable Unit and on an approved list maintained by the NPO, if any;
 - 1.1.7 "Approved Lender" means an "approved lender" (as defined in the *National Housing Act*, R.S.C. 1985, c. N-11) which holds an Insured Mortgage of an Affordable Unit;
 - 1.1.8 "Below Market Value" means 90% of the Fair Market Value of the Affordable Unit from time to time;
 - 1.1.9 "Business Day" means any day other than Saturday, Sunday or a statutory holiday in the Province of British Columbia;
 - 1.1.10 "Closing Date" means the 30th day after the Notice Date, or the first Business Day thereafter that the LTO is open for business to the public;
 - 1.1.11 "CMHC" means Canada Mortgage and Housing Corporation or any successor thereto;
 - 1.1.12 "Covenant" has the meaning stated in Recital C and is the covenant set out in Section 2.1;
 - 1.1.13 "CRD" has the meaning stated in Recital C;
 - 1.1.14 "Developer" has the meaning stated in Recital A;
 - 1.1.15 "Environmental Law" means any applicable federal, provincial or municipal laws pertaining to the presence, handling, release or removal of Hazardous Substances;
 - 1.1.16 "Fair Market Value" of an Affordable Unit means the purchase price from time to time which a willing purchaser would pay to a willing vendor, dealing at arm's length from

each other, for an Affordable Unit, unencumbered with the exception of Permitted Encumbrances and without the benefit of a parking stall or other parking entitlement;

- 1.1.17 "General Instrument Part 1" means the General Instrument Part 1 to which this Terms of Instrument Part 2 is attached;
- 1.1.18 "Hazardous Substances" collectively means contaminants, pollutants or other substances which are hazardous or dangerous to the health of humans, animals or plants or to the environment and includes substances defined as hazardous substances or special waste under any law, regulation or order of a Statutory Authority;
- 1.1.19 "Immediate Family" means grandparent, parent, sibling, spouse, common-law partner, son or daughter;
- 1.1.20 "Insured Mortgage" means a mortgage insured pursuant to the *National Housing Act*, R.S.C. 1985, c. N-11;
- 1.1.21 "LTO" means the Land Title Office for the jurisdiction in which an Affordable Unit is located;
- 1.1.22 "Notice" means any written notice which CRD may deliver to the Owner under Section 3.3, exercising the Option;
- 1.1.23 "Notice Date" means the day on which the Owner is deemed by Section 6.2 to have received the Notice;
- 1.1.24 "NPO" means the Capital Region Housing Corporation or other non-profit housing organization or Person retained by CRD from time to time to administer the sale of the Affordable Units and to manage the rental of the Affordable Units;
- 1.1.25 "NPO Appraisal" has the meaning stated in Section 2.2.4.1;
- 1.1.26 "Offer" has the meaning stated in Section 2.2;
- 1.1.27 "Option" means the option to purchase granted by the Developer and the Owner to CRD under Section 3.1;
- 1.1.28 "Option Purchase Price" means:
 - (1) 90% of the Below Market Value; or
 - (2) if the Owner has granted a bona fide arm's length mortgage or mortgages of the Affordable Unit to an Approved Lender which, as at the Closing Date, secures in aggregate an amount which exceeds 95% of the Below Market Value, the amount owing under and required to discharge the mortgage or mortgages to the Approved Lender as at the Closing Date;
- 1.1.29 "Owner" means the registered owner of an Affordable Unit from time to time and includes the Developer in its capacity as developer of the Affordable Units until the first

conveyance to a Qualified Buyer, and their respective heirs, legal representatives, successors and assigns;

- 1.1.30 "Permitted Encumbrances" means those charges or encumbrances stated in Schedule "A" and any other encumbrances approved as required by the City of Victoria or Developer from time to time to complete the Strata Development or as in writing by CRD but shall not include any mortgage or other financial encumbrance and shall not include this Agreement;
- 1.1.31 "Person" means any individual, society, corporation, partnership, trustee, administrator, legal representative, Statutory Authority or other legal entity;
- 1.1.32 "Personal Property" means all lighting fixtures, appliances, equipment, cabinetry, affixed carpeting, drapes and blinds located within an Affordable Unit (except to the extent otherwise agreed in writing by CRD) but does not include an Owner's personal effects;
- 1.1.33 "Proceeding" has the meaning stated in Section 2.3.1;
- 1.1.34 "Project" means the Strata Development of which the Affordable Units will be a part and comprises all of the Lands referred to in Item 2 of the General Instrument – Part 1;
- 1.1.35 "Property" means the Affordable Unit and all Personal Property within the Affordable Unit;
- 1.1.36 "Qualified Buyer" means an individual who meets the criteria stated in Schedule "B";
- 1.1.37 "Statutory Authority" means any federal, provincial or municipal governmental authority which has jurisdiction over any matter referred to in this Agreement;
- 1.1.38 "Term" means the period commencing on the date of registration of this Agreement in the LTO and ending on the earlier of (a) the date which is ninety- nine (99) years thereafter, and (b) the date of any destruction or statutorily deemed destruction of the Project;
- 1.1.39 "Transaction" means the transfer of an Affordable Unit from the Owner to CRD;
- 1.1.40 "Transfer" means an instrument in a statutorily prescribed form by which the Owner transfers title to the Affordable Unit to CRD.
- 1.2 **<u>Time</u>**. Time will be of the essence of this Agreement. If any party expressly or impliedly waives this requirement, that party may reinstate it by delivering notice to the other party. If a time is specified in this Agreement for observing or performing any obligation, such time will be local time in Victoria, British Columbia.
- 1.3 <u>Governing Law</u>. This Agreement will be governed by and construed and enforced in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia.

- 1.4 **<u>References</u>**. In this Agreement, words importing the singular include the plural and vice versa, and words importing gender include all genders.
- 1.5 **Construction**. The division of this Agreement into sections and the use of headings are for convenience of reference only and are not intended to govern, limit or aid in the interpretation of this Agreement. The wording of this Agreement will be construed simply, according to its fair meaning, and not strictly for or against any party.
- 1.6 **Validity of Provisions**. If a Court of competent jurisdiction finds that any provision contained in this Agreement is invalid, illegal or unenforceable, such invalidity, illegality or unenforceability will not affect any other provision of this Agreement which will be construed as if such invalid, illegal or unenforceable provision had never existed and such other provisions will be enforceable to the fullest extent permitted at law.
- 1.7 **No Waiver**. Failure by either party to exercise any of its rights, powers or remedies hereunder or its delay to do so, will not be interpreted as a waiver of those rights, powers or remedies except in the case of a written waiver. No waiver of a particular right will be deemed to be a waiver of that right in any other instance or a waiver of any other right.
- 1.8 **<u>Statutes</u>**. Any reference to a statute and to any regulations under that statute means the statute and regulations as amended or replaced from time to time.
- 1.9 **<u>Remedies</u>**. Any party to this Agreement, in addition to its rights under this Agreement or at law, will be entitled to all equitable remedies including specific performance, injunction and/or declaratory relief, to enforce its rights under this Agreement. No reference to or exercise of any specific right or remedy under this Agreement or at law or in equity by any party will prejudice or preclude that party from exercising any other such right or remedy. No such right or remedy will be exclusive or dependent upon any other such right or remedy, but any party, from time to time, may exercise any one or more of such rights or remedies independently, successively or in combination. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement.
- 1.10 **<u>Schedules</u>**. The following Schedules are attached to and form integral parts of this Agreement:

Schedule "A" Permitted Encumbrances Schedule "B" Qualified Buyer Criteria

SECTION 2. SECTION 219 COVENANT

- 2.1 **<u>Covenant</u>**. The Owner hereby covenants with CRD that:
 - (a) the Affordable Unit will not be sold, assigned or otherwise transferred otherwise than:
 - (i) to a Qualified Buyer;
 - (ii) for a selling price not greater than the Below Market Value;

- (iii) subject to the Covenant and the Option; and
- (iv) in a way which complies with Section 2.2, or to CRD under Section 3;
- (b) the Affordable Unit will not at any time be subject to a conventional high ratio mortgage or mortgages which, in total, secure an amount which exceeds 95% of the Below Market Value; and
- (c) the Owner shall not permit (whether by renting or otherwise) any person other than the Owner and members of the owner's Immediate Family to occupy the Affordable Unit, and shall not use or permit the premises to be used solely for conducting a business or profession,

and the Owner and CRD agree that, subject to Section 2.3 the covenant set out above will be registered as a charge against the Affordable Unit and run with the Affordable Unit for the Term.

2.2 **Procedure for Sale of Affordable Unit**.

2.2.1 Owner Notifies NPO of Intention to Sell.

If at any time after the first conveyance of an Affordable Unit by the Developer, the Owner wishes to sell, assign or otherwise transfer the Affordable Unit, the Owner will do so in accordance with a bona fide arm's length agreement of purchase and sale (or as a court may order in a proceeding to enforce a mortgage of the Affordable Unit) and the Owner will, prior to:

- (a) listing or offering the Affordable Unit for sale; or
- (b) accepting an offer to purchase the Affordable Unit,

deliver to the NPO written notice of their intention to sell an Affordable Unit, such notice to be in the form required by the NPO.

2.2.2 Owner Retains Appraiser.

Within 7 days after the Owner notifies the NPO of their intention to sell an Affordable Unit, the Owner will select an Appraiser to be retained by the Owner to undertake an appraisal (the "Owner Appraisal") of the Fair Market Value of the Affordable Unit. The Owner will deliver a copy of the Owner Appraisal to the NPO within 7 days after the Owner receives the Owner Appraisal.

2.2.3 Owner and NPO Agree on Maximum Selling Price.

If the Owner and the NPO agree within 7 days after the Owner Appraisal is delivered to the NPO that the Fair Market Value of the Affordable Unit is as stated in the Owner Appraisal, the Fair Market Value stated in the Owner Appraisal, less 10%, will be the

maximum price at which the Owner will be permitted to sell the Affordable Unit during a period of 6 months commencing on the effective date of the Owner Appraisal.

2.2.4 Owner and NPO Do Not Agree on Maximum Selling Price.

- 2.2.4.1 If the Owner and the NPO do not agree within 7 days (the "Appraisal Review Period") after the Owner Appraisal is delivered to the NPO that the Fair Market Value of the Affordable Unit is as stated in the Owner Appraisal, the NPO will retain its own Appraiser to undertake an appraisal (the "NPO Appraisal") of the Fair Market Value of the Affordable Unit in which case the average of the Fair Market Value stated in the Owner Appraisal and the NPO Appraisal, less 10%, will be the maximum price at which the Owner will be permitted to sell the Affordable Unit during a period of 6 months commencing on the effective date of the NPO Appraisal.
- 2.2.4.2 The NPO will deliver a copy of the NPO Appraisal to the Owner within 7 days after the NPO receives the NPO Appraisal.
- 2.2.4.3 If the NPO Appraisal is not delivered to the Owner within 30 days after the end of the Appraisal Review Period, the Fair Market Value stated in the Owner Appraisal, less 10%, will be the maximum price at which the Owner will be permitted to sell the Affordable Unit during a period of 6 months commencing on the effective date of the Owner Appraisal.

2.2.5 <u>Owner Responsible for Appraisal Costs</u>.

The Owner will be responsible for the cost of both the Owner Appraisal and the NPO Appraisal. If the cost of the NPO Appraisal is initially paid by the NPO, the Owner will reimburse the NPO for the cost of the NPO Appraisal within 30 days after demand by the NPO. If any amount owed by the Owner to the NPO with respect to the NPO Appraisal is not paid prior to the completion of the sale of the Affordable Unit by the Owner, a portion of the sale proceeds equal to the amount owing to the NPO will be deemed to have been irrevocably assigned by the Owner to the NPO.

2.2.6 NPO Notifies Owner of Maximum Selling Price.

Within 7 days after the Fair Market Value of the Affordable Unit has been determined under Section 2.2.3 or 2.2.4, the NPO will notify the Owner of the maximum price, determined under Section 2.2.3 or 2.2.4, at which time the Owner will be permitted to offer to sell the Affordable Unit, which price shall be deemed to be its Below Market Value.

2.2.7 Owner to Deliver True Copy of Sale Contract to NPO.

The Owner will immediately deliver a true copy of any contract of purchase and sale which the Owner may enter into with respect to the sale of the Affordable Unit or any interest therein (the "Sale Contract"). The Owner will deliver to the NPO with the Sale Contract, or upon the request of the NPO, such information with respect to the buyer named in the Sale Contract as the NPO may reasonably require to determine whether the buyer is a Qualified Buyer.

2.2.8 Terms to be Included in Sale Contract.

The Sale Contract will be in writing and will:

- (a) be for a selling price not greater than the Below Market Value of the Affordable Unit;
- (b) be subject to the NPO determining and notifying the Owner in writing (within a period of 10 Business Days after the NPO receives a true copy of the Sale Contract) that (1) the Owner has complied with the requirements of this Section 2.2, and (2) the buyer is a Qualified Buyer, failing which the Sale Contract will be null and void; and
- (c) include a statement that the buyer agrees to purchase the Affordable Unit subject to the Covenant, the Option and all other terms of this Agreement.

2.2.9 No Sale after 6 Months Without New Appraisal.

The NPO will not be obligated to review or make any determination with respect to a Sale Contract as stated in subsection 2.2.8(b) above if the date of receipt by the NPO of a true copy of the Sale Contract and any other information required by the NPO under Section 2.2.7 is after the expiry of the 6 month period during which the Owner is permitted to sell the Affordable Unit. If the 6 month period has expired, the process under Section 2.2 will begin again, with the Owner giving fresh notice to the NPO of their intention to sell the Affordable Unit.

2.2.10 CRD Will Notify Owner of Change in NPO.

CRD will notify the Owner in writing of any appointment or replacement of an NPO and of the address to which notices to the NPO will be sent.

2.2.11 Fee to NPO

The NPO will be entitled to payment of a fee equal to 0.5% of the gross selling price of an Affordable Unit, such fee to be paid on closing of the sale of such Affordable Unit by the Owner and a portion of the sale proceeds equal to the amount owing to the NPO will be deemed to have been irrevocably assigned by the Owner to the NPO.

2.3 **Procedure for Foreclosure.**

2.3.1 CRD Right to Market and Sell.

If the Approved Lender or CMHC commences a foreclosure proceeding (the "Proceeding") under an Insured Mortgage of the Affordable Unit the Owner covenants and agrees with CRD that:

- (a) the Owner shall notify CRD of the Proceeding;
- (b) at the time which is the midpoint of any redemption period (the "Redemption Period") ordered in the Proceeding, CRD shall have the right and may apply for an order in the Proceeding, unopposed by the Owner, to market and sell the Affordable Unit in accordance with Section 2.1(a)(i), (ii), (iii) and (iv);
- (c) on receipt of the order in the Proceeding under Section 2.3.1(b) CRD shall have the right to enter into an agreement with a licensed realtor to market and sell the Affordable Unit at the prevailing commission or fee; and
- (d) the Owner shall provide reasonable access to the Affordable Unit by CRD, the licensed realtor and any prospective purchaser of the Affordable Unit for the purpose of repairing, cleaning, appraising, marketing and selling the Affordable Unit.

2.3.2 CMHC Notice to CRD.

In the event that CRD does not sell the Affordable Unit pursuant to Section 2.3.1, CMHC or the Approved Lender may, 120 days after expiry of the Redemption Period ordered in the Proceeding, issue a 30 day notice (the "Notice Period") to CRD to redeem the Insured Mortgage. In the event that CRD does not redeem the Insured Mortgage within the Notice Period, CRD shall cause this Agreement to be discharged from title to the Affordable Unit at the LTO within 7 days of expiry of the Notice Period.

2.3.3 **CMHC Sale**.

In the event that the Affordable Unit is sold by the Approved Lender or CMHC after discharge of this Agreement from title to the Affordable Unit and such sale generates funds in excess of the balance owing under the Insured Mortgage and related costs, including charges, taxes, commissions and utilities regarding the Affordable Unit, such excess funds shall forthwith be paid to CRD, for its own use absolutely. This Section 2.3.3 shall bind the Owner, the Approved Lender, CMHC (where CMHC has a mortgage loan insurance policy in force for the Affordable Unit) and CRD both before and after discharge of this Agreement from title to the Affordable Unit.

2.4 **Procedure for Rental and Recovery of Rent Charges.**

2.4.1 **Rental Prohibited**.

2.4.1.1 All rentals of the Affordable Units are prohibited except:

- (a) In the case of hardship, as decided by the NPO in its sole discretion, and on making an application to the NPO in the form provided by the NPO, if any, an Affordable Unit may be rented at an Affordable Rate for a period no shorter than six months; or
- (b) If a qualified buyer cannot be located, as decided by the NPO in its sole discretion, and on making an application to the NPO in the form

provided by the NPO, if any, an Affordable Unit may be rented at an Affordable Rate for a period no shorter than six months.

- 2.4.1.2 The maximum term of any rental shall be two years, at which point the Affordable Unit must be listed for sale in accordance with section 2.2. Rental may continue at an Affordable Rate at the discretion of the NPO. If hardship continues or a qualified buyer cannot be located after this listing, additional sales listings may be required at any time at intervals decided by the NPO at its discretion.
- 2.4.1.3 Any tenancy shall be governed by an agreement under the *Residential Tenancy Act* (BC) which shall include the following provisions:
 - (a) permitting the Owner to terminate the tenancy agreement in accordance with the *Residential Tenancy Act* if the tenant uses or occupies, or allows use or occupation of, the Affordable Unit in breach of the use or occupancy restrictions contained in this Agreement;
 - (b) explicitly prohibiting the assignability, sub-letting, and use of the Affordable Unit for short term vacation rentals;
 - (c) explicitly specifying that only persons named in the tenancy agreement may occupy the Affordable Unit;
 - (d) providing that the Owner will have the right, at its option, to terminate the tenancy agreement should the tenant remain absent from the Affordable Unit for three consecutive months or longer, notwithstanding the timely payment of rent;
 - (e) prohibiting guests residing in the Affordable Unit for more than 30 days, whether or not consecutive, in any 12 month period without the prior written consent of the Owner; and
 - (f) prohibiting use of the Affordable Unit for non-residential rentals, assignments, sub- lets, licenses and uses, such as vacation rentals, including such services as AirBNB or Vacation Rental By Owner, short term licenses, or short-stay use of any kind, and business-only premises.
- 2.4.1.4 The Owner will terminate the tenancy if the tenant uses or occupies, or allows use or occupancy in breach of the use and occupancy restrictions in this Agreement.

2.4.2 Rent Charge and Acknowledgement.

2.4.2.1 The Owner acknowledges that the CRD requires affordable housing to ensure prosperity and economic growth for the residents of the Capital Region. The Owner acknowledges the purpose of the Affordable Unit is to provide affordable housing to residents of the Capital Region, and it is not to be used for a short

term vacation rental or left as a vacant home. The Owner therefore agrees that for each day an Affordable Unit is occupied in breach of this Agreement, the Owner will pay to the CRD \$150 for each day on which the breach has occurred and continues to occur, as liquidated damages and not as a penalty, due and payable at the offices of the CRD on the last day of the calendar month in which the breach occurred. The \$150 per day amount will increase on January 1 of each year by the amount calculated by multiplying the amount per day payable on the previous January 1 by the percentage increase between that previous January 1 and the immediately preceding December 31 in the CPI.

2.4.2.2 The Owner hereby grants to the CRD a rent charge under s. 219 of the *Land Title Act* (British Columbia), and at common law, securing payment by the Owner to the CRD of the amount payable by the Owner pursuant to section 2.4.2 of this Agreement. The Owner agrees that the CRD, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the CRD in law or in equity.

SECTION 3. OPTION TO PURCHASE

- 3.1 **Option to Purchase**. The Owner hereby grants CRD an exclusive and irrevocable option to purchase the Affordable Unit during the Term at the Option Purchase Price in accordance with Sections 3 and 4.
- 3.2 **Exercise of Option**. CRD may exercise the Option only if the Owner:
 - (a) defaults in its obligations under Sections 2.1 or 2.2; or
 - (b) acquired the Affordable Unit from a previous Owner for a price which was, as of the date of closing of that transaction, greater than the Below Market Value or if the Owner was not, as of that date, a Qualified Buyer; or
 - (c) defaults in its obligations under any mortgage of the Affordable Unit.
- 3.3 <u>Method of Exercise of Option</u>. CRD may exercise the Option by delivering Notice of exercise of the Option to the Owner.
- 3.4 <u>Effect of Exercise of Option</u>. From and after the Notice Date, this Agreement and the Notice will together constitute a binding and enforceable contract between the Owner and CRD for the purchase and sale of the Affordable Unit in accordance with the terms and conditions of Section 4.

SECTION 4. PURCHASE AND SALE

4.1 **<u>Purchase and Sale</u>**. Subject to the terms and conditions of this Section 4 and relying on the warranties and representations herein set out, the Owner agrees to sell and CRD agrees to

purchase the Affordable Unit on the Closing Date for the Option Purchase Price, and the Owner agrees that, at the request of CRD, it will transfer registered title to the Affordable Unit to CRD or such other Person as CRD may designate.

- 4.2 **Option Purchase Price**. CRD will pay the Option Purchase Price, subject to adjustment pursuant to Section 4.10, to the Owner on the Closing Date.
- 4.3 **Repair and Maintenance**. From and after the Notice Date to the Closing Date, the Owner will take good care of the Property, will carry out all necessary repairs, maintenance, and replacements, will take reasonable care to protect and safeguard the Property and will in all other respects deal with the Property so that the warranties and representations of the Owner set out in this Agreement remain true and correct.
- 4.4 **Insurance**. From and after the Notice Date to the Closing Date, the Owner will ensure that all policies of insurance with respect to the Property remain in full force and effect.
- 4.5 **<u>Risk</u>**. The Property will be at the risk of the Owner up to the time the Transfer is submitted for registration at the LTO on the Closing Date and will be at the risk of CRD after the time the Transfer is submitted for registration at the LTO on the Closing Date.
- 4.6 **Damage**. If, prior to the time the Transfer is submitted for registration at the LTO, any damage occurs to the Property or any of the assets comprising the Property, CRD, by notice to the Owner, may elect to postpone the Closing Date for a period of not more than 30 days and may also elect:
 - (a) not to acquire the Affordable Unit, in which case neither party will have any further obligation to the other under this Section 4 pertaining to that particular Notice; or
 - (b) that the Owner assign to CRD the Owner's right to receive any and all insurance proceeds payable with respect to the damage, subject to any bona fide loss payee designation, in which case the Owner will execute and deliver to CRD an assignment satisfactory to CRD.
- 4.7 <u>Construction Warranties</u>. From and after the Closing Date, the Owner will assign to CRD all the Owner's rights under all warranties, guarantees or contractual obligations against any contractor or supplier who was engaged in the construction, renovation, or repair of all or any part of the Affordable Unit or any improvement to the Affordable Unit. CRD's acceptance of this assignment will not represent a waiver by CRD of the Owner's covenants, agreements, representations and warranties set out in this Agreement.

4.8 **Owner's Covenants**. The Owner will:

- (a) take all proper actions and proceedings on its part to enable the Owner to transfer a good and marketable title to the Affordable Unit to CRD or such Person as CRD may designate, free and clear of all encumbrances other than Permitted Encumbrances;
- (b) deliver vacant possession of the Property to CRD or such Person as CRD may designate on the Closing Date, subject to prior receipt of the Option Purchase Price by the Owner;

- (c) not, from and after the Notice Date to the Closing Date, sell, transfer, dispose of or remove from the Affordable Unit any Personal Property; and
- (d) both before and after the Closing Date do such other things as CRD may reasonably require for transferring to and vesting in CRD or such Person as CRD may designate title to the Affordable Unit as contemplated by this Section 4.
- 4.9 **<u>Documents</u>**. CRD will prepare the documents necessary to complete the Transaction which will be in a form and substance reasonably satisfactory to CRD and its lawyers.
- 4.10 <u>Adjustments and Credits</u>. The Owner and CRD will adjust, as at the Closing Date, all usual adjustments for a property similar to the Property including taxes, utility rates and any moneys owing to the strata corporation formed in respect of the Project.
- 4.11 **<u>Closing</u>**. The Owner and CRD will complete the Transaction on the Closing Date at the offices of CRD or its lawyers.
- 4.12 **Owner's Closing Documents**. At the closing, the Owner will deliver to CRD the following duly executed documents:
 - (a) the Transfer;
 - (b) a vendor's statement of adjustments;
 - (c) a bill of sale for the Personal Property and all other deeds, transfers, assignments, resolutions, consents, estoppels and other certificates and assurances as CRD may reasonably require;
 - (d) a certificate in confirmation that the sale of the Affordable Unit to CRD is exempt from taxes under the *Excise Tax Act* (the "GST") or, alternately, a certified cheque or bank draft payable to CRD in an amount equal to the GST payable by CRD on the Option Purchase Price; and
 - (e) unless waived in writing by CRD, a certified cheque or bank draft payable to CRD in the amount, if any, by which the moneys owing under and required to discharge any mortgage or mortgages of the Affordable Unit exceed the Option Purchase Price (calculated in accordance with Section 1.1.28(2)), as adjusted under Section 4.10.
- 4.13 **<u>CRD's Closing Documents</u>**. At the closing, CRD will deliver to the Owner:
 - (a) a purchaser's statement of adjustments; and
 - (b) a cheque for the Option Purchase Price, as adjusted under Section 4.10.
- 4.14 **Tabling**. Except for the Transfer, all documents and cheques will be tabled at the closing. CRD will cause its lawyers, on the Closing Date, to conduct a pre-registration index search of the Affordable Unit at the LTO. If that search indicates that no liens, charges or encumbrances have been registered or filed in respect of the Affordable Unit except for Permitted

Encumbrances and encumbrances which the lawyers for the Owner have undertaken to discharge, the lawyers for CRD or their agents shall submit the Transfer for registration and then conduct a post-filing registration index search. If that search indicates that no liens, charges or encumbrances have been registered or filed in respect of the Affordable Unit since the pre-filing registration index search, all documents and payments will be released to each of the Owner and CRD according to the entitlement of each of them.

- 4.15 **<u>Reimbursement</u>**. If CRD waives payment on the Closing Date of the amount referred to in Section 4.12(e), the Owner shall pay such amount to CRD, on demand, with interest thereon at the rate of eighteen percent (18%) per annum, compounded monthly, from the Closing Date to the date of payment.
- 4.16 **Survival**. All the representations, warranties, covenants and agreements of the Owner and CRD contained in this Agreement will survive the Closing Date, registration of documents, and the payment of the Option Purchase Price.

SECTION 5. RELEASE

5.1 <u>Release</u>. The Owner releases CRD and its officers, directors, employees and agents and their respective heirs, executors, administrators, personal representatives, successors and assigns absolutely and forever, from any claims the Owner may have against all or any of them for costs, expenses or damages the Owner may suffer, incur or be put to arising out of or in connection with this Agreement and from all claims arising out of advice or direction respecting the sale of the Affordable Unit or use of the Property given to the Owner by any of them or by the NPO.

SECTION 6. GENERAL PROVISIONS

- 6.1 **Discharge of Covenant and Option to Purchase on Strata Lots not designated as Affordable Units**. The parties agree that this Agreement is intended to only apply to the two (2) strata lots to be designated by the Developer as the Affordable Units upon the filing of the strata plan for the Strata Development and concurrently with filing of the strata plan for the Strata Development this Covenant, the Rent Charge and the Option to Purchase shall be discharged from title to all of the strata lots and the common property except for the two (2) Affordable Units designated by the Developer, and this Agreement will only charge the Affordable Units. The parties will execute all such documents as may be required to complete the foregoing discharges.
- 6.2 **Notices**. Unless otherwise specified, each notice to the Owner must be given in writing and delivered personally or by courier to the Owner at its address shown on title to the Affordable Unit as registered in the LTO from time to time. Unless otherwise specified, each notice to CRD must be given in writing and delivered personally or by courier to CRD, Attention: Manager Real Estate Services, at the address shown on the General Instrument Part 1 or to such other address or addresses or person or persons as CRD may designate. Notices will be deemed to have been received when delivered.

- 6.3 <u>Fees</u>. Each of the Owner and CRD will pay its own legal fees. CRD will pay all fees in connection with registration of the Transfer.
- 6.4 <u>Enuring Effect</u>. This Agreement will enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and permitted assigns as the case may be of the Owner and CRD, provided that the Owner shall not be liable for any breach of the covenant contained in Section 2.1 except as such liability relates to the period of ownership of an Affordable Unit by the Owner. If, by operation of statute or otherwise, the Option becomes or will within a period of three months become void or unenforceable as the result of the passage of time, the Owner or their heir, legal representative, successor or permitted assign, as the case may be, will, at the request of CRD, execute and deliver to CRD a replacement agreement substantially in the form of this Agreement.
- 6.5 **<u>Registration</u>**. This Agreement will be registered against title to the Lands initially and then shall be restricted to the titles to the Affordable Units upon filing of a strata plan of the Lands in the LTO subject only to Permitted Encumbrances.
- 6.6 **Discharge**. On expiry of the Term, the Owner may require that CRD execute and deliver to the Owner a release in registrable form of the Covenant and the Option.
- 6.7 **<u>Amendment</u>**. This Agreement may only be amended by written agreement of the parties.
- 6.8 **<u>Counterparts</u>**. This Agreement and any amendment, supplement, restatement or termination of any provision of this Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered is an original, but all of which taken together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have duly executed this Agreement by signing the General Instrument - Part 1.

CONSENT AND PRIORITY AGREEMENT

N/A

SCHEDULE "A" PERMITTED ENCUMBRANCES

Legal Notations:

CA1719880 Notice of Interest Builders Lien Act

Charges, Liens and Interests:

M76301 Undersurface Rights

SCHEDULE "B" QUALIFIED BUYER CRITERIA

1. Sale of an Affordable Unit by the Developer:

In the case of the sale of an Affordable Unit by the Developer, a Qualified Buyer means:

- (a) a first time home buyer, being a buyer who has not owned a principal residence for at least 5 years immediately prior to the date of purchase of an Affordable Unit;
- (b) a resident of the Capital Regional District from time to time, for at least one year immediately prior to the date of purchase of an Affordable Unit;
- (c) A person who provides Proof of Income that annual gross Income is between the range set from time-to-time by the NPO in its sole discretion (which shall not be appealed) for at least one year immediately prior to the date of purchase of an Affordable Unit; and
- (d) a person who intends to immediately use and occupy the Affordable Unit as their principal residence and not rent or lease the Affordable Unit to any other person, nor leave the unit vacant, use it solely for a business or profession, or use it as a short-term vacation rental property of any kind

it being understood and agreed that preferential consideration may be given to a person who meets all of the above criteria and all or some of the following criteria:

- (a) a person who does not own a vehicle; and
- (b) a person who satisfies such other criteria as may be applied by the NPO and CRD from time to time.

2. Sale of an Affordable Unit by an Owner other than the Developer:

In the case of the sale of an Affordable Unit by an Owner other than the Developer, a Qualified Buyer means:

- (a) a first time home buyer, being a buyer who has not owned a principal residence for at least 5 years immediately prior to the date of purchase of an Affordable Unit;
- (b) a resident of the Capital Regional District from time to time, for at least one year immediately prior to the date of purchase of an Affordable Unit;
- (c) a person who provides Proof of Income that annual gross Income is between the range set from time-to-time by the NPO in its sole discretion (which shall not be appealed) for at least one year immediately prior to the date of purchase of an Affordable Unit, it being understood and agreed that the NPO may, from time to time, grant an exemption from or vary such requirement if, in the opinion of the NPO and having regard to

prevailing market conditions, such exemption or variation is consistent with the continued use and availability of the Affordable Unit as affordable housing; and

(d) a person who intends to immediately use and occupy the Affordable Unit as their principal residence and not rent or lease the Affordable Unit to any other person, nor leave the unit vacant, use it solely for a business or profession, or use it as a shortterm vacation rental property of any kind.

For the purpose of Schedule B:

"Income" means the total income before income tax from all sources of all persons intending to live in an Affordable Unit including, without limitation:

- (a) all income from earnings, including commissions and tips;
- (b) all income from all public and private pension plans, old age security and guaranteed income supplement;
- (c) all income received under the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*;
- (d) disabled veteran's allowance;
- (e) alimony;
- (f) child support;
- (g) workers' compensation benefits;
- (h) employment insurance; and
- (i) Income from Assets,

but excluding the following:

- (a) child tax benefit;
- (b) capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
- (c) the earnings of a person aged 18 and under;
- (d) student loans, student loan equalization payments and student grants but excluding non-repayable training allowances, research fellowships or similar grants;
- (e) shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Unit;
- (f) GST rebates;

- (g) taxable benefits received through employment;
- (h) government provided daycare allowance; and
- (i) payments for foster children, or child in home of relative (CIHR) income under the *Employment and Assistance Act.*

"Income from Assets" means computing income from assets of all persons intending to live in an Affordable Unit at a percentage per annum as determined by CRD, excluding the first \$62,051.00 in assets of such persons, based on November 1, 2018 dollars, indexed over time by reference to changes from time to time in the consumer price index (all items, British Columbia) or if such consumer price index is no longer published, such substitute and comparable index as the NPO may designate.

"Proof of Income" means a tax return filed with Canada Revenue Agency or a notice of assessment from Canada Revenue Agency under the *Income Tax Act*.

NO. 21-025

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-93 Zone, Central Area (1114 Rockland) District, and to rezone land known as 1114 Rockland Avenue from the R3-A1 Zone, Low Profile Multiple Dwelling District to the CA-93 Zone, Central Area (1114 Rockland) District.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1249)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 6 – CENTRAL AREA ZONES</u> by adding the following words:

"6.104 CA-93 Central Area (1114 Rockland) District"

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.103 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1114 Rockland Avenue, legally described as PID: 005-212-332 Lot 1576, Victoria City, and shown hatched on the attached map, is removed from the R3-A1 Zone, Low Profile Multiple Dwelling District, and placed in the CA-93 Zone, Central Area (1114 Rockland) District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



Schedule 1 PART 6.104 – CA-93 ZONE, CENTRAL AREA (1114 ROCKLAND) DISTRICT

6.104.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. multiple dwelling
- b. The uses created as a result of a <u>house conversion</u>, subject to the regulations in Schedule "G"
- c. home occupation subject to the regulations in Schedule "D"
- d. accessory buildings subject to the regulations in Schedule "F"

6.104.2 Community Amenities

As a condition of additional density pursuant to Part 6.104.3, all of the following community amenities must be provided:

- a. A monetary contribution of \$144,021.20 to the Victoria Housing Reserve Fund (70%) and Local Amenities Reserve Fund (30%) prior to issuance of a Building Permit.
- b. Registration of a legal agreement securing that two one-bedroom units will be sold for no more than 90% of fair market value for a term that ends on the earlier of 99 years after the registration of the agreement and the date of destruction of the building.
- c. Registration of a legal agreement that in perpetuity prevents any strata corporation from passing bylaws that would prohibit or restrict the rental of any of the dwelling units, with the exception of those secured pursuant to subsection (b), to non-owners.
- d. Until the amenity contribution identified in subsection (a) is paid in full, it shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #21-025 is adopted and each year thereafter, by adding to the base contribution amount in subsection (a) an amount calculated by multiplying that base contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.
- e. For the purposes of subsection (e), "CPI" means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

6.104.3 Floor Space Ratio

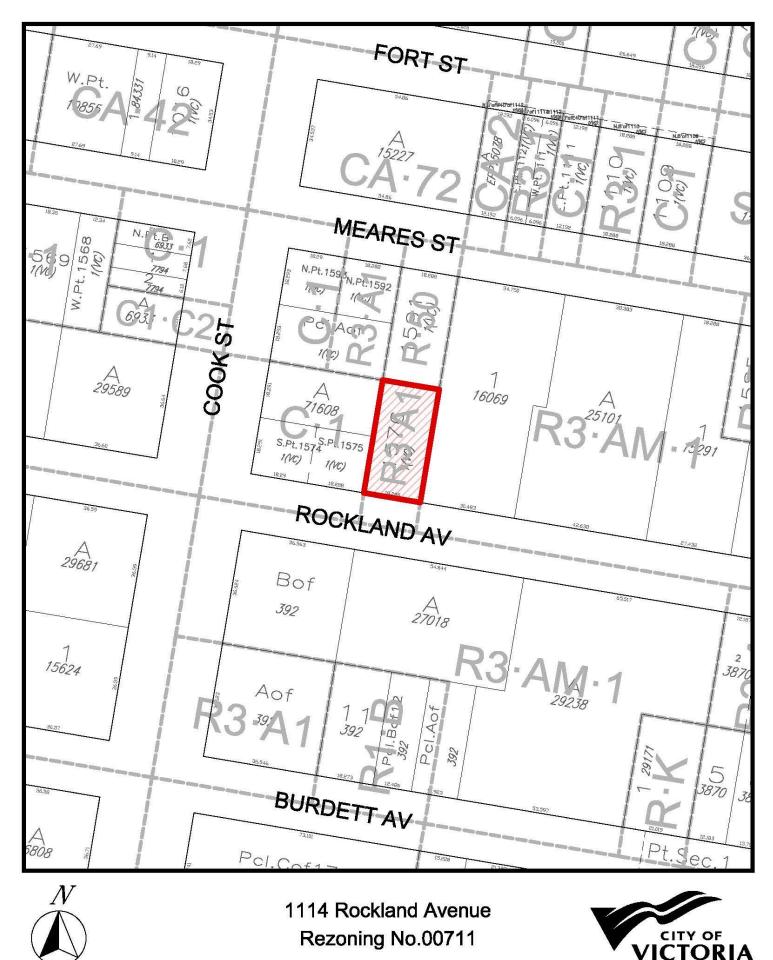
- a. <u>Floor space ratio</u> where the community amenities have 1:1 not been provided pursuant to Part 6.104.2 (maximum)
- b. <u>Floor space ratio</u> where the community amenities have 2:1 been provided pursuant to Part 6.104.2 (maximum)

Schedule 1 PART 6.104 – CA-93 ZONE, CENTRAL AREA (1114 ROCKLAND) DISTRICT

6.104.4 H	eight, Storeys	
a. Prin	ncipal <u>building height</u> (maximum)	20.00m
c. <u>Stor</u>	<u>reys</u> (maximum)	6
6.104.5 S	etbacks, Projections	
a. <u>Fro</u>	<u>nt yard setback</u> (minimum)	4.00m
b. <u>Rea</u>	ar yard setback (minimum)	5.00m
c. <u>Side</u>	<u>e yard setback</u> from interior <u>lot lines</u> (minimum)	3.00m
	v <u>balcony</u> or deck may project into a setback aximum)	2.00m
6.104.6 Sit	te Coverage, Open Site Space	
a. <u>Site</u>	e Coverage (maximum)	63%
b. <u>Ope</u>	en site space (minimum)	28%
6.104.7 Ve	ehicle and Bicycle Parking	

Subject to the regulations in Schedule "C"

Words that are <u>underlined</u> see definitions in Schedule "A" of the Zoning Regulation Bylaw



NO. 21-026

HOUSING AGREEMENT (1114 ROCKLAND AVENUE) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure that future strata bylaws cannot prohibit the rental of units (with the exception of two below market units) for the lands known as 1114 Rockland Avenue, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (1114 ROCKLAND AVENUE) BYLAW (2021)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and RTR Properties Ltd., Inc. No. BC0707996 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 1114 Rockland Avenue, Victoria, BC, legally described as:

PID: 005-212-332 Lot 1576, Victoria City

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



HOUSING AGREEMENT (Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA #1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

AND:

RTR Properties Ltd. (Inc. No. BC0707996) #201-4400 Chatterton Way Victoria, B.C. V8X 5J2 (the "Owner")

WHEREAS

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1114 Rockland Avenue and legally described as:

PID:005-212-332 Lot 1576, Victoria City

(the "Lands").

- D. The Owner proposes to construct a 22 unit condominium project on the Lands.
- E. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the strata corporation, but the intent of this housing agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units).
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement

{00011160:5}

pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

- 1.0 Definitions
- 1.1 In this Agreement:

"Business Day" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia.

"Development" means the proposed condominium project on the Lands to include 22 Dwelling Units.

"Dwelling Units" means any or all, as the context may require, of the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, but does not include and excludes the two strata lots to be designated by the Owner as below-market units and as defined as Affordable Units in the Section 219 Covenant granted by the Owner to the Capital Regional District and registered in the Victoria Land Title Office under number CA_____; and "Dwelling Unit" means any of such residential dwelling units located on the Lands.

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse.

"Non-owner" means a person other than a Related Person or the Owner.

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner.

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the

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individual strata lot owners collectively acting as the strata corporation.

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

- 2.0 No Restrictions on Rentals
- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming:
 - (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 3.2 The Owner covenants and agrees:
 - (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
 - (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

4.1 Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the Local Government Act, and this Agreement is binding on the parties to this

{00011160:5}

Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

- 5.0 Liability
- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 6.0 Priority Agreement
- 6.1 Intentionally deleted
- 7.0 General Provisions
- 7.1 Notice. If sent as follows, notice under this Agreement is considered to be received:
 - (a) upon confirmation of delivery by Canada Post if sent by registered mail,
 - (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
 - (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria #1 Centennial Square Victoria, BCV8W 1P6

Attention: Director of Sustainable Planning and Community Development Fax: 250-361-0386 Email: khoese@victoria.ca

and in the case of the Owner, addressed to: RTR Properties Ltd. #201-4400 Chatterton Way

{00011160:5}

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Victoria, BC V8X 5J2 Attention: Robert Koopmans

Email: rkoopmansmd@gmail.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.
- 7.2 Time. Time is of the essence of this Agreement.
- 7.3 **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 7.4 **Waiver**. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.5 **Headings.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 7.6 Language. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 7.7 Legislation. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 7.8 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest

{00011160:5}

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6

strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

- 7.9 **Cumulative Remedies.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 7.10 Entire Agreement. This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 **Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 No Derogation From Statutory Authority. Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 7.15 **Severability.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 7.16 **Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 7.17 **Counterparts.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

{00011160:5}

7.18 Effective Date. This Agreement is effective as of the date of the signature of the last party to sign.

7

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

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THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatory:

Karen Hoese, Director of Sustainable Planning and Community Development

Date signed:

RTR Properties td. by its authorized signatory (ies) Print name: KOOPMANS OBERT

Print name

Date signed: MARCH 2, 2021

{00011160:5}

8