



UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF MARCH 10, 2016, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People


Poetry Reading from Yvonne Blomer, Poet Laureate

A. APPROVAL OF AGENDA

B. READING OF MINUTES

1. Minutes from the Special Council Meeting held February 11, 2016
2. Minutes from the Regular Meeting held February 25, 2016
3. Minutes from the Special Council Meeting held March 3, 2016

C. REQUESTS TO ADDRESS COUNCIL (Maximum 6)

1. Mohan Kang: B.C. Taxi Association and the Share Ride concept of UBER or Lyft
2. David Smith: Disability
3. Mary Doody Jones: Need for Amplification Regulation
4. Leon "Ted" Smith: International Hempology 101 Society
5. Stuart Hertzog: Proposed Widening of Douglas Street and Cutting Trees
6. **Late Item:**
 Bart Reed: Bike Lanes

D. PROCLAMATIONS

1. "World Plumbing Day" - March 11, 2016
2. "Purple Day for Epilepsy Awareness" - March 26, 2016
3. "World Poetry Day" and "National Poetry Month" - March 21, 2016 and April 2016
4. "World Kidney Day" - March 10, 2016
5. "International Day to Eliminate Racial Discrimination" - March 21, 2016

E. PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00469 and Official Community Plan Amendment for 1146 Caledonia Avenue

Council is considering a rezoning application to permit the construction of a six-unit, 3.5 storey apartment building

a. Public Hearing

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) No. 16-030

The purpose of this Bylaw is to change the urban place designation for the land known as 1146 Caledonia Street from Traditional Residential to Urban Residential, to permit development of a six-unit multiple dwelling.

b. Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-29

The purpose of this Bylaw is to create a new R-82 Zone, Caledonia Multiple Dwelling District and to rezone the land known as 1146 Caledonia Avenue from the R-2 Zone, Two Family Dwelling District, to the R-82 Zone, Caledonia Multiple Dwelling District, to permit development of a six-unit multiple dwelling.

c. Development Permit Application No. 000398

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1146 Caledonia Avenue, in Development Permit Area 16: General Form and Character, for the purposes of approving the exterior design and finishes for the proposed six-unit multiple dwelling as well as landscaping.

Close of Hearing - Consideration of Approval

d. Bylaw Approval: To consider approval of the application, a motion for Third Reading of the bylaws is in order:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) - 16-029

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) - 16-030

e. Bylaw Approval: To consider final approval of the application, a motion to Adopt the bylaws is in order:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) - 16-029

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) - 16-030

Housing Agreement (1146 Caledonia Avenue) Bylaw - 16-031

f. Development Permit Approval: To approve the development permit, the following motion is in order:

That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified

above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.

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

2. Development Variance Permit Application No. 00125 for 3189 Quadra Street

Council is considering an application to reduce the amount of parking stalls from 8 stalls to 1 stall

a. Hearing - Development Variance Permit No. 00125

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 3189 Quadra Street for the purpose of varying the *Zoning Regulation Bylaw*, Schedule C, Off-Street Parking Requirements, by reducing the required amount of parking stalls from 8 stalls to 1 stall for the existing restaurant on the property.

Close of Hearing - Consideration of Approval

b. Development Variance Permit Approval: To approve the development variance permit, the following motion is in order:

1. That Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution.
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

3. Development Variance Permit Application No. 00169 for 534 Pandora Avenue

Council is considering an application to permit residential use on the main floor level

a. Hearing - Development Variance Permit Application No. 00169

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 534 Pandora Avenue for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* to allow residential uses on the ground floor as part of the rehabilitation and conversion to residential units within a heritage-registered building.

Close of Hearing - Consideration of Approval

- b. **Development Variance Permit Approval:** To approve the development variance permit, the following motion is in order:
That Council authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:
 - 1. Plans date stamped December 11, 2015.
 - 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance: Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
 - 3. The Development Variance Permit lapsing two years from the date of this resolution.

4. Heritage Designation Application No. 000157 for 534 Pandora Avenue

Council is considering designating as protected heritage the property at 534 Pandora Avenue

- a. **Public Hearing - Heritage Designation Application No. 000157**
Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 534 Pandora Avenue, legally described as Lot 437, Victoria City, except the westerly 25 feet thereof, as protected heritage property, under Heritage Designation (534 Pandora Avenue) Bylaw No. 16-010.

Close of Hearing - Consideration of Approval

- b. **Bylaw Approval:** To consider approval of the application, a motion for Third Reading of the bylaw is in order:
Heritage Designation (534 Pandora Avenue) Bylaw - 16-010
- c. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaw is in order:
Heritage Designation (534 Pandora Avenue) Bylaw - 16-010

5. Heritage Designation Application No. 000156 for 533-537 Fisgard Street

Council is considering designating as protected heritage the property at 533-537 Fisgard Street

- a. **Public Hearing - Heritage Designation Application No. 000156**
Under the provisions of the Local Government Act, the City of Victoria intends to designate the exteriors of the two buildings located at 533-537 Fisgard Street, legally described as Lot 446, Victoria City, as protected heritage property, under Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009.

Close of Hearing - Consideration of Approval

- b. **Bylaw Approval:** To consider approval of the application, a motion for Third Reading of the bylaw is in order:
Heritage Designation (533-537 Fisgard Street) Bylaw - 16-009
- c. **Bylaw Approval:** To consider final approval of the application, a motion for Adoption of the bylaw is in order:
Heritage Designation (533-537 Fisgard Street) Bylaw - 16-009

6. Heritage Designation Application No. 000149 for 222 Dallas Road and Heritage Designation Application No. 000148 for 226 Dallas Road

Council is considering designating as protected heritage the properties at 222 and 226 Dallas Road

- a. **Public Hearing - Heritage Designation Applications No. 000149 and No. 000148**
222 Dallas Road
Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 222 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, under Heritage Designation (222 Dallas Road) Bylaw No. 16-021.
226 Dallas Road
Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 226 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, under Heritage Designation (226 Dallas Road) Bylaw No. 16-022.

Close of Hearing - Consideration of Approval

- b. **Bylaw Approval:** To consider approval of the application, a motion for Third Reading of the bylaws is in order:
Heritage Designation (222 Dallas Road) Bylaw - 16-021
Heritage Designation (226 Dallas Road) Bylaw - 16-022
- c. **Bylaw Approval:** To consider final approval of the application, a motion for Adoption of the bylaws is in order:
Heritage Designation (222 Dallas Road) Bylaw - 16-021
Heritage Designation (226 Dallas Road) Bylaw - 16-022


F. REQUESTS TO ADDRESS COUNCIL

G. UNFINISHED BUSINESS

- 1. Development Permit with Variances Application No. 000404 for 701 Tyee Road
A report providing Council with information on the revised plans and preconditions that have been addressed for this development permit with variances application.

2. Update Report for Rezoning Application No. 00485 for 2330 Richmond Road
--A report responding to Council's request to consider a Housing Agreement as a condition of the rezoning for 2330 Richmond Road.
3. Letter from the Ministry of Forests, Lands, and Natural Resource Operations: Trophy Hunting
4. **Rise and Report from Closed Meeting for Information**
 - a. From the Closed Council Meeting held January 28, 2016: Land/Victoria International Marina
The development as proposed involved use of City owned property. Council concluded that use of public property for a private purpose without benefits to the public was not appropriate and declined the applicant's request for permission to carry out work on City property. Without that permission, the application could not proceed and has been postponed. It is now up to the applicant to either modify the proposal or to proceed with the development of the site as previously approved.
 - b. From the Closed Council Meeting held February 25, 2016: Land/Victoria International Marina
The City has considered the issue of riparian rights along the West Song Walkway as they pertain to the marina as it is currently proposed and concluded that, there is no practical benefit to asserting such rights to the to the marina as it is currently proposed.

H. REPORTS OF COMMITTEES

1. **Committee of the Whole Reports**
 1. Report from the March 3, 2016 COTW Meeting
 2. **Late Item:**
 Report from the March 10, 2016 COTW Meeting

I. NOTICE OF MOTIONS

1. Neighbourhood Input on Douglas Street Southbound Bus Lane Implementation
--Councillors Isitt and Young
2. Advocacy for Reinstatement of BC Bus Pass Benefit
--Councillors Isitt and Loveday

J. BYLAWS

1. **Bylaw Amendments Related to Development Permit Exemptions and Delegation - Update**
 That Council:
 1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).
 2. Consider consultation 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 amendments.

3. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).
4. Refer Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), for consideration at a Public Hearing.
5. Allow an opportunity for public comment regarding Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, concurrent with the Public Hearing for OCP Amendment Bylaw No. 20.
6. After the Public Hearing consider adopting Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), and Bylaw No. 16-028 Land Use Procedures Bylaw, 2016.

1. First Reading

- a. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20) - 16-027
A bylaw related to development permit exemptions and delegation.
- b. Land Use Procedures Bylaw - 16-028
A bylaw related to development permit exemptions and delegation.
- c. Board of Variance Bylaw, Amendment Bylaw (No. 1) - 16-036
A bylaw and report recommending that Council give three readings to the Board of Variance Bylaw, Amendment Bylaw (No. 1).

2. Second Reading

- a. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20) - 16-027
- b. Land Use Procedures Bylaw - 16-028
- c. Board of Variance Bylaw, Amendment Bylaw (No. 1) - 16-036

3. Third Reading

- b. Board of Variance Bylaw, Amendment Bylaw (No. 1) - 16-036

4. Adoption

K. CORRESPONDENCE

L. NEW BUSINESS

1. **To Set Public Hearings for the Council Meeting of Thursday, March 24, 2016**
 - a. Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)
 - b. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20)
 - c. Land Use Procedures Bylaw 2016, No. 16-028

M. QUESTION PERIOD

N. ADJOURNMENT



MINUTES – SPECIAL VICTORIA CITY COUNCIL

MEETING OF THURSDAY, FEBRUARY 11, 2016, AT 9:37 A.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe, and Young.

ABSENT: Councillor Loveday

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; S. Thompson – Director, Finance; T. Zworski – City Solicitor; J. Tinney – Director, Sustainable Planning & Community Development; F. Work – Director, Engineering & Public Works; P. Bruce – Fire Chief; K. Hamilton – Director, Citizen Engagement and Strategic Planning; A. Meyer – Assistant Director, Development Services; T. Hewett – Interdisciplinary Planner; C. Coates – City Clerk; C. Mycroft – Executive Assistant to the City Manager; P. Martin - Recording Secretary.

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, 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:
(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

ADOPTION OF THE CLOSED AGENDA

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the February 11, 2016, Special Closed Victoria City Council meeting agenda be approved.

Carried Unanimously

ADOPTION OF THE CLOSED MINUTES

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the Closed Minutes from the Closed Planning and Land Use Committee meeting held January 28, 2016, be adopted.

Carried Unanimously

UNFINISHED BUSINESS

1. Legal Advice

Committee received a report dated February 10, 2016, regarding a legal advice matter.

The discussion and motion were recorded and kept confidential.

ADJOURNMENT

Motion:
It was moved by Councillor Alto, seconded by Councillor Young, that the Special Closed Victoria City Council meeting of February 11, 2016, be adjourned at 11:15 a.m.

Carried Unanimously

CERTIFIED CORRECT:



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, FEBRUARY 25, 2016, AT 6:30 P.M.

<u>PLACE OF MEETING:</u>	Council Chambers, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Madoff, Thornton-Joe and Young
<u>ABSENT FOR A PORTION OF THE MEETING:</u>	Councillor Loveday
<u>ABSENT:</u>	Councillor Lucas
<u>STAFF PRESENT:</u>	P. Bruce - Fire Chief; C. Coates - City Clerk; J. Jenkyns - Deputy City Manager; T. Soulliere - Director of Parks, Recreation and Facilities; S. Thompson - Director of Finance; J. Tinney - Director, Sustainable Planning and Community Development; F. Work – Director of Engineering and Public Works; B. Sikstrom – Senior Planner; C. Mycroft - Executive Assistant to the City Manager; C. Havelka - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the agenda be approved as amended.

Amendment:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Bernice Kemano be added to Request to Address Council.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

READING OF MINUTES

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the Regular Council meeting minutes of January 28, 2016, be approved.

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that the following speakers be permitted to address Council.

Carried Unanimously

Councillor Loveday joined the meeting at 6:33 p.m.

1. **Robin Lowry: Organ Donation – Kidney Transplantation**
Spoke about saving lives through organ transplants, noting that only a kidney transplant will allow a person with kidney problems to live. He requested that Council send a resolution to UBCM to encourage citizens to register as organ donors.

Councillor Thornton-Joe withdrew from the meeting at 6:38 p.m. as her spouse works for BC Transit which creates a pecuniary conflict of interest with the next item.

2. **Dr. William Rodger: BC Transit and Commercial On-Street Terminal**
Spoke about the 700 block of Douglas Street and expressed concerns about adding buses to this block due to safety and environmental concerns that will impact this area.
3. **Martha Menzies: BC Transit and Commercial On-Street Terminal**
Expressed concerns about the bus terminal proposed for the 700 block of Douglas Street and described the statistics and resulting traffic increase that will impact health and safety.

Councillor Thornton-Joe returned to the meeting at 6:48 p.m.

4. **Katie van der Sloot: Triclosan – A Toxic Chemical Additive to Antimicrobial Products**
Provided information about health and environmental risks associated with Triclosan and asked Council to support a ban of Triclosan from all consumer products in Canada.

Councillor Thornton-Joe withdrew from the meeting at 6:55 p.m. as her spouse works for BC Transit which creates a pecuniary conflict of interest with the next item.

5. Francis Mairt: Bus Stop and Layover on 700 Block Douglas

Expressed concerns about the bus stop proposed at 700 block Douglas Street and outlined issues with this location and suggested a more supportable location would be in front of the Falls.

Councillor Thornton-Joe returned to the meeting at 7:00 p.m.

PROCLAMATIONS

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following Proclamation be endorsed:

1. "Tibet Day" – March 10, 2016

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00496 for 1122 and 1124 Leonard Street

1. Public Hearing

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1062) – 16-024

To rezone the land known as 1122 and 1124 Leonard Street from the R1-B Zone, Single Family Dwelling District, to the R2-52 Zone, Two Family Dwelling (Leonard Street) District, to permit the existing duplex to be strata titled.

2. Development Permit with Variances Application No. 00496

The Council of the City of Victoria will also consider issuing a Development Permit for the land known as 1122 and 1124 Leonard Street, in Development Permit Area 15D: Intensive Residential - Duplex for the purposes of approving the exterior design and finishes for the duplex as well as landscaping, and to vary the following requirements of the *Zoning Regulation Bylaw* for the existing duplex:

- Increase the combined floor area from 380m² to 395.08m²
- Increase the height from 7.6m to 8.16m
- Increase the height from 1.5 storeys with a basement to 2 storeys with a basement
- Reduce the rear yard setback from 13.28m to 9.51m
- Reduce the side yard (west) setback from 1.5m to 0.99m
- Reduce the side yard (east) setback from 3.0m to 0.97m
- Reduce the combined side yard setbacks from 4.5m to 1.96m
- Permit parking to be located between the building and the front lot line.

Brian Sikstrom (Senior Planner): Advised that this is a rezoning application to rezone 1122 and 1124 Leonard Street to a new zone so the existing duplex can be strata-titled. He described the requested variances for the development permit application, and the matter for Council's consideration is the supportability of the rezoning and the development permit with variances application.

Mayor Helps opened the public hearing at 7:01 p.m.

Mike Cronquist (Owner): Provided information about the current structure and outlined the proposed renovations as well as the consultation carried out in the neighbourhood. He outlined the parking being proposed for the duplex and design considerations.

Bob McKechnie (Leonard Street): Spoke about the building, the requested variances, expressed concerns that the backyard height will impact their view, and asked if any further mitigations can be made to address this variance.

Jim Walters (Leonard Street): Spoke in support of the application.

Mayor Helps asked if there would be any further input regarding the variances for the roof and deck extension into the backyard.

Brian Sikstrom: Advised that this is the final step in the process.

Mayor Helps closed the public hearing at 7:14 p.m.

2. Bylaw Approval

It was moved by Councillor Coleman, seconded by Councillor Young, that the following bylaw be given third reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1062) – 16-024

Councillor Young spoke in support of the application noting that it is reasonable in the context of the rehabilitation of building. He spoke to the issue of front yard parking which needs to be reviewed as density increases in neighbourhoods.

Councillor Coleman spoke in support of the application and noted the impact on the neighbour's views but on balance the project is supportable.

Councillor Madoff spoke in support of the application noting the thorough consultation and architectural merit of the building. With regards to parking, the existing home doesn't have the side yard clearance to allow for parking on the side of the house.

Councillor Thornton-Joe spoke in support of the application though noting the possible impact on the neighbour.

Councillor Isitt noted that many of the neighbours were in support of the application and he is able to support it.

Carried Unanimously

3. Bylaw Approval

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaw **be adopted:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1062) – 16-024

Carried Unanimously

4. Development Permit with Variance Approval

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council Council authorize the issuance of Development Permit with Variances Application No. 00496 for 1122 and 1124 Leonard Street, in accordance with:

1. Plans date stamped November 6, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Part 2.1.3 (d): Increase the combined floor area from 380m² to 395.08m²;
 - ii. Part 2.1.4 (a): Increase the height from 7.6m to 8.16m;
 - iii. Part 2.1.4 (a): Increase the height from 1.5 storeys with a basement to 2 storeys with a basement;
 - iv. Part 2.1.5 (b): Reduce the rear yard setback from 13.28m to 9.51m;
 - v. Part 2.1.5 (c): Reduce the side yard (west) setback from 1.5m to 0.99m;
 - vi. Part 2.1.5 (c): Reduce the side yard (east) setback from 3.0m to 0.97m;
 - vii. Part 2.1.5 (d): Reduce the combined side yard setbacks from 4.5m to 1.96m;
 - viii. Schedule "C" (3): Permit parking to be located between the building and the front lot line.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

2. Development Variance Permit Application No. 00164 for 2540 Quadra Street

Hearing

1. Development Variance Permit Application

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 2540 Quadra Street for the purpose of varying the Zoning Regulation Bylaw, Schedule C, Off-Street Parking Requirements, by reducing the amount of required parking stalls from 29 stalls to 17 stalls for the existing apartment building on the site.

Brian Sikstrom (Senior Planner): Advised this development variance permit application is requesting approval to reduce parking requirements. He outlined information regarding the number of suites in the building and the variance would allow two additional suites to be retained.

Mayor Helps opened the public hearing at 7:22 p.m.

Tony Callah (Proponent): Advised that this building has 22 suites, noting that two are not authorized, and this application is to permit a variance so that the units can remain. The units are close to downtown with a high walkability factor and there will also be bike racks in front of the building.

Mayor Helps closed the public hearing at 7:24 p.m.

4. Development Permit with Variance Approval

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council authorize the issuance of Development Permit Application No. 00164 for 2540 Quadra Street, in accordance with:

1. Plans date stamped October 28, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the required number of parking stalls reduced from 29 vehicle parking stalls to 17 stalls (Schedule C).
3. A six space bike rack be provided at the front entrance to the building.
4. Two vehicle parking stalls to be allocated for visitor parking.
5. The Development Permit lapsing two years from the date of this resolution."

Councillor Isitt spoke in support of the application as the owner is bringing the building into compliance.

Councillor Loveday spoke in support of the proposal and the owners willingness to invest in rental stock.

Carried Unanimously

3. Development Variance Permit Application No. 00161 for 1000 Chamberlain Street

1. Hearing

Development Variance Permit Application No. 00161

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1000 Chamberlain Street for the purpose of constructing an addition to the existing house, installing a secondary suite, relocating an existing accessory building and varying certain requirements of the *Zoning Regulation Bylaw* namely:

Existing Main House

- increasing the maximum floor area of an addition from 20m² to 47.25m² with the installation of a secondary suite
- reducing front and rear setbacks (due to existing building siting on a corner lot)
- increasing building height from 7.6m to 10.68m (due to a change in average grade).

Existing Accessory Building

- permitting relocation in areas defined as front yard and side yard
- increasing floor area from 37m² to the existing 40.30m².

Brian Sikstrom (Development Services): Advised that this is a development variance permit application for a rear yard addition, a secondary suite, and the relocation of the access building. The proposed variances were described and the appropriateness of the requested variances is for Council's consideration.

Mayor Helps opened the public hearing at 7:27 p.m.

Leonard Weaver (Applicant): Outlined the many goals the application hopes to achieve and he noted the support they have received from the neighbours. He passed out a letter they recently received that had concerns about the proposal. He addressed each concern described in the letter, such as height of the building, the and the accessory building.

Michael and Carmen Velletta (Clare Street): Spoke against the proposal noting concerns related to the character of the neighbourhood and the zoning, the state of the buildings and that there isn't sufficient rationale to allow these changes.

Councillor Young withdrew from the meeting at 7:43 p.m. due to a pecuniary conflict of interest with this item as his business has a financial relationship with Mr. Velletta's business.

John Farquharson (Wilmer Street): Spoke in support of the proposal noting the addition complements the existing house and also noted that secondary suites are supported in the neighbourhood and that the proposed two bedroom suite is for families.

Ian Atherton (Chamberlain Street): Spoke in support of the application and noted that the zone permits two accommodations. He spoke about the front yard orientation of the house and that moving the garage makes sense.

Mary Butterfield (Wilmer Street): Spoke in support of the application, noting that many surrounding properties have secondary suites and that the densification won't impact the building. There is sufficient parking and the buildings will be true to the original look without changing the footprint.

John Doughty (Chamberlain Street): Spoke in support of the application and noted that the variances are minor.

Mayor Helps closed the public hearing at 7:51 p.m.

5. Development Variance Permit Approval

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council authorize the issuance of Development Variance Permit Application No. 00161 for 1000 Chamberlain Street, in accordance with:

1. Plans date-stamped November 25, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 1.6.4.a - Relaxation to increase the maximum building height from 7.60m to 10.68m
 - ii. Section 1.6.5.a - Relaxation to reduce the front yard setback from 7.50m to 4.70m (Cantilever) and 4.96m for the building façade
 - iii. Section 1.6.5.b - Relaxation to reduce the rear yard setback from 9.10m to 3.39m
 - iv. Schedule F, Section 1 - Relaxation to permit an accessory building within the side yard (west) and the front yard instead of the rear yard
 - v. Schedule F, Section 2.a - Relaxation to increase the maximum floor area of an accessory building from 37.00m² to 40.30m²
 - vi. Schedule J, Section 2.a - Relaxation to permit an increase in the enclosed floor area of an addition to a building from 20.00m² to 47.25m² with the installation of a secondary suite.
3. The Development Permit lapsing two years from the date of this resolution.

Councillor Madoff spoke in support of the application which allows gentle densification, also noting the existing condition of the house created the variances. The secondary suite can be created

without raising the house and the garage adds character to the neighbourhood, noting that an additional use of the garage is not permitted.

Councillor Coleman spoke in support of the application and noted the history of houses in this neighbourhood that has supported secondary suites and the importance of two bedroom units.

Carried Unanimously

Councillor Young returned to the meeting at 7:56 p.m.

REQUESTS TO ADDRESS COUNCIL

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Alison Boston be added to Request to Address Council.

Carried Unanimously

1. Kelly Greenwell (Executive Director, Quadra Village Community Association): The Summit at Quadra Village

Spoke about the proposed facility that the CRD is building in Quadra Village and he expressed concerns about the need for improved consultation with the neighbourhood and improved amenities for the neighbourhood. He requested that Council become an ally with the Quadra Village Community Association to help integrate this proposed facility into the community.

2. Elizabeth Cronin: Influence all Levels of Government to have a Guaranteed Livable Income

Asked for Council to support the implementation of a basic and guaranteed livable income in Canada, which would allow people to thrive and live with dignity and is a key tool to address poverty.

Councillor Thornton-Joe withdrew from the meeting at 8:05 p.m. as her spouse works for BC Transit which creates a pecuniary conflict of interest with the following item.

3. Ruth Annis: 700 Block Douglas Street Precinct

Expressed concerns regarding the pilot project for an on-street bus terminal at the 700 block of Douglas Street, and asked for a delay to look for alternative sites, such as on Broughton Street.

Councillor Thornton-Joe returned to the meeting at 8:09 p.m.

4. Sarah Potts-Halpin: Advocate to the Federal Government for Basic Income

Spoke in support of a basic income and outlined how this would allow citizens to earn more, has economic and health benefits, will reduce poverty and lower carbon emissions.

5. Nathan Grills: Basic Income Guarantee/Guaranteed Livable Income

Spoke in support of a basic income guarantee which would address the issue of Canadians living in poverty which is associated with policing and health care costs. He requested Council pass a resolution asking the federal government to support a guaranteed basic income.

6. Donald Smith: Housing

Spoke about housing in Victoria and helping homeless people to get treatment and affordable housing rather than providing more shelters.

7. Jordan Reichert: Piloting a Guaranteed Basic Income in Victoria

Spoke in support of a basic income and that piloting a guaranteed income program in Victoria would help people experiencing poverty.

8. Bernice Kemano: Hiring Police Officers for the Mental Health Team

Spoke about the aboriginal people on the streets and the pilot project for the mental health team, expressing concerns that police officers are doing this work rather than health or social workers.

UNFINISHED BUSINESS

1. Postponed Motion from the Council Meeting of February 11, 2016: Presentation Acting Chief Constable Del Manak

The Acting Chief Constable provided Council with a PowerPoint Presentation and outlined information regarding the two-year pilot project for a mental health team, noting that this program will be reviewed at that time. He provided details regarding the multi-discipline teams and that two police officers are need to fill a gap. The goal is for police officers, as first responders, to connect people to the services they need and their skills are necessary on these multi-disciplinary teams.

Council discussed:

- *The suggestion that funding could be used to better educate all police officers to assist in mental health issues.*
- *The type of team and the role of the police officer this funding is meant to address.*
 - *Two officers would be attached to the current structure of teams to address the gap identified in the teams providing services.*
- *The composition of officers to the teams.*
- *Addressing these positions through vacancy management.*

- *The mandate for VicPD to provide these types of services;*
 - *When there is a call for service, the police respond to that call.*
- *The reviews and measurable that have been done to demonstrate the effectiveness of these teams; the services the police officer provides for these teams.*
- *The type of mental health training police officers receive.*
- *How the VicPD budget is distributed to the public.*

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council approve an allocation of \$250,000 in each of 2016 and 2017 for a two-year pilot program for the purpose of hiring one sworn officer, plus one social worker and one street nurse to be attached to the VicPD as civilian staff, to work with other front line police officers and health workers, to better connect those in crisis with the services they need, assist with the location and assessment of clients, and work proactively to support those who are experiencing mental illness and/or addictions and that the funding be provided from a lift in taxation of 0.2%.

Council discussed the motion:

- *Concerns this enables provincial downloading of services.*
- *Expanding the teams to include nurses and social workers.*
 - *The job of the police is to provide policing services and come to the table with their partners. They are unable to provide nurse or social worker services.*

Defeated

For: Councillor Alto

Against: Mayor Helps, Councillors Coleman, Isitt, Loveday, Madoff, Thornton-Joe and Young

Motion to Lift from the Table:

It was moved by Mayor Helps, seconded by Councillor Coleman, that the following motion be lifted from the table:

That Council approve an allocation of \$250,000 in each of 2016 and 2017 for a two-year pilot program for a mental health team and that funding be provided from a lift in taxation of 0.2%.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Madoff, Thornton-Joe and Young

Against: Councillor Isitt

Council discussed the motion:

- *Concerns this is a response to the downloading of services from the province and the police are not the best positioned to respond to mental health issues.*
- *The integration of police officers into the services provided by these terms is supportable.*
- *This method of addressing these issues is not supportable in the long-term.*
- *Noting that this is a pilot project that is supportable.*
- *Should this program be successful there is the matter of funding it in future years and these issues can be addressed without the use of sworn police officers.*

Defeated

For: Mayor Helps, Councillors Coleman, Madoff and Thornton-Joe

Against: Councillors Alto, Isitt, Loveday and Young

Council recessed from 9:53 p.m. to 9:58 p.m.

2. Letter from the Minister of Transport: Protection for Workers regarding Safety Risks due to Asbestos

It was moved by Councillor Alto, seconded by Councillor Isitt, that the correspondence dated January 26, 2016 from the Minister of Transport be received for information.

Carried Unanimously

3. Letter from the Office of the Premier regarding Co-op Housing

It was moved by Councillor Alto, seconded by Councillor Isitt, that the correspondence dated February 1, 2016 from the Office of the Premier be received for information.

Carried Unanimously**REPORTS OF THE COMMITTEES**

1. Special Committee of the Whole – February 5, 2016 (Protocol Workshop)

a. Protocol Workshop

It was moved by Councillor Alto, seconded by Councillor Coleman,:

1. That Council invite representatives from all of the City's Twin Cities to visit Victoria in the week prior to the Victoria Day weekend in 2017, and specifically include an invitation to attend the Canadian Capital Cities Organization Conference being hosted by Victoria at that time.

2. That Council approach the Esquimalt and Songhees First Nations with a proposal to host representatives from Indigenous communities in and around Sister Cities.

Carried Unanimously

b. **Potential Sister City Relationship with Puerto Vallarta, Mexico**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council direct Staff to develop a process for determining how to establish Twin City and Friendship City relationships.

Carried Unanimously

REPORTS OF THE COMMITTEE

2. Committee of the Whole – February 18, 2016

1. Advocacy for Provincial Funding for Film Commission

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council request that the Mayor, on behalf of Council, writes to Creative BC, supporting the request of the Vancouver Island South Film & Media Commission for an increase in annual funding in order to increase capacity to attract employment, investment and spending relating to film and media in the City of Victoria and Capital Region.

Councillor Madoff advised that the province is considering reducing the film tax credits.

Amendment:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council amend the motion:

That Council express its concerns about the proposal to cut the Provincial film tax credit program.

Amendment to the Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended:

That Council request that the Mayor write to the Premier of B.C. and the Minister of Finance and that Council express its concerns about the proposal to cut the Provincial film tax credit program.

On the amendment to the amendment:

Carried Unanimously

On the amendment:

Carried Unanimously

On the main motion as amended:

1. That Council request that the Mayor, on behalf of Council, writes to Creative BC, supporting the request of the Vancouver Island South Film & Media Commission for an increase in annual funding in order to increase capacity to attract employment, investment and spending relating to film and media in the City of Victoria and Capital Region and
2. That Council request that the Mayor write to the Premier of B.C. and the Minister of Finance and that Council express its concerns about the proposal to cut the Provincial film tax credit program.

Carried Unanimously

2. Advocacy for Increases to Income Assistance Rates

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Mayor, on behalf of Council, write to the Provincial Minister of Social Development and Social Innovation, copying the Premier, re-iterating the City of Victoria's support for increases to the provincial income assistance rate tables, to ensure that residents receiving this assistance have sufficient income to live with dignity and participate in the local economy.

Carried Unanimously

3. Development Variance Permit No. 00125 for 3189 Quadra Street

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Committee recommends that Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution.
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

Carried Unanimously

4. Gorge Waterway Park Zone

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

1. That Council direct staff to work with community partners to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.
2. That Council direct staff to:
 1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
 2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
 3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.
 4. Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.
3. That staff report back to council on methods to provide environmental protection and the potential removal of hazardous boats in the immediate term while working towards the bylaw changes as laid out in today's staff report.

Carried Unanimously

5. Johnson Street Bridge Replacement Project Quarterly Update

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council receive this report dated February 12th, 2016 for information.

Carried Unanimously

6. Status of Motion re: Amendments to the Parks Regulation Bylaw

It was moved by Councillor Thornton-Joe, seconded by Councillor Young, that staff bring forward amendments to the Parks Regulation Bylaw based on the following principles including:

1. proximity to pathways or play areas used by children;
2. directly adjacent to surrounding residences;
3. environmentally sensitive areas;
4. park size;

to add the following parks to section 16 (2) (b) to be considered after the city has consulted people currently ~~sleeping in the following parks~~ **sheltering outdoors** and nearby residents and council has considered implementation options for temporary housing referenced in an earlier council motion passed April 2, 2015:

Haegert Park
Cridge Park
Kings Park
Arbutus Park

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council amend the motion as follows

~~sleeping in the following parks~~ **sheltering outdoors**

On the amendment:
Carried Unanimously

On the main motion as amended:

That staff bring forward amendments to the Parks Regulation Bylaw based on the following principles including:

1. proximity to pathways or play areas used by children;
2. directly adjacent to surrounding residences;
3. environmentally sensitive areas;
4. park size;

to add the following parks to section 16 (2) (b) to be considered after the city has consulted people currently sheltering outdoors and nearby residents and council has considered implementation options for temporary housing referenced in an earlier council motion passed April 2, 2015:

Haegert Park
Cridge Park
Kings Park
Arbutus Park

Carried Unanimously

Councillor Thornton-Joe withdrew from the meeting at 10:08 p.m. as her spouse works for BC Transit which creates a pecuniary conflict of interest with the next item.

7. Status of BC Transit Southbound Bus Lane Proposal

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

1. Receive this report for information as an update to the ongoing planning for the southbound, Douglas St. bus lane proposal; and
2. Endorse Option 2 (street widening) in principle, subject to further community engagement and detailed design improvements that aim to minimize impacts and improve the overall public realm and design improvements and reflect objectives of the local area planning process.

3. Direct staff to report back with engagement results, and a recommended design detail by May 12, 2016.

Carried Unanimously

8. BC and Commercial Transit on-Street – Public Engagement

It was moved by Councillor Young, seconded by Mayor Helps,:

1. That Council:
 1. Receive this report as an update to the ongoing public consultation of potential changes to on-street commercial and public bus operations;
 2. Consider endorsing the proposal as a one-and-a-half year 'pilot' for implementation, with ongoing analysis and continuing public engagement (with 6 month interim report), pertaining to:
 - a. The relocation of commercial bus operations to the 700 block, Douglas St, on-street terminal; and
 - b. Establishing an additional BC Transit downtown turnaround/layover terminal at Government and Superior St.
 3. Direct staff to complete an inter-agency agreement formalizing a framework to guide future decisions/considerations for transit operations in the City.
 4. Direct staff to develop the terms of reference / statement of work (by May 2016) for a holistic review of all City transit operations and how they integrate with local and community planning, active transportation, marine port operations, and public health and safety – to better define longer term public transportation operations that reach an optimum balance of benefits and risks.
 5. Direct staff and bus operators to demonstrate to Council (no later than 6 months) what strategies are available and recommended to mitigate the unfavourable impacts of excessive bus noise, emissions, and aesthetic impacts.
 6. Direct staff, BCT and operators to progress ongoing and meaningful engagement with city stakeholders to communicate plans, impacts and the required mitigations for both short and longer term issues (and define the City's role to facilitate, support and/or lead).
 7. That infrastructure costs associated with operational changes be provided by Transit operators.
2. THAT the Mayor, on behalf of Council, be requested to write to the provincial Minister of Transportation and Infrastructure, requesting that the Rapid Transit Corridor and corresponding Bus-Priority / Bus-Only Lanes be implemented as soon as possible along the Trans-Canada Highway from Tolmie Avenue to the Old Island Highway to decrease travel times for commuters riding transit to and from Downtown Victoria.
3. AND THAT changes to the design or regulation of the Trans-Canada Highway between the City of Victoria and Western Communities give proper consideration to comfortable and efficient transport for people riding bicycles, including in the vicinity of the McKenzie interchange.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be amended as follows:

8. **During 18 pilot project the commercial operators be directed to look for an alternative location for a bus depot in the event that the on-street pilot project proves unsuccessful.**

Carried Unanimously

Council discussed the main motion as amended:

- This is a compromise noting the need to have bus terminals within the city.
- The viability of using the 800 block of Douglas Street.

Amendment:

It was moved by Councillor Madoff, seconded by Councillor Alto, that the motion be amended:

9. **Request that BC Transit provide a thorough response and analysis for a transit stop on the east side on 800 block of Douglas Street.**

Mayor Helps asked the Director of Engineering and Public Works about the curb area in front of The Falls.

Fraser Work (Director of Engineering & Public Works): Advised that The Falls is a residential building and increased bus traffic would also have undesirable impacts. The 700 block of Douglas Street was seen as an alternative to this. A review of the length of the curb and the infrastructure at the 800 block of Douglas Street would be required.

Council discussed public consultation with the residents of the Falls and having a technical analysis.

Amendment to the amendment:

It was moved by Councillor Madoff, seconded by Councillor Alto, that the amendment be amended:

9. **Request that BC Transit provide a thorough response and technical analysis on the east side on 800 block of Douglas Street.**

On the amendment to the amendment:
Carried

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

On the amendment
Carried

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

On the main motion as amended:

1. That Council:
 1. Receive this report as an update to the ongoing public consultation of potential changes to on-street commercial and public bus operations;
 2. Consider endorsing the proposal as a one-and-a-half year 'pilot' for implementation, with ongoing analysis and continuing public engagement (with 6 month interim report), pertaining to:
 - a. The relocation of commercial bus operations to the 700 block, Douglas St, on-street terminal; and
 - b. Establishing an additional BC Transit downtown turnaround/layover terminal at Government and Superior St.
 3. Direct staff to complete an inter-agency agreement formalizing a framework to guide future decisions/considerations for transit operations in the City.
 4. Direct staff to develop the terms of reference / statement of work (by May 2016) for a holistic review of all City transit operations and how they integrate with local and community planning, active transportation, marine port operations, and public health and safety – to better define longer term public transportation operations that reach an optimum balance of benefits and risks.
 5. Direct staff and bus operators to demonstrate to Council (no later than 6 months) what strategies are available and recommended to mitigate the unfavourable impacts of excessive bus noise, emissions, and aesthetic impacts.
 6. Direct staff, BCT and operators to progress ongoing and meaningful engagement with city stakeholders to communicate plans, impacts and the required mitigations for both short and longer term issues (and define the City's role to facilitate, support and/or lead).
 7. That infrastructure costs associated with operational changes be provided by Transit operators.
 8. During 18 pilot project the commercial operators be directed to look for an alternative location for a bus depot in the event that the on-street pilot project proves unsuccessful.
 9. Request that BC Transit provide a thorough response and technical analysis on the east side on 800 block of Douglas Street.
2. THAT the Mayor, on behalf of Council, be requested to write to the provincial Minister of Transportation and Infrastructure, requesting that the Rapid Transit Corridor and corresponding Bus-Priority / Bus-Only Lanes be implemented as soon as possible along the Trans-Canada Highway from Tolmie Avenue to the Old Island Highway to decrease travel times for commuters riding transit to and from Downtown Victoria.
3. AND THAT changes to the design or regulation of the Trans-Canada Highway between the City of Victoria and Western Communities give proper consideration to comfortable and efficient transport for people riding bicycles, including in the vicinity of the McKenzie interchange.

Councillor Loveday spoke in opposition to the motion due to the City being burdened with ensuring this bus station goes forward.

Councillor Isitt spoke in opposition to the motion due to other options not being pursued.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Madoff and Thornton-Joe and Young
Against: Councillors Isitt and Loveday

Councillor Isitt requested that the vote be reconsidered.

Mayor Helps permitted the reconsideration of the vote.

Councillor Isitt requested that the motion be separated.

It was moved by Councillor Young, seconded by Mayor Helps,:

1. That Council:
 1. Receive this report as an update to the ongoing public consultation of potential changes to on-street commercial and public bus operations;
 2. Consider endorsing the proposal as a one-and-a-half year 'pilot' for implementation, with ongoing analysis and continuing public engagement (with 6 month interim report), pertaining to:
 - a. The relocation of commercial bus operations to the 700 block, Douglas St, on-street terminal; and
 - b. Establishing an additional BC Transit downtown turnaround/layover terminal at Government and Superior St.
 3. Direct staff to complete an inter-agency agreement formalizing a framework to guide future decisions/considerations for transit operations in the City.
 4. Direct staff to develop the terms of reference / statement of work (by May 2016) for a holistic review of all City transit operations and how they integrate with local and community planning, active transportation, marine port operations, and public health and safety – to better define longer term public transportation operations that reach an optimum balance of benefits and risks.

5. Direct staff and bus operators to demonstrate to Council (no later than 6 months) what strategies are available and recommended to mitigate the unfavourable impacts of excessive bus noise, emissions, and aesthetic impacts.
6. Direct staff, BCT and operators to progress ongoing and meaningful engagement with city stakeholders to communicate plans, impacts and the required mitigations for both short and longer term issues (and define the City's role to facilitate, support and/or lead).
7. That infrastructure costs associated with operational changes be provided by Transit operators.
8. During 18 pilot project the commercial operators be directed to look for an alternative location for a bus depot in the event that the on-street pilot project proves unsuccessful.
9. Request that BC Transit provide a thorough response and technical analysis on the east side on 800 block of Douglas Street.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Madoff and Thornton-Joe and Young
Against: Councillors Isitt and Loveday

Motion:

It was moved by Councillor Young, seconded by Mayor Helps,:

2. THAT the Mayor, on behalf of Council, be requested to write to the provincial Minister of Transportation and Infrastructure, requesting that the Rapid Transit Corridor and corresponding Bus-Priority / Bus-Only Lanes be implemented as soon as possible along the Trans-Canada Highway from Tolmie Avenue to the Old Island Highway to decrease travel times for commuters riding transit to and from Downtown Victoria.
3. AND THAT changes to the design or regulation of the Trans-Canada Highway between the City of Victoria and Western Communities give proper consideration to comfortable and efficient transport for people riding bicycles, including in the vicinity of the McKenzie interchange.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 10:25 p.m.

9. **Annual Parking Services Update**

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council accept this report for information and direct staff to provide the next annual parking update in February 2017.

Carried Unanimously

10. **Arts and Culture Master Plan Advisory Group Terms of Reference**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council adopt the Terms of Reference for the Arts and Culture Master Plan Advisory Group as detailed in Appendix A.

AND that the terms of reference be amended to reflect that the two Council representatives be Co-chairs.

Carried Unanimously

11. **MosaiCanada 150/2017 Request for Response**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council direct staff to attend the MosaiCanada meeting on behalf of the City of Victoria.

Carried Unanimously**REPORTS OF THE COMMITTEE**

3. **Committee of the Whole – February 25, 2016**

1. **Application for Permanent Change to the Hours of Food Primary Licence No. 04311 and Liquor Licence No. 043531 and a Patron Participation Endorsement Empress Hotel, 721 Government Street (Downtown Neighbourhood):**

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Entertainment Endorsement for the Food Primary and extend business hours for the Food Primary and Liquor Primary Liquor Licences at the Empress Hotel located at 721 Government Street, **supports the application of the Empress Hotel to:**

1. Amend its Food Primary liquor licence to add a Patron Participation Entertainment Endorsement;
2. Amend its Food Primary and Liquor Primary licences to have the hours of liquor sales increased to 09:00 am - 01:00 am seven days a week.
3. And that this motion be forwarded to the Council meeting of Thursday, February 25, 2016.

Carried Unanimously

2. **Bid to Host the 2018 Association of Vancouver Island and Coastal Communities (AVICC) Annual AGM and Convention:**

It was moved by Councillor Young, seconded Coleman, that Council:

1. Submit an application to host the Association of Vancouver Island and Coastal Communities 2018 Annual Convention and;
2. That if the application is accepted, Council authorize in kind support of \$16,500 and expenditures of \$850 to host this event.

Carried Unanimously

3. Canadian Capital Cities Organization Annual Board Meeting:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council authorizes the attendance and associated costs for Councillor Thornton-Joe to the Canadian Capital Cities Organization Board meeting to be held in Ottawa, Ontario, March 28 - 31, 2016.

The approximate cost for attending is:

Travel	\$ 743.00
Accommodation	\$ 811.00
Incidentals	\$ 60.00
Cost per person	\$1,614.00

Carried Unanimously

Councillor Isitt withdrew from the meeting at 10:28 p.m. as his mother resides at an adjacent property which creates a non-pecuniary conflict of interest with the next item.

4. Rezoning Application No. 00487 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street:

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council postpone consideration of the following motion pending consideration of ADP recommendations:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00487 for 1144, 1148, 1152 and 1154 Johnson Street and 1406 Chambers Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Provision of a third-party land lift analysis to determine the value of any increase in density that exceeds the floor space ratio of 1.6:1 FSR with a contribution of 75% of the value of any identified land lift to be contributed to and divided equally between the Parks and Greenways Acquisition Reserve Fund and the Victoria Housing Reserve Fund, to be secured to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That Council consider giving the Zoning Regulation Bylaw Amendment final reading conditional upon the registration of the following:
 - a. Housing Agreement to secure the rental of 10 units for a minimum of 10 years and that future strata bylaws cannot prohibit from renting residential strata units;
 - b. Statutory Right-of-Way of 2.45m on Johnson Street and 3.37m on Chambers Street for sidewalk realignment of to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Following consideration of Rezoning Application No. 00487, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, to the satisfaction of the City staff.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Thornton-Joe and Young
Against: Councillor Madoff

5. Development Permit with Variances Application No. 000434 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council refer the Application to the Advisory Design Panel to provide recommendations back to Committee of the Whole, with a request that the Panel pay particular attention to:

1. The transition to the buildings along Pandora Avenue and Chambers Street.
2. Overall massing, architectural elements and finishes with particular attention to the relationship with the local neighbourhood.

Following this referral, and after the Public Hearing for Rezoning Application No. 00487, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000434 for 1144, 1148, 1152 and 1154 Johnson Street, and 1406 Chambers Street, in accordance with:

1. Plans date stamped February 5, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Thornton-Joe and Young
Against: Councillor Madoff

Councillor Isitt returned to the meeting at 10:28 p.m.

6. Concerns Raised by the Applicant Regarding the Density Bonus Land Lift Analysis and Amenity Contribution for 605-629 Speed Avenue and 606-618 Frances Avenue:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council postpone item #4, 'Concerns Raised by the Applicant Regarding the Density Bonus Land Lift Analysis and Amenity Contribution for 605-629 Speed Avenue and 606-618 Frances Avenue' until the March 3, 2016 Committee of the Whole meeting, as per the request of the applicant.

Carried Unanimously

7. Proposed Additions to the City of Victoria's Register of Heritage Properties:

It was moved by Councillor Madoff, seconded by Councillor Coleman,:

1. That Council refer this report to the Heritage Advisory Panel to consider the proposed additions to the City of Victoria's Register of Heritage Properties, a prioritization strategy for the candidate properties, and to consider other additions.
2. That staff hold focused engagement sessions with the candidate property owners to provide information on the heritage program and discuss the benefits and implications of heritage register status.
3. Following the information sessions, that staff report back with final recommendations on the proposed additions to the Register of Heritage Properties by August 2016.

Carried Unanimously

8. "Growing in the City" – Part 1: Urban Food Production on City-Owned Lands:

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

1. Adopt the revised Community Gardens Policy (2016);
2. Approve the land inventory of City-owned property for community food production and report back to Council with revised map on an annual basis;
3. Endorse a new Urban Food Tree Stewardship pilot program with planting undertaken as a joint initiative involving city staff and residents;
4. Adopt the revised Boulevard Gardening Guidelines, and instruct staff to prepare associated bylaw amendments.

Carried Unanimously

9. "Growing in the City" – Part 2: Regulatory Amendments to Support Small-Scale Commercial Urban Farming:

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

1. Prepare a *Zoning Regulation Bylaw* amendment to:
 - a. Add "commercial agriculture" as a defined use to include the production of fruits, vegetables, flowers, fibre, seeds, nuts, seedlings, herbs, eggs and honey;
 - b. Allow the production of compost and soil amendments for retail purposes in industrial zones only;
 - c. Exclude products regulated by the *Controlled Drug and Substances Act* from the definition of commercial urban agriculture;
 - d. Permit commercial urban agriculture in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting unreasonable levels of odour, noise or artificial lighting;
 - e. Remove the reference to urban agriculture as a home occupation;
 - f. Defining farm stand as a container which holds, shelves or otherwise displays products of commercial agriculture for retail purposes outdoors
 - g. Allow partially enclosed farm stands up to 1.85 m² and 3.35 m in height in all zones;
 - h. Permit farm stands in front yards only, set back at least 0.6 m from the lot line;
 - i. Permit farm stands to sell raw, unprocessed plant products, eggs and honey only
 - j. Require that farm stand products be grown on-site;
 - k. Permit the sale of products of commercial agriculture in all zones, regardless of whether retail use is permitted, provided it is done at a farm stand (or in accordance with another permitted use)
 - l. Require stands to be removed if not in use for more than seven days;
 - m. Limit the hours of operation of a farm stand to between 7 am and 8 pm on a weekday or Saturday, and from 10 am - 8 pm on a Sunday or holiday;
 - n. Allow no more than one farm stand per property;
 - o. Define greenhouse as a glass or clear translucent structure used for the cultivation or protection of plants;
 - p. Exempt rooftop greenhouses from the calculation of total floor area, height or storeys;
 - q. Do not permit rooftop greenhouses in low-density residential zones or on multi-unit developments with fewer than four units;
 - r. Specify that a rooftop greenhouse must not exceed 3.35 m in height and 28 m² or 50% of the building's rooftop area, whichever is less.
2. Prepare a *Business Licence Bylaw* amendment to:
 - a. Require a business licence for commercial urban agriculture for off-site retail purposes;
 - b. Require a business licence for on-site farm stand sales
 - c. Offer the option of a three-month farm stand business licence for \$25.00 or a year-long licence for \$100.00;
 - d. Permit the loading of commercial urban agriculture products into a delivery truck one time per day, between 7 am and 8 pm on a weekday or Saturday; and between 10 am and 8 pm on Sunday or a holiday.
3. Prepare an *Official Community Plan Amendment Bylaw* to:
 - a. Amend policy 17.10 to clarify that urban agriculture should be subservient to the density, built form, place character and use objectives in the *Official Community Plan*.
 - b. Exempt commercial and non-commercial urban agriculture from requiring a development permit for the alteration of land, unless the installation is being constructed in association with a building, structure or other landscape features that requires a development permit.
4. Prepare a *Sign Bylaw* amendment to allow permanent signage for outdoor markets on City property.
5. Prepare a *Pesticide Regulation Bylaw* to prohibit the use of pesticides for commercial urban agriculture use, including on industrial, commercial and institutional properties.
6. Prepare outreach materials and design examples for food production in multi-unit, mixed-use developments and other types of housing.

7. Prepare information for applicants on siting, appearance and design considerations to encourage compatibility of commercial urban agriculture operations, including rooftop greenhouses, farm stands and operations on vacant lands, with other land uses.
8. Prepare information materials to communicate requirements and responsibilities for commercial urban agriculture and farm stands.
9. Implement a process to monitor and evaluate the effectiveness and benefits of the proposed regulatory changes and report to Council after two years on the effectiveness of the changes, and recommend any adjustments that might be warranted.

Carried Unanimously

10. Advisory Role of the Urban Food Table:

It was moved by Councillor Isitt, seconded by Councillor Loveday:

THAT Council recognizes the Urban Food Table as an ongoing food systems advisory body in accordance with the attached terms of reference and approves use of a City Hall committee room for meetings of the food table for 2016-2018;

AND THAT Council and staff consider future referrals to the Urban Food Table as appropriate to provide advice, and welcomes input from the Urban Food Table and member organizations on implementation of food systems initiatives in the City.

Carried Unanimously

11. Fossil Fuel Divestment:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council receive this report for information.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Isitt, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

Councillor Loveday withdrew from the meeting at 10:30 p.m. due to a potential pecuniary conflict of interest as his partner is employed with for the Burnside Gorge Community Association.

12. 2016 Community Garden Volunteer Coordinator and Micro Grants:

1. It was moved by Councillor Alto, seconded by Councillor Isitt, that Council consider and approve a \$500 Micro Grant Application for the Burnside Gorge Community Association's for the Cecelia Ravine Community Gardens project.

Carried Unanimously

2. It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council consider and approve a \$6,000 Community Garden Volunteer Coordination grants for the Burnside Gorge Community Association.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Isitt, Madoff and Thornton-Joe
Against: Councillor Young

Councillor Loveday returned to the meeting at 10:31 a.m.

3. It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council consider and approve a \$500 Micro Grant Application for the Heidi Grantner's Food Eco District (FED) project.

Carried Unanimously

Councillor Isitt withdrew from the meeting at 10:32 p.m. due to a potential pecuniary conflict of interest as his partner is employed with the Vic West Community Association.

4. It was moved by Councillor Coleman, seconded by Councillor Alto, that Council consider and approve a \$500 Micro Grant Application for the Vic West Community Association, Patti Parkhouse and Robin Rombs' Banfield Park Community Orchard – Fruit Tree Identification Signs project.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

5. It was moved by Councillor Loveday, seconded by Councillor Alto, that Council consider and approve a \$6,000 Community Garden Volunteer Coordination grants for the Vic West Community Association.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

Council Isitt returned to the meeting at 10:33 p.m.

It was moved by Councillor Isitt, seconded by Councillor Loveday,:

6. That Council consider and approve a \$6,000 Community Garden Volunteer Coordination grants for the Fairfield Gonzales Community Association.
7. That Council consider and approve a \$3,000 Community Garden Volunteer Coordination grants for the Fernwood Community Association.
8. That Council consider and approve a \$3,000 Community Garden Volunteer Coordination grants for the Fernwood Neighbourhood Resource Group Society.
9. That Council consider and approve a \$6,000 Community Garden Volunteer Coordination grants for the James Bay Neighbourhood Association.
10. That Council consider and approve a \$6,000 Community Garden Volunteer Coordination grants for the Quadra Village Community Centre (Downtown Blanshard Advisory Committee)

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Isitt, Madoff and Thornton-Joe
Against: Councillor Young

13. Financial Services Procurement and Climate Action:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that that Council direct staff to:

1. Send a letter to financial institutions requesting information that will assist the City in evaluating proposals for banking services arising from a Request for Proposals later in 2016, with questions in the letter informed by the following draft questions:
 - (1) Strategy
What is your financial institution's business strategy for transition to a low-carbon economy that will contain global warming within 2°? What is your institution's policy on providing financing to large GHG emitters?
 - (2) Footprint
Does your financial institution report publicly on its Scope 3 GHG emissions (defined as indirect emissions resulting from value chain activities)? If so, please provide information on Scope 3 GHG emissions for the most recent period for which data is available. If your institution does not report on Scope 3 emissions, please explain why. What is the value of your institution's financing of renewable energy projects?
 - (3) Green Bonds
What is the value of Green Bonds issued by your institution? What is the value of bonds for which an independent review of green assets has been made and disclosed? What is the value of Green Bonds issued that are certified to the Climate Bonds Standard (<http://www.climatebonds.net/standards>)? Describe other relevant financing initiatives?
 - (4) Community Re-Investment
What is the value of your institution's reinvestment in local communities in the form of grants and other not-for-profit mechanisms: (1) Within the City of Victoria? Within the Capital Regional District? (3) On Vancouver Island? (4) In British Columbia? (5) In First Nations communities?
2. Report back to Council with a summary of responses received by the City as a result of this letter and provide information on how responses received from financial institutions will be considered in the evaluation of proposals received from the Request for Proposals for financial services.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Isitt, Loveday, Madoff and Thornton-Joe
Against: Councillor Young

Councillor Isitt withdrew from the meeting at 10:33 p.m. as his mother resides at an adjacent property which creates a non-pecuniary conflict of interest with the next item.

Councillor Young requested that the Rezoning and Development Permit Application for 1144, 1148, 1152 and 1154 Johnson Street and 1406 Chambers Street be reconsidered.

Mayor Helps permitted a reconsideration of the vote.

4. Rezoning Application No. 00487 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street:

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council postpone consideration of the following motion pending consideration of ADP recommendations:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00487 for 1144, 1148, 1152 and 1154 Johnson Street and 1406 Chambers Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Provision of a third-party land lift analysis to determine the value of any increase in density that exceeds the floor space ratio of 1.6:1 FSR with a contribution of 75% of the value of any identified land lift to be contributed to and divided equally between the Parks and Greenways

- Acquisition Reserve Fund and the Victoria Housing Reserve Fund, to be secured to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That Council consider giving the Zoning Regulation Bylaw Amendment final reading conditional upon the registration of the following:
 - b. Housing Agreement to secure the rental of 10 units for a minimum of 10 years and that future strata bylaws cannot prohibit from renting residential strata units;
 - c. Statutory Right-of-Way of 2.45m on Johnson Street and 3.37m on Chambers Street for sidewalk realignment of to the satisfaction of the Director of Sustainable Planning and Community Development.
 3. Following consideration of Rezoning Application No. 00487, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, to the satisfaction of the City staff.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday and Thornton-Joe
Against: Councillors Madoff and Young

5. Development Permit with Variances Application No. 000434 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council refer the Application to the Advisory Design Panel to provide recommendations back to Committee of the Whole, with a request that the Panel pay particular attention to:

1. The transition to the buildings along Pandora Avenue and Chambers Street.
2. Overall massing, architectural elements and finishes with particular attention to the relationship with the local neighbourhood.

Following this referral, and after the Public Hearing for Rezoning Application No. 00487, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000434 for 1144, 1148, 1152 and 1154 Johnson Street, and 1406 Chambers Street, in accordance with:

3. Plans date stamped February 5, 2016.
4. Development meeting all *Zoning Regulation Bylaw* requirements.
5. The Development Permit lapsing two years from the date of this resolution.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday and Thornton-Joe
Against: Councillors Madoff and Young

Councillor Isitt returned to the meeting at 10:34 p.m.

MOTIONS

1. To Set Public Hearings for the Council Meeting of Thursday, March 10, 2016

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, MARCH 10, 2016, at 6:30 p.m.:**

1. Heritage Designation Applications No. 000148 and No. 000149 for 222 and 226 Dallas Road
2. Heritage Designation Application No. 000157 for 534 Pandora Avenue
3. Development Variance Permit Application No. 00169 for 534 Pandora Avenue
4. Heritage Designation Application No. 000156 for 533 – 537 Fisgard Street
5. Rezoning Application No. 00469, Official Community Plan Amendment Application and Development Permit Application for 1146 Caledonia Street
6. Development Variance Permit No. 00125 for 3189 Quadra Street

Carried Unanimously

BYLAWS

1. FIRST READING

Councillor Loveday withdrew from the meeting at 10:36 p.m. and returned at 10:37 p.m.

1. Heritage Designation (534 Pandora Avenue) Bylaw – 16-010

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council give first and second reading of Heritage Designation (534 Pandora Avenue) Bylaw – No. 16-010.

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Heritage Designation (534 Pandora Avenue) Bylaw

Carried Unanimously

2. Heritage Designation (533-537 Fisgard Street) Bylaw – 16-009

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council give first and second reading of Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009

Carried Unanimously

3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029 for Rezoning Application No. 00469 for 1146 Caledonia Avenue

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council give first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.

Carried Unanimously

4. Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) – 16-030

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first and second readings:

Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030

Carried Unanimously

5. Housing Agreement (1146 Caledonia Avenue) Bylaw – 16-031

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first, second and third reading:

Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

2. SECOND READING

It was moved by Councillor Madoff, seconded by Councillor Isitt, that the following bylaws be given second reading:

1. Heritage Designation (534 Pandora Avenue) Bylaw
2. Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009
3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.
4. Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030
5. Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

3. THIRD READING

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the following bylaw be given third reading:

1. Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

4. ADOPTION

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following bylaws be adopted:

1. Bylaw Notice Adjudication Bylaw No. 16-017
2. Administration Fees Bylaw, Amendment Bylaw,(No. 2) No. 16-023
3. Vehicles for Hire Amendment Bylaw (No. 14) No. 16-026

Carried Unanimously

CORRESPONDENCE

1. Letter from the Ministry of Community, Sport and Cultural Development and Minister Responsible for Translink: Governance and Services Integration Opportunities

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council receive for information the correspondence dated January 29, 2016 from the Ministry of Community, Sport and Cultural

Development and Minister Responsible for Translink regarding Governance and Services Integration Opportunities.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Council meeting adjourn.
Time: 10:40 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA



MINUTES – VICTORIA CITY COUNCIL

SPECIAL MEETING OF MARCH 3, 2016, AT 12:20 P.M.

PLACE OF MEETING:

Council Chambers, City Hall

PRESENT:

Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

STAFF PRESENT:

J. Jenkyns - Deputy City Manager; K. Hamilton - Director of Citizen Engagement & Strategic Planning; C. Coates – City Clerk; C. Havelka - Recording Secretary; C. Mycroft - Executive Assistant to the City Manager; T. Soulliere - Director of Parks, Recreation & Facilities; S. Thompson - Director of Finance; J. Tinney - Director of Sustainable Planning & Community Development.

APPROVAL OF AGENDA

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that the agenda be approved.

Carried Unanimously

PROCLAMATION

It was moved by Councillor Loveday, seconded by Councillor Alto, that the following Proclamations be endorsed:

1. “Victoria Co-op Day” March 5, 2016

CLOSED MEETING AT 12:21 P.M.

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council convene a closed meeting that excludes the public for the reason that the following agenda items deal with matters specified in Section 90(1) and/or (2) of the Community Charter; namely:

Section 90(1)(e) *The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City;*

Carried Unanimously

PRESENT:

Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

STAFF PRESENT:

J. Jenkyns - Deputy City Manager; C. Coates – City Clerk; C. Mycroft - Executive Assistant to the City Manager; K. Hamilton – Director of Citizen Engagement & Strategic Planning; C. Royle – Deputy Fire Chief; P. Rantucci – Manager of Strategic Real Estate; S. Thompson – Director of Finance; J. Tinney - Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; T. Zworski – City Solicitor; C. Havelka – Recording Secretary.

NEW BUSINESS

A. Potential Land Disposition

Council discussed a potential land disposition pertaining to a property.

The discussion and motion were recorded and kept confidential.

B. Potential Land Disposition

Council discussed a potential land disposition pertaining to a property.

The discussion and motion were recorded and kept confidential.

ADJOURNMENT

It was moved by Councillor Alto, seconded by Councillor Loveday, that the Special Council meeting adjourn.

Time: 12:39 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA

Christine Havelka

From: Mohan S. Kang [REDACTED] a>
Sent: Wednesday, February 17, 2016 10:12 AM
To: Council Secretary
Cc: [REDACTED]; 'Verrinver Vharmota'; 'Vik Giri'; 'Cecil John Davies'
Subject: Request to appear before the Council
Attachments: Hon. Mayor Walton Letter.pdf; City of North Vancouver Letter to Minister Todd Stone re Uber.pdf; Burnaby Council.JPG; New West Minister Council Letter to Minister Stone (1).png; TIABC re UBER BC Taxi Association Sept 15 2015.pdf; BC Taxi Association Support Letter #2.pdf; COMPARISON MATRIX BETWEEN YOUR LOCAL TAXI COMPANIES AND UBER.docx; ICBC INFORMATION REGARDING RIDESHARING APPS LIKE UBER AND LYFT RE DRIVER LICENCING.pdf; Ministry of Transportation and Infrastructure Factsheet on Uber.pdf; Edmonton Uber rider wants fare cap or warning in wake of huge bill.docx; Grand Rapids Uber 490 dollars bill.docx; Worship Mayor & Hon. Councillors of Victoria.docx; Mohan Kang.vcf

Your Worship and Hon. Councilors:

The B.C. Taxi Association is a Non-Profit organization representing 136 Corporate and Associate taxi companies having 13 duly elected directors representing all the regions of the Province. The Association represents Victoria Taxi, Westwind Taxi, Sooke Harbour taxi, Westshore taxi, Sidney taxi and four Independents taxi companies in the CRD..The Association would like to request that its spokesperson be allowed to appear before Your Worship - in Council at the next Council meeting on March 10-2016 to represent our side in relation to share ride concept or Uber or Lyft like service providers. I had the privilege of serving on the Mayor's task force for the late night , great night. We would respectfully submit that there are always two sides of the coin and it would be fair, just and equity if the Council give us the opportunity to give the facts and figures as we know and are well published in various media reports .

The rules and regulations are there to provide a stable environment for the taxi business and to protect consumers through reasonable and predictable prices through approved meter rates. All aspects of passenger transportation licensing and meter tariffs are under the purview of our regulatory body – the Passenger Transportation Board (PTB) in Victoria, BC, an independent tribunal created pursuant to the Passenger Transportation Act of BC.

Uber Technologies Inc., a global behemoth based in San Francisco, had originally been issued a cease and desist order by the PT Branch in 2012 after an investigation into illegal operations in BC. Uber Technologies came back in 2014 and since then Uber has been on a hiring spree, to recruit drivers to launch a taxi-like service called Uber-X wherein anyone with a *basic* Class 5 driver's license and owning a 10 year or newer 4-door sedan or SUV with *basic personal insurance* can provide paid rides to passengers through their smartphone app. The Minister of Transportation have taken serious note of this development and warned Uber that they must follow our rules and regulations or face serious fines and enforcement action. The UBER X does not have proper insurance coverage despite whatever UBER may state for public consumption. All the taxi companies in the Metro Vancouver and CRD MUST have an operating safety camera in their cabs for the safety of the consumers as well as drivers. Most of the taxi in the CRD region MUST abide by the driver and passenger bill of rights. We are not against Uber operating *legally* in BC. All we want is that Uber follow the same rules that all passenger transportation companies have to follow and to ensure the safety of the travelling public, through a level playing field. The taxi companies in the Lower Mainland have a pilot project going on with a regional app called Zoro <http://zoroapp.com/> to allow our passengers to reap the benefits of mobile technology for cab hailing. The Association is also negotiating to get a app which could gradually serve throughout the Province . It is a matter of fact and public record that B.C, is the only place in the whole World where UBER had been unable to operate for the simple reason that British Columbian's believe and respect in rule of law and nobody is above law.

Please consider these attachments as part of my submission . I would be too glad to answer any question you may have at the time of my appearance before the Council .

Respectfully Submitted by ,



355 West Queens Road
North Vancouver BC
V7N 4N5

www.dnv.org



Mayor Richard Walton
Phone: 604 990 2208
Fax: 604 990 2403
rwalton@dnv.org

December 24, 2014

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Province of British Columbia
PO Box 9056, STN PROV GOVT
Victoria, BC V8V 9E2

Dear Minister Stone:

Further to North Vancouver District's Council's resolution at the Regular Council meeting of Monday, December 15, 2014 (attached), I am writing to express the District's support for the Province of British Columbia to continue to ensure that all vehicles for hire in British Columbia be required to acquire a licence through the Passenger Transportation Board on an equal basis, and on the basis of public need, the suitability of the applicant and health of the taxi industry.

The District of North Vancouver has reaffirmed its commitment to enforcing our current vehicle for hire bylaws. We are committed to ensuring that any vehicle for hire operating in the District is licenced in order to promote safety and accountability.

On behalf of Council I thank you for your consideration, and for your Ministry's ongoing role in ensuring the safety and sustainability of vehicle for hire services in our province on an equal basis.

Sincerely,

Richard Walton, FCA
Mayor

Cc: District Council
Gurdip Sahota, North Shore Taxi
Paul Gill, Sunshine Cabs

355 West Queens Road
North Vancouver BC
V7N 4N5

www.dnv.org



James A. Gordon CMC
Municipal Clerk
Phone: 604 990 2207
Fax: 604 984 9637
gordonj@dnv.org

January 6, 2015

EXCERPT of the Regular Meeting of the Council for The Corporation of the District of North Vancouver held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Monday, December 15, 2014 commencing at 7:00 p.m.

Gurdip Sahota & Paul Gill, North Shore Taxi (1996) Ltd.

File:

MOVED by Councillor BASSAM

SECONDED by Councillor MACKAY-DUNN

THAT the North Shore Taxi delegation be received for information.

CARRIED

MOVED by Councillor MACKAY-DUNN

SECONDED by Councillor BASSAM

THAT Council request a staff report including the following information:

- The number of licenced cabs on the North Shore;
- How is the increase of cabs is determined by the Ministry;
- What is the cost of a taxi license;
- Why is the cost of insurance so high; and,
- Identify any impacts that Uber has operating in different cities.

CARRIED

OPPOSED: Mayor WALTON and Councillors BOND and MURI

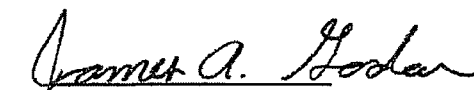
MOVED by Mayor WALTON

SECONDED by Councillor MACKAY-DUNN

THAT Council request that the Ministry of Transportation and Infrastructure enforce the existing legislation pertaining to the taxi industry in BC.

CARRIED

Certified a true copy:


James Gordon
Municipal Clerk

The City of North Vancouver
OFFICE OF MAYOR DARRELL MUSSATTO



October 24, 2014



The Honourable Todd Stone
Minister of Transportation and Infrastructure
Province of British Columbia
PO Box 9055, STN PROV GOVT
Victoria, BC V8V 9E2

Dear Minister Stone:

Further to North Vancouver City Council's resolution at the Regular Council Meeting of Monday, October 20, 2014 (attached), I am writing to express the City's support for the Province of BC to continue to ensure that all vehicles for hire in British Columbia be required to acquire a licence through the Passenger Transportation Board on an equal basis, and on the basis of public need, the suitability of the applicant and the health of the taxi industry.

The City of North Vancouver has reaffirmed its commitment to enforcing our current vehicle for hire bylaws. We are committed to ensuring that any vehicle for hire operating in our City is licenced in order to promote safety and accountability.

On behalf of Council I thank you for your consideration, and for your Ministry's ongoing role in ensuring the safety and sustainability of vehicle for hire services in our province on an equal basis.

Yours sincerely,

Darrell Mussatto
Mayor

Encl.

cc: North Vancouver City Council
Gurdip Sahota, North Shore Taxi
Paul Gill, Sunshine Cabs

Excerpt from the City of North Vancouver Regular Council Meeting Minutes of
October 20, 2014:

**13. Gurdip Sahota, General Manager, North Shore Taxi (1966) Ltd.,
October 8, 2014**

Re: Request Council Support to Stop Uber Operating in the City of North
Vancouver - File: 0510-01

Moved by Councillor Keating, seconded by Councillor Clark

THAT the correspondence of Gurdip Sahota, General Manager, North Shore Taxi (1966) Ltd., regarding a request to stop Uber from operating in the City of North Vancouver, be received with thanks;

THAT the City of North Vancouver reaffirm its commitment to enforce its current vehicle for hire bylaws for all vehicles for hire within the City of North Vancouver;

THAT the City of North Vancouver call upon the Province of BC to continue to ensure all vehicles for hire in the Province be required to acquire a licence through the Passenger Transportation Board on an equal basis and on the basis of public need, the suitability of the applicant, and the health of the taxi industry;

AND THAT the City write to the Provincial Minister of Transportation and Infrastructure, Todd Stone, to that effect.

CARRIED

September 15, 2015

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Room 306
Parliament Buildings
Victoria, BC V8V 1X4



Dear Minister:

Re: Uber operations in British Columbia

On behalf of the Tourism Industry Association of BC (TIABC), I am writing to express our support for the BC Taxi Association's position that Uber comply with provincial regulations to operate in British Columbia.

TIABC supports a stable environment for the taxi industry and believes that consumers must be protected with reasonable and predictable prices through approved meter rates and all other requirements under the Passenger Transportation Act.

The BC Taxi Association has assured us that they are not against Uber operating legally in BC, but are adamant that they follow the same rules as all passenger transportation companies to ensure the safety of the travelling public within a level playing field.

While we understand that your Ministry has insisted that Uber follow regulations, we encourage you to maintain this position and ensure enforcement.

On behalf of TIABC and our member, the BC Taxi Association, thank you for your Ministry's ongoing role in the safety and sustainability of vehicle-for-hire services in our province.

Sincerely,

Jim Humphrey, Chair
Tourism Industry Association of BC

cc: Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training
Mohan Kang, BC Taxi Association President

February 1, 2016

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Room 306
Parliament Buildings
Victoria, BC V8V 1X4



Re: UBER operations in British Columbia

Dear Minister Stone,

You may recall that in a previous letter (September 2015) regarding the possibility of Uber operations in British Columbia, TIABC emphasized the need for the province to ensure a stable environment for the taxi industry. In addition, we recommended that if Uber were given permission to operate in BC, consumers would be protected by their adherence to the requirements of the Passenger Transportation Act.

Minister, in view of your recent comments intimating that Uber's formal arrival is not a matter of if, but when, I am writing to reiterate TIABC's position in support of the BC Taxi Association and its members for a fair playing field.

To that end, we respectfully submit that for Uber to operate in BC, it must comply with the same system and regulations as taxi companies to ensure the safety of passengers, drivers and the public. These regulations would include, but are not limited to, national safety code standards applicable to vehicles, regular vehicle inspections, vehicle age and emission standards, accessible vehicles, on-board cameras for protection of drivers and passengers, Work Safe BC coverage, business licenses, and remittance of requisite taxes such as PST and GST.

Along with the BC Taxi Association, TIABC is not against Uber operating in British Columbia provided the company and its agents adhere to the same rules as all passenger transportation companies.

Thank you for your attention to this important issue. Please feel free to contact me for further clarification or to answer any questions.

Sincerely,

Jim Humphrey, Chair
Tourism Industry Association of BC

cc: Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training
Mohan Singh Kang, president, BC Taxi Association

COMPARISON MATRIX BETWEEN YOUR LOCAL TAXI COMPANIES AND UBER/UBERX SERVICE

	<u>TAXI</u>	<u>UBERX</u>
HAVE PROVINCIAL PTB LICENCE AS REQUIRED BY PT ACT OF BC	YES	NO
COMPLY WITH LOCAL MUNICIPAL VEHICLE FOR HIRE BYLAWS	YES	NO
ICBC <u>COMMERCIAL INSURANCE</u> WITH MINIMUM \$5 MILLION COVERAGE	YES	NO/PERSONAL INSURANCE
DRIVERS ATTEND TAXI HOST PRO COURSE AT JIBC IN NEW WESTMINSTER	YES	NO
DRIVERS HAVE CLASS 4 OR HIGHER COMMERCIAL DRIVER'S LICENSE	YES	CLASS 5
DRIVERS OBTAIN CHAUFFEUR'S PERMIT FROM LOCAL POLICE DEPT. & SUBMIT TO BIOMETRIC FINGERPRINT CHECKS FOR CRIMINAL RECORD	YES	NO
HAVE WHEELCHAIR ACCESSIBLE TAXIS IN FLEET	YES	NO
ACCEPT ALL FORMS OF PAYMENT-CASH,C/C, DEBIT, TAXI SAVERS ETC	YES	C/C
PROVIDE SERVICE TO HANDYDART CUSTOMERS AS PER MVT AGREEMENT	YES	NO
HAVE LOCAL OFFICE IN HOME MUNICIPALITY & PAY CITY PROPERTY TAXES	YES	NO
HAVE SMARTPHONE APP TO BOOK TRIPS	YES	YES
PROVIDE ONLINE BOOKING FOR PASSENGER'S CONVENIENCE	YES	NO
MUST ACCEPT ALL SERVICE ANIMALS AS PER MVA/PTB REGULATIONS	YES	NO
VEHICLES HAVE SECURITY CAMERA & GPS DISPATCH COMPUTER SYSTEM	YES	NO
VEHICLES ARE INSPECTED BY PROVINCIAL INSPECTORS EVERY 6 MONTHS	YES	NO
MAXIMUM AGE OF VEHICLES IN FLEET	7 YRS	10 YRS
VEHICLES ARE CLEARLY MARKED WITH COMPANY PHONE NO. & UNIT NO. FOR COMPLAINT RESOLUTION & FOLLOW UP WITH CAB COMPANY	YES	NO
ALL DRIVERS HAVE GST NUMBER AND PAY PROV/FEDERAL TAXES	YES	MAYBE
LICENCEE FILES CANADIAN BUSINESS INCOME TAX RETURNS WITH CRA	YES	NO

ICBC INFORMATION REGARDING RIDESHARING APPS LIKE UBER AND LYFT

Driver licensing

QUESTION I want to use my vehicle to drive passengers for payment, for a service like Uber or Lyft. What kind of licence do I need?

ANSWER:

At a minimum a Class 4 (restricted). This is a commercial driver's licence, which allows you to drive up to 10 persons including the driver.

Before you pick up your first passenger you'll also need:

- The owner of the vehicle to declare how they plan to use the vehicle so the **insurance** can be properly **assigned a specific taxi or limousine** rate class. Talk to your broker, they can help make sure you have the right coverage for how you use your vehicle.
- Licence plates** specially designated for taxis and limousines

You will also need:

- A licence approved by B.C.'s Passenger Transportation Board
- A National Safety Code Safety Certificate
- Semi-annual commercial vehicle inspections
- Check with the municipality where you plan to operate for any additional requirements

If you're involved in a crash without having completed all necessary requirements, there could be very serious financial consequences including potentially having to repay the full value of all claims that arise and forfeiting coverage for your own injuries as well as damage to your vehicle.

We want to make sure you're covered.

SEE THE ICBC LINK FOR THIS PAGE AT : <http://www.icbc.com/FAQ/Pages/Driver-licensing.aspx>

Ministry of Transportation and Infrastructure , Factsheets

FACTSHEET: Uber

/ministries/transportation-and-infrastructure/factsheets/factsheet-uber.html

Tuesday, October 28, 2014 3:04 PM

OPERATING A PASSENGER TRANSPORTATION VEHICLE IN B.C.

Any vehicle operated by a person who charges or collects compensation for transporting passengers must be licenced under the Passenger Transportation Act.

Limousine, taxi and other passenger directed services, including those dispatched through a "rideshare" app such as Uber or Lyft, must be approved by the Passenger Transportation Board. Currently, Uber and Lyft are not licenced in B.C.

The rates charged by taxis, limousines and other small passenger directed vehicles are set or approved by the Passenger Transportation Board.

Smart phone apps operated by any company, including commercial "rideshare" providers, must reflect Passenger Transportation Board approved rates.

Vehicle operators will also need:

- A **National Safety Code** Safety Certificate
- Semi-annual **commercial vehicle inspections**
- To check with the municipality where you plan to operate for any additional requirements
- A **driver's licence and vehicle insurance** that meets the requirements for commercial vehicles.

Fines:

- Any company or driver advertising or providing a service they're not licensed to provide is subject to being ticketed.
- A ticket for \$1,150 can be issued by the police, Commercial Vehicle Safety Enforcement officers or Passenger Transportation Inspectors at the roadside.
- Repeat offenders can be fined up to \$5,000.

Contact:

Ministry of Transportation and Infrastructure
Government Communications and Public Engagement
250 356-8241

Edmonton Uber rider wants fare cap or warning in wake of huge bill

BY ELISE STOLTE, EDMONTON JOURNAL, EDMONTON JOURNAL JANUARY 4, 2016

An Uber passenger is calling for a fare cap and better warnings after his ride across Edmonton cost more than a transatlantic flight.

Matt Lindsay accepted a ride at 8.9 times the regular fare on New Year's Eve, trying to get to St. Albert from a wedding in the south end of Edmonton. A bill of \$1,114 landed in his inbox after the ride.

"I don't think I've ever been in that state of shock before," said the electrical technologist and NAIT student.

The fare is equal to half his tuition. He went public with the bill and Uber officials confirmed the company is refunding half the money.

Uber uses what it calls "surge pricing" during periods of high demand to get more drivers on the road serving passengers. Customers are warned about the increased price in the app before they accept the ride, but it still seems to catch many users by surprise. News stories quoting angry customers cropped up across the globe.

Lindsay said he wasn't stumbling, but he did drink at the wedding and wasn't in a condition to drive. He didn't pull out a calculator to see what 8.9 meant in terms of price and the app didn't estimate it for him because his 60-kilometre trip involved two stops to drop off friends.

"It happened fast. We just wanted a ride home. ... I'm kind of in a vulnerable state there," he said.

The driver didn't warn him, and nothing in the app flashed or otherwise indicated his bill was racking up. Uber needs more clear estimates, warnings or a cap, he said.

"That's their main clientele, intoxicated people. ... I understand that I accepted that surge rate. But I didn't hit a button to accept a \$1,100 bill. I could fly to the other side of the world for that price," he said, calling a service he used to love "unregulated and risky."

Uber says it warns customers about the price increase in the app, and also sent out a description of surge pricing to every customer by email 10 days before New Year's Eve. Customers who see the warning and wait 10 minutes usually see the price come back down.

"Our goal is to make sure you can always push a button and get a ride within minutes — even on the busiest night of the year — and surge pricing helps ensure that choice is always available," Uber spokesman Xavier Van Chau said in a written statement. "Riders are repeatedly notified about the pricing directly within the app and asked to confirm and accept increased fares, or can opt for a notification when prices drop."

Uber officials did not say why half the fare was refunded. In a blog post issued Jan. 2, Uber said millions of riders used the app to hail a ride on New Year's Eve. In the United States, 13 per cent of riders paid three or more times the regular price. Sixty per cent paid regular rates.

Coun. Andrew Knack, who supports allowing firms like Uber to operate in Edmonton with proper regulation, said Sunday that over the last couple of years he's heard of other expensive surge fares. However, customers are warned about the fees they face before accepting a ride, he said.

"Hopefully, this is the first and only time we will hear about situations like this in Edmonton, and people will pay attention to the app," he said.

New regulations for Uber-type companies are coming back to city council Jan. 26.

This sort of event is evidence that app-based ride-hailing companies won't push out other transportation options, because the passengers could have waited longer for a traditional cab and paid less, Knack said.

As well, Edmonton Transit was free on New Year's Eve.

Balraj Manhas, a spokesperson for the Alberta Taxi Group of drivers, said the metered fare to St. Albert from south Edmonton is about \$65 to \$70. Someone booking a limousine to St. Albert from the Edmonton International Airport would pay a maximum \$101, he said. Rates haven't increased since 2008, he said.

Taxi owners and brokers opposed Uber's entry into the market last year, as well as Edmonton's attempts to regulate it. Manhas said a better way the city can increase the number of vehicles available at busy times is by issuing more licences valid for weekends or the high season.

Mohan S. Kang

From: Sarah Weddell [REDACTED]
Sent: December 16, 2015 10:43 AM
To: Mohan S. Kang [REDACTED]
Subject: Uber customer gets handed \$490 bill for an 18-mile ride

Uber customer gets handed \$490 bill for an 18-mile ride

POSTED 10:22 PM, DECEMBER 9, 2015, BY [CASSY ARSENAULT](#). UPDATED AT 11:59PM, DECEMBER 9, 2015

GRAND RAPIDS, Mich. -- It's something a lot of people use to travel around and get home, but an 18-mile Uber ride after Saturday's Michigan State vs. Iowa game in Indianapolis put quite a wrench in the post-game celebration for some fans from West Michigan.

An e-mail with the bill came through after they got dropped off at their hotel, informing them that they owed hundreds of dollars for that one ride.

"I thought that it had to be a huge mistake. There's no way. That's impossible," said Lenny Teske of Grand Rapids.

After speaking with Uber, they found the price was the real deal, and they were responsible for it, said Teske, a college recruiter who was in Indiana for work and the Big Ten championship football game.

Teske, who took the Uber with some friends after the game, is upset about those charges and looked to the FOX 17 Problem Solvers for help.

It's something people don't always pay attention to. While many call it ridiculous price surging, Uber says it's a process called "dynamic pricing." Basically, they say, Uber always wants to guarantee you a ride even when there aren't enough drivers to fit the demand for people waiting around for a car. It's cases like those where you can get one of those high bills.

Unfortunately, the man FOX 17 talked with Wednesday was a victim of that, but he says the warning signs aren't enough.

Teske was a loyal Uber customer for more than a year until he and his friends used an Uber to pick them up after Saturday night's football game.

"My co-workers and I were discussing taking a cab. One of the guys is old school and wanted to take a cab," said Teske.

He bragged about how quick and inexpensive Uber is. They were in a hurry to celebrate the Michigan State win, so Teske convinced his friend to try it out.

"It shows on the phone where the driver is. We pressed the car for him to pick us up at the location and we got a phone call and the guy says, 'hey I'm too far away from you. Cancel it and start over.' So I'm like 'don't worry. That never happened before. Let's try it again,'" said Teske.

A new driver pulled up and they hopped in for the 18-mile trip to their hotel.

"I asked what the charge was, because I wanted to give him a tip. He told me he didn't know. We get out and the car pulls away. Boop Boop. A thing pops up on my phone and said you were just charged \$490," said Teske.

He had been charged 6.8 times the going rate.

February 16 -2015

Your Worship and Hon. Councillors

My name is Mohan Kang and I have been involved with the taxi industry for over 35 years. I have the privilege and honour to serve as the head of the board of directors of the Association for last seventeen terms. B.C.Taxi Association is a non-profit organization having 136 Corporate and Associate Corporate taxi companies including Victoria taxi, Westwind Taxi, Sooke Taxi, Westshore taxi, Sidney taxi and four Independent taxi companies. The Association got duly elected 13 directors representing all the regions of the Province. I have spent most of life driving a cab in the Victoria region. I have been serving on the Accessible Advisory Committee for last eight years or so as a member and supplemental.

The taxi industry has always worked as the eyes and ears for the community they work in

and have been instrumental in avoiding hundreds thousands of drunk driving , break-ins, physical violence and sexual assaults by being there or reporting to the police while observed such incidents during driving by and servicing the customers . The Association is also the proud member of the “AMBER ALERT” since 2005 as one of the first responder. Last Amber Alert was for the two year old young girl Haily Dunbar from Blairmore. This is our way of giving back to the community in which we live, we work and raise our families and pay our taxes.

Taxi drivers are small business entrepreneurs and more than 90 % were drivers before they became owner-op. and are still driving. Taxi companies have and still employ students which subsidize their education and have,

part time drivers who supplement their regular income.

Chauffeur permits are issued by the Police/ RCMP after thorough criminal checks (Bio- metric). Taxi drivers go through in- house training and then get practical training on job. Average taxi insurance in the CRD region is around 11500.00 dollars before discounts though it is around 19000.00 in the GVRD. Taxi companies also take extra 5-7 million dollars comprehensive insurance for contracts.

Taxis MUST get mandatory six month mechanical inspection through Govt. designated inspection garages. The most important safety part is that every taxi must go through thorough Pre- Inspection before every shift (twice a day) to ensure that the taxi is safe and the driver must sign off to that fact. Must abide by Passenger Transportation Board, Passenger Transportation Branch, National Safety Code, Commercial Vehicle safety Enforcement, Work Safe, Revenue Canada,

GST, EI, Employment Standard Branch, Human Rights, Local, Provincial & Federal rules and regulations.

Safety cameras are mandatory and the Association was instrumental in getting the safety cameras installed in 2008-2009 .Most of the taxi companies have the volunteer driver & passenger bill of rights in the CRD for the protection of the drivers as well as consumers.

Since last forty years or so there has been a drastic improvement in the taxi industry. From winding taxi meters and ex police cabs, changed to silent fare meters, propane modification. High price of the propane specially gas the new hybrid cabs came into play which help in reduction of green gas emissions.

With Passenger Transportation guidance that new and additional cabs must be environmentally

friendly today you will find that every cab in the CRD is environment friendly taxis which are serving on 24/7 basis. Taxi industry implement and update changes according to the changing need of the consumers. From radio dispatch, we updated to computer dispatch & GPS system, the taxi companies accepts all types of transactions, taxi companies have their own personal apps. Taxi companies have invested millions of dollars to meet the changing need of the consumers. UBER tried in 2012 to operate Uber- Black in the GVRD but choose not to comply with the rules & regulations and UBER was issued a Cease and Desist order by the Registrar (Passenger Transportation Branch) left and came back in 2014 with UBER- X model. Driver with class-5 , 21 year old, having 10 year old or newer model , 4 door car having regular insurance. Uber advertised and even paid monetary incentives for registering drivers and have recruited undisclosed number of UBER drivers in the CRD & GVRD.

Most of the places Uber started have little or no regulations concerning commercial vehicles; others were regulated by the municipalities. The Passenger Transportation Board regulates the passenger directed vehicles in B.C, which is an independent tribunal. Basic insurance is covered by the ICBC and as per rules anytime the money change hands for carrying a passenger the vehicle must have a commercial insurance which is only provided to the vehicles which has been inspected by a designated establishment and must possess a National Safety Code certificate.

Mr. Van-Hammen , Uber Manager for B.C. , stated that they have adequate insurance coverage and better criminal checks than taxis.

Let us go on the facts. UBER states that they carry more than enough insurance yet at the same time they have got injunction from the court that it cannot be disclosed. WHY?

UBER criminal checks are done through a third party. I recently attended the convention of Association of International regulators in Montreal. The head regulator from Houston stated that the City of Houston found 264 cleared for Uber driving having serious charges and convictions against them including murder, child molesting, sexual assaults and drug dealings.

The checks go back to seven years. It was stated that bio-metric criminal checks should be done to ensure that the public safety issue is taken care off. (There is bio-metric method used here)

Driver issue. UBER claims that the drivers are independent contractors. The Labour Commissioner in California ruled on June 17-2015 that the Uber drivers are "Employees" off course Uber appealed the decision. Though Uber settled out of court the cases with the lady who was raped in Delhi and Sofia Liu, 6 year old girl who was killed by an Uber driver in California, if the drivers are independent

contractors and not employees as claimed by Uber then why to settle without any obligation. Uber drivers are demonstrating against Uber for driver classification, fairness and their rights. In Seattle Uber drivers has been allowed to form union to protect their rights. Taxi drivers all over the World are demonstrating against Uber but asking for even playing field. B.C. taxi drivers are well protected by the Employment Standard Branch irrespective whether you are on daily lease or commission in case they do not make minimum wages but the fact is that drivers do better than that. Lease taxi drivers MUST possess a GST number to submit their collected GST to the Revenue Canada in a regular manner, same way the Owner-Operator must pay his Employment Insurance share of 1.4 above remitted by his lease-driver. Uber want to provide the commercial service to pre-registered credit card holders .All transactions money flows over the Canadian borders. Uber Manager Mr. Van-Hannem stated

that Uber takes 25% (previously started with 20%) and deposit the rest in drivers account. And there is a pilot project going on in some USA, cities where they will charge 30% from new drivers for first few trips. I will leave it up to your good judgement to figure it out what Uber would be paying to the CRA, Provincial and Local Govts. as taxes. (UBER is unwilling to provide their driver list to anybody. On January 14-2016 the California Utility Commission fined UBER 7.6 million dollars for not providing the driver's data off course UBER stated that they will appeal the decision)

UBER –X service model is discriminatory right from the beginning as they do not want to provide the service to the people with disabilities, seniors who want to pay with the taxi savers, persons who want to pay with the debit cards or to that part of our society wo do not have any credit card and want to pay by cash. Simply Uber want to go for

“Cherry picking “(For putting a Toyota Siena accessible taxi on the road it takes around 55,000 .00 dollars)

Uber Manager Mr. Van-Hannem stated that Uber-X would be around 30% cheaper than taxis. Uber-X is stated to be cost effective and convenient for the consumers, though their surge pricing which would up to three times higher than their normal cost depending upon the demand and supply. On December 31-2014 Uber charged seven times in New York and recent in Edmonton Uber charged 9.7 times or so. Uber even if lower their prices who loses most the “ Driver” losing 75% .Drivers have no say about fare rates or getting terminated , but Uber do encourage its drivers to break rules and regulations and take care of their fines. Mr. Van- Hannem also stated that car is the second biggest investment by British

Columbians after house and he stated that they use the car only 4-5% and in UBER-X model they can earn money using that car eluding the fact that it would be illegal and it will also increase the green gas emissions.

Your Worship and Hon. Councillors we would respectfully submit that the modern society lives with in rules and regulations and it cannot afford to let anybody tell them that is my way or hi-way. Society deserves public safety, and demands rules, fairness, even playing field, contribution of their taxes and accountability and nobody should be or can be above law.

Respectfully submitted by,

Mohan Kang

President

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

From: webforms@victoria.ca [mailto:webforms@victoria.ca]
Sent: Wednesday, February 24, 2016 10:14 PM
To: Council Secretary <councilsecretary@victoria.ca>
Subject: Thank you for your submission - City of Victoria - Address Council Form

Name: David Smith **Date:** February 24, 2016
Address: 140 medana street Victoria Bc
I wish to appear at the following Council meeting: March 10, 2016
I represent: David smith
Topic: Disability
Action you wish Council to take:
Listen

CONTACT INFO:

Contact Name: David smith
Contact Address: 140 medana street Victoria
Contact Phone Number:
Contact Email:



MAKING A PRESENTATION TO VICTORIA CITY COUNCIL

Complete and submit your request to address Council to Legislative Services by 11:00 a.m. on the Wednesday the day before the scheduled meeting. To ensure the Council receives your submission with their full agenda package, please submit it by 4:30 p.m. on the Monday two weeks before the Council meeting. Requests received after this time will be added to the Amended Agenda produced the Wednesday immediately prior to the Council meeting.

Presentations are a maximum of five (5) minutes in duration.

Name: Mary E Doody Jones Date: Feb 29, 2016

Address: 435 Kipling St, Victoria

I wish to appear at the following Council meeting: March 10, 2016

I represent: myself as Fairfielder m & citizen

(Name of organization, if applicable) already handed in
Topic: Need for Amplification regulation my report

Action you wish Council to take: See Attached paper

Are you providing any supporting documentation (a letter or a PowerPoint presentation)?

Yes ☒ 10mb limit*

No ☐

If you are providing supporting documentation the documentation must accompany this request or your letter. Placement on the agenda cannot be confirmed until supporting documentation has been received. Handouts will not be distributed at the meeting.

*If presentation is larger, please bring into the Council Secretary on a thumb drive to allow downloading.

Alternatively supporting documentation may be emailed to: councilsecretary@victoria.ca

Please note that all presentations are held at a public meeting, therefore, the first page of this form, along with the supporting documentation is added to the agenda, which is made available to the public and posted on the City of Victoria's website. The second page of this form, containing your contact information, does not form part of the agenda, but may be released pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Please complete both sides of the form and submit to:

Council Secretary
Legislative Services Department
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6
T 250.361.0571
F 250.361.0348
Email: councilsecretary@victoria.ca

My request on Feb 29, 2016

Amplification problems occur on different geological sites, as shown in the report previously given. The problems are significant. For this hearing my requests are under 3 general summaries that Council:

- 1) Make an Amplification Bylaw providing regulation of the building process on vulnerable sites.
- 2) Consider making geological conditions as part of zoning decisions.
- 3) Realize the urgency from my update to the Report.

Also a letter with the specific requests under each of the 3 points.

Thanks for the opportunity.

Mary E. Dooley Jones

Mary E. Doody Jones
435 Kipling St.
Victoria, BC, V8S 3J9
Phone: [REDACTED]
Email: [REDACTED]

City Hall
#1 Centennial Square
Victoria, V8W 1P6

March 5, 2016

Mayor and Council

This letter accompanies my application for a presentation before the Council meeting. on March 10th. In November, Council and several city departments received my report: "The Amplification Effect: The Story of 1418 Brooke St. June -August 2015 Case Study." As Christmas was close, I waited until after the New Year to follow up. Please find the report. If you can't find it and need another, let me know.

Intervening events have increased the urgency of the need for regulation in reference both to rezonings and for building under the zoning. The issue of geological substrate became apparent to those living near the Brooke St. development which has the worst seismic base, as shown by the BC seismic maps. Neighbours experienced the result of amplification and a developer who ran away from speaking to them, with no information ahead, no preliminary foundation check and no compensation for effects.

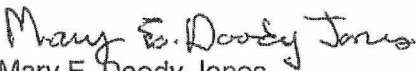
Since summer, disturbance continued from time to time, including lately, with finishing work on the the new house's grounds causing vibrations. My (heavy) computer monitor in the back office shook from the machines travelling on the Brooke St. grounds when I first typed this letter

Now on Hamley St. to my left is a new development, at 1456, starting with knocking the house down. (See the Update paper.) "The battered house" at 1465 Hamley must be feeling the vibrations too. On nearby Durban St. parallel with Kipling, are redevelopments. The lack of regulation on vulnerable strata needs correction right now, problems will increase with the expanding number of developments for profit.

Prices are going up remarkably, as noted March 2 on the *Times-Colonist* front page. The Update paper shows the MLS listing for 1418 Brooke St., which joins the ranks of those well over the million dollar mark. Its asking price is \$1, 639, 000 and it's on "one of Fairfields Most Magical Streets." Nothing is stated about being on one of the most vulnerable geological substrata.

Attached you will find the list of my carefully thought recommendations for your consideration. I would very much appreciate speaking with individual staff /councillors or committees during your considerations. Please arrange that I will be duly informed of the process to follow for action.

Sincerely,


Mary E. Doody Jones

CASE STUDY CONCLUSIONS: CONTRIBUTING FACTORS

- 1) The hazardous geological substrate causing amplification onto the clay.
- 2) The need for vehicles/machines that produce vibrations, weight and noise
- 3) The lack of homeowner's insurance to cover man-made seismic effects
- 4) A developer who refused to meet the nearest neighbour and ran away from another
- 5) Absolutely no regulations to keep developers under the zoning accountable, nothing for rezoning on the building process for mitigation of effects.
- 6) Legal recourse expensive even just for a letter
- 7) Legal cases more difficult without photos and records of foundations due to lack of warning
- 8) Citizens ending up paying for damage cost, thus underwriting the developer's profits

The first 4 cannot be changed on their own. The 5th one can be, so that no. 4 and 6-8 need not happen.

RECOMMENDATIONS FOR MUNICIPAL LEGISLATION

PLEASE

General Recommendation

1. Please accept the importance of the amplification effects, which can be as serious as some intensities of blasting. Preferably create an Amplification Bylaw, with regulation of the building process on all vulnerable geological sites.
2. Make a policy of having the geological substrate a factor for decisions on mass and density with maps of the geological substrate for the specific sites. Reconsider the general policy of 6-storey buildings at village centres and go back to check the geology of each area.
3. Consider the safety of existing character and heritage buildings nearby. Have lists of vulnerable kinds of substrate and put into regulation preventative actions.

Particular Recommendations for The Building Process

1. For rezoning and under zonings, have regulations to protect neighbours. Items include: Builder's identification; his phone number for when difficulties arise; notification schedule of events; preliminary checking of foundations etc; accountability and insistence on compensating damage.
2. Install monitors around the sites, to identify too much vibration, have a designated city official to call when problems occur who has the authority to give stop work orders.
3. Regulate mandatory preventative actions, especially for the worst, the demolition excavation phase, e.g., dismantling buildings (not knocking them down), other methods for dealing with cement than large machines playing with them, smaller machines or keeping some off the site to deliver from the street, not two large machines on site.

Supplementary Recommendations

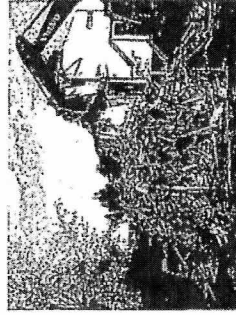
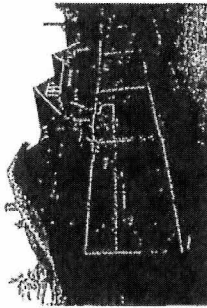
1. Consider a policy discouraging the raising of houses in vulnerable places, as raised buildings are more easily damaged.
2. Consider accumulation of past effects and devise a formula for compensation where past damage occurred, making buildings more sensitive to the new vibrations.
3. Speak with the insurance industry re special 3rd party insurance for homeowners who rebuild.
4. Have a possible way for the developer to speak ahead to neighbours treasuring some plants/trees.
5. Visit "the battered house" on 1465 Hamley as an example of accumulation, just as the 1456 Hamley begins to add its vibrations.

UPDATE
for
"THE AMPLIFICATION EFFECT: THE STORY OF 1418 BROOKE ST.,
JUNE TO AUGUST 2015 CASE STUDY"

Since that time, events have shown a need for urgency to bylaw action. An Increase in taking down existing houses to build bigger ones in the vulnerable areas, often "desirable" locations
1. Developers prefer to build under the zoning, as then there are no regulations for accountability or even notification to neighbours for effects from the building process.

Before the Brooke St. development is finished, similar cases are happening in the Fairfield area.
Brooke St. is on the right of Kipling and now 1456 Hamley, the 6th or 7th redevelopment on that street has been razed.
The process begins again with more vibrations for The Battered House..1465 Hamley

Late February
At 1456 Hamley
Removal of white wood
elements only
The large machine foretells
the house's fate.

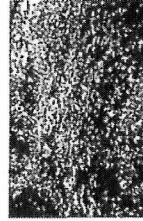


No information for neighbours

More movement, nothing saved

2. Developers build bigger than the original and houses sell for the most money possible - even on vulnerable sites.
This situation means that housing prices go up steeply, and raise tax levels all around, cutting off more people from owning. Also, some picturesque/character houses are taken from the
MLS

\$1,639,000.00
4 Baths MLS® 360628 1418 Brooke St
5 Bed



Note:
still over

blue clay and ancient sea bed

BRAND NEW HOME ON ONE OF FAIRFIELDS MOST MAGICAL STREETS. A timeless design crafted from the pen of Tim Roder at Outline Home Design and delivered with impeccable care and attention via ISLAND OUTLOOK DEVELOPMENTS. Super Family Friendly open concept floor plan offering 4/5 bedrooms, multiple family/sitting rooms + kids games room! The heart of this home is the kitchen & grea...

Brokered and Advertised by: REMAX CAMOSUN - OAK BAY

Note: profits made are based on the uncompensated disturbances, house movements and damage for neighbours
Questions: Will buyers be told about the seismically unstable base?

Is a house on the worst geological base worth 1,693, 000?

March 3, 2016
May E. Doody Jones



MAKING A PRESENTATION TO VICTORIA CITY COUNCIL

Complete and submit your request to address Council to Legislative Services by 11:00 a.m. on the Wednesday the day before the scheduled meeting. To ensure the Council receives your submission with their full agenda package, please submit it by 4:30 p.m. on the Monday two weeks before the Council meeting. Requests received after this time will be added to the Amended Agenda produced the Wednesday immediately prior to the Council meeting.

Presentations are a maximum of five (5) minutes in duration.

Name: Leon 'Ted' Smith Date: March 1 2016

Address: 1246 Gladstone Ave

I wish to appear at the following Council meeting: March 10, 2016

I represent: International Medical Marijuana Day
(Name of organization, if applicable)

Topic: International Hempology 101 Society

Action you wish Council to take: The date has been moved to June 11 to mark the anniversary of last year's ruling by the Supreme Court of Canada to allow patients access to cannabis extracts.

Are you providing any supporting documentation (a letter or a PowerPoint presentation)?

Yes ☐ 10mb limit*

No ☒

If you are providing supporting documentation the documentation **must** accompany this request or your letter. Placement on the agenda cannot be confirmed until supporting documentation has been received. Handouts will not be distributed at the meeting.

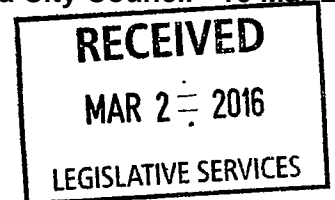
*If presentation is larger, please bring into the Council Secretary on a thumb drive to allow downloading.

Alternatively supporting documentation may be emailed to: councilsecretary@victoria.ca

Please note that all presentations are held at a public meeting, therefore, the first page of this form, along with the supporting documentation is added to the agenda, which is made available to the public and posted on the City of Victoria's website. The second page of this form, containing your contact information, does not form part of the agenda, but may be released pursuant to the provisions of the Freedom of Information and Protection of Privacy Act.

Please complete both sides of the form and submit to:

Council Secretary
Legislative Services Department
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6
T 250.361.0571
F 250.361.0348
Email: councilsecretary@victoria.ca



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Presentations are a maximum of five (5) minutes in duration.

Name: Stuart Hertzog Date: March 1st, 2016

Address: 205-390 Waterfront Crescent, Victoria V8T 5K3

I wish to appear at the following Council meeting: Thursday March 10, 2016

I represent: Myself as a resident of Burnside-Gorge community

(Name of organization, if applicable)

Topic: Proposed widening of Douglas Street and cutting 26 mature trees from Hillside to Tolmie

Action you wish Council to take: I request that Council immediately review its decision and not allow any tree cutting or construction to proceed until a review of the project is completed, including an open and verifiable public consultation process to establish whether public support exists for such a costly and disruptive project that will impact the liveability of the area.

Are you providing any supporting documentation (a letter or a PowerPoint presentation)?

Yes ☐ 10mb limit* No ☒

*If you are providing supporting documentation the documentation **must** accompany this request or your letter. Placement on the agenda cannot be confirmed until supporting documentation has been received. Handouts will not be distributed at the meeting.*

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Presentations are a maximum of five (5) minutes in duration.

Name: BART REED Date: MAR 8, 2016

Address: 310 KING GEORGE TCE

I wish to appear at the following Council meeting: MAR 10, 2016

I represent: COOK ST VILLAGE BUSINESS ASSOC

(Name of organization, if applicable)

Topic: BIKE LANES

Action you wish Council to take: _____

Are you providing any supporting documentation (a letter or a PowerPoint presentation)?

Yes ☐ 10mb limit*

No ☒

If you are providing supporting documentation the documentation **must** accompany this request or your letter. Placement on the agenda cannot be confirmed until supporting documentation has been received. Handouts will not be distributed at the meeting.

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Email: councilsecretary@victoria.ca

“WORLD PLUMBING DAY”

- WHEREAS** *every person on the planet is affected by the availability of clean drinking water and basic sanitation; and*
- WHEREAS** *the dramatic link between plumbing and health is tragically witnessed in those parts of the world that do not yet have ready access to fresh water and sanitation and the millions who continue to die each year, particularly children, from diarrheal diseases, cholera and typhoid; and*
- WHEREAS** *the widespread establishment of sanitation systems and indoor plumbing was the most significant development over the past 150 years, resulting in the average lifespan of mankind across many regions of the World virtually doubled; and*
- WHEREAS** *deadly diseases such as typhoid and cholera rapidly declined as a healthier, more comfortable living environment was created; and*
- WHEREAS** *plumbing standards determine the health of a nation; and*
- WHEREAS** *recognizing the importance has made a significant contribution to the well-being of human society, and has done for many generations, providing fresh water, effective sanitation and yes, at the same time safeguarding the environment.*

NOW, THEREFORE I do hereby proclaim March 11th, 2016 as “**WORLD PLUMBING DAY**” in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**, the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS**.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of March, Two Thousand and Sixteen.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Brian Husband, RBO
Chief Plumbing Inspector
City of Victoria

“PURPLE DAY FOR EPILEPSY AWARENESS”

WHEREAS *Purple Day is a global effort dedicated to promoting epilepsy awareness in countries around the world; and*

WHEREAS *Purple Day was founded in 2008 by Cassidy Megan, a nine year old girl from Nova Scotia, who wanted people to know that if you have epilepsy, you are not alone; and*

WHEREAS *epilepsy is the most common neurological condition affecting children, and the second most common neurological condition affecting adults; and*

WHEREAS *epilepsy affects more than 50 million people worldwide, more than 300,000 people in Canada, and 3,500 people in the Capital Regional District; and*

WHEREAS *the public is often unable to recognize common seizure types, nor how to respond with appropriate first aid; and*

WHEREAS *Purple Day will be celebrated on March 26th annually, during Epilepsy Awareness Month, to increase understanding, reduce stigma and improve the quality of life for our community.*

NOW, THEREFORE I do hereby proclaim the day of March 26th, 2016 as “PURPLE DAY FOR EPILEPSY AWARENESS” in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of March, Two Thousand and Sixteen.

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

**Sponsored by:
Tessa Hawkins
Epilepsy Program Spokeswoman
Victoria Epilepsy
and Parkinson’s Centre**

“WORLD POETRY DAY”
AND
“NATIONAL POETRY MONTH”

- WHEREAS** *UNESCO has declared 21 March as World Poetry Day; and April is celebrated as National Poetry Month in Canada and the United States; and*
- WHEREAS** *National Poetry Month seeks to highlight the extraordinary legacy and on-going achievement of Canadian and American poets; introduce people to the pleasure and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children’s education; and*
- WHEREAS** *National Poetry Month is now the largest literary celebration in the world; and*
- WHEREAS** *poetry incites young people in particular to look inside themselves at a time when the outside world may irresistibly lure them away from themselves; and*
- WHEREAS** *poetry, as an essential part of the arts and humanities, affects every aspect of life, including education, the economy, and community pride and development; and*
- WHEREAS** *celebrating World Poetry Day and National Poetry Month encourages the return to the oral tradition, and acceptance of speech as a means of socializing and structuring the individual.*

NOW, THEREFORE *I do hereby proclaim the day of March 21st, 2016 as “WORLD POETRY DAY” and April as “NATIONAL POETRY MONTH” in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.*

IN WITNESS WHEREOF, *I hereunto set my hand this 10th day of March, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Mayor’s Poetry Challenge and
Community Recreation & Culture
Victoria

“WORLD KIDNEY DAY”

WHEREAS *the Kidney Foundation of Canada is a national volunteer organization dedicated to improving the health and quality of life of people living with kidney disease; and*

WHEREAS *the mandate of the Kidney Foundation is to fund research and clinical education, provide services for the special needs of individuals living with kidney disease, advocate for access to high quality health care, actively promote awareness and commitment to organ donation;*

NOW, THEREFORE *I do hereby proclaim Thursday, March 10th, as “WORLD KIDNEY DAY” in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.*

IN WITNESS WHEREOF, *I hereunto set my hand this 10th day of March, Two Thousand and Sixteen.*

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

**Sponsored by:
Deborah McDonald
Kidney Foundation of Canada
BC & Yukon Branch**

“INTERNATIONAL DAY TO ELIMINATE RACIAL DISCRIMINATION”

- WHEREAS** *the World Conference on Human Rights, held at Vienna in 1993, reaffirmed the urgent need to eliminate denials and violations of human rights; and*
- WHEREAS** *racism, racial discrimination and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth or other status; and*
- WHEREAS** *the United Nations has stated its commitment to a global drive for the total elimination of racism, racial discrimination, and related intolerance; and*
- WHEREAS** *the United Nations has proclaimed the 2016 Theme for the International Day to Eliminate Racial Discrimination as Challenges and Achievements of the Durban Declaration and Programme of Action – 15 years after; and*
- WHEREAS** *poverty, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty; and*
- WHEREAS** *racism, racial discrimination, and related intolerance continue to reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and thus there is a need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, and related intolerance in order to address multiple forms of discrimination; and*
- WHEREAS** *the United Nations has recognized March 21st each year as the International Day for the Elimination of Racial Discrimination, as an opportunity to renew our collective commitment to building a world of justice, equality and dignity, where racial discrimination has no place; and*
- WHEREAS** *the City of Victoria is a signatory municipality of the Canadian Coalition of Municipalities against Racism and Discrimination (CCMARD); and*
- WHEREAS** *the City of Victoria expresses its concern about and its condemnation of all forms of racism and racial discrimination (including related acts of racially motivated violence and intolerance; and*
- WHEREAS** *the City of Victoria affirms that racism and racial discrimination and intolerance constitute violations of and obstacles to the full enjoyment of all human rights; and*
- WHEREAS** *the City of Victoria urges governments at all levels to take all possible measures to combat racism, racial discrimination, and related intolerance; and*
- WHEREAS** *the City of Victoria urge the Government of British Columbia to include, in their educational curricula and social programmes at all levels, knowledge of and tolerance and respect for all cultures, peoples and countries, including a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, and related intolerance at all levels.*

NOW, THEREFORE the City of Victoria joins hundreds of other cities around the world to proclaim **March 21st**, as **“INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION”** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**, the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS**.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of March, Two Thousand and Sixteen.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Councillors Alto and Thornton-Joe

3. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029 for Rezoning Application No. 00469 for 1146 Caledonia Avenue**

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council give first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.

Carried Unanimously

4. **Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) – 16-030**

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first and second readings:

Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030

Carried Unanimously

5. **Housing Agreement (1146 Caledonia Avenue) Bylaw – 16-031**

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first, second and third reading:

Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw be given first reading:

Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

2. **SECOND READING**

It was moved by Councillor Madoff, seconded by Councillor Isitt, that the following bylaws be given second reading:

1. Heritage Designation (534 Pandora Avenue) Bylaw
2. Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009
3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) No. 16-029.
4. Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 21) No. 16-030
5. Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously

3. **THIRD READING**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the following bylaw be given third reading:

1. Housing Agreement (1146 Caledonia Avenue) Bylaw No. 16-031

Carried Unanimously



Council Report

For the Meeting of February 25, 2016

To: Council **Date:** February 11, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No.00469 for 1146 Caledonia Street – Application Ready to Proceed to Public Hearing

RECOMMENDATION

That Council give first and second reading of the Official Community Plan Amendment Bylaw (Bylaw No.16-030), the Zoning Regulation Bylaw Amendment (Bylaw No. 16-029) and Bylaw No. 16-031 to authorize the Housing Agreement, and set a Public Hearing date of March 10, 2016 for the Official Community Plan Amendment Application and Rezoning Application No. 00469 for 1146 Caledonia Street.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information regarding an Official Community Plan (OCP) Amendment Application and Rezoning Application for the property located at 1146 Caledonia Street. The applicant proposes an OCP Amendment to change the Urban Place Designation from Traditional Residential to Urban Residential and to rezone to permit a six-unit multiple dwelling with a density of 0.86:1 FSR. The required OCP consultation was completed and a summary of the public input received from the consultation process is provided below.

In accordance with Council's motion of May 28, 2015 and July 9, 2015 (attached), the necessary conditions that would authorize the approval of the OCP amendment and rezoning for the property located at 1146 Caledonia Street have been fulfilled. The legal agreements are being signed and submitted to Land Titles Office. The Planning and Land Use Committee (PLUC) report dated, April 30, 2015, together with the meeting minutes, are attached. The motion from the April 16, 2015, PLUC meeting was:

"That Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, 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:

1. "Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.

2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. That Council determine, pursuant to Section 879(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 property; determine 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.
4. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
5. That Council consider consultation under Section 879 (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 amendments.
6. That Council give first reading to the *Official Community Plan Amendment Bylaw*.
7. That Council consider the *Official Community Plan Amendment Bylaw* in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
8. That Council give second reading to the *Official Community Plan Amendment Bylaw*.
9. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing."

Community Input on OCP Amendment

On May 28, 2015, Council directed staff to consult with property owners and occupants within 200m of the properties at 1146 Caledonia Street through a mail-out and public notices on the City's website. To date, the City has received correspondence from nine members of the public (attached). Additional comments received prior to first and second reading of the Bylaws as well as prior to the Public Hearing would be included in the Council Agenda package at that time.

Public Hearing Conditions

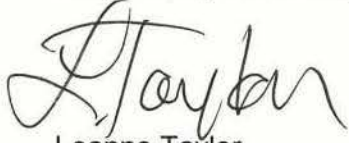
With regard to the pre-conditions that Council set in relation to this Application, staff can report that:

- an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park is being registered on title
- a Housing Agreement to ensure no prohibition on the rental of strata units has been prepared and is being registered on title following the adoption of the Bylaw to authorize the Housing Agreement. A letter of undertaking from the applicant's Solicitor has been received.

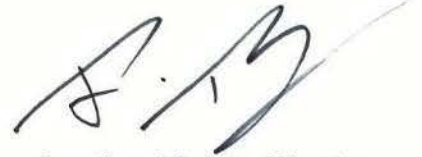
In addition to the above, the applicant also provided to the City a Statutory Right-of-Way on the Caledonia frontage to allow for active transportation improvements in the future. The legal agreement is being registered on title.

The recommendation provided for Council's consideration contains the appropriate language to advance this Application to a Public Hearing on March 10, 2016

Respectfully submitted,



Leanne Taylor
Senior Planner, Development
Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Date: Feb. 17, 2016

List of Attachments

- Planning and Land Use Committee Report dated April 30, 2015
- Minutes from Planning and Land Use Committee Meeting dated May 28, 2015
- Minutes from Council Meeting dated May 28, 2015
- Minutes from Council Meeting dated July 9, 2015
- Correspondence from OCP notice mailout.



Planning and Land Use Committee Report

For the Meeting of May 14, 2015

To: Planning and Land Use Committee **Date:** April 30, 2015

From: Helen Cain, Senior Planner, Development Services Division

Subject: Rezoning Application No. 00469 for 1146 Caledonia Avenue and associated Amendment to the Official Community Plan

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, 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:

1. Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.
2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. Plan revisions to address the scale and footprint of the proposed building to the satisfaction of staff.
4. That Council determine, pursuant to Section 879(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 property; determine 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.
5. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

6. That Council consider consultation under Section 879(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 amendments.
7. That Council give first reading to the Official Community Plan Amendment Bylaw.
8. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
9. That Council give second reading to the Official Community Plan Amendment Bylaw.
10. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

LEGISLATIVE AUTHORITY

In accordance with Section 876 of the *Local Government Act*, Council may adopt one or more Official Community Plans. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

In accordance with Section 903 (c) of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, buildings and other structures, siting, size and dimensions of buildings and other structures, as well as the uses that are permitted on the land and the location of uses on the land and within the buildings and other structures.

In accordance with Section 905 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for an Official Community Plan Amendment Application and a Rezoning Application for the property located at 1146 Caledonia Avenue. The proposal is to rezone the property from the R-2 Zone (Two Family Dwelling District) to a new zone to increase the density to 0.86:1 floor space ratio (FSR) and permit a six-unit multiple dwelling.

The following points were considered in assessing this Application:

- The applicant is seeking an Official Community Plan Amendment to change the Urban Place Designation of the property from Traditional Residential to Urban Residential.
- The proposed siting, size and dimensions of the building are inconsistent with Policy 2.1 in the *Fernwood Neighbourhood Plan (1994)* to encourage new housing that "maintains the integrity, look, and character of single family and duplex housing stock".
- The proposal could be refined to reduce the building footprint, size and scale in relation to the surrounding 1100 block of Caledonia Avenue.

- The applicant is offering to provide an Easement in favour of the City along the north property line that would enable pedestrians to access Kings Park from Cameron Street. This proposed pathway to Kings Park is consistent with the OCP policy related to placemaking in and around parks.
- Surface parking would be located in the rear yard with a total of six stalls on site, which is less than the eight stalls that are required under the *Zoning Regulation Bylaw*. Based on recent parking studies on the level of use of the onsite parking stalls and staff knowledge of parking conditions in the area, this new development is not anticipated to have a significant onsite parking shortage.

Staff are recommending, for Council's consideration, that the Application advance to a Public Hearing, subject to plan revisions to address the siting, scale and footprint of the proposed building. The concurrent report on the Development Permit Application provides further analysis of these aspects of the new development.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property from the R-2 Zone (Two Family Dwelling District) to a new zone to increase the density to 0.86:1 floor space ratio (FSR) and construct a six-unit multiple dwelling. Six surface parking stalls would be provided in the rear yard, which is less than the eight stalls required under the *Zoning Regulation Bylaw*. The applicant is also proposing an associated Official Community Plan Amendment to change the Urban Place Designation from Traditional Residential to Urban Residential.

The following changes from the R-2 Zone are being proposed and would be accommodated in the new zone:

- change in use from single family dwelling to multiple dwelling
- increased density to 0.86:1 FSR
- increased maximum height from 7.60m to 9.23m and from two storeys to 3.5 storeys
- reduction in side yard setbacks from 1.50m to 1.30m next to a single-family dwelling to the west and from 3.00m to 2.64m along the east property line abutting Kings Park
- reduction from Schedule "C" vehicle parking requirements from 1.4 stalls per dwelling unit to one stall per dwelling unit for a multiple dwelling under strata ownership.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- one bicycle rack with two spaces in the front yard and
- one bicycle rack with four spaces in the rear yard.

Land Use Context

The area is characterized by single family dwellings, duplexes, apartment buildings and shops, services and community amenities in North Park Village. Kings Park is adjacent to the subject property to the east and Royal Athletic Park is one block to the west.

Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current R-2 Zone (Two Family Dwelling District), the property could be developed as a duplex or as a single family dwelling.

Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing non-conforming conditions.

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Site area (m ²) - minimum	603.30	555.00
Site area per unit (m ²) - minimum	100.55*	277.50
Density (Floor Space Ratio) - maximum	0.86:1*	0.50:1
Total floor area (m ²) - maximum	516.82*	380.00
Lot width (m) - minimum	14.02**	15.00
Height (m) - maximum	9.23*	7.60
Storeys - maximum	3.5*	2
Site coverage % - maximum	31.20	40.00
Open site space % - minimum	36.20	33.00
Setbacks (m) - minimum Front (Caledonia Avenue) Rear (Cameron Street) Side (east) Side (west)	3.97 (building)* 1.98 (stairs)* 20.00 (building) 2.64* 1.30*	7.50 (building) 4.00 (stairs) 15.00 (building) 3.00 1.50
Parking - minimum	6*	8
Visitor parking (minimum) included in the overall units	1	1
Bicycle parking stalls (minimum)	6	6

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fernwood CALUC at a Community Meeting held on December 3, 2014. A letter dated February 13, 2015, is attached to this report. Because this Application involves an Official Community Plan Amendment Application, the owners and occupiers within 200m of the subject property were notified of the Community Meeting, which is in accordance with Council's CALUC procedures for a Rezoning Application with an associated OCP Amendment.

ANALYSIS

Official Community Plan

Urban Place Designation

The applicant is seeking an OCP Amendment to change the Urban Place Designation of the property from Traditional Residential to Urban Residential. Generally, the proposed land use and building form would be consistent with the place character of Traditional Residential where the OCP envisions "ground-oriented housing" with densities of up to 1.1 FSR. Technically, the proposed building height of 3.5 storeys is inconsistent with the OCP insofar as "ground-oriented housing" up to two storeys is envisioned in Traditional Residential areas. However, in this case the measured height (9.23m) of the proposed building would appear lower because the first level is partially below grade. Additionally, the houses to the immediate west are approximately the same height as the proposed building. The staff recommendation for Council's consideration is that the OCP Amendment Application is supportable in this location.

Official Community Plan Amendment Legislative Requirements

Should Council wish to advance this Application, Section 879(1) of the *Local Government Act* (LGA) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 879 (2)(a) of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land within 200m of the subject property along with the posting a notice on the City's website would provide adequate opportunities for consultation with those affected.

Given the surrounding area is primarily residential and given that, through the Community Association Land Use Committee (CALUC) Community Meeting process, all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 879(2)(a) of the LGA, is not recommended as necessary.

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

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

Park Connection and Adjacent Land Uses

In the OCP, Section 8 "Placemaking" includes policies to encourage park use and animation through the location of "active land uses" adjacent to parks (Policy 8.64), and designing the perimeters of parks as "visually and physically penetrable to pedestrians" (Policy 8.65). The applicant's offer to provide an Easement in the City's favour along the north property line in order to connect Cameron Street to Kings Park is consistent with the relevant OCP policies. Issues and details related to maintenance of the pathway would be determined prior to a Public Hearing and the motion in this report, provided for Council's consideration, includes a requirement to register the necessary legal agreements.

Regulatory Considerations

OCP Policy 7.11 provides the overall direction to consider an array of parking management strategies including reduced parking requirements where appropriate. Based on recent parking studies in the area, which assessed the level of use of the onsite parking spaces for comparable projects, this new development is not anticipated to have a significant onsite parking shortage. The applicant has also provided observational data on street parking on Caledonia Avenue and Cameron Street for Council's consideration. Given staff knowledge of the existing parking conditions in the vicinity of the subject site, the proposal for two less stalls than required in the *Zoning Regulation Bylaw* is reasonable for this specific location.

Local Area Plans

The proposed size and dimensions of the multiple dwelling are inconsistent with Policy 2.1 in the *Fernwood Neighbourhood Plan (1994)* to encourage new housing that "maintains the integrity, look and character of single family and duplex housing stock". While the front elevation of the building would be similar to a duplex, the proposed form and massing could be refined to reduce the potentially overwhelming size, scale and footprint in relation to the context of the 1100 block of Caledonia Avenue. The report on the concurrent Development Permit Application provides further analysis of these details of the proposal and overall design.

CONCLUSIONS

The proposed multiple dwelling is consistent with the broad vision in the OCP for Traditional Residential areas but is inconsistent with the land use policy in the local area plan for new housing to relate to the single family dwelling and duplex character of Fernwood. Staff recommend that Council advance this Application to a Public Hearing, subject to plan revisions that address the building siting, scale and footprint relative to the 1100 block of Caledonia Avenue.

ALTERNATE MOTIONS

1. That Council decline Application No. 00469 for the property located at 1146 Caledonia Avenue.
2. That Council advance the Application as proposed to a Public Hearing, without requiring refinements to the proposal in relation to the building's scale and footprint. (This can be accomplished by removing condition "3" from the staff recommendation).

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division



Alison Meyer, Assistant Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

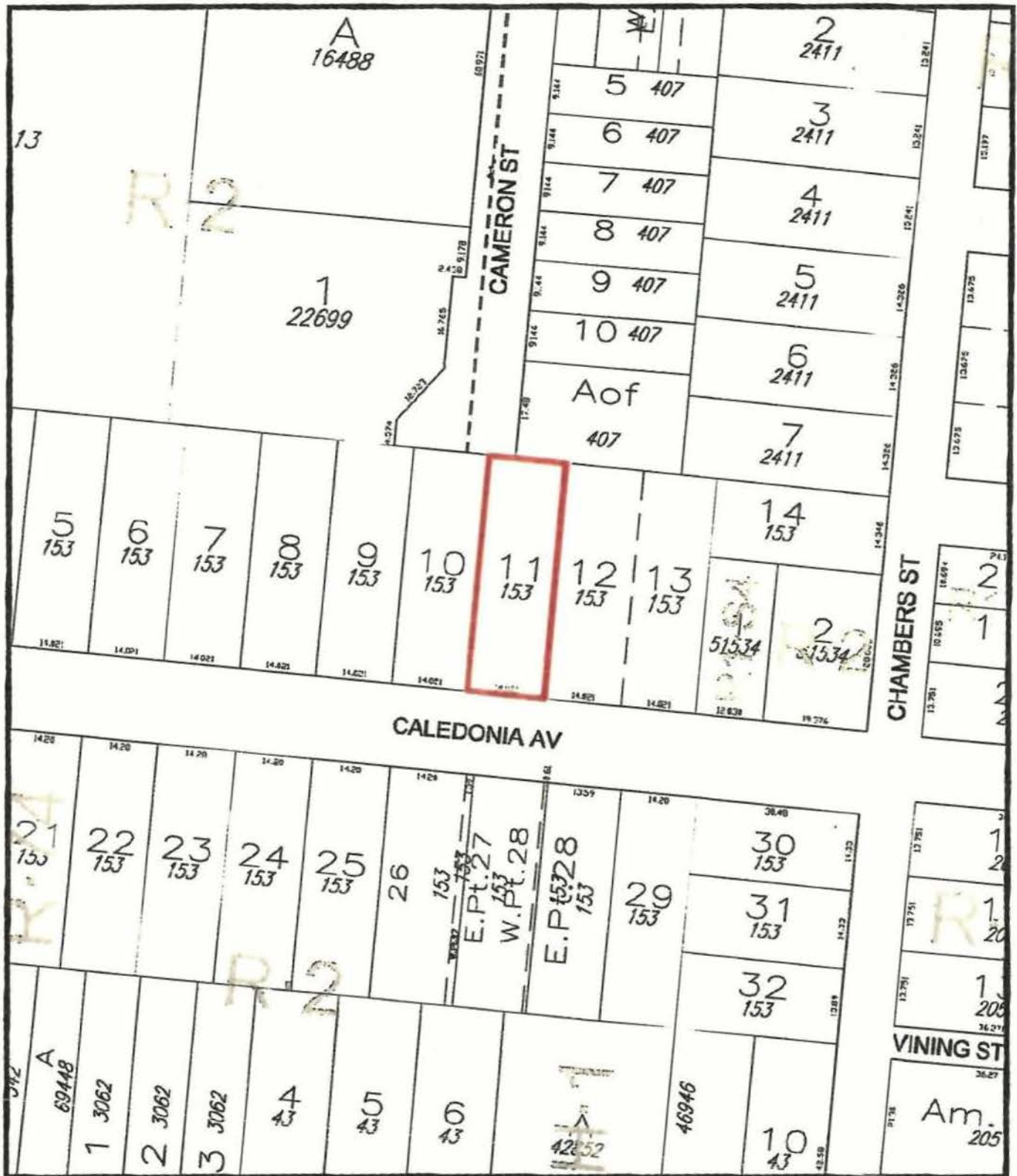
May 1, 2015

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List of Attachments

- Zoning map
- Aerial map
- Letters from Garde Collins for Linhar Projects Ltd., stamped March 17, 2015, and December 19, 2014
- Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015
- Study on "Parking Availability on Cameron Street and Caledonia Avenue"
- Letter from Fernwood Community Association, stamped February 23, 2015.



1146 Caledonia Avenue

Rezoning #00469

Bylaw #





March 17, 2015

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



RE: 1146 Caledonia Avenue revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.

In response to the Application Review Summary dated Wednesday, January 14, 2015, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

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

1. Please confirm whether the proposal includes a proposed walkway to King's Park.

The proposal does include a proposed walkway to King's Park by a 2.0m proposed statutory right of way along the north property line.

2. Please consider a reduction in total number of dwelling units.

The number of dwelling units cannot be reduced in order to maintain affordability of the units.

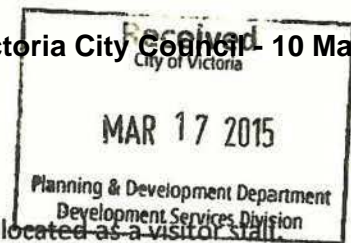
3. Please reduce the building footprint, to achieve the following:

- **Increased front yard setback that aligns with the pattern of setbacks along the east side of this block of Caledonia Avenue.**
- **Increased rear yard to provide more outdoor space for the rear apartments.**
- **Increased west setback to ensure privacy of the neighbours is protected.**
- **Increased east setback to provide more private outdoor space (patio/garden).**

The building location has been governed by the fixed dimension of proposed parking stalls in addition to the north statutory right of way. The west setback has been determined by the exiting at basement level by a minimal projection while the remainder of the building is set further back on all levels. The east setback allows for approximately 8'-0" + of private outdoor space.

4. Please provide a separate Landscape Plan with labels for trees, plantings and hard materials.

Drawing has been provided on A0.01.



5. Please provide at least one parking stall for visitors.

One of the originally proposed six residential parking stalls has been allocated as a visitor stall.

6. Please align the driveway to cross the property line at 90 degrees. A ratio of 1.5m laterally over 7m should be used as a maximum deflection when designing a functional driveway crossing. This may result in relocating the garbage/recycling area.

Driveway crossing has been revised as indicated above and reflected on A0.00.

7. Will the building have a fire alarm?

The building will not have a fire alarm; clarified on A0.00 under Building Code Data.

BCBC 2012: Section 9.10.18.2. Fire Alarm System Required

5) A fire alarm system is not required in a residential occupancy where an exit or public corridor serves not more than 4 suites or where each suite has direct access to an exterior exit facility leading to ground level.

Additional comments have been made in the Application Review and are noted as follows:

- a) Bicycle parking revised, shown on A0.00 and clarified in the Project Information Table.
- b) West exiting clarified and BCBC section referenced on A2.01.
- c) Outlook comparison provided on A4.03.
- d) Additional revisions are bubbled and itemized in attached document 'Revisions to Rezoning Submission' dated March 6, 2015.

We trust that the above responses to the Application Review Summary further support the proposal for this sensitive, neighbourhood-scaled building. We welcome the opportunity to appear before the Planning and Land Use Committee and to continue our work with staff to realize this important project.

Sincerely,

Garde Colins
Linhar Projects Ltd.

December 19, 2014

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



RE: 1146 Caledonia Avenue proposal for Official Community Plan Amendment, Rezoning and Development Permit Application

Description of Proposal

The proposal seeks to rezone the existing R2 zoned site at 1146 Caledonia Avenue to a site specific zone to support the development of a three storey, six unit residential building. The proposal will densify the residential use along a local road, ½ block from North Park Village and adjacent to King's Playlot, providing market, affordable housing in the Fernwood Neighbourhood.

Government Policies

The site resides within DPA16, and is consistent with the place designation of Traditional Residential, although this block of Caledonia is not an arterial or secondary arterial road. Notwithstanding, the proposed development respects key aspects of the designation, including:

- "multi-unit buildings...including attached residential"
- "houses with front and rear yards, with variable setbacks, oriented to face the street"
- "total floor space ratios up to approximately 1:1".

With respect to Neighbourhood Directions for Fernwood in the OCP, the proposal is consistent with the vision in the citywide context and affords a housing typology that forms a "transition between the Urban Core and primarily ground-oriented Traditional Residential areas" to the east, as well as consistency with the strategic directions by accommodating "housing growth within walking distance of North Park Village" in a form sympathetic to "neighbourhood heritage character, buildings and streetscapes".

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

- "That...housing growth is shared across the city"
- "That...city neighbourhoods contain a range of housing types suitable to people with a mix of incomes, living in a variety of household types";
- Place-based land use management by proposing a Traditional Residential building form which is "low-rise multi-unit...up to three storeys in height" with consistent density due to the proximity within 400 meters of North Park Village;
- Affords a consistent mobility prioritization in supporting pedestrian oriented lifestyles first, cyclists second, with proximate access to transit along adjacent arterials, while accommodating modest single family vehicle use;

- Providing “a comprehensive suite of permanent on-site alternative travel supports and active transportation infrastructure, including...short-term and long-term bicycle parking facilities”, in addition to providing six onsite vehicle parking stalls;
- “That new buildings and features contribute to the sense of place in development permit areas...through sensitive and innovative responses to existing form and character”;
- “That social vibrancy is fostered and strengthened through human scale design of buildings”;
- “That a wide range of housing choice is available within neighbourhoods to support a diverse, inclusive and multigenerational community”;
- And offering “a diversity of housing types to create more home ownership options”.

Project Benefits and Amenities

The proposal offers a family-oriented housing typology adjacent to a City owned playlot, North Park Village and within proximity to various neighbourhood amenities including a community centre and schools. The proposed six, two bedroom units are intended to appeal to young families seeking to achieve affordable home ownership in an urban neighbourhood. It is anticipated that the adjacency of this type of housing and the proposed statutory right of way linking the playlot to Cameron Street will deter the nuisance behavior currently prevalent in this urban park. In addition, the project is configured to enable a statutory right of way along Caledonia Avenue.

Need and Demand

The proposal creates affordability in offering a compact, market housing format on a traditional two family lot. The demographic that this housing type will appeal to, will further support resident diversity in the neighbourhood, while offering transitional density of multi-unit residential between the commercial uses of North Park Village and those of the traditional single family density to the east. Appropriately located adjacent to the village, the housing leverages access to major transit routes, services and amenities, and offers a lively residential use adjacent to the playlot.

Neighbourhood

The proposed use, form and character of the development are consistent with the Traditional Residential typology, albeit located on a local road. The unique site, fronting on Caledonia Avenue with access directly off the terminus of Cameron Street to the north, fosters a strong street connection, while providing driveway access to six onsite parking stalls. Further, the proposed development introduces oversight and connectivity for the playlot, principles which are demonstrated to reduce nuisance behavior.

Impacts

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

Design and Development Permit Guidelines

The proposal will conform to the referenced applicable guidelines for DPA 16 including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. Further, the proposal meets the Design Guidelines for Multi-Unit Residential, Commercial and Industrial as follows:

- “the architectural approach...provide[s] unity and coherence in relation to existing place character and patterns of development through the use of appropriate forms, massing, building articulation, features, and materials”
- Offering a “building design that is sensitive and innovative in response to context”;
- “respect [for] the character of established areas and building variety through the form and massing of housing”;
- “residential use at street level [with] strong entry features and building design that encourages interaction with the street, [specifically,] individual entrances with direct connections to the public sidewalk”;
- “porches, steps...to make transitions from the public realm of the street and sidewalk, to the private realm of residences”;
- “surface parking...located at the rear of [the] building [with] landscape elements...provided...to visually break up and screen parking from public streets and adjacent properties.”

In addition, the project is consistent with the objectives of DPA 16, specifically:

- “to support...multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys”;
- “to integrate...multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood”;
- “to enhance the place character of established areas and their streetscapes through high quality of architecture...and urban design that responds to each distinctive setting through sensitive and innovative interventions”;
- “to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, [and] safety”

Safety and Security

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

Transportation

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of alternative travel by its proximity to urban amenities, bicycle storage provisions, while still providing one parking stall per residential unit.

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

Heritage

No heritage buildings will be impacted by the proposed development.

Green Building Features

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

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

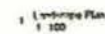
Infrastructure

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

Sincerely,

Garde Colins

Linhar Projects Ltd.



TYPE PLANTING AREA

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 405–414

COLLECTIONS AREA

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TITLE: 800-848-8888

PROBABLY NEW CEDAR TREES PLANTED & GROWN IN THE CENTER WITH PLANTS GROWN IN BOWLS
COVER PLANTS NO ONE CAN BE SEEN FROM OUTSIDE THE AREA - SEE THE LOCATION AND HOW WE
WANTED TO DO THIS

THE 4-25-2000 ANALYSIS CONCLUSION

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THE LITERATURE AREA

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LANDING AREAS FOR BOATS WILL HAVE PAVING STONES @ 4 x 8 IN. PLACED TO CREATE A PAVING LUMP PAVING AT STEELHEADS

THESE MATERIALS ARE AVAILABLE TO THE PUBLIC AT THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND. FOR MORE INFORMATION, CONTACT THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND, AT (301) 837-1122.

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1146 Caledonia
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Landscape Plan

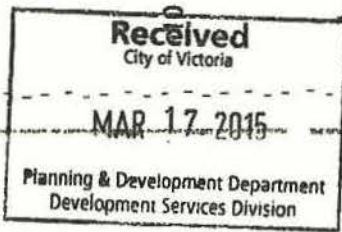
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A0.01

Received
City of Victoria

MAR 17 2015

Planning & Development Department
Development Services Division



CHRISTINE LINTOTT
ARCHITECT

Project: 1146 Caledonia Avenue
Drawing: Development Project 2
CDP Development

Scale: 1/8" = 1'-0"
Date: March 8, 2015

LEGEND
1 HOUR FIRE RESISTANT PARTS



NOTES:
1. THESE SAMPLES OF PARTS ARE FOR INFORMATION ONLY. REFERENCES TO SECTION 9.8 OF THE BC BUILDING CODE 2012.

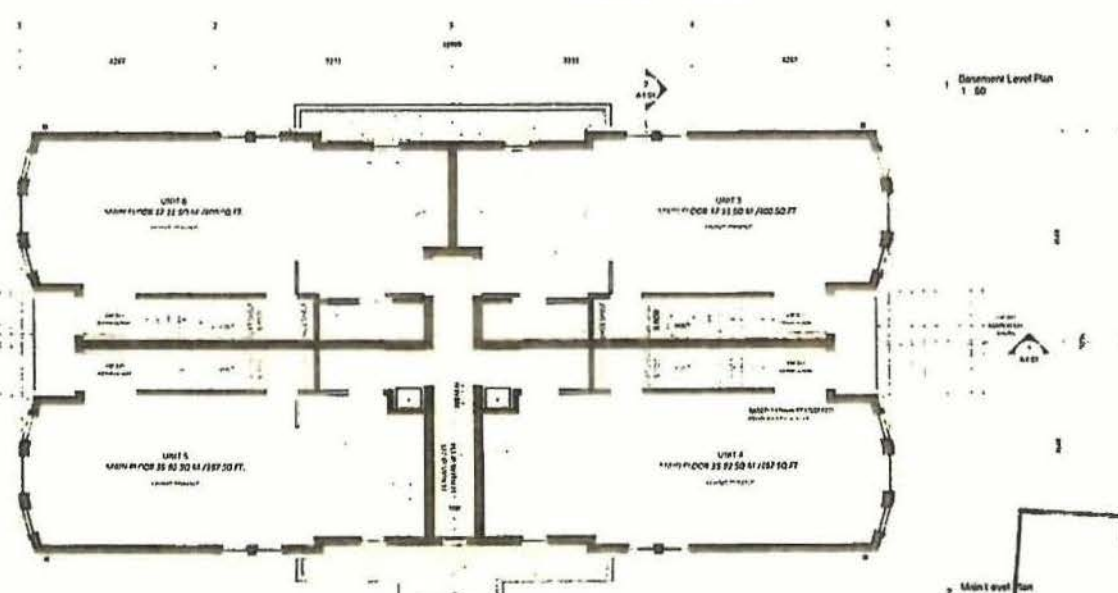
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Basement Level Plan
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1146 Caledonia Avenue
Victoria BC

Basement & Main Floor Plan



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Back cover	Exposition 18 254
Page number Page 2	
CCO Administration	

No.	Exposition	City
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10/10/1964 - 2/10/1964

Consultant

1146 Caledonia
Avenue
Virginia, DC

Upper Floor & Roof Plan

DATE: 11/27/15 & 12/1/15

A2.02

LEGEND

1 HOUR FREE OFFSTAGE BARTING

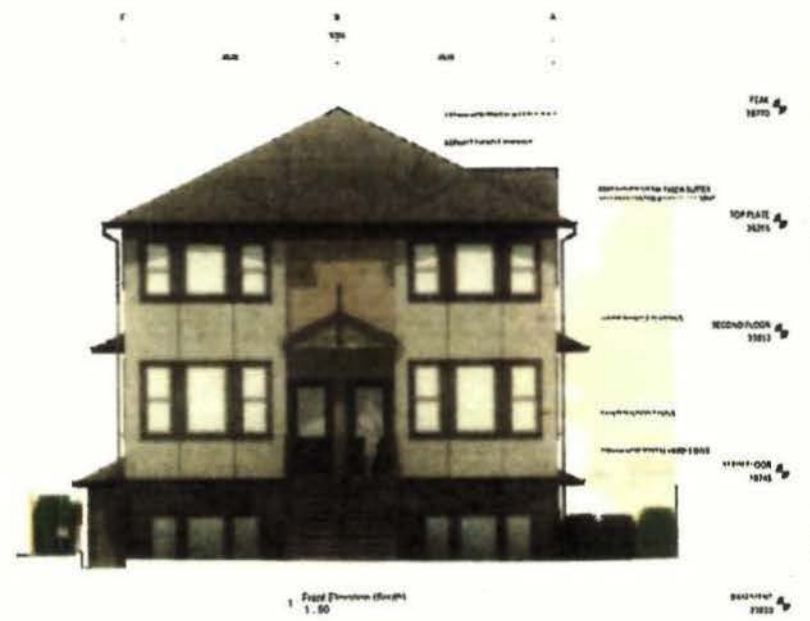
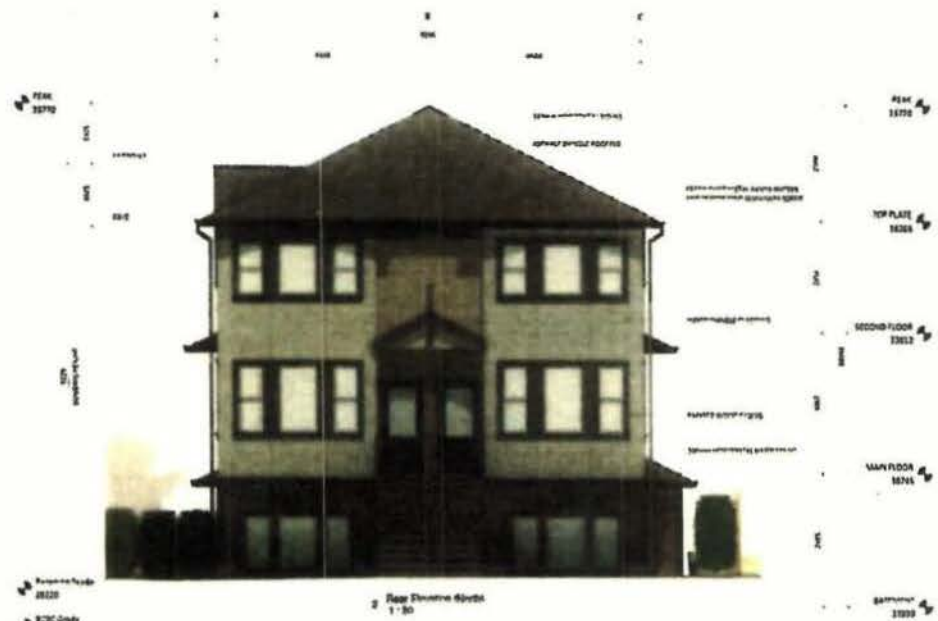
1. Second Floor Plan
1 502. Flood plain
1. Soil

Received
City of Victoria

MAR 17 2015

Planning & Development Department
Development Services Division

CHRISTINE LINTOTT
ARCHITECT



Revised
Development Permit &
OCP Amendment

Revised
No. 1
Date: 11/1/15

Revised
No. 2
Date: 11/1/15

Revised
No. 3
Date: 11/1/15

Revised
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No. 48
Date: 11/1/15

Revised
No. 49
Date: 11/1/15

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Date: 11/1/15

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Date: 11/1/15

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No. 95
Date: 11/1/15

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No. 96
Date: 11/1/15

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No. 97
Date: 11/1/15

Revised
No. 98
Date: 11/1/15

Revised
No. 99
Date: 11/1/15

Revised
No. 100
Date: 11/1/15



EXISTING PARTIAL BLOCK ELEVATION



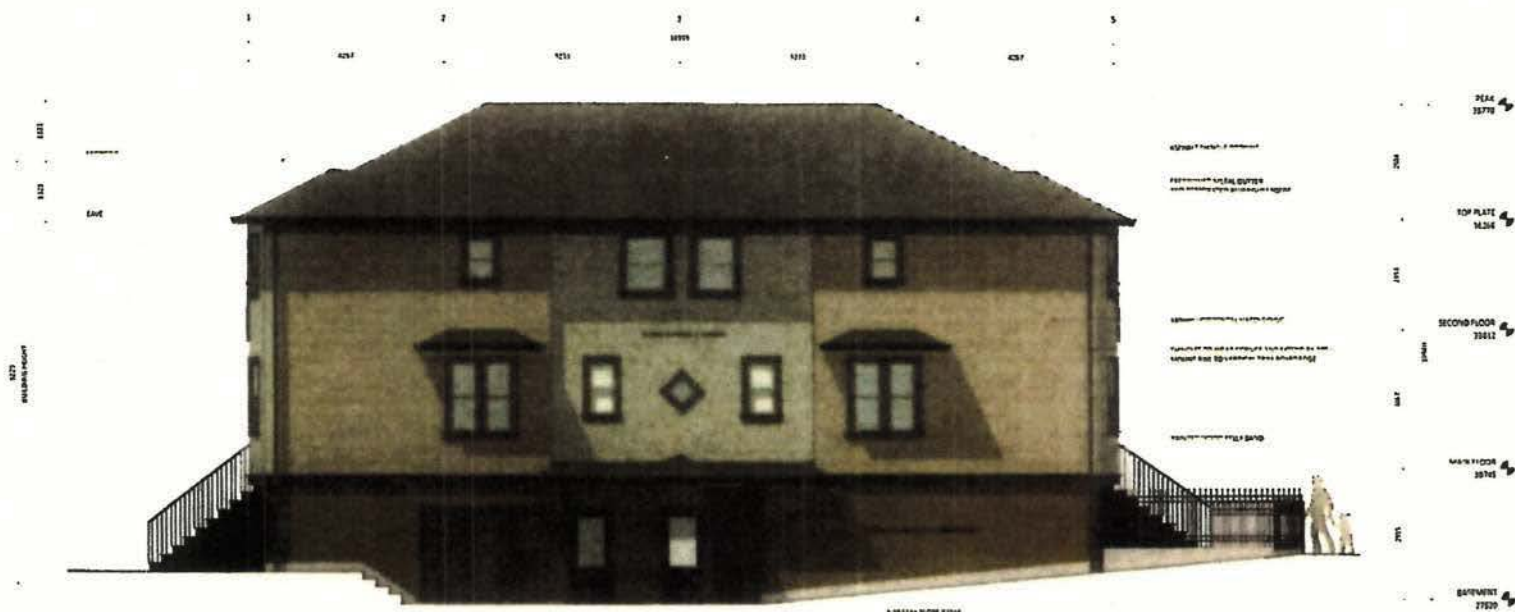
PROPOSED PARTIAL BLOCK ELEVATION

1146 Caledonia
Avenue
Victoria BC

Exterior Elevations &
Context Street Elevation

A3.01

MAR 17 2015
Planning & Development Department
Development



2. Side Elevation (West)
1:50



1. Side Elevation (East)
1:50

CHRISTINE
LINTOTT
ARCHITECT

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Victoria BC V8N 1A2
3/5/2015 4:08 PM

1146 Caledonia Avenue
Victoria BC V8N 1A2
3/5/2015 4:08 PM

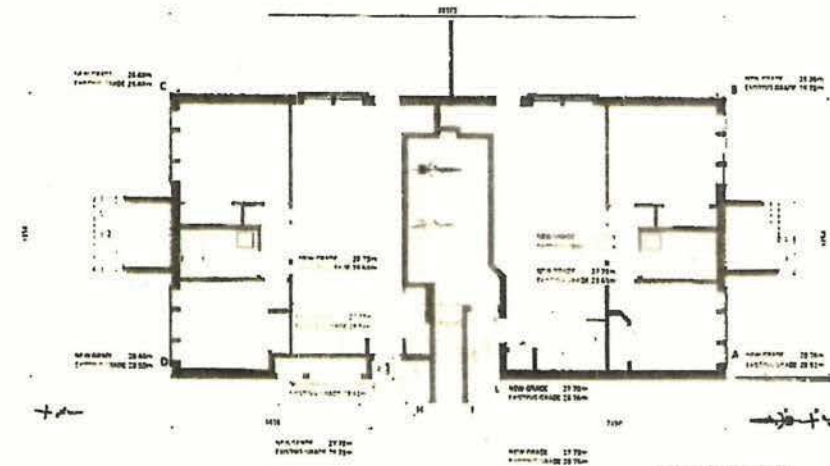
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Victoria BC V8N 1A2

Exterior Elevations

1146 Caledonia Avenue
Victoria BC V8N 1A2
3/5/2015 4:08 PM

A3.02

Received
City of Victoria
MAR 17 2015
Planning & Development Department
Development Services Division

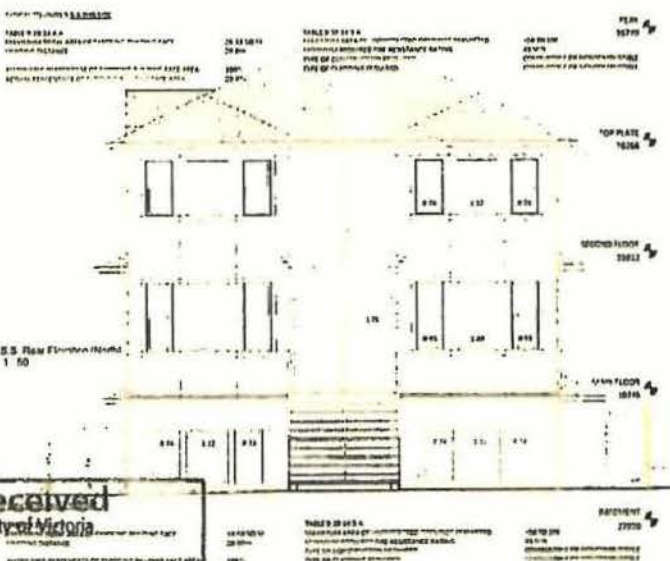
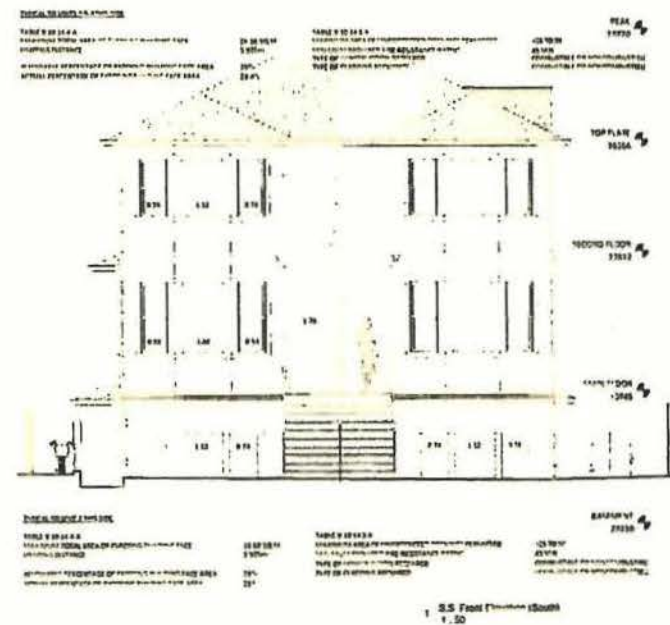
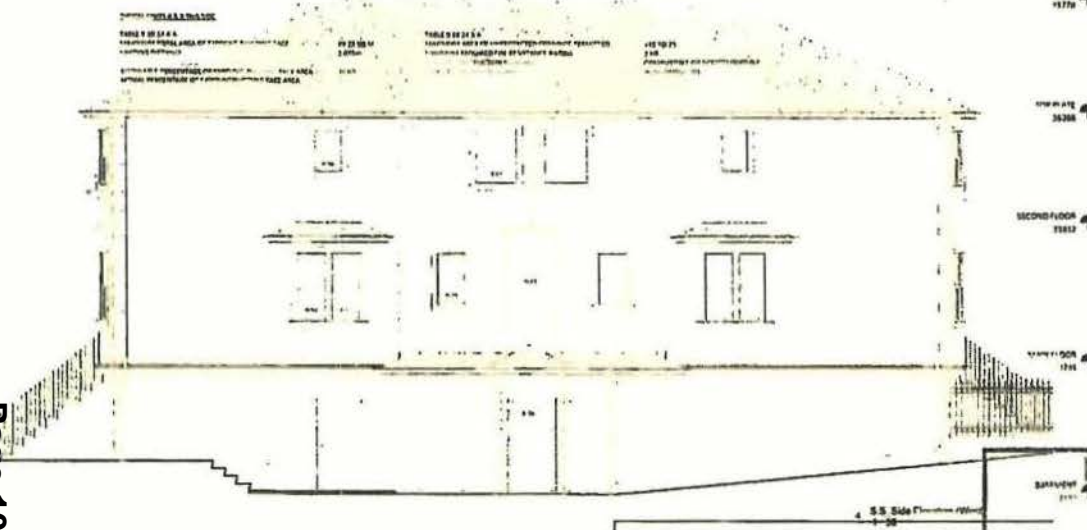
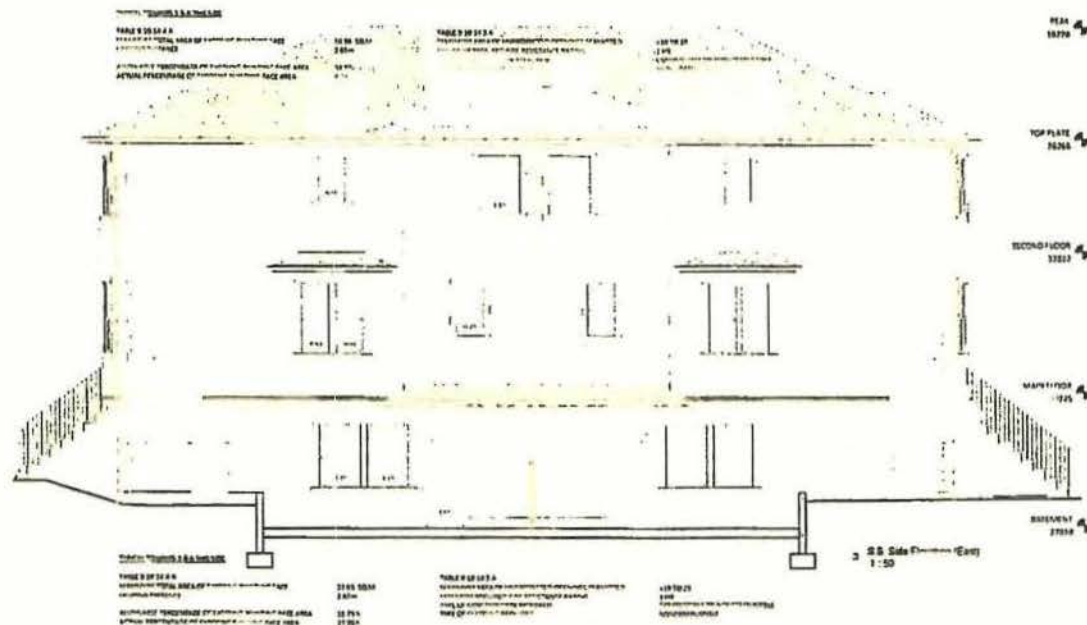


GRADE CALCULATION	GRADE CALCULATION	GRADE CALCULATION
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1.0.4	1.0.4	1.0.4
1.0.5	1.0.5	1.0.5
1.0.6	1.0.6	1.0.6
1.0.7	1.0.7	1.0.7
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1.0.10	1.0.10	1.0.10
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1.0.82	1.0.82	1.0.82
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1.0.99	1.0.99	1.0.99
1.0.100	1.0.100	1.0.100

CHUBBY 2014 10/10/2014 10/10/2014

Function	Size	Height	Structure	Foundation	Notes
A	720	2000	20	CONCRETE	1.0.0
B	720	2000	20	CONCRETE	1.0.1
C	720	2000	20	CONCRETE	1.0.2
D	720	2000	20	CONCRETE	1.0.3
E	720	2000	20	CONCRETE	1.0.4
F	720	2000	20	CONCRETE	1.0.5
G	720	2000	20	CONCRETE	1.0.6
H	720	2000	20	CONCRETE	1.0.7
I	720	2000	20	CONCRETE	1.0.8
J	720	2000	20	CONCRETE	1.0.9
K	720	2000	20	CONCRETE	1.0.10
L	720	2000	20	CONCRETE	1.0.11
M	720	2000	20	CONCRETE	1.0.12
N	720	2000	20	CONCRETE	1.0.13
O	720	2000	20	CONCRETE	1.0.14
P	720	2000	20	CONCRETE	1.0.15
Q	720	2000	20	CONCRETE	1.0.16
R	720	2000	20	CONCRETE	1.0.17
S	720	2000	20	CONCRETE	1.0.18
T	720	2000	20	CONCRETE	1.0.19
U	720	2000	20	CONCRETE	1.0.20
V	720	2000	20	CONCRETE	1.0.21
W	720	2000	20	CONCRETE	1.0.22
X	720	2000	20	CONCRETE	1.0.23
Y	720	2000	20	CONCRETE	1.0.24
Z	720	2000	20	CONCRETE	1.0.25
AA	720	2000	20	CONCRETE	1.0.26
AB	720	2000	20	CONCRETE	1.0.27
AC	720	2000	20	CONCRETE	1.0.28
AD	720	2000	20	CONCRETE	1.0.29
AE	720	2000	20	CONCRETE	1.0.30
AF	720	2000	20	CONCRETE	1.0.31
AG	720	2000	20	CONCRETE	1.0.32
AH	720	2000	20	CONCRETE	1.0.33
AI	720	2000	20	CONCRETE	1.0.34
AJ	720	2000	20	CONCRETE	1.0.35
AK	720	2000	20	CONCRETE	1.0.36
AL	720	2000	20	CONCRETE	1.0.37
AM	720	2000	20	CONCRETE	1.0.38
AN	720	2000	20	CONCRETE	1.0.39
AO	720	2000	20	CONCRETE	1.0.40
AP	720	2000	20	CONCRETE	1.0.41
AQ	720	2000	20	CONCRETE	1.0.42
AR	720	2000	20	CONCRETE	1.0.43
AS	720	2000	20	CONCRETE	1.0.44
AT	720	2000	20	CONCRETE	1.0.45
AU	720	2000	20	CONCRETE	1.0.46
AV	720	2000	20	CONCRETE	1.0.47
AW	720	2000	20	CONCRETE	1.0.48
AX	720	2000	20	CONCRETE	1.0.49
AY	720	2000	20	CONCRETE	1.0.50
AZ	720	2000	20	CONCRETE	1.0.51
BA	720	2000	20	CONCRETE	1.0.52
BB	720	2000	20	CONCRETE	1.0.53
BC	720	2000	20	CONCRETE	1.0.54
BD	720	2000	20	CONCRETE	1.0.55
BE	720	2000	20	CONCRETE	1.0.56
BF	720	2000	20	CONCRETE	1.0.57
BG	720	2000	20	CONCRETE	1.0.58
BH	720	2000	20	CONCRETE	1.0.59
BI	720	2000	20	CONCRETE	1.0.60
BJ	720	2000	20	CONCRETE	1.0.61
BK	720	2000	20	CONCRETE	1.0.62
BL	720	2000	20	CONCRETE	1.0.63
BM	720	2000	20	CONCRETE	1.0.64
BN	720	2000	20	CONCRETE	1.0.65
BO	720	2000	20	CONCRETE	1.0.66
BP	720	2000	20	CONCRETE	1.0.67
BQ	720	2000	20	CONCRETE	1.0.68
BR	720	2000	20	CONCRETE	1.0.69
BS	720	2000	20	CONCRETE	1.0.70
BT	720	2000	20	CONCRETE	1.0.71
BU	720	2000	20	CONCRETE	1.0.72
BV	720	2000	20	CONCRETE	1.0.73
BW	720	2000	20	CONCRETE	1.0.74
BX	720	2000	20	CONCRETE	1.0.75
BY	720	2000	20	CONCRETE	1.0.76
BZ	720	2000	20	CONCRETE	1.0.77
CA	720	2000	20	CONCRETE	1.0.78
CB	720	2000	20	CONCRETE	1.0.79
CC	720	2000	20	CONCRETE	1.0.80
CD	720	2000	20	CONCRETE	1.0.81
CE	720	2000	20	CONCRETE	1.0.82
CF	720	2000	20	CONCRETE	1.0.83
CG	720	2000	20	CONCRETE	1.0.84
CH	720	2000	20	CONCRETE	1.0.85
CI	720	2000	20	CONCRETE	1.0.86
CJ	720	2000	20	CONCRETE	1.0.87
CK	720	2000	20	CONCRETE	1.0.88
CL	720	2000	20	CONCRETE	1.0.89
CM	720	2000	20	CONCRETE	1.0.90
CN	720	2000	20	CONCRETE	1.0.91
CO	720	2000	20	CONCRETE	1.0.92
CP	720	2000	20	CONCRETE	1.0.93
CQ	720	2000	20	CONCRETE	1.0.94
CR	720	2000	20	CONCRETE	1.0.95
CS	720	2000	20	CONCRETE	1.0.96
CT	720	2000	20	CONCRETE	1.0.97
CU	720	2000	20	CONCRETE	1.0.98
CV	720	2000	20	CONCRETE	1.0.99
CU	720	2000	20	CONCRETE	1.0.100

Type Mark	Size	Height	Foundation	Cost
W1	910	1200	CONCRETE	4
W2	910	1200	CONCRETE	4
W3	915	1200	CONCRETE	4
W4	915	1020	CONCRETE	4
W5	910	1020	CONCRETE	4
W6	910	1020	CONCRETE	4
W7	910	1140	CONCRETE	4
W8	910	700	CONCRETE	4
W9	910	1200	CONCRETE	4
W10	910	1200	CONCRETE	4
W11	910	1200	CONCRETE	4
W12	910	810	CONCRETE	4
W13	915	1200	CONCRETE	4



CHRISTINE LINTOTT ARCHITECT

1146 Caledonia Avenue
Victoria BC

3/17/2015
A4.02

Received
City of Victoria
MAR 17 2015
Planning & Development Department
Development Services Division

1146 Caledonia Avenue
Victoria BC

Spatial Separation Calculations

3/17/2015

A4.02



2 Side Elevation (West) - For Comparison
1:50

CHRISTINE LINTOTT ARCHITECT

Stud Date
Subject: Development Permit & DCP Amendment
Prepared: November 19, 2014

Project No. Date
1146 Caledonia
March 5, 2015

CALEDONIA AVENUE

IMAGE OF 1342 CALEDONIA HAS BEEN REVERSED FOR COMPARISON PURPOSES
WINDOW LOCATIONS SKETCHED ARE APPROXIMATE DUE TO SHEWING OF PHOTOGRAPH



1142 CALEDONIA
PEAK @ 39.81m
1146 CALEDONIA
PEAK @ 38.77m

CALEDONIA AVENUE

1146 CALEDONIA
SECOND FLOOR LEVEL
@ 33.812m

1146 CALEDONIA
MAIN FLOOR LEVEL
@ 30.749m

1142 CALEDONIA
MAIN FLOOR LEVEL
@ 30.39m

Consultant

1146 Caledonia Avenue
Victoria BC

Outlook Comparison

Date: 3/5/2015 4:11 PM
Prepared by: [Signature]
Checked by: [Signature]

A4.03

MAR 17 2015

Planning & Development Department
Development Services Division

PARKING AVAILABILITY ON CAMERON STREET AND CALEDONIA AVENUE FOR DATES AND TIMES OF STUDY

Note:

- There are total of 18 parking spaces available on Cameron Street.
- Going east from 1134 Caledonia there are 16 parking spaces available (see map).

Date	Time	Location	Parking Spaces Occupied	Parking Spaces Available
Mar/2/2015	7:30 am	Caledonia	9	7
Mar/2/2015	7:30 am	Cameron	6	12
Mar/2/2015	1:30 pm	Caledonia	5	11
Mar/2/2015	1:30 pm	Cameron	10	8
Mar/2/2015	6:00 pm	Caledonia	10	6
Mar/2/2015	6:00 pm	Cameron	10	8
Mar/4/2015	7:30 am	Caledonia	10	6
Mar/4/2015	7:30 am	Cameron	12	6
Mar/4/2015	12:30 pm	Caledonia	8	8
Mar/4/2015	12:30 pm	Cameron	12	6
Mar/4/2015	6:30 pm	Caledonia	11	5
Mar/4/2015	6:30 pm	Cameron	6	12
Mar/6/2015	7:30 am	Caledonia	11	5
Mar/6/2015	7:30 am	Cameron	12	6
Mar/6/2015	12:30 pm	Caledonia	7	9
Mar/6/2015	12:30 pm	Cameron	10	8
Mar/6/2015	5:00 pm	Caledonia	9	7
Mar/6/2015	5:00 pm	Cameron	10	8
Mar/8/2015	7:30 am	Caledonia	10	6
Mar/8/2015	7:30 am	Cameron	8	10
Mar/8/2015	1:30 pm	Caledonia	10	6
Mar/8/2015	1:30 pm	Cameron	6	12
Mar/8/2015	7:00 pm	Caledonia	12	4
Mar/8/2015	7:00 pm	Cameron	7	11





All photos on this page taken March 2, 2015

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

1:30 pm



Caledonia facing west

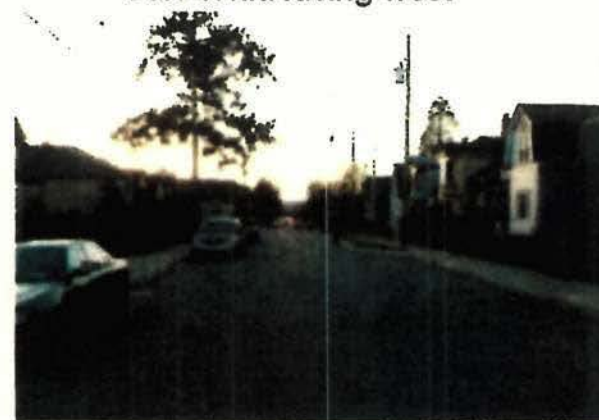


Caledonia facing east



Cameron facing north

wd 00:00 Page 112 of 603



Caledonia facing west



Caledonia facing east



Cameron facing north

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

12:30 pm



Caledonia facing west



Caledonia facing east



Cameron facing north

06:30 pm



Caledonia facing west



Caledonia facing east



Cameron facing north

All photos on this page taken March 6, 2015

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

12:30 pm



Caledonia facing west



Caledonia facing east



Cameron facing north

wed 00:00:Page 114 of 603



Caledonia facing west



Caledonia facing east



Cameron facing north

All photos on this page taken March 8, 2015

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

1:30 pm



Caledonia facing west



Caledonia facing east



Cameron facing north

wed 00:Page 115 of 603



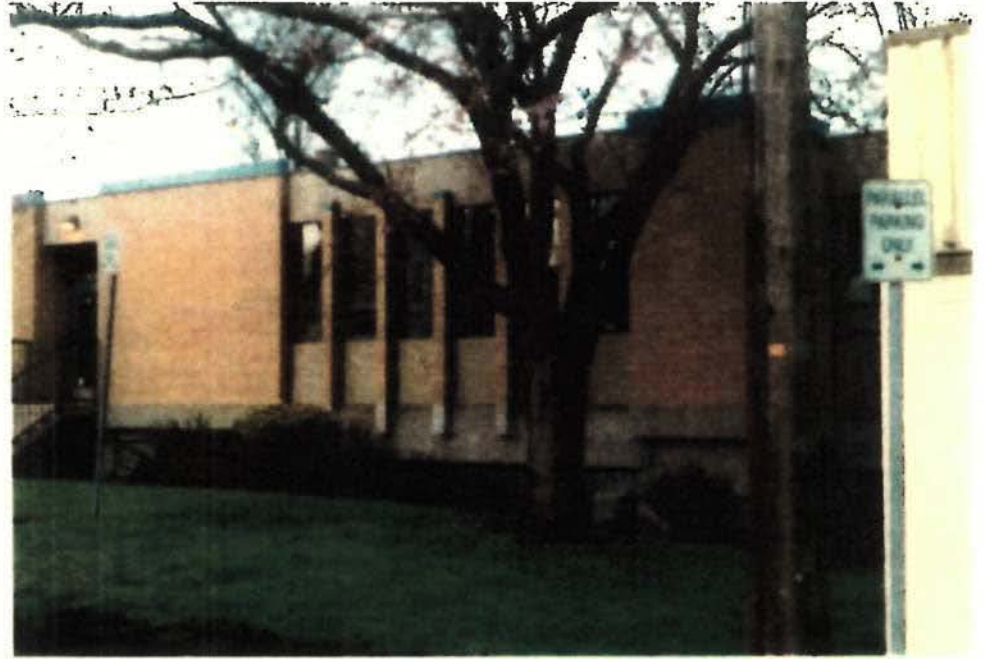
Caledonia facing west



Caledonia facing east



Cameron facing north



Parking signage for Island Health (VIHA) service centre (1947 Cook Street) is somewhat ambiguous in that the sign around the corner, on Pembroke Street, states that parking is 2 H. However, the signage on the west side of Cameron Street simply states "Parallel Parking Only" with no mention as to whether parking is restricted to 2 H or residents only or...? If Island Health staff are parking in this area (west side of the Cameron Street), their vehicles are adding to the total number of vehicles parked for extended periods on Cameron Street (Mon - Fri).

Fernwood Community Association
1923 Fernwood Road
Victoria BC V8T 2Y6

February 13, 2015

Sustainable Planning and Community Development Department
City of Victoria
Victoria, B.C. V8W 1P6



Re: 1146 Caledonia Street

The proposal to rezone 1146 Caledonia Avenue from R2-B to a Site-Specific zone was formally presented at the Fernwood Community Association Land Use Committee meeting December 3, 2014. A well attended preliminary community meeting was held on November 5, 2014. At both meetings the proponent discussed building a three storey six unit strata on the site.

No significant opposition to the proposed redevelopment of this lot was voiced at either meeting.

This proposal represents a departure from the Official Community Plan that has the majority of the 1100 block of Caledonia Avenue designated 'Traditional Residential'. The OCP's description of 'Traditional Residential' includes '...mixed-use buildings up to three stories in height located along arterial and secondary arterial roads'. In this case the OCP does not identify Caledonia Avenue as either an arterial or secondary arterial road.

This is a somewhat unique situation where a number of factors speak to the merits of this proposal, these are:

1. The lot fronts onto Caledonia Avenue and backs onto Cameron Street. This allows for access to parking from Cameron Street and preserves the look and feel of the streetscape on Caledonia Avenue;
2. The remainder of the houses to the West of this development are multi unit and of a comparable form and height;
3. This proposed development will compliment the unique character of the houses on the North side of the street;
4. One side of Cameron Street is home to a large health care facility and the area nearest to the parking for this development is at the back of that facility;
5. The fence proposed for the rear of the lot will improve the appearance of Cameron Street (one person from Cameron Street attended both meetings), and;
6. Two of the East facing units will face the park and provide needed "eyes on the park".

Sincerely,

A handwritten signature in black ink, appearing to read "David Maxwell". The signature is fluid and cursive, with a large loop at the end.

David Maxwell
Chair, Land Use Committee
Fernwood Community Association

Councillor Isitt withdrew from the meeting at 9:03 a.m. due to a non-pecuniary conflict of interest as he has owned property on this street in the past.

8.3 Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan

Committee received a report regarding a rezoning application for 1146 Caledonia Avenue. The proposal is to rezone the property from the R2 Zone (Two Family Dwelling District) to a new zone to increase the density and permit a six-unit multiple dwelling.

Committee discussed:

- The alternate motion proposes revisions to not only change the exterior appearance but also to potentially reduce the number of dwelling units and height and to provide more breathing room.
- If there is an ability to move the building closer to the park side.
 - There is a narrow set-back on both sides and should it be moved those units on the park side would lose their outside living space.
- The possibility of creating a path with lighting through the adjoining park.
- The proposal will be situated next to a converted single family home that has multiple units.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, 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:

1. Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.
2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. That Council determine, pursuant to Section 879(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 property; determine 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.
4. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

Committee discussed:

- The design is complimentary to other buildings on the street and the neighbourhood.

- If the applicant would consider increasing the variance on the park side of the building and be prepared to speak to this at the public hearing.
- Concern that the building will dominate the park or present a perception of ownership of the park.
- The height and density are comparable to the other dwellings on the street.
- The importance of hearing from the residents at the public hearing and if the 200m radius for hearing notices will capture the Cameron Street neighbours. Hearing the neighbours input may influence Council's final decision.
- Concerns about the pathway in the evening and if the lack of lighting will become an issue in the future.

CARRIED 15/PLUC153

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

8.4 Development Permit Application No. 000398 for 1146 Caledonia Avenue

Committee received a report regarding a development permit application for 1146 Caledonia Avenue. The proposal is to authorize the design, siting and landscape design of three and a half storey, six-unit strata apartment building.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that after the Public Hearing for Rezoning Application No. 00469, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue, and in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED 15/PLUC154

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that staff provide a report on improvements planned for King's Park to provide a path and improved lighting in relation to the public pathway from Cameron Street to King's Park.

CARRIED UNANIMOUSLY 15/PLUC155

PLUC meeting
May 28, 2015

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – May 28, 2015

Councillor Isitt withdrew from Council Chambers at 8:49 p.m. due to an indirect pecuniary conflict of interest in the items for 1146 Caledonia Avenue as his ex-spouse owns property on the street and for a direct pecuniary conflict of interest in the items for 1 Dallas Road as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.

1. Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, 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:

1. Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.
2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. That Council determine, pursuant to Section 879(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 property; determine 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.
4. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

Carried Unanimously

2. Planning and Land Use Committee – May 28, 2015

Councillor Isitt withdrew from Council Chambers at 8:49 p.m. due to an indirect pecuniary conflict of interest in the items for 1146 Caledonia Avenue as his ex-spouse owns property on the street and for a direct pecuniary conflict of interest in the items for 1 Dallas Road as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.

2. Development Permit Application No. 000398 for 1146 Caledonia Avenue

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00469, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

2. Planning and Land Use Committee – May 28, 2015

Councillor Isitt withdrew from Council Chambers at 8:49 p.m. due to an indirect pecuniary conflict of interest in the items for 1146 Caledonia Avenue as his ex-spouse owns property on the street and for a direct pecuniary conflict of interest in the items for 1 Dallas Road as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.

13. Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct that staff provide a report on improvements planned for King's Park to provide a path and improved lighting in relation to the public pathway from Cameron Street to King's Park. Carried Unanimously

Council meeting
May 28, 2015

REPORTS OF THE COMMITTEES

Councillor Isitt withdrew from Council Chambers at 10:33 p.m. due to an indirect pecuniary conflict of interest in the following item as his ex-spouse owns property on the street.

2. Planning and Land Use Committee – May 28, 2015

1. Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, 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:

5. That Council consider consultation under Section 879 (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 amendments.
6. That Council give first reading to the *Official Community Plan Amendment Bylaw*.
7. That Council consider the *Official Community Plan Amendment Bylaw* in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
8. That Council give second reading to the *Official Community Plan Amendment Bylaw*.
9. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing. Carried Unanimously

Council meeting
July 9, 2015

Leanne Taylor

From: Leanne Taylor
Sent: Thursday, September 24, 2015 10:57 AM
To: Anita Walper
Subject: FW: 1146 Caledonia Avenue and amendments to the Official Community Plan

From: Paul Nasmith [mailto:]
Sent: Thursday, September 24, 2015 10:54 AM
To: Leanne Taylor
Subject: 1146 Caledonia Avenue and amendments to the Official Community Plan

Leanne Taylor, Senior Planner

Below is my input for the proposed building at 1146 Caledonia.

1146 Caledonia Avenue: I support the development of a multi residential building at 1146 Caledonia. However instead of six units I recommend three units with onsite parking for six vehicles (five residential, one visitor) . The proposed size of the building is not an issue for me but the number of units is an issue. The six units in the proposed building at 1146 Caledonia Ave. are each large enough to accommodate at least two people. If twelve people occupy the six units at 1146 Caledonia Ave. then parking for twelve cars will be required. The proposed plan accommodates only six vehicles (five residential, one visitor). Three units are appropriate for this property based on the proposed parking plan.

Thank you

Paul Nasmith

2018 Chambers Street,

Victoria, BC V8T 3K9

Bob and Karen Rutherford
Owners/occupants
1125 Caledonia Avenue,
Victoria, BC, V8T 1E9

Leanne Taylor,
Senior Planner,
City of Victoria

Re: 1146 Caledonia Avenue

Dear Leanne,

We are in support of the proposed development at 1146 Caledonia. We have attended community meetings about the proposal and the building will fit in well with the neighborhood. One of the key factors for our enthusiastic support for this project is the hope that it will have a positive affect on the current situation in King Park. The builder believes from experience in similar situations that a multi family building directly on the park will discourage the camping, drug use, trade in stolen property and the use of the park as a toilet. In effect we do not currently have a park on our street. It is unusable by the residents of the homes in the area. As we said, we support the development, particularly if there is a chance that it will improve the situation in the park. Please allow it to proceed.

Sincerely

Bob and Karen Rutherford

Leanne Taylor

Subject:

RE: redesignation of 1146/1148 caledonia ave

Hi Leanne.....I support the redesignation to Urban Residential for the 1146/1148 lot on Caledonia Ave... my concern is how a development can proceed with the current camping in Kings Park next door.....the park needs to become a heritage Gary Oak preserve and exclude it from camping altogether. Then maybe new residents in this development could be free to enjoy their homes in peace . As now existing residents surrounding Kings Park cannot
!!!! Alf Cadger 1121 Caledonia Ave since 1988 [REDACTED]

Leanne Taylor

Subject:

RE: re 1146 Caledonia AV

Hello Ms Taylor,

We own the property at 1153 Caledonia. We received your letter at end of August concerning the property across the street, next to the park, being rezoned as a 3.5 story, 6 unit multiple dwelling being proposed. Concerns that we have are as follows:

1. Parking – when the street was “beautified” there were multiple parking spaces removed. Is there parking for the 6-12 vehicles onsite at this proposed dwelling, knowing that each suite will have at least one or perhaps two cars?
2. Will there be any change to the homeless camping that is “allowed” in the park ? This is a constant source of annoyance for all neighbours and building 6 suites that may look onto the park could be a hard sell as we have seen people urinating, defecating, and having sex in the park as well as shooting up. I think this might be a hard unit to sell. Is this a rental apartment or owner occupied suites?? It is currently listed on the city website as “Rezoning to permit the construction of a six-unit, 3.5 storey apartment building.” . If used as a rental unit, we are concerned will this become a (non improvement) because of the park for the neighbourhood. We know this as we must disclose the issue every time our house becomes available for rent.

Sincerely,

Doug & Sharon Doty

Leanne Taylor

To: Leanne Taylor
Subject: RE: Input on 1146 Caledonia Proposal

From: Scott Duguid [mailto: [REDACTED]]
Sent: Wednesday, September 09, 2015 8:43 PM
To: Leanne Taylor
Subject: Input on 1146 Caledonia Proposal

Hi Leanne,

I wanted to give some input on the proposal at 1146 Caledonia. I am a long term resident, living two houses down on Cameron Street.

For the most part, I have no issues with this proposal. However, I am concerned with two things:

Parking has historically been a problem on Cameron Street. It can be OK sometimes but it is often challenging to find parking, as the houses are old enough to not have any off street spaces. I'm not one of the types who demands to be able to park right in front of my own house but it is nice to be able to do so or park somewhere nearby. With the new development being so close, I'm concerned that the relaxing of parking rules on that property will force tenants to park on the street and take up the spaces that current residents use in front of their own houses.

This concern would possibly be helped if the spots across the street were removed from public parking and instead made for residential use. The VIHA building has many spaces already in the parking lot on the other side of the building and that lot does not seem to fill up.

The other concern I see is the walkway to the Kings Park area through this proposed property, accessed by travelling down Cameron Street. One of the great benefits of living on Cameron is that it is a somewhat private street. Opening it up to cross traffic means that sense of privacy will be greatly reduced. Complicating this further is the fact the Kings Park is used exclusively by homeless campers. Living almost right beside the park, I can attest to the fact that many of these campers are also addicted to drugs and alcohol. We do not want to see drug activity on the street and do not want to encourage additional theft from our yard, which is already a problem. We are woken up almost every night and early every morning with yelling and arguments and I feel that opening this path up will do nothing but increase this type of traffic and problem. Nobody else in the community is going to use the park - I think that ship has sailed and it is firmly in use only by the homeless community. All I can see happening with this pathway is further disrupting the peace, quiet, and security of those who live on the street.

Thank You,
Scott Duguid

Leanne Taylor

To: Leanne Taylor
Subject: RE: 1146 Caledonia Ave

From: Ben Cram [REDACTED]
Sent: Wednesday, September 02, 2015 6:07 AM
To: Leanne Taylor
Subject: 1146 Caledonia Ave

To whom it may concern,

With regards to the proposed changes to 1146 Caledonia Ave:

As business owners, one street over, and residents around the corner on Chambers we feel this development would have a positive effect on King's Park next door and will continue what is already becoming a beautiful well cared for block.

We would be very happy to say we support this development.

Ben Cram and Terra Ogawa

--

Ben Cram
OWNER

FERNWOOD

5/1115 North Park Street
Victoria, BC, Canada, V8T 1C7

EMAIL: ben@fernwoodcoffee.com
PHONE: 250 590 3320
MOBILE: 250 889 7800
FAX: 250 590 3326

WEB: www.fernwoodcoffee.com
TWITTER: [fernwoodcoffee](https://twitter.com/fernwoodcoffee)
FACEBOOK: [fernwood.coffee.company](https://www.facebook.com/fernwood.coffee.company)

COFFEE COMPANY

Leanne Taylor

To: Leanne Taylor
Subject: RE: proposed rezoning

From: Peter Monk [REDACTED]
Sent: Tuesday, September 01, 2015 3:12 PM
To: Leanne Taylor
Subject: proposed rezoning

Hello Leanne - our family is in support of the proposed rezoning for 1146 Caledonia.

The Monks
1220 Pembroke

Leanne Taylor

To: Leanne Taylor
Subject: RE: 1146 Caledonia Avenue

From: David Hillman [mailto: [REDACTED]@m]
Sent: Tuesday, September 08, 2015 12:50 PM
To: Leanne Taylor
Subject: 1146 Caledonia Avenue

Re: 1146 Caledonia Avenue

I am the BlockWatch Captain of Cameron Street, a small cul-de-sac that backs onto the property under review. I also attended both meetings last year held at the Fernwood Community Association office between the developer and the neighbours.

Before those meetings my greatest concern was parking since vehicle access to these units would be through Cameron St. where residential parking is already congested - especially during week-days when there is fierce competition for the few spaces available on the west side of the street for employees and clients of Island Health and the CRD. However, I understand that 6 parking stalls will be provided on the back end of the property itself. This in itself alleviates one of our concerns.

It is my understanding from the meetings I attended that the building under review will be very similar to one built on Yukon Street across from a row of designated heritage houses. After viewing the revised architectural plans on "devtracker" I have no issue with the height or appearance of the building. It will maintain the ambience of the neighbourhood and is certainly a visual improvement on the heavily stuccoed older houses to the west of it; moreover, the occupant density would be similar to the rental property next door. I also applaud the developer for pricing these units at "entry level" rates to allow younger people easier access to our highly priced housing market.

Now, here is the major concern, shared by all the residents of this street: the proposed walkway at the back of the property to connect Cameron Street with Caledonia via King's Playlot. I don't need to explain to City Councillors the issue with the park since it's been in the news for a long time and has been a neighbourhood headache for many years. We are all in agreement that the concept sounds great **IF, and only if,** the City will re-purpose the park to give the neighbours an incentive (any incentive will do) to reclaim this park as part of its community greenspace. As one attendee noted at a prior meeting: this was the most uninviting park in all Victoria.....there is nothing there to attract anyone other than dog owners for a run-and-a-poop (and even they won't go there anymore). Hence, the mess we (and you) now have on your hands. I was told that the developer and previous property owner were willing to donate a children's play-set to the park....great idea....and if the city would extend the walkway through to Caledonia St., add some lighting, enlarge and augment the native plant beds,..... it might create a disincentive to the menagerie that now inhabit the site. As desirable as the proposed development appears on paper, I think you will agree that the current situation in the park will be a huge barrier to any potential buyers.

In conclusion, I support the rezoning and development of the proposed 6-unit building at 1146 Caledonia Ave. but conditional upon the City creating a neighbour-friendly green-space next door.

David Hillman
 2011 Cameron St.

Anita Walper

From: Leanne Taylor
Sent: Tuesday, Sep 29, 2015 3:52 PM
To: Anita Walper
Subject: FW: 1146 Caledonia Ave

-----Original Message-----

From: Hgmail [mailto: [REDACTED]]
Sent: Monday, September 28, 2015 6:18 PM
To: Leanne Taylor
Subject: 1146 Caledonia Ave

Hi,
My name is Hannah culff and I live at 1142 Caledonia Ave. I am for the rezoning of 1146 Caledonia Ave.
Hannah

Sent from my iPhone

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Feb-17-2016 11:37:19.003

CA4990634 CA4990635

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Robert Gordon
Milne 8M1GL9

Digitally signed by Robert Gordon
Milne 8M1GL9
DN: c=CA, cn=Robert Gordon Milne
8M1GL9, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=8M1GL9
Date: 2016.02.17 10:31:03 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

JAWL BUNDON LLP

Barristers & Solicitors

4th Floor, 1007 Fort Street

Victoria

BC V8V 3K5

File No.: 32841 #715524

Telephone No. 250-385-5787

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

001-507-141

LOT 11, SUBURBAN LOT 17, VICTORIA CITY, PLAN 153

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Robert G. Milne

Barrister & Solicitor

4th Floor, 1007 Fort Street

Victoria, B.C., V8V 3K5

Execution Date		
Y	M	D
15	12	09

Transferor(s) Signature(s)

ELLEN JANE BRADLEY

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 instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 13 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
16	01	12

(AS TO PRIORITY)
CIBC MORTGAGES INC., by its
authorized signatory(ies):

Notary Public

Valerie Patricia Boon
100 University Avenue
Toronto, Ontario
M5J 2X4

Name: Janet Hanif-Ferouz
Authorized Signing Officer

Name:

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 instrument.

FORM_D1_V21

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 3 of 13 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Notary Public

Valerie Patricia Boon
100 University Avenue
Toronto, Ontario
M5J 2X4

Y	M	D
16	01	12

(AS TO PRIORITY)
CANADIAN IMPERIAL BANK OF
COMMERCE, by its authorized
signatory(ies):

Name: Janet Hanif-Ferouz
Assistant General Manager

Name:

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 instrument.

PAGE 4 of 13 PAGES

Transferor / Borrower / Party Signature(s)

Christopher D. Coates

Commissioner for Taking Affidavits in British Columbia

#1 Centennial Square
Victoria, B.C., V8W 1P6

Y	M	D
16	02	03

THE CORPORATION OF THE CITY
OF VICTORIA, by its authorized
signatory(ies):

Name: Mayor Lisa Helps
#1 Centennial Square
Victoria, B.C., V8W 1P6

Name: _____

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 instrument.

FORM_E_V21

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 5 OF 13 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		over part shown as SRW Area 2 on Plan EPP55046 Entire document; except paragraphs 5.1 and 5.2, page 12
Priority Agreement		Granting the Statutory Right of Way with one registration number less than this priority agreement priority over Mortgage CA2340774 and Mortgage CA2671483 Page 12, paragraphs 5.1 and 5.2

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

FORM_E_V21

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 6 OF 13 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

ELLEN JANE BRADLEY (AS TO STATUTORY RIGHT OF WAY)
CIBC MORTGAGES INC. (A33457) (AS TO PRIORITY AGREEMENT)
CANADIAN IMPERIAL BANK OF COMMERCE (AS TO PRIORITY AGREEMENT)

Statutory Right of Way - Highway

TERMS OF INSTRUMENT - PART 2

W H E R E A S:

- A. The Transferor is the registered owner in fee simple of the following land in the Province of British Columbia:

PID 001-507-141

Lot 11, Suburban Lot 17, Victoria City, Plan 153

(the "**Lands**")

- B. The Transferee is the Corporation of the City of Victoria;
- C. This Right of Way is necessary for the operation and maintenance of the Transferee's undertaking as described in Recital D;
- D. The Transferee wishes to be able to construct, operate and maintain a public highway and other works including but not limited to a system of roadways, sidewalks and utility services in perpetuity over a portion of the Lands; and
- E. To facilitate the construction and use by the Transferee and the public of a public highway, and to facilitate the installation and use of works that may be placed by the Transferee on, under or over the highway including pavements, sidewalks, boulevards, curbs, gutters, drains, sewers, utility poles, wires, fences, overhead and underground cables, traffic signals, transit shelters, and landscaping including but not limited to trees, shrubs, flowers and grass, and irrigation works required for the maintenance of that landscaping, and any other works, facilities or appurtenants necessary for the use of the Right of Way as a public highway (collectively the "**Works**"), the Transferor has agreed to grant the Right of Way in this Agreement.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Transferee to the Transferor (the receipt and sufficiency of which is now acknowledged by the Transferor), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1.0 THE TRANSFEROR:

- 1.1 Pursuant to Section 218 of the Land Title Act, hereby grants, conveys, confirms and transfers, in perpetuity, to the Transferee, its officers, employees, contractors, licensees and invitees, including without limitation the general public,

the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to use as a public highway, including but not limited to the right to enter onto, use, go, return, pass over and across for highway purposes, that portion of the Lands, shown as "**SRW Area 2**" on Explanatory Plan of Statutory Rights of Way Plan EPP55046 prepared by Brad Cunnin, BCLS, a reduced copy of which is attached hereto as Schedule "A" (the "**Right of Way**");

- 1.2 Covenants and agrees to and with the Transferee that in connection with the grant under Section 1.1 of this Agreement, the Transferee and its officers, employees, contractors, licensees and invitees shall have the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to lay down, install, construct, entrench, operate, maintain, inspect, alter, repair, remove, replace, bury, cleanse, string, and otherwise establish one or more system of Works upon the Right of Way;

- 1.3 Covenants and agrees to and with the Transferee that the Transferee shall:

- (a) for itself and its agents, workers, contractors and all other licensees of the Transferee;
- (b) together with machinery, vehicles, equipment, and materials;
- (c) upon, over, under and across the Right of Way;
- (d) as may be necessary, useful, or convenient for the purposes in Section 1.1 and Section 1.2; and
- (e) in connection with the operations of the Transferee in relation to the Works;

be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, and clear of all trees, growth, buildings or obstructions now or hereafter in existence upon, over, under and across the Right of Way;

- 1.4 Transfers, assigns and conveys to the Transferee all right, title and interest in and to any Works that the Transferee, or the Transferor have prior to this Agreement established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.

2.0 THE TRANSFEROR COVENANTS:

- 2.1 Not, and not to permit or allow any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, paved driveway or patio, pipe, wire or other conduit on, over or under any portion

of the Right of Way;

- 2.2 Not to do anything or to permit any act or thing which in the opinion of the Transferee in any way interferes with or damages or prevents access to or use of the Right of Way or is likely to cause harm to the Works installed in or upon the Right of Way, provided that the construction and maintenance of a fence on the Right of Way will be deemed not to interfere with the Transferee's use of the Right of Way until such time as the Transferee wishes to carry out work on the Right of Way as part of the widening of Caledonia Avenue, at which time the Transferor shall remove the fence in accordance with section 2.6 of this Agreement;
- 2.3 To trim or, if the Transferee determines it is necessary, cut down any tree or other growth on the Lands which in the opinion of the Transferee, constitutes or may constitute a danger or obstruction to the Right of Way or the Works or those using same;
- 2.4 From time to time and at all times at the reasonable request and at the cost of the Transferee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Transferee of its rights under this Agreement;
- 2.5 To permit the Transferee to peaceably hold and enjoy the rights hereby granted; and
- 2.6 To remove, at the Transferor's own expense, any fence constructed or maintained on the Right of Way forthwith upon receipt of notice from the Transferee to do so and, in any event, not later than 30 days prior to the date the Transferee advises the Transferor that the Transferee wishes to carry out any work on the Right of Way. Failing such removal by the Transferor, the fence shall be deemed to be an obstruction within the Right of Way and the Transferor shall be deemed to be in breach of its covenants under sections 2.1 and 2.2 of this Agreement, and the Transferee may remove the fence without notice to the Transferor at the Transferor's cost, and without prejudice to any remedy under this Agreement or at law that may be available to the Transferee.

3.0 THE TRANSFEEE COVENANTS:

- 3.1 As far as reasonably possible, to carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands as possible; and
- 3.2 To make good at its own expense damage or disturbance which may be caused to the Lands in the exercise by the Transferee of its rights under this Agreement except as permitted under this Agreement.

4.0 THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:

- 4.1 The Transferor shall not diminish or increase the soil cover over any pipe installed in the Right of Way without the Transferee's prior written consent;
- 4.2 No right herein granted to or reserved by the Transferee shall require the Transferee to clear, repair or maintain the Works or the Right of Way unless the Transferee is expressly required herein to perform such cleaning, repairing or maintenance;
- 4.3 If the Transferor defaults in observance or performance of its obligations hereunder, the Transferee, after 10 days prior written notice to the Transferor specifying the default and at any time in case of emergency, may (but is not obligated to) rectify the default, and the Transferor shall pay to the Transferee, on demand, its reasonable costs in connection with so rectifying;
- 4.4 The Transferor shall, after execution hereof by it at the expense of the Transferor, do or cause to be done all acts necessary to grant priority to this Agreement over all financial charges and encumbrances which are registered, or pending registration, against the Title to the Lands in the Land Title Office save and except those as have been specifically approved in writing by the Transferee or have been granted in favour of the Transferee;
- 4.5 Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party;
- 4.6 Whenever this Agreement creates a power or obligation of the Transferee to make a decision or to exercise any contractual right or remedy, the Transferee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principals of fairness or the rules of natural justice, shall have any application;
- 4.7 Notwithstanding anything herein contained, the Transferee reserves all rights and powers of expropriation otherwise enjoyed by the Transferee;
- 4.8 Without limiting Section 4.7, nothing contained or implied in this Agreement will derogate from the obligations of the Transferor under any other agreement with the Transferee or prejudice or affect the Transferee's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by Transferor and the Transferee;
- 4.9 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Transferee shall at all times remain the property of the Transferee, even if the Works are

annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Transferee;

- 4.10 No part of the title in fee simple to the Lands of the Transferor shall pass to or be vested in the Transferee under or by virtue of this Agreement, and the Transferor may fully use and enjoy all of the Lands of the Transferor subject only to the rights and restrictions in this Agreement;
- 4.11 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement;
- 4.12 This Agreement shall attach to and run with the Lands and each and every part to which the Lands may be divided or subdivided whether by subdivision plan, strata plan or otherwise howsoever;
- 4.13 The Transferor acknowledges that (a) these Covenants are enforceable against the Transferor and his successors in title, but (b) the Transferor is not personally liable for breach of these Covenants where such liability arises by reason of an act or omission occurring after the Transferor named herein or any future owner ceases to have a further interest in the Lands;
- 4.14 If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he acquires a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;
- 4.15 Where the expression "Transferor" includes more than one person, all covenants made by the Transferor shall be construed as being several as well as joint with respect to all persons constituting the Transferor;
- 4.16 This Agreement shall continue to benefit and be binding upon the Transferor and Transferee, and their respective heirs, administrators, executors, successors and permitted assigns, as the case may be;
- 4.17 Gender specific terms include both genders and corporations, and the singular and plural forms are interchangeable, according to the context;
- 4.18 This Agreement will be governed and construed according to the laws of the Province of British Columbia; and
- 4.19 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and

effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the parties.

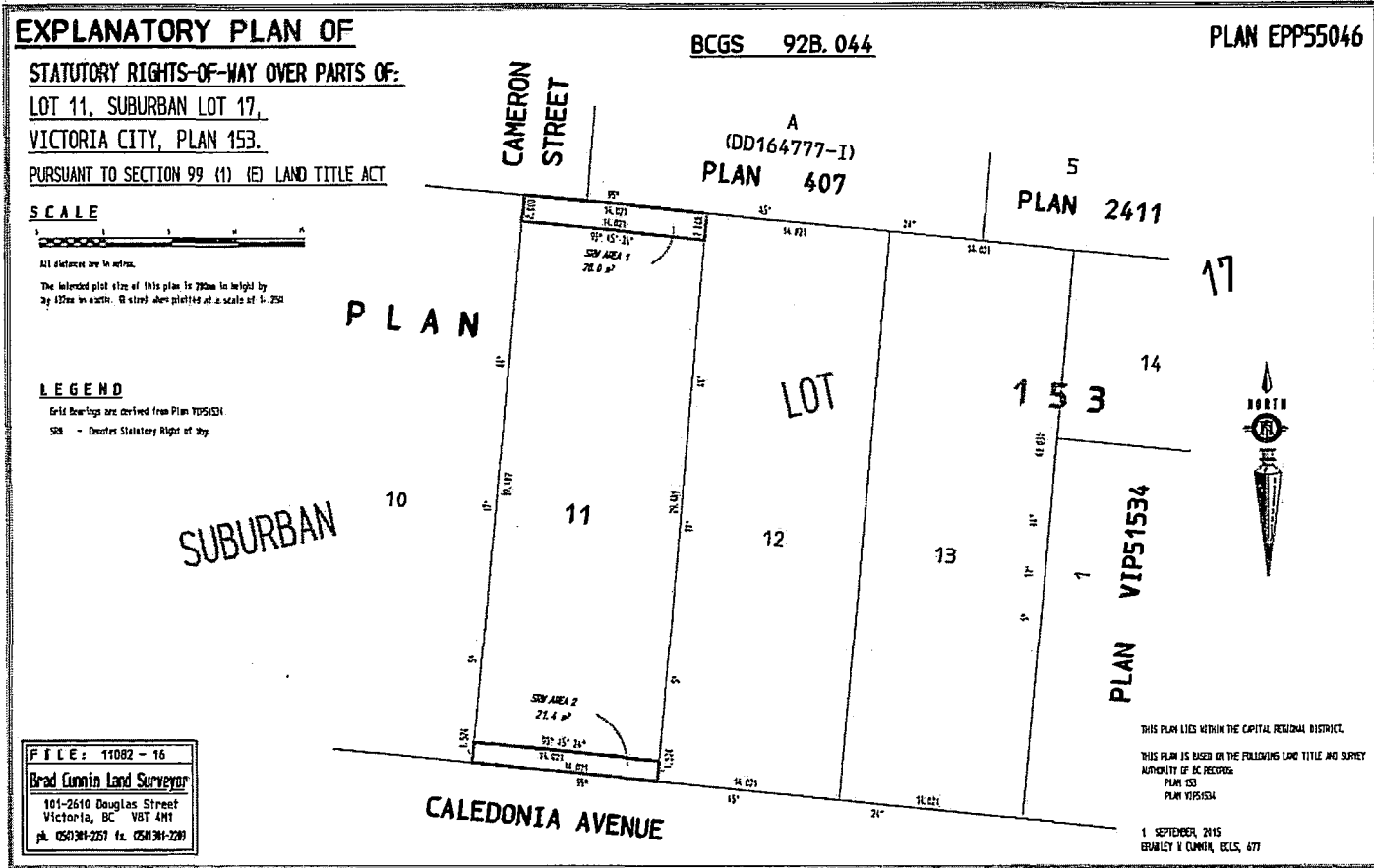
5.0 PRIORITY AGREEMENT

- 5.1 CIBC Mortgages Inc. (A33457), as the registered holder of a charge by way of Mortgage against the within described property, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA2340774, for and in consideration of the sum of One Dollar (\$1.00) paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Right of Way shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.
- 5.2 Canadian Imperial Bank of Commerce, as the registered holder of a charge by way of Mortgage against the within described property, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA2671483, for and in consideration of the sum of One Dollar (\$1.00) paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Right of Way shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

Schedule "A"

Plan EPP55046



VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Feb-17-2016 11:37:19.004

CA4990636 CA4990637

PAGE 1 OF 12 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Robert Gordon
Milne 8M1GL9

Digitally signed by Robert Gordon
Milne 8M1GL9
DN: c=CA, cn=Robert Gordon Milne
8M1GL9, o=Lawyer, ou=Verify ID at
www.ltricare.com/LKUP.cfm?
id=8M1GL9
Date: 2016.02.17 10:32:05 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

JAWL BUNDON LLP

Barristers & Solicitors

4th Floor, 1007 Fort Street

Victoria

BC V8V 3K5

Document Fees: \$143.16

File No.: 32841 #715525

Telephone No. 250-385-5787

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

001-507-141

LOT 11, SUBURBAN LOT 17, VICTORIA CITY, PLAN 153

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Robert G. Milne

Barrister & Solicitor

4th floor, 1007 Fort Street

Victoria, B.C., V8V 3K5

Execution Date

Y	M	D
15	12	09

Transferor(s) Signature(s)

ELLEN JANE BRADLEY

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 instrument.

FORM_D1_V21

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 12 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Valerie Patricia Boon

Notary Public

100 University Avenue
Toronto, Ontario
M5J 2X4

Y	M	D
16	01	12

(AS TO PRIORITY)
CIBC MORTGAGES INC., by its
authorized signatory(ies):

Name: Janet Hanif-Ferouz
Authorized Signing Officer

Name:

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 instrument.

FORM_D1_V21

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 3 of 12 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Valerie Patricia Boon

Notary Public

100 University Avenue
Toronto, Ontario
M5J 2X4

Y	M	D
16	01	12

(AS TO PRIORITY)
CANADIAN IMPERIAL BANK OF
COMMERCE, by its authorized
signatory(ies):

Name: Janet Hanif-Ferouz
Assistant General Manager

Name:

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 instrument.

FORM_D1_V21

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 4 of 12 PAGES

Officer Signature(s)

Christopher D. Coates

Commissioner for Taking Affidavits in British Columbia

City Clerk
#1 Centennial Square
Victoria, B.C., V8W 1P6

Execution Date

Y	M	D
16	02	03

Transferor / Borrower / Party Signature(s)

THE CORPORATION OF THE CITY
OF VICTORIA, by its authorized
signatory(ies):

Name: Mayor Lisa Helps
#1 Centennial Square
Victoria, B., V8W 1P6

Name:

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 instrument.

FORM_E_V21

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 5 OF 12 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		over part shown as SRW Area 1 on Plan EPP55046 Entire document; except page 11, paragraphs 5.1 and 5.2

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting the Statutory Right of Way with one registration number less than this priority agreement priority over Mortgage CA2340774 and Mortgage CA2671483 Page 11, paragraphs 5.1 and 5.2

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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FORM_E_V21

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 6 OF 12 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

ELLEN JANE BRADLEY (AS TO STATUTORY RIGHT OF WAY)
CIBC MORTGAGES INC. (A33457) (AS TO PRIORITY AGREEMENT)
CANADIAN IMPERIAL BANK OF COMMERCE (AS TO PRIORITY AGREEMENT)

Statutory Right of Way – Public Pathway

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee simple of the following land in the Province of British Columbia:

PID 001-507-141

Lot 11, Suburban Lot 17, Victoria City, Plan 153

(the "**Lands**")

- B. The Transferee is the Corporation of the City of Victoria;
- C. This Right of Way is necessary for the operation and maintenance of the Transferee's undertaking as described in Recital D;
- D. The Transferee wishes to be able to construct, operate and maintain a public pathway in perpetuity over a portion of the Lands; and
- E. To facilitate the construction and use by the Transferee and the public of a public pathway including any other works, facilities or appurtenants necessary for the use of the Right of Way as a public pathway (collectively the "**Works**"), the Transferor has agreed to grant the Right of Way in this Agreement.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Transferee to the Transferor (the receipt and sufficiency of which is now acknowledged by the Transferor), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1.0 THE TRANSFEROR:

- 1.1 Pursuant to Section 218 of the Land Title Act, hereby grants, conveys, confirms and transfers, in perpetuity, to the Transferee, its officers, employees, contractors, licensees and invitees, including without limitation the general public, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to use as a public pathway, at all times by day or night, that portion of the Lands, shown as "**SRW Area 1**" on Explanatory Plan of Statutory Rights of Way Plan EPP55046 prepared by Brad Cunnin, BCLS, a reduced copy of which is attached hereto as Schedule "A" (the "**Right of Way**");;
- 1.2 Covenants and agrees to and with the Transferee that in connection with the

grant under Section 1.1 of this Agreement, the Transferee and its officers, employees, contractors, licensees and invitees shall have the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to lay down, install, construct, entrench, operate, maintain, inspect, alter, repair, remove, replace, bury, cleanse, string, and otherwise establish one or more system of Works upon the Right of Way;

1.3 Covenants and agrees to and with the Transferee that the Transferee shall:

- (a) for itself and its agents, workers, contractors and all other licensees of the Transferee;
- (b) together with machinery, vehicles, equipment, and materials;
- (c) upon, over, under and across the Right of Way;
- (d) as may be necessary, useful, or convenient for the purposes in Section 1.1 and Section 1.2; and
- (e) in connection with the operations of the Transferee in relation to the Works;

be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, and clear of all trees, growth, buildings or obstructions now or hereafter in existence upon, over, under and across the Right of Way;

1.4 Transfers, assigns and conveys to the Transferee all right, title and interest in and to any Works that the Transferee, or the Transferor have prior to this Agreement established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.

2.0 THE TRANSFEROR COVENANTS:

- 2.1** Not, and not to permit or allow any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, patio, pipe, wire or other conduit, or to park any vehicles, on, over or under any portion of the Right of Way;
- 2.2** Not to do anything or to permit any act or thing which in the opinion of the Transferee in any way interferes with or damages or prevents access to or use of the Right of Way or is likely to cause harm to the Works installed in or upon the Right of Way;
- 2.3** To trim or, if the Transferee determines it is necessary, cut down any tree or

other growth on the Lands which in the opinion of the Transferee, constitutes or may constitute a danger or obstruction to the Right of Way or the Works or those using same;

- 2.4 From time to time and at all times at the reasonable request and at the cost of the Transferee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Transferee of its rights under this Agreement; and
- 2.5 To permit the Transferee to peaceably hold and enjoy the rights hereby granted.

3.0 THE TRANSFEE COVENANTS:

- 3.1 As far as reasonably possible, to carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands as possible;
- 3.2 To make good at its own expense damage or disturbance which may be caused to the Lands in the exercise by the Transferee of its rights under this Agreement except as permitted under this Agreement; and
- 3.3 Not to remove the existing fence separating the Right of Way from the Transferee's adjoining lands known as King's Playlot until the Transferee constructs the public pathway on the Right of Way and the City portion of the pathway connecting the Right of Way to Caledonia Avenue is under construction.

4.0 THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:

- 4.1 If the Transferor defaults in observance or performance of its obligations hereunder, the Transferee, after 10 days prior written notice to the Transferor specifying the default and at any time in case of emergency, may (but is not obligated to) rectify the default, and the Transferor shall pay to the Transferee, on demand, its reasonable costs in connection with so rectifying;
- 4.2 The Transferor shall, after execution hereof by it at the expense of the Transferor, do or cause to be done all acts necessary to grant priority to this Agreement over all financial charges and encumbrances which are registered, or pending registration, against the Title to the Lands in the Land Title Office save and except those as have been specifically approved in writing by the Transferee or have been granted in favour of the Transferee;
- 4.3 Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party;
- 4.4 Whenever this Agreement creates a power or obligation of the Transferee to make a decision or to exercise any contractual right or remedy, the Transferee

may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principals of fairness or the rules of natural justice, shall have any application;

- 4.5 Notwithstanding anything herein contained, the Transferee reserves all rights and powers of expropriation otherwise enjoyed by the Transferee;
- 4.6 Without limiting Section 4.5, nothing contained or implied in this Agreement will derogate from the obligations of the Transferor under any other agreement with the Transferee or prejudice or affect the Transferee's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by Transferor and the Transferee;
- 4.7 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Transferee shall at all times remain the property of the Transferee, even if the Works are annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Transferee;
- 4.8 No part of the title in fee simple to the Lands of the Transferor shall pass to or be vested in the Transferee under or by virtue of this Agreement, and the Transferor may fully use and enjoy all of the Lands of the Transferor subject only to the rights and restrictions in this Agreement;
- 4.9 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement;
- 4.10 This Agreement shall attach to and run with the Lands and each and every part to which the Lands may be divided or subdivided whether by subdivision plan, strata plan or otherwise howsoever;
- 4.11 The Transferor acknowledges that (a) these Covenants are enforceable against the Transferor and his successors in title, but (b) the Transferor is not personally liable for breach of these Covenants where such liability arises by reason of an act or omission occurring after the Transferor named herein or any future owner ceases to have a further interest in the Lands;
- 4.12 If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he acquires a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;

- 4.13 Where the expression "Transferor" includes more than one person, all covenants made by the Transferor shall be construed as being several as well as joint with respect to all persons constituting the Transferor;
- 4.14 This Agreement shall continue to benefit and be binding upon the Transferor and Transferee, and their respective heirs, administrators, executors, successors and permitted assigns, as the case may be;
- 4.15 Gender specific terms include both genders and corporations, and the singular and plural forms are interchangeable, according to the context;
- 4.16 This Agreement will be governed and construed according to the laws of the Province of British Columbia; and
- 4.17 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the parties.

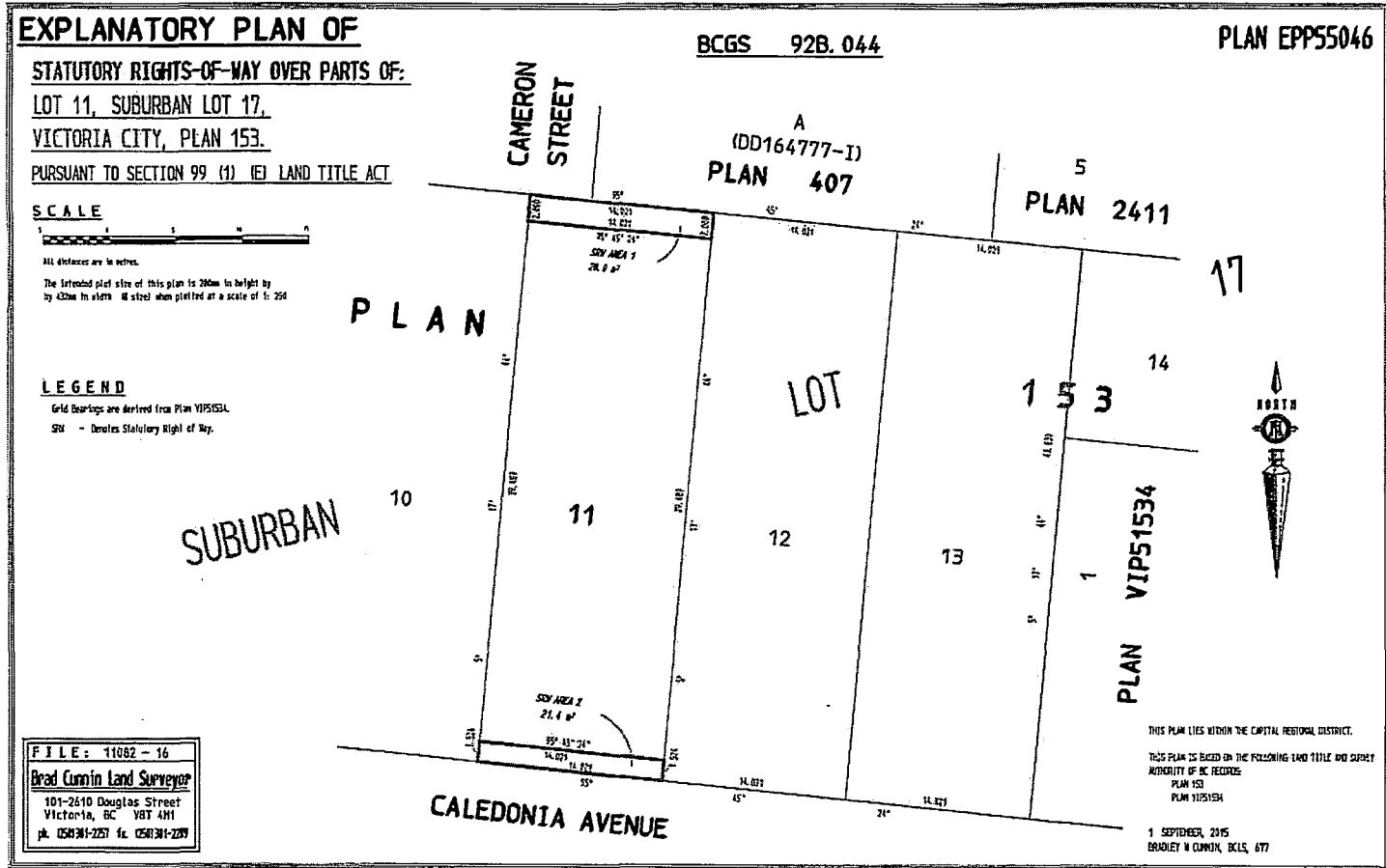
5.0 PRIORITY AGREEMENT

- 5.1 CIBC Mortgages Inc. (A33457), as the registered holder of a charge by way of Mortgage against the within described property, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA2340774, for and in consideration of the sum of One Dollar (\$1.00) paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Right of Way shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.
- 5.2 Canadian Imperial Bank of Commerce, as the registered holder of a charge by way of Mortgage against the within described property, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA2671483, for and in consideration of the sum of One Dollar (\$1.00) paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Right of Way shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

Schedule "A"

Plan EPP55046



1146 CALEDONIA AVENUE

APPLICATION FOR REZONING, DEVELOPMENT PERMIT & OCP AMENDMENT



Existing NE Streetscape of Caledonia



Proposal



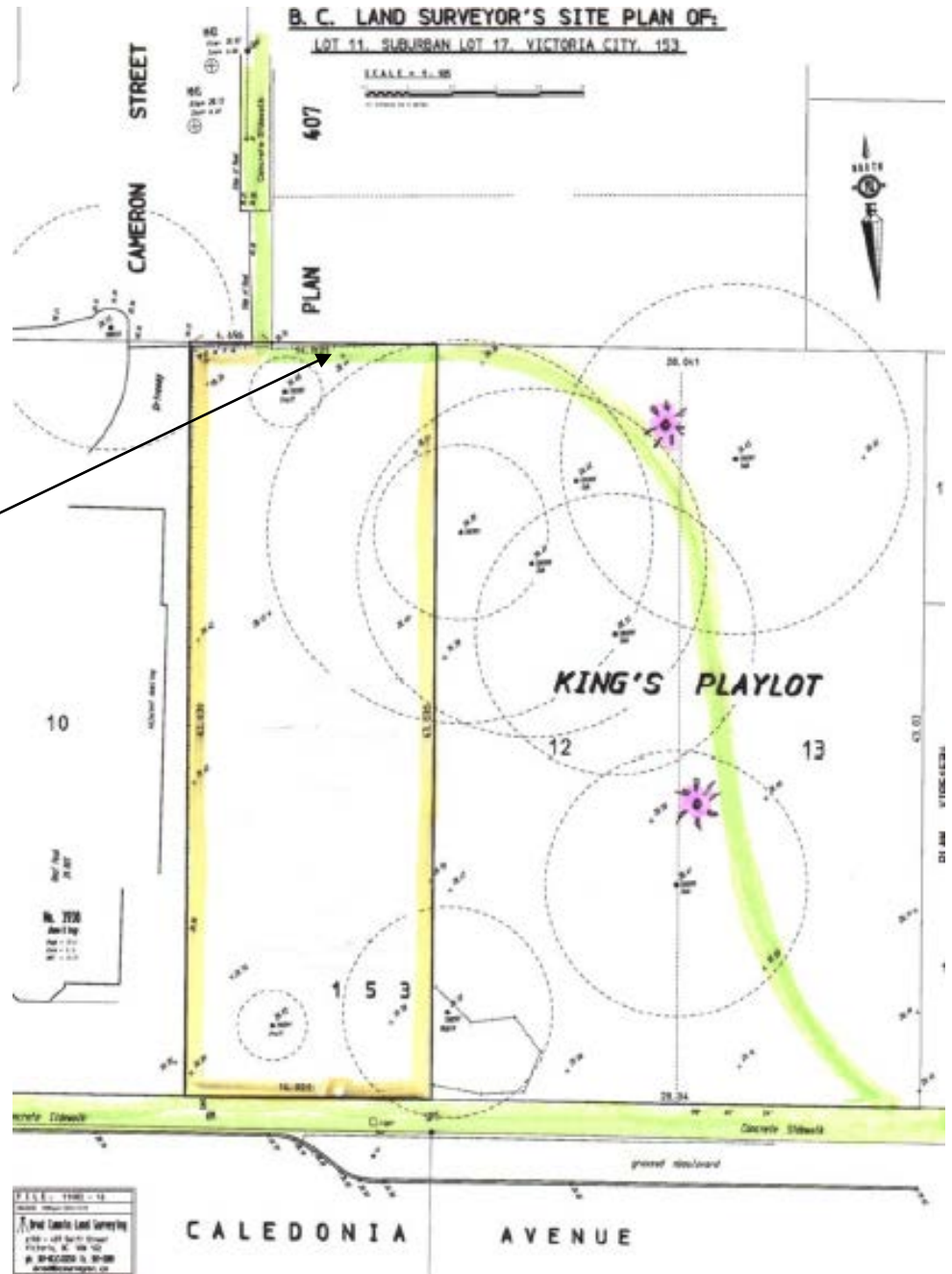
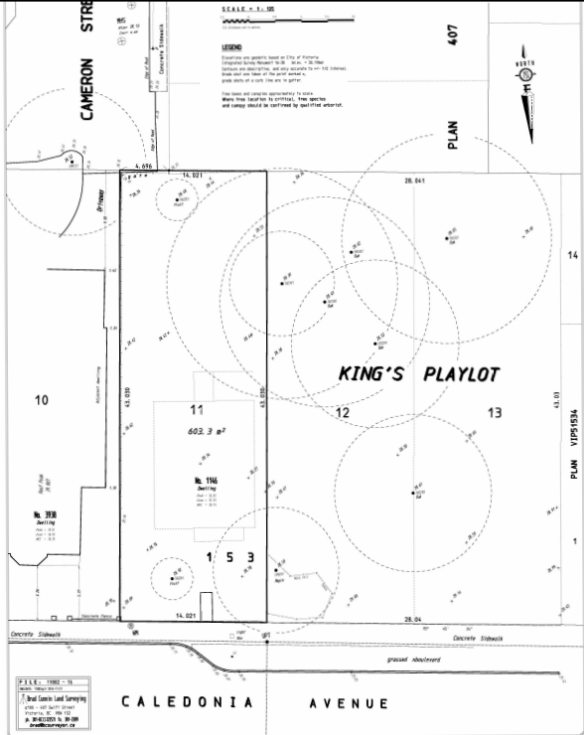
Existing Lot at 1146



NW Streetscape



Proposed pathway to Cameron St

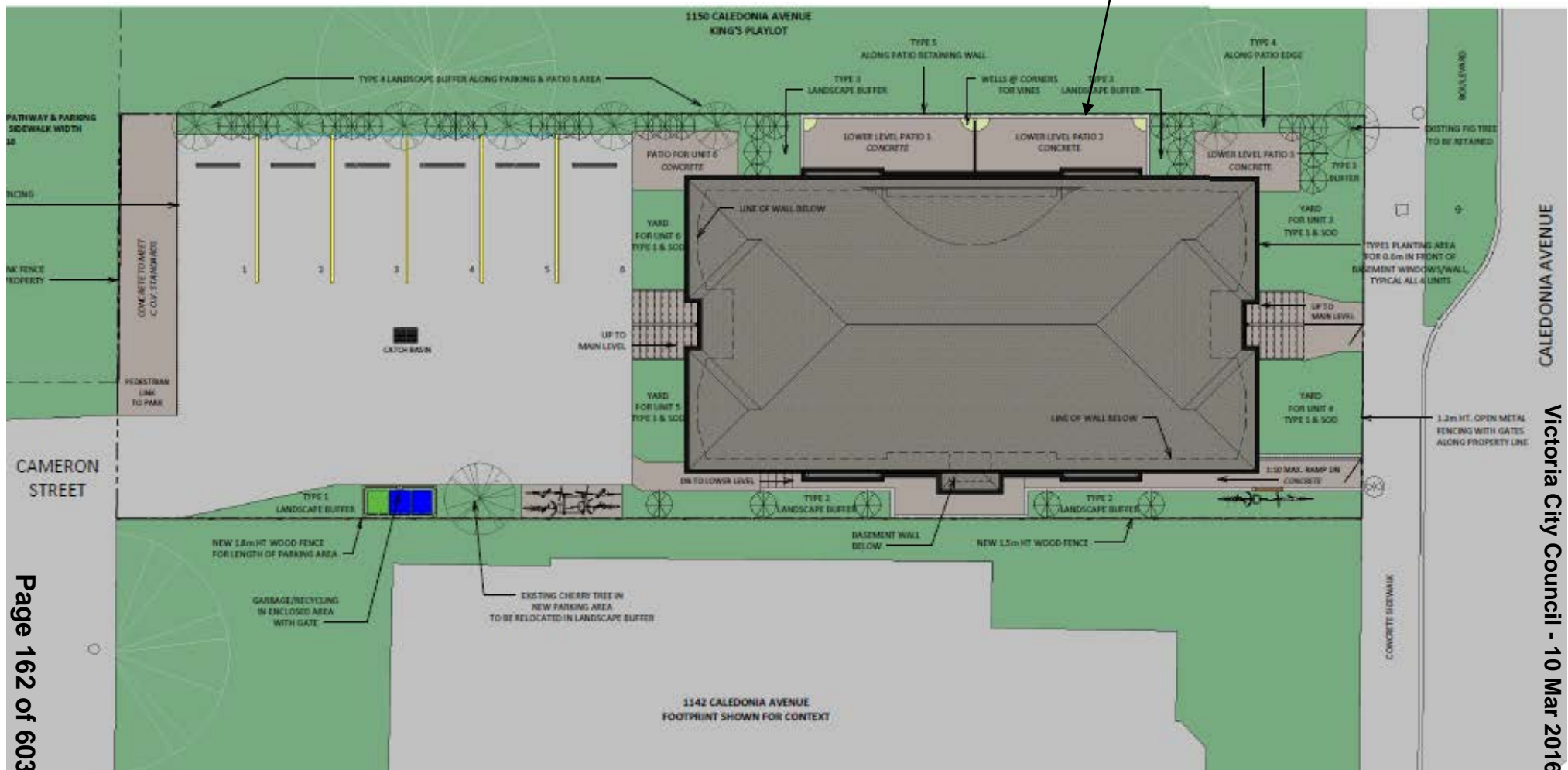


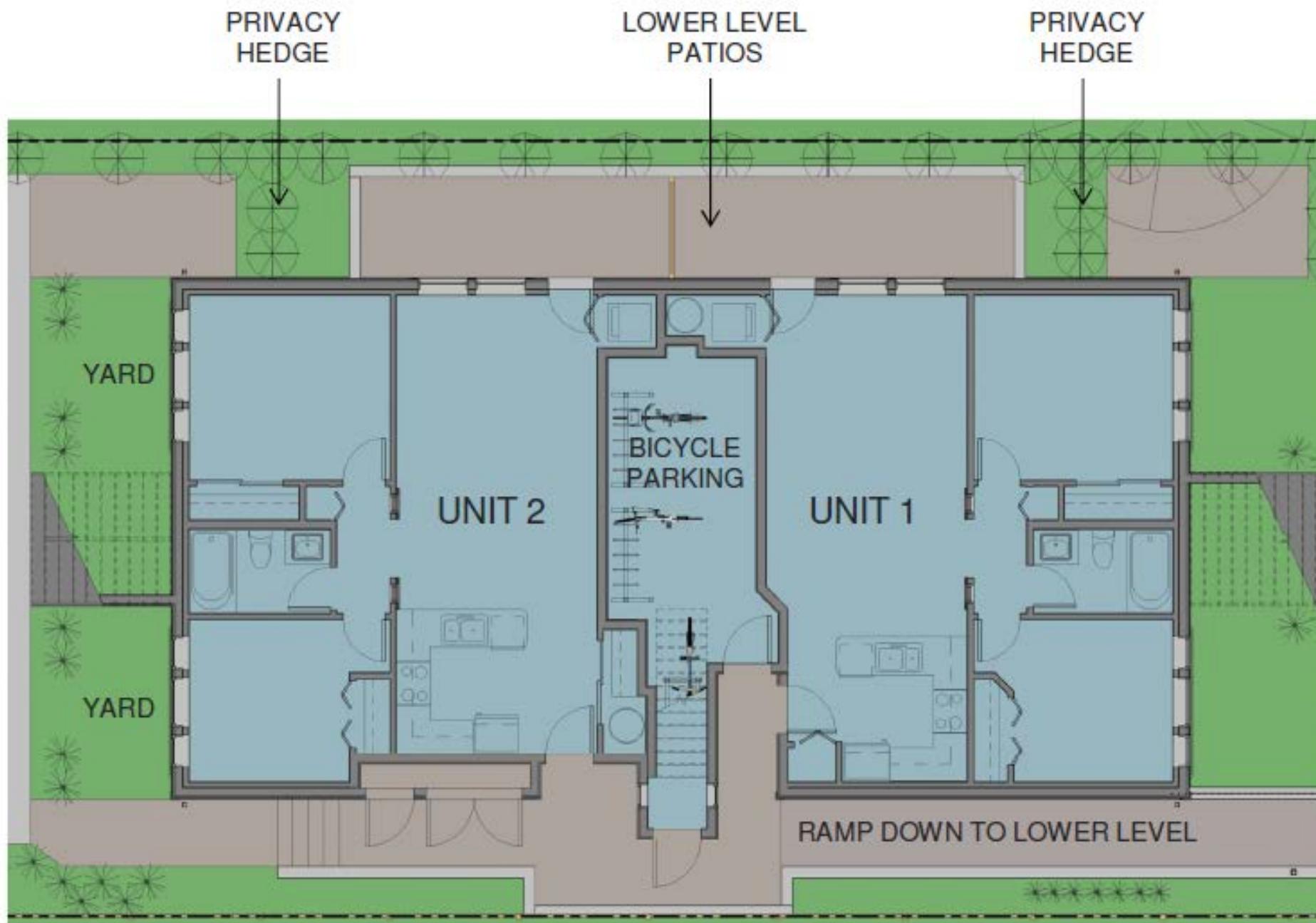


North view of King's Playlot

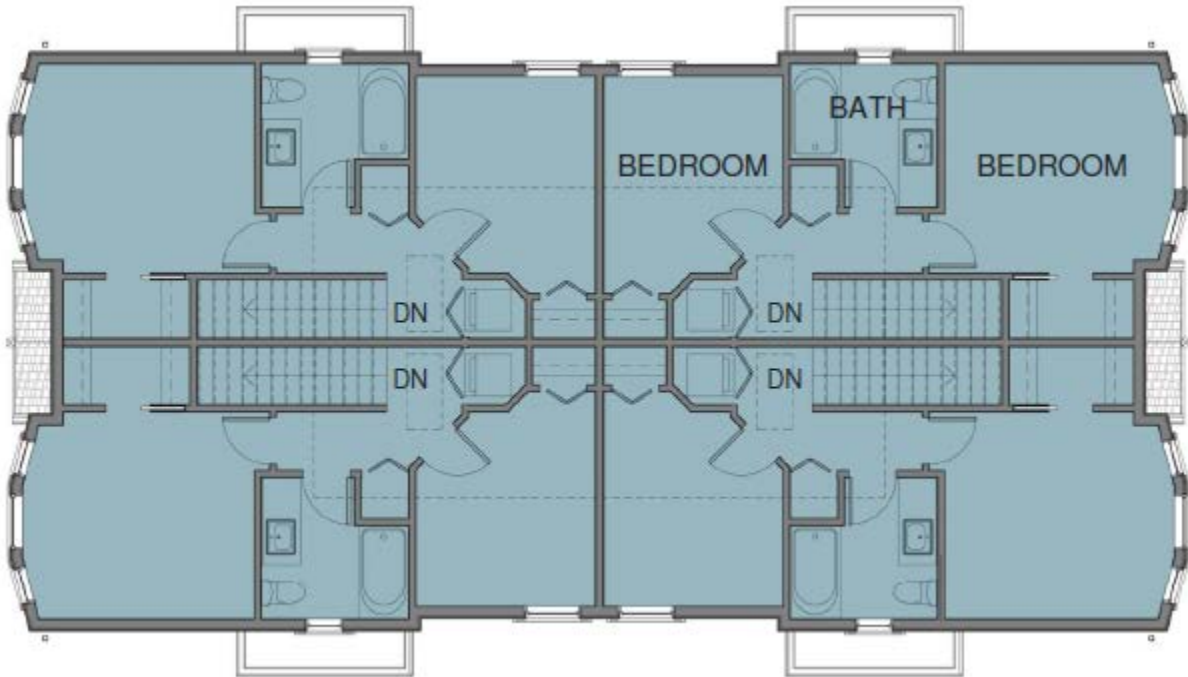
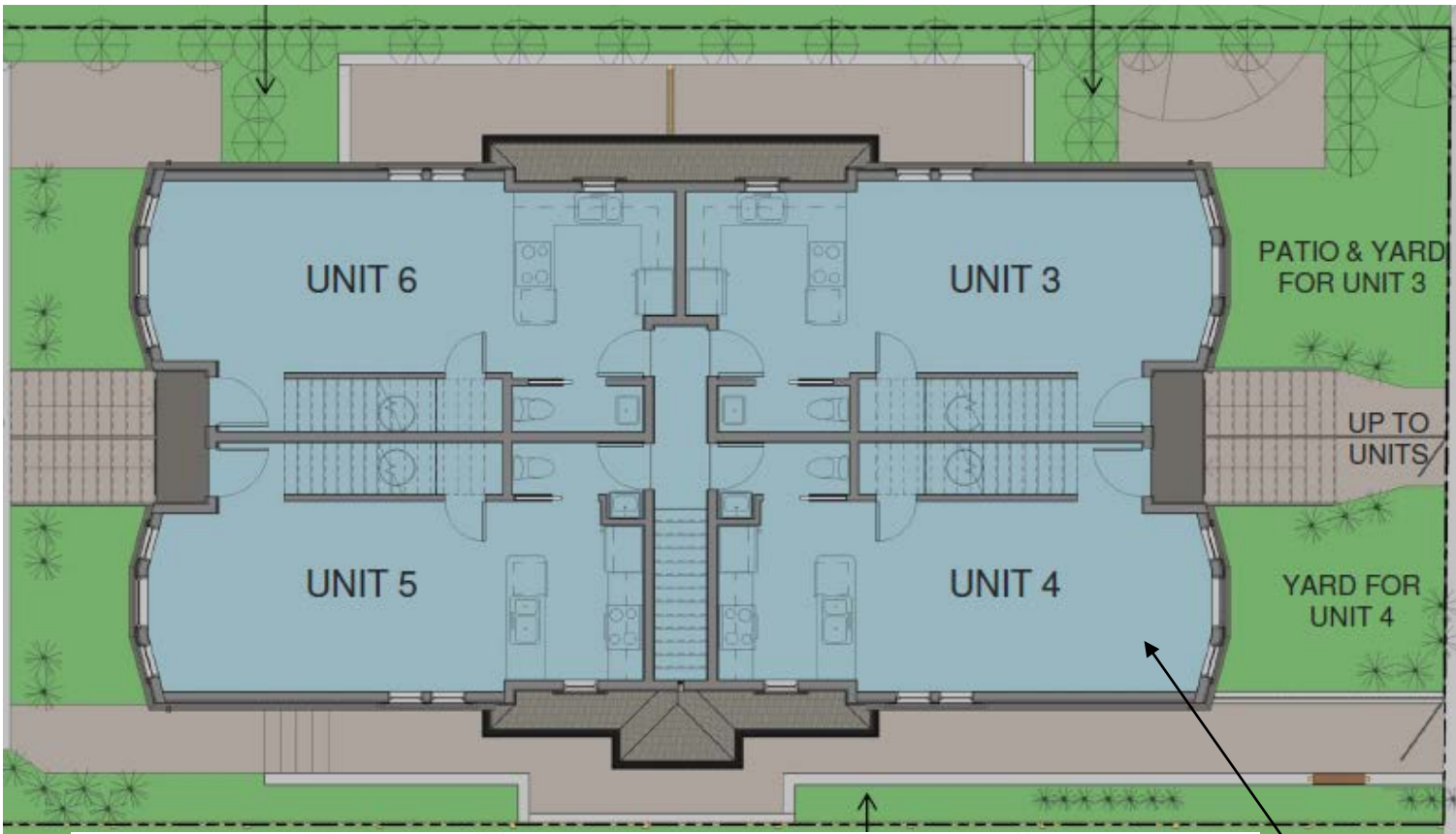
Site and Landscape Plan

1146 Caledonia





Lower Level

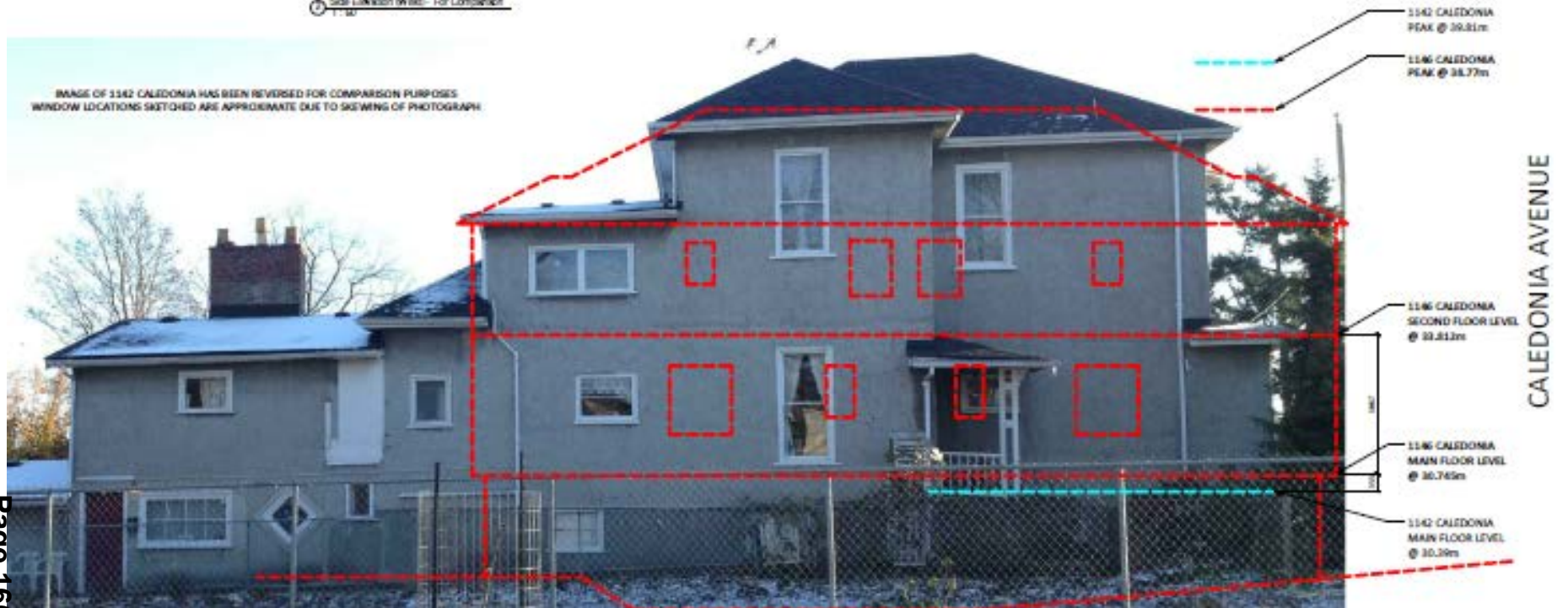


Main
Level

Upper
Level



Elevation and Spatial Separation of Neighbouring and Proposed Property



Window Offset Between Buildings



West
Elevation



East Elevation Facing Park



North Elevation



South Elevation



EXISTING PARTIAL BLOCK ELEVATION



Proposed Streetscape

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – May 28, 2015

Councillor Isitt withdrew from Council Chambers at 8:49 p.m. due to an indirect pecuniary conflict of interest in the items for 1146 Caledonia Avenue as his ex-spouse owns property on the street and for a direct pecuniary conflict of interest in the items for 1 Dallas Road as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.

12. Development Permit Application No. 000398 for 1146 Caledonia Avenue

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00469, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

8.4 Development Permit Application No. 000398 for 1146 Caledonia Avenue

Committee received a report regarding a development permit application for 1146 Caledonia Avenue. The proposal is to authorize the design, siting and landscape design of three and a half storey, six-unit strata apartment building.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that after the Public Hearing for Rezoning Application No. 00469, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue, and in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED 15/PLUC154

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

Councillor Isitt returned to the meeting at 10:00 a.m.



Planning and Land Use Committee Report For the Meeting of May 14, 2015

To: Planning and Land Use Committee **Date:** April 30, 2015

From: Helen Cain, Senior Planner, Development Services Division

Subject: Development Permit Application No. 000398 for 1146 Caledonia Avenue

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion after the Public Hearing for Rezoning Application No. 00469, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue, subject to plan revisions that address the privacy impacts on the occupants of the adjacent house, to the satisfaction of the Assistant Director of Sustainable Planning and Community Development, and in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) 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.

Pursuant to Section 920 (8), where the purpose of the designation is the establishment of objectives for the form and character of multi-unit residential development, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1146 Caledonia Avenue. The proposal is for a six-unit, three-and-a-half storey, ground-oriented multiple dwelling. As part of the urban design, the applicant is proposing a public path to Kings Park from Cameron Street.

Aspects of the proposal are consistent with the *Guidelines for Multi-Unit Residential, Commercial and Industrial Development, 2012*. However, plan revisions are necessary to address the guidelines for mitigating potential privacy impacts on the neighbours.

Plan revisions that provide wider side yard setbacks would help to mitigate the potential privacy impacts of the new building on the occupants of the adjacent house.

BACKGROUND

Description of Proposal

This Development Permit Application is to construct a six-unit, three-and-a-half storey, ground-oriented multiple dwelling. As part of the urban design, the applicant is proposing a public path to Kings Park from Cameron Street.

The proposed site plan, architecture and landscape design would include:

- a rectangular building sited slightly closer to the street than nearby houses
- private entrances to the ground level from each dwelling unit and large windows in the front and rear elevations
- exterior finishes in a mix of HardiePlank boards and wood shingle siding with wood window casements and a neutral colour palette in earth tones
- private patios for each dwelling unit and private yards for four of the six dwelling units
- plantings along property lines and landscaping strips around the surface parking area.

Sustainability Features

As indicated in the applicant's letter dated December 19, 2014, the Building Permit phase of the project would endeavour to follow best practices with respect to energy and water conservation, construction waste management and the use of high-quality, durable materials with low toxicity.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- one bicycle rack with two spaces in the front yard and
- one bicycle rack with four spaces in the rear yard.

Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current R-2 Zone (Two Family Dwelling District), the property could be developed as a duplex or as a single family dwelling.

Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Site area (m ²) - minimum	603.30	555.00
Site area per unit (m ²) - minimum	100.55*	277.50
Density (Floor Space Ratio) - maximum	0.86:1*	0.50:1
Total floor area (m ²) - maximum	516.82*	380.00
Lot width (m) - minimum	14.02**	15.00
Height (m) - maximum	9.23*	7.60
Storeys - maximum	3.5*	2
Site coverage % - maximum	31.20	40.00
Open site space % - minimum	36.20	33.00
Setbacks (m) - minimum Front (Caledonia Avenue) Rear (Cameron Street) Side (east) Side (west)	3.97 (building)* 1.98 (stairs)* 20.00 (building) 17.75 (stairs) 2.64* 1.30*	7.50 (building) 4.00 (stairs) 15.00 (building) 15.00 (stairs) 3.00 1.50
Parking - minimum	6*	8
Visitor parking (minimum) included in the overall units	1	1
Bicycle parking stalls (minimum)	6	6

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 16, General Form and Character and the proposal is subject to review in relation to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*, 2012.

Some aspects of the proposed site plan, architecture and landscape design are consistent with the applicable guidelines, including:

- building height is similar to adjacent houses to the west.
- the entrances in the front façade are similar to a duplex
- exterior finishes are similar to, but distinguishable from, older homes on this street with durable materials that would weather well with time
- the building also has visual and physical connections to the street with the provision of large front windows, a recessed porch and front steps
- locating the building next to Kings Park and providing a path connection from Cameron Street to the Park will encourage an increase in park users and "eyes on the street/park".

However, the building footprint does not comply with Guideline 2.6: *"Buildings should be located to address privacy of adjacent residential uses and private open spaces"*. Staff are recommending, for Council's consideration, plan revisions to meet this Guideline through wider side yard setbacks, in order to mitigate potential privacy impacts of the multiple dwelling in relation to the neighbouring house.

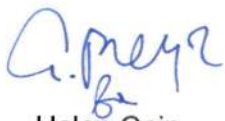
CONCLUSIONS

The general character of the proposed building is sensitive to the surrounding streetscape but the design does not fully comply with all relevant design guidelines. The staff recommendation for Council's consideration is to advance this Application, concurrent with the Rezoning Application, subject to plan revisions that address privacy impacts related to the adjacent house.


ALTERNATE MOTIONS

1. That Council decline Development Permit Application No. 000398 for 1146 Caledonia Avenue.
2. That Council advance the Development Permit Application as proposed through removal of the condition for design revisions related to privacy impacts.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division



Alison Meyer, Assistant Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____

Jason Johnson

Date: _____

May 6, 2015

HC:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000398\DP REPORT CALEDONA AVE 1146.DOC

List of Attachments

- Zoning map
- Aerial map
- Letters from Garde Collins for Linhar Projects Ltd., stamped March 17, 2015, and December 19, 2014
- Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398, stamped March 17, 2015
- Study on "Parking Availability on Cameron Street and Caledonia Avenue"
- Letter from Fernwood Community Association, stamped February 23, 2015.

March 17, 2015

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



RE: 1146 Caledonia Avenue revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.

In response to the Application Review Summary dated Wednesday, January 14, 2015, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

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

1. Please confirm whether the proposal includes a proposed walkway to King's Park.

The proposal does include a proposed walkway to King's Park by a 2.0m proposed statutory right of way along the north property line.

2. Please consider a reduction in total number of dwelling units.

The number of dwelling units cannot be reduced in order to maintain affordability of the units.

3. Please reduce the building footprint, to achieve the following:

- **Increased front yard setback that aligns with the pattern of setbacks along the east side of this block of Caledonia Avenue.**
- **Increased rear yard to provide more outdoor space for the rear apartments.**
- **Increased west setback to ensure privacy of the neighbours is protected.**
- **Increased east setback to provide more private outdoor space (patio/garden).**

The building location has been governed by the fixed dimension of proposed parking stalls in addition to the north statutory right of away. The west setback has been determined by the exiting at basement level by a minimal projection while the remainder of the building is set further back on all levels. The east setback allows for approximately 8'-0" + of private outdoor space.

4. Please provide a separate Landscape Plan with labels for trees, plantings and hard materials.

Drawing has been provided on A0.01.

MAR 17 2015

Planning & Development Department
Development Services Division**5. Please provide at least one parking stall for visitors.**

One of the originally proposed six residential parking stalls has been allocated as a visitor stall.

6. Please align the driveway to cross the property line at 90 degrees. A ratio of 1.5m laterally over 7m should be used as a maximum deflection when designing a functional driveway crossing. This may result in relocating the garbage/recycling area.

Driveway crossing has been revised as indicated above and reflected on A0.00.

7. Will the building have a fire alarm?

The building will not have a fire alarm; clarified on A0.00 under Building Code Data.

BCBC 2012: Section 9.10.18.2. Fire Alarm System Required

5) A fire alarm system is not required in a residential occupancy where an exit or public corridor serves not more than 4 suites or where each suite has direct access to an exterior exit facility leading to ground level.

Additional comments have been made in the Application Review and are noted as follows:

- a) Bicycle parking revised, shown on A0.00 and clarified in the Project Information Table.
- b) West exiting clarified and BCBC section referenced on A2.01.
- c) Outlook comparison provided on A4.03.
- d) Additional revisions are bubbled and itemized in attached document 'Revisions to Rezoning Submission' dated March 6, 2015.

We trust that the above responses to the Application Review Summary further support the proposal for this sensitive, neighbourhood-scaled building. We welcome the opportunity to appear before the Planning and Land Use Committee and to continue our work with staff to realize this important project.

Sincerely,

Garde Colins
Linhar Projects Ltd.

December 19, 2014

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



RE: 1146 Caledonia Avenue proposal for Official Community Plan Amendment, Rezoning and Development Permit Application

Description of Proposal

The proposal seeks to rezone the existing R2 zoned site at 1146 Caledonia Avenue to a site specific zone to support the development of a three storey, six unit residential building. The proposal will densify the residential use along a local road, ½ block from North Park Village and adjacent to King's Playlot, providing market, affordable housing in the Fernwood Neighbourhood.

Government Policies

The site resides within DPA16, and is consistent with the place designation of Traditional Residential, although this block of Caledonia is not an arterial or secondary arterial road. Notwithstanding, the proposed development respects key aspects of the designation, including:

- "multi-unit buildings...including attached residential"
- "houses with front and rear yards, with variable setbacks, oriented to face the street"
- "total floor space ratios up to approximately 1:1".

With respect to Neighbourhood Directions for Fernwood in the OCP, the proposal is consistent with the vision in the citywide context and affords a housing typology that forms a "transition between the Urban Core and primarily ground-oriented Traditional Residential areas" to the east, as well as consistency with the strategic directions by accommodating "housing growth within walking distance of North Park Village" in a form sympathetic to "neighbourhood heritage character, buildings and streetscapes".

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

- "That...housing growth is shared across the city"
- "That...city neighbourhoods contain a range of housing types suitable to people with a mix of incomes, living in a variety of household types";
- Place-based land use management by proposing a Traditional Residential building form which is "low-rise multi-unit...up to three storeys in height" with consistent density due to the proximity within 400 meters of North Park Village;
- Affords a consistent mobility prioritization in supporting pedestrian oriented lifestyles first, cyclists second, with proximate access to transit along adjacent arterials, while accommodating modest single family vehicle use;

- Providing “a comprehensive suite of permanent on-site alternative travel supports and active transportation infrastructure, including...short-term and long-term bicycle parking facilities”, in addition to providing six onsite vehicle parking stalls;
- “That new buildings and features contribute to the sense of place in development permit areas...through sensitive and innovative responses to existing form and character”;
- “That social vibrancy is fostered and strengthened through human scale design of buildings”;
- “That a wide range of housing choice is available within neighbourhoods to support a diverse, inclusive and multigenerational community”;
- And offering “a diversity of housing types to create more home ownership options”.

Project Benefits and Amenities

The proposal offers a family-oriented housing typology adjacent to a City owned playlot, North Park Village and within proximity to various neighbourhood amenities including a community centre and schools. The proposed six, two bedroom units are intended to appeal to young families seeking to achieve affordable home ownership in an urban neighbourhood. It is anticipated that the adjacency of this type of housing and the proposed statutory right of way linking the playlot to Cameron Street will deter the nuisance behavior currently prevalent in this urban park. In addition, the project is configured to enable a statutory right of way along Caledonia Avenue.

Need and Demand

The proposal creates affordability in offering a compact, market housing format on a traditional two family lot. The demographic that this housing type will appeal to, will further support resident diversity in the neighbourhood, while offering transitional density of multi-unit residential between the commercial uses of North Park Village and those of the traditional single family density to the east. Appropriately located adjacent to the village, the housing leverages access to major transit routes, services and amenities, and offers a lively residential use adjacent to the playlot.

Neighbourhood

The proposed use, form and character of the development are consistent with the Traditional Residential typology, albeit located on a local road. The unique site, fronting on Caledonia Avenue with access directly off the terminus of Cameron Street to the north, fosters a strong street connection, while providing driveway access to six onsite parking stalls. Further, the proposed development introduces oversight and connectivity for the playlot, principles which are demonstrated to reduce nuisance behavior.

Impacts

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

Design and Development Permit Guidelines

The proposal will conform to the referenced applicable guidelines for DPA 16 including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. Further, the proposal meets the Design Guidelines for Multi-Unit Residential, Commercial and Industrial as follows:

- “the architectural approach...provide[s] unity and coherence in relation to existing place character and patterns of development through the use of appropriate forms, massing, building articulation, features, and materials”
- Offering a “building design that is sensitive and innovative in response to context”;
- “respect [for] the character of established areas and building variety through the form and massing of housing”;
- “residential use at street level [with] strong entry features and building design that encourages interaction with the street, [specifically,] individual entrances with direct connections to the public sidewalk”;
- “porches, steps...to make transitions from the public realm of the street and sidewalk, to the private realm of residences”;
- “surface parking...located at the rear of [the] building [with] landscape elements...provided...to visually break up and screen parking from public streets and adjacent properties.”

In addition, the project is consistent with the objectives of DPA 16, specifically:

- “to support...multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys”;
- “to integrate...multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood”;
- “to enhance the place character of established areas and their streetscapes through high quality of architecture...and urban design that responds to each distinctive setting through sensitive and innovative interventions”;
- “to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, [and] safety”

Safety and Security

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

Transportation

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of alternative travel by its proximity to urban amenities, bicycle storage provisions, while still providing one parking stall per residential unit.

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

Heritage

No heritage buildings will be impacted by the proposed development.

Green Building Features

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

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

Infrastructure

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

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Garde Colins

Linhar Projects Ltd.

1146 CALEDONIA AVENUE

APPLICATION FOR REZONING, DEVELOPMENT PERMIT & OCP AMENDMENT

LEGAL DESCRIPTION: LOT 11, SUBURBAN LOT 17, VICTORIA CITY, 153



SITE COVERAGE

STRUCTURE 100.00%
LOT AREA 603.30
0.932

OPEN SITE SPACE

STRUCTURE 100.00%
PARKING LOT 6.00%
TOTAL 106.00%

LOT AREA 603.30
TOTAL AREA 258.33
OPEN SITE SPACE 238.37

OPEN SITE SPACE 238.37
LOT AREA 603.30
0.392

STRUCTURE COVERAGE
MEASURED BY PROPERTY LINE
NOT EXISTING LOT OF 100%

TOTAL RESIDENTIAL UNIT AREAS

(MEASURED BY PROPERTY LINE)
TOTAL UNIT AREA 100.00%
TOTAL UNIT AREA 100.00%

UNIT 1 64.87 SQ M / 697.50 SQ FT
UNIT 2 65.36 SQ M / 703.50 SQ FT
UNIT 3 64.87 SQ M / 697.50 SQ FT
UNIT 4 65.36 SQ M / 703.50 SQ FT
UNIT 5 65.36 SQ M / 703.50 SQ FT
UNIT 6 64.87 SQ M / 697.50 SQ FT

TOTAL FLOOR AREA

MEASURED BY PROPERTY LINE
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REZONING PROJECT INFORMATION TABLE

EXISTING	PROPOSED	EXISTING
LOT AREA	603.30 M ²	603.30 M ²
TOTAL FLOOR AREA	136.42 SQ M	136.42 SQ M
CONVENTIONAL FLOOR AREA	N/A	N/A
FLOOR SPACE RATIO	0.86 (SINGLE, ATTIC) 0.78 (TWO, ATTIC)	0.86
LOT COVERAGE	100.00%	100.00%
OPEN SITE SPACE	36.24%	36.24%
HEIGHT OF BUILDING	9.25m	7.0m
NUMBER OF STOREYS	3.12	2 STOREYS WITH BASEMENT 1.12 STOREYS WITH BASEMENT
PARKING SPACES ON SITE	6.00 (PROPOSED) & 1.00 (EXISTING)	SCHEDULE C 1 SPACE PER PARKING UNIT
BICYCLE PARKING STORAGE & RACKS	1.00 (PROPOSED) & 1.00 (EXISTING)	SCHEDULE C 1 SPACE PER PARKING UNIT
BUILDING TERRACES	3.97m TO MAIN LEVEL RING FACE 1.91 m TO STAIR	7.0m EXCEPT FOR THE TERRACE WHICH IS PROJECTED INTO SETBACK 1.5m DEEP & 0.9m WIDE
REAR YARD FACING	20.00m TO MAIN LEVEL RING FACE 17.75m TO STAIR	15.00m (15% OF LOT DEPTH)
SIDE YARD (EAST PARK SIDE)	2.65m	1.0m
SIDE YARD (WEST)	1.5m	1.5m
CONVENTIONAL SIDE YARDS	3.95m	4.5m
REZONING USE DETAILS	PROPOSED	SCHEDULE C PARKING CALCULATION
TOTAL NUMBER OF UNITS	6	A RESIDENTIAL 1.2 SPACE PER UNIT 7.2 SPACE PER UNIT TOTAL 7.2 SPACE PER UNIT CALCULATED STALLS - 6 PROPOSED STALLS - 6
UNIT TYPE	1.00 (PROPOSED) 2.00 (EXISTING)	
CONVENTIONAL FLOOR AREA	64.87 SQ M / 697.50 SQ FT	
TOTAL RESIDENTIAL FLOOR AREA	316.82 SQ M	



CHRISTINE LINTOTT
ARCHITECT

Issue Date
Revised Date
Preparation Date &
OCP Amendment

Revised Date

Revised Description
on address staff records

CONTACTS

APPLICANT

UNIKAR PROJECTS LTD
1137 NORTH PARK STREET
VICTORIA, BC V8T 1C7
250-833-1571

CONTACT: GIANE POLINS
gpolins@unikar.com

ARCHITECT

CHRISTINE LINTOTT ARCHITECT
20-511 HURON STREET
VICTORIA, BC V8W 1S6
250-334-1969

CONTACT: CHRISTINE LINTOTT
clintott@christinelintott.ca

SURVEYOR

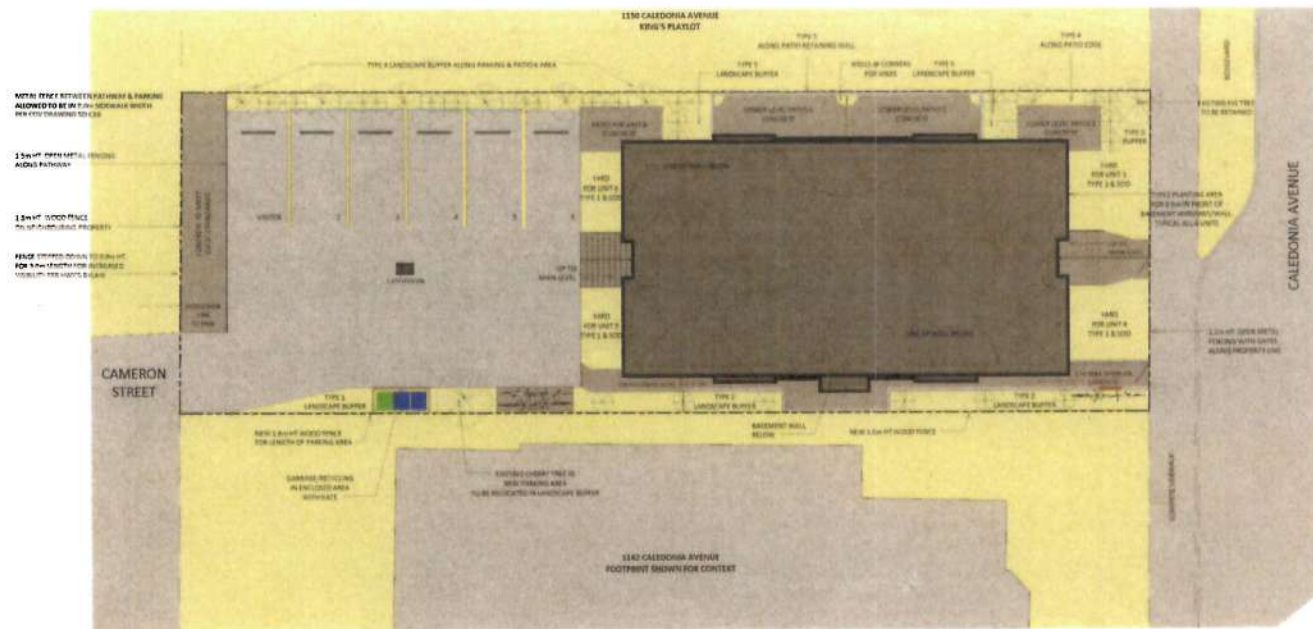
BRAD CHENYARD LAND SURVEYING INC.
407 SWIFT STREET
VICTORIA, BC V8W 1S2
250-381-2257

CONTACT: BRAD CHENYARD
brad@bradchenyard.ca

BUILDING CODE DATA

APPLICABLE BUILDING CODE

BC BUILDING CODE 2012 EDITION
AS AMENDED BY THE 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 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Landscape Plan
1:100

GROUND COVER LIST (DEPENDENT ON AVAILABILITY, QUALITY AND LOCATION OF PLANTING)

GOLDEN YAM
GRACE WARD (LOBELIA)
HEATHER
JONQUILS
LILIES
WESTERN CRIMSON FERN
HOSTA
FOX GLOVE
BLUE STAR HYDRANGEA
CAMPHOR
ORIENTAL PONY
LUCID CROCUS
TORNADO
GERMAN IRIS

SHRUB LIST (DEPENDENT ON AVAILABILITY, QUALITY AND LOCATION OF PLANTING)

ROSE
AZALEA
BLOOMINGDOVE
HYDRANGEA
CELANOIDS
VIBURNUM
PASTA LARONICA
FORSYTHIA
PIETRO AND ALICIA TAPPOIA
PHOTINIA/OTHER LAUREL TYPES
LAVENDER/CELESTIAL
SHIMMER HIBISCUS
USAC
WINTER BURN
BLUEBERRY/SPERDY

VINE LIST

CRAB
FLORIDA ROSE
WISTERIA
PASSION FLOWER
CLEMATIS

TREE LIST

JAPANESE MAPLE
PLUMER PINE/PAINT BEACH
ATLAS BLUE (WEEDING)
CEDARS
YEW
ROSE GLE PINE
DWARF ANTHUS CRANFORD TREES
(APPLE, CHERRY, PEACH, PEAR OR PLUM)

TYPE 1 PLANTING AREA

CONTAINS: BULBS, GROUND COVER PLANTS AND SMALL SHRUBS

TYPE 2 PLANTING AREA

CONTAINS: GROUND COVER PLANTS, ALL SIZES OF SHRUBS, INDIVIDUAL ROCK PLANTINGS, NON-FRUIT TREES (TREE LOCATIONS ONLY WILL BE MARKED ON PLAN)

TYPE 3 PLANTING AREA (SOLID PRIVACY SCREEN)

CONTAINS: YEW OR CEDAR TREES PLANTED 0.6 METERS ON CENTER WITH CHERRY AND/OR GROUND COVER PLANTS TO ONE OR BOTH SIDES DEPENDING ON AREA SIZE. TREE LOCATIONS ONLY WILL BE MARKED ON PLAN.

TYPE 4 PLANTING AREA (SEMI-PRIVATE SCREEN)

PLANTED ON PROPERTY AT FENCELINE TO THE PARK (EAST)

CONTAINS: FRUIT TREES PLANTED 3.6 METERS ON CENTER WITH 3 CEDARS PLANTED IN BETWEEN ON 0.6 METER CENTERS. PLACE GROUND COVER PLANTS AT OPEN SPACES BETWEEN FRUIT TREES

TYPE 5 PLANTING AREA

CONSTRUCT A 1.8 METER HIGH LATTICE FRAME ON TOP OF THE PATIO RETAINING WALL EAST SIDE (FACING THE MAIN PLANT VINES (SEE LIST) IN CORNER WELLS LOCATED AT THE PATIO FLOOR WHERE SHOWN).

MARKED AREAS FOR SOIL WILL HAVE PATIO STONES (0.4 x 0.4m) PLACED TO CREATE A PATH TO UNIT PATIOS IF REQUIRED.

ALL PATIO AND WALKWAY AREAS ARE FORMED AND FINISHED IN PLACE CONCRETE COMPLETE WITH EDGING, CUT LINES, BROOM FINISH SURFACE AND GRATING TO DRAIN.

THE EXISTING 1.8 METER CHAIN-LINK FENCE ALONG THE EAST PROPERTY LINE WILL REMAIN HOWEVER ALL THE EXISTING PLASTIC SLATINGS WILL BE REMOVED.

METAL FENCING DIVING THE PARKING AND PATIO AREA WILL BE 1.5 METER HIGH PRE-FABRICATED 7" TUSCAN METAL PANELS. 1.2 METER HIGH TUSCAN METAL PANELS AND MATCHING GATES WILL BE USED ALONG THE CALEDONIA FRONTAGE AND FOR DELINEATING THE YARDS OF THE FRONT UNITS.

A NEW 1.5 METER HIGH PRE-FABRICATED CEDAR FENCE WILL BE INSTALLED FOR THE LENGTH OF THE WEST PROPERTY LINE BUT STOP FROM 1.5 TO 1.8 METER HIGH AT THE PARKING AREA ALONG THE WEST AND NORTH PROPERTY LINES. A 0.9M x 1.8 METER CEDAR TYPING WALL WILL BE INSTALLED AT THE LOWER PATIOS. SIMILAR MATERIAL WILL ALSO BE USED TO SCREEN THE PARKING AND RECYCLING AREA AND BE COMPLETE WITH CEDAR GATES.



Issue:
Drawing:
Development Permit &
OCP Amendment

Revision:
No. Description Date:
1. Revising Revisions to address staff comments March 5, 2015

Consulting

1146 Caledonia Avenue

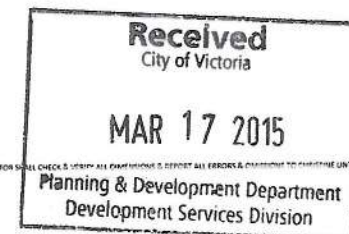
Victoria BC

Landscape Plan

Date: 3/9/2015 4:06 PM

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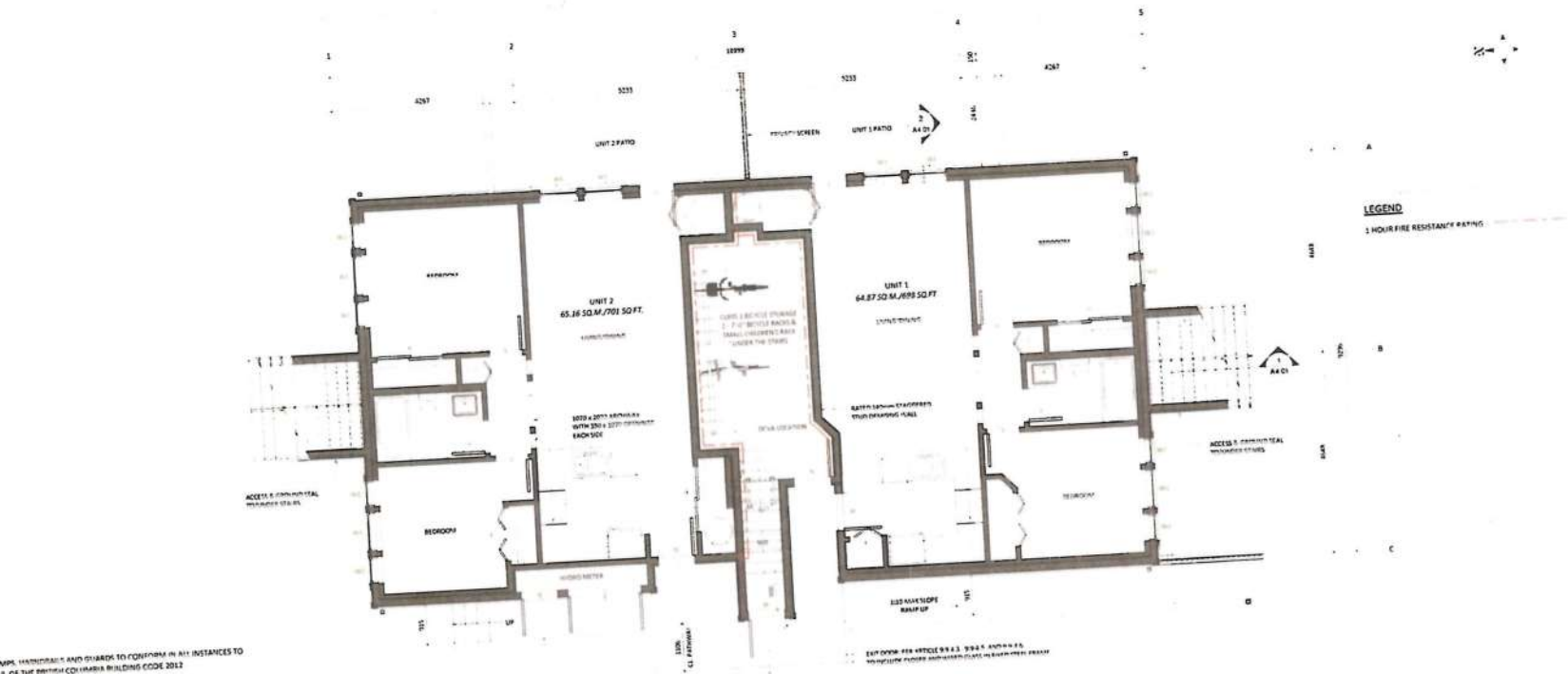
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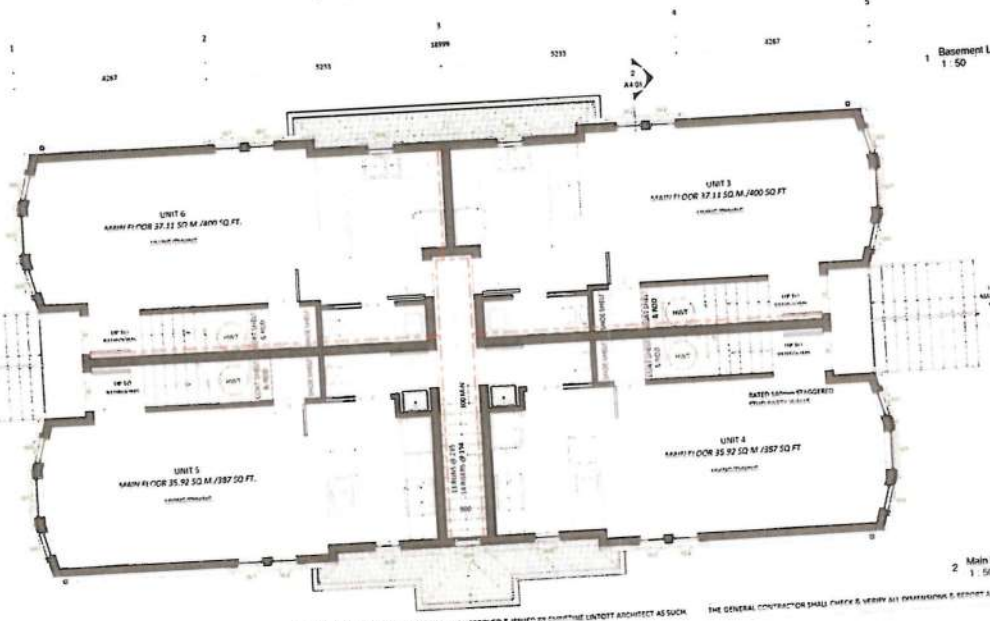


ISSUE: Planning, Development Permit & CCP Amendment
 Date: November 16, 2014

Revision No. Description Date
 1 Planning Re-submission to address staff comments March 6, 2015



- NOTES:**
 STAIRS, RAMP, WALKWAYS AND STAIRS TO COMPLY IN ALL INSTANCES TO SECTION 9.8 OF THE BRITISH COLUMBIA BUILDING CODE 2012
- SECOND EXIT STAIR PROVIDED IN RESULT OF:**
- 9.9.1. TRAVEL LIMIT TO EXITS OR EGRESS ROUTES
 1) EXCEPT AS PROVIDED IN SENTENCE (2) AND (3), EVERY DWELLING UNIT CONTAINING MORE THAN 1 STOREY SHALL HAVE EXITS OR EGRESS DOORS LOCATED SO THAT IT SHALL NOT BE NECESSARY TO TRAVEL UP OR DOWN MORE THAN 1 STOREY TO REACH A LEVEL SERVED BY
 a) AN EGRESS DOOR TO A PUBLIC PASSAGEWAY, ENCLOSED EXIT STAIR OR EXTERIOR PASSAGEWAY, OR
 b) AN EXIT DOORWAY NOT MORE THAN 1.5 m ABOVE ADJACENT GROUND LEVEL
 - 9.9.3. SHARED EGRESS FACILITIES
 1) A DWELLING UNIT SHALL BE PROVIDED WITH A SECOND EXIT AND SEPARATE MEANS OF EGRESS WHERE AN EGRESS DOOR FROM THE DWELLING UNIT OPENS ONTO
 a) AN EXIT STAIRWAY SERVING MORE THAN ONE SUITE,
 b) A PUBLIC PASSAGEWAY
 2) SERVING MORE THAN ONE SUITE, AND
 3) SERVED BY A SINGLE EXIT.
 - 9.9.4. EXTERIOR PASSAGEWAY
 1) SERVING MORE THAN ONE SUITE,
 2) SERVED BY A SINGLE EXIT STAIRWAY OR RAMP, AND
 3) MORE THAN 1.5 m ABOVE ADJACENT GROUND LEVEL, OR
 - 9.9.5. A BALCONY
 1) SERVING MORE THAN ONE SUITE,
 2) SERVED BY A SINGLE EXIT STAIRWAY OR RAMP, AND
 3) MORE THAN 1.5 m ABOVE ADJACENT GROUND LEVEL



1146 Caledonia Avenue
 Victoria BC

Basement & Main Floor Plan

Received
 City of Victoria
 MAR 17 2015
 Planning & Development Department
 Development Services Division

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 A2.01



CHRISTINE LINTOTT ARCHITECT

Issue: Revising Development Permit & OCP Amendment
Date: November 19, 2014

Revision: 1
Description: Revising Revisions to address LIAI comments
Date: March 6, 2015

Consultant



EXISTING PARTIAL BLOCK ELEVATION



PROPOSED PARTIAL BLOCK ELEVATION

1166 Caledonia Avenue
Victoria BC

Exterior Elevations &
Context Street Elevations

Date: 3/5/2015 4:05:21 PM
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A3.01

Scale: 1:50

Received
City of Victoria
MAR 17 2015
Planning & Development Department
Development Services Division



2 - Side Elevation (West)
1:50



1 - Side Elevation (East)
1:50

CHRISTINE LINTOTT ARCHITECT

Issue Date
Revision Description Date
1. Reissue Resubmission to address staff comments March 6, 2015

Revision No. Description Date

1. Reissue Resubmission to address staff comments March 6, 2015

Consultant

1146 Caledonia Avenue
Victoria, BC

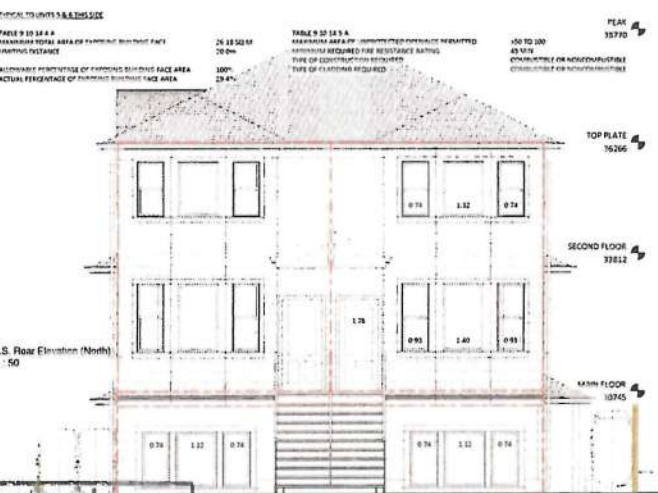
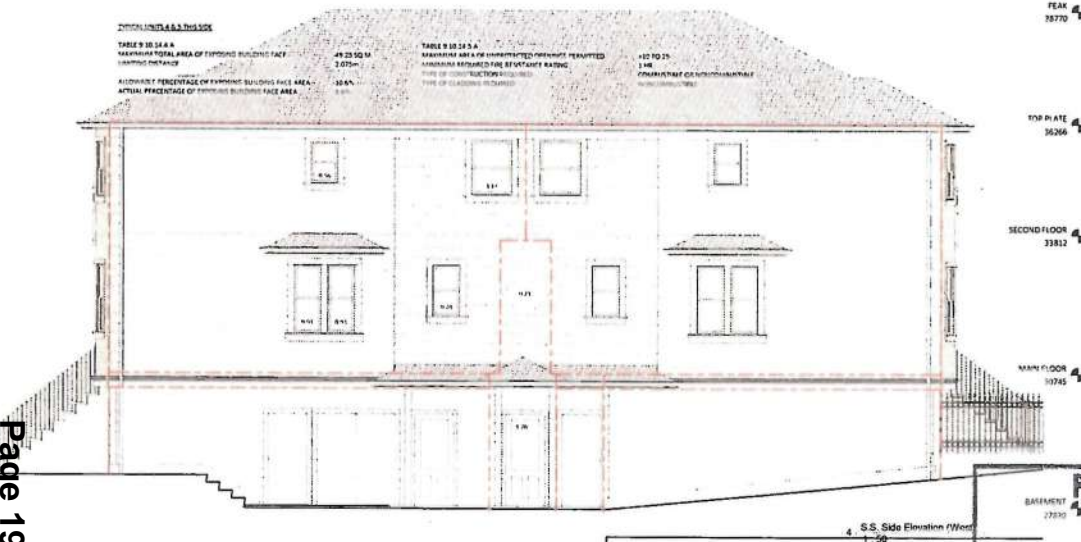
Exterior Elevations

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Drawn by
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A3.02

Date



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2 Side Elevation (West) - For Comparison
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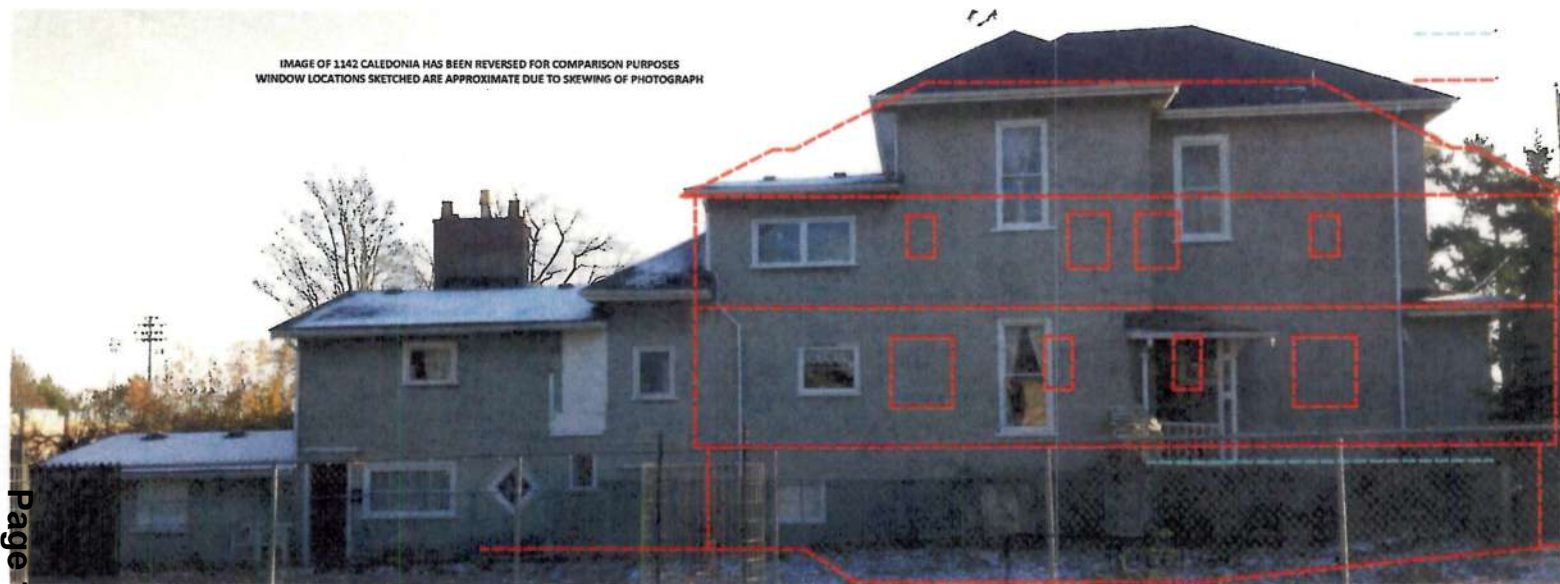
CHRISTINE LINTOTT ARCHITECT

Issue Date
Revising Description December 19, 2014
OCP Amendment

Revision No. Description Date

1 Revising Resubmission to address staff comments March 6, 2015

IMAGE OF 1142 CALEDONIA HAS BEEN REVERSED FOR COMPARISON PURPOSES
WINDOW LOCATIONS SKETCHED ARE APPROXIMATE DUE TO SKEWING OF PHOTOGRAPH



1142 CALEDONIA
PEAK @ 39.81m

1146 CALEDONIA
PEAK @ 38.77m

1146 CALEDONIA
SECOND FLOOR LEVEL
@ 33.812m

1146 CALEDONIA
MAIN FLOOR LEVEL
@ 30.745m

1142 CALEDONIA
MAIN FLOOR LEVEL
@ 30.39m

CALEDONIA AVENUE

Consultant

1146 Caledonia Avenue
Victoria, BC

Outlook Comparison

Date 3/5/2015 4:06:52 PM
Revised By
Checked By

A4.03

Scale

MAR 17 2015

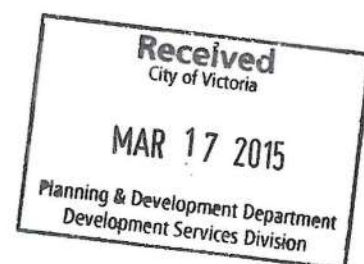
Planning & Development Department
Development Services Division

PARKING AVAILABILITY ON CAMERON STREET AND CALEDONIA AVENUE FOR DATES AND TIMES OF STUDY

Note:

- There are total of 18 parking spaces available on Cameron Street.
- Going east from 1134 Caledonia there are 16 parking spaces available (see map).

Date	Time	Location	Parking Spaces Occupied	Parking Spaces Available
Mar/2/2015	7:30 am	Caledonia	9	7
Mar/2/2015	7:30 am	Cameron	6	12
Mar/2/2015	1:30 pm	Caledonia	5	11
Mar/2/2015	1:30 pm	Cameron	10	8
Mar/2/2015	6:00 pm	Caledonia	10	6
Mar/2/2015	6:00 pm	Cameron	10	8
Mar/4/2015	7:30 am	Caledonia	10	6
Mar/4/2015	7:30 am	Cameron	12	6
Mar/4/2015	12:30 pm	Caledonia	8	8
Mar/4/2015	12:30 pm	Cameron	12	6
Mar/4/2015	6:30 pm	Caledonia	11	5
Mar/4/2015	6:30 pm	Cameron	6	12
Mar/6/2015	7:30 am	Caledonia	11	5
Mar/6/2015	7:30 am	Cameron	12	6
Mar/6/2015	12:30 pm	Caledonia	7	9
Mar/6/2015	12:30 pm	Cameron	10	8
Mar/6/2015	5:00 pm	Caledonia	9	7
Mar/6/2015	5:00 pm	Cameron	10	8
Mar/8/2015	7:30 am	Caledonia	10	6
Mar/8/2015	7:30 am	Cameron	8	10
Mar/8/2015	1:30 pm	Caledonia	10	6
Mar/8/2015	1:30 pm	Cameron	6	12
Mar/8/2015	7:00 pm	Caledonia	12	4
Mar/8/2015	7:00 pm	Cameron	7	11





7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

1:30 pm



Caledonia facing west



Caledonia facing east



Cameron facing north

Wed 00:00 Page 196 of 603



Caledonia facing west

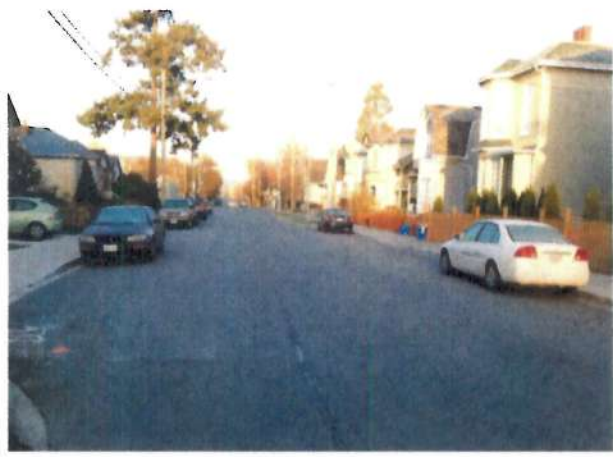


Caledonia facing east



Cameron facing north

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

12:30 pm



Caledonia facing west



Caledonia facing east

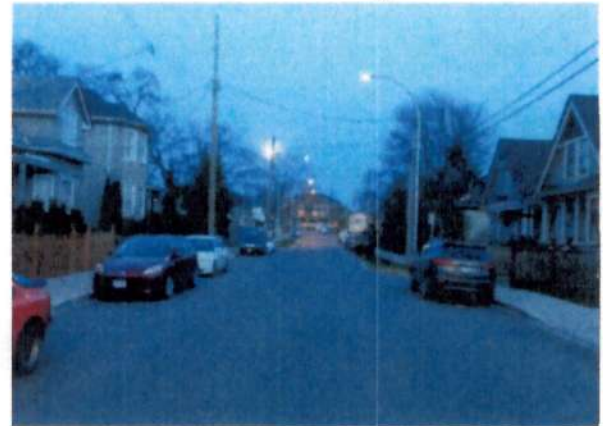


Cameron facing north

Page 197 of 603
09:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

12:30 pm



Caledonia facing west

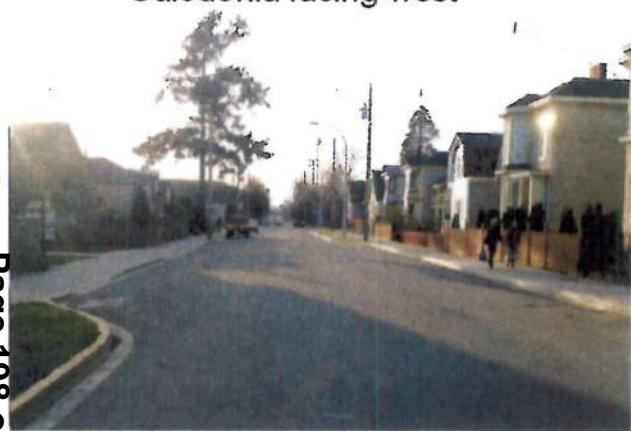


Caledonia facing east



Cameron facing north

5:00 pm Page 198 of 603



Caledonia facing west



Caledonia facing east



Cameron facing north

7:30 am



Caledonia facing west



Caledonia facing east



Cameron facing north

1:30 pm



Caledonia facing west

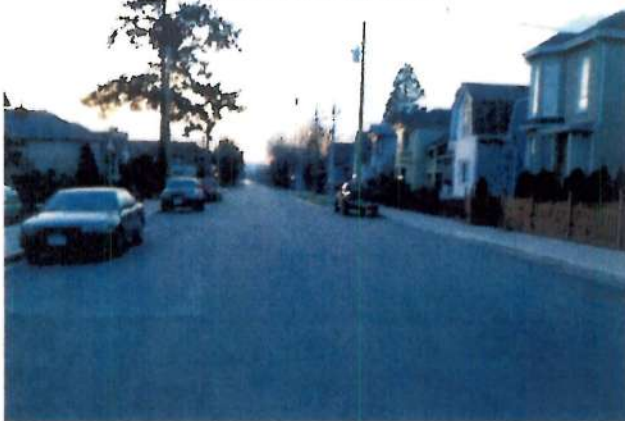


Caledonia facing east



Cameron facing north

Wed 00:27 Page 199 of 603



Caledonia facing west



Caledonia facing east



Cameron facing north



Parking signage for Island Health (VIHA) service centre (1947 Cook Street) is somewhat ambiguous in that the sign around the corner, on Pembroke Street, states that parking is 2 H. However, the signage on the west side of Cameron Street simply states "Parallel Parking Only" with no mention as to whether parking is restricted to 2 H or residents only or...? If Island Health staff are parking in this area (west side of the Cameron Street), their vehicles are adding to the total number of vehicles parked for extended periods on Cameron Street (Mon - Fri).

Fernwood Community Association
1923 Fernwood Road
Victoria BC V8T 2Y6

February 13, 2015

Sustainable Planning and Community Development Department
City of Victoria
Victoria, B.C. V8W 1P6



Re: 1146 Caledonia Street

The proposal to rezone 1146 Caledonia Avenue from R2-B to a Site-Specific zone was formally presented at the Fernwood Community Association Land Use Committee meeting December 3, 2014. A well attended preliminary community meeting was held on November 5, 2014. At both meetings the proponent discussed building a three storey six unit strata on the site.

No significant opposition to the proposed redevelopment of this lot was voiced at either meeting.

This proposal represents a departure from the Official Community Plan that has the majority of the 1100 block of Caledonia Avenue designated 'Traditional Residential'. The OCP's description of 'Traditional Residential' includes '...mixed-use buildings up to three stories in height located along arterial and secondary arterial roads'. In this case the OCP does not identify Caledonia Avenue as either an arterial or secondary arterial road.

This is a somewhat unique situation where a number of factors speak to the merits of this proposal, these are:

1. The lot fronts onto Caledonia Avenue and backs onto Cameron Street. This allows for access to parking from Cameron Street and preserves the look and feel of the streetscape on Caledonia Avenue;
2. The remainder of the houses to the West of this development are multi unit and of a comparable form and height;
3. This proposed development will compliment the unique character of the houses on the North side of the street;
4. One side of Cameron Street is home to a large health care facility and the area nearest to the parking for this development is at the back of that facility;
5. The fence proposed for the rear of the lot will improve the appearance of Cameron Street (one person from Cameron Street attended both meetings), and;
6. Two of the East facing units will face the park and provide needed "eyes on the park".

Sincerely,

A handwritten signature in black ink, appearing to read "David Maxwell". The signature is fluid and cursive, with a large, sweeping "D" and "M".

David Maxwell
Chair, Land Use Committee
Fernwood Community Association

NO. 16-030

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 1146 Caledonia Avenue from Traditional Residential to Urban Residential as shown on Schedule 1.

Under its statutory powers, including sections 875 to 878, and 919.1 to 920 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. 21)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended, in Schedule A, by:
 - (a) repealing Map 2 of section 6 and replacing it with the Map 2 attached to this bylaw as Schedule 2; and
 - (b) repealing Map 22 of section 21 and replacing it with the Map 21 attached to this bylaw as Schedule 3.

READ A FIRST TIME the **25th** day of **February** 2016.

READ A SECOND TIME the **25th** day of **February** 2016.

Public hearing held on the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-029

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-82 Zone, Caledonia Multiple Dwelling District, and to rezone land known as 1146 Caledonia Avenue from the R-2 Zone, Two Family Dwelling District to the R-82 Zone, Caledonia Multiple Dwelling 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. 1063)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 3.106 by adding the following words:

"3.106 R-82, Caledonia Multiple Dwelling District".
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.105 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1146 Caledonia Avenue, legally described as Lot 11, Suburban Lot 17, Victoria City, Plan 153 and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-82 Zone, Caledonia Multiple Dwelling District.

READ A FIRST TIME the	25th	day of	February	2016
READ A SECOND TIME the	25th	day of	February	2016
Public hearing held on the		day of		2016
READ A THIRD TIME the		day of		2016
ADOPTED on the		day of		2016

CORPORATE ADMINISTRATOR

MAYOR

Schedule 1

PART 3.106 – R-82 ZONE, CALEDONIA MULTIPLE DWELLING DISTRICT**3.106.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw
- b. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- c. Multiple Dwelling

3.106.2 Lot Area – Multiple Dwelling

<u>Lot area</u> (minimum)	600m ²
---------------------------	-------------------

3.106.3 Floor Area, Floor Space Ratio – Multiple Dwelling

- | | |
|---------------------------------------|-------------------|
| a. <u>Total floor area</u> (maximum) | 520m ² |
| b. <u>Floor space ratio</u> (maximum) | 0.87:1 |

3.106.4 Height, Storeys – Multiple Dwelling

- | | |
|---|-------|
| a. Principal <u>building height</u> (maximum) | 9.25m |
| b. <u>Storeys</u> (maximum) | 3.5 |

3.106.5 Setbacks, Projections – Multiple Dwelling

- | | |
|--|------|
| a. <u>Front yard setback</u> (minimum) | 3.9m |
|--|------|

Except for the following maximum projections into the setback:

- Steps less than 2.7m in height 2.0m

- | | |
|---------------------------------------|-----|
| b. <u>Rear yard setback</u> (minimum) | 20m |
|---------------------------------------|-----|

Except for the following maximum projections into the setback:

- Steps less than 2.7m in height 2.0m

- | | |
|--|------|
| c. East <u>side yard setback</u> from interior <u>lot line</u> (minimum) | 1.3m |
| d. West <u>side yard setback</u> from interior <u>lot line</u> (minimum) | 2.6m |
| e. Combined <u>side yard setbacks</u> (minimum) | 3.9m |

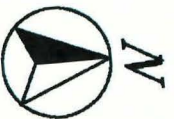
Schedule 1

PART 3.106 – R-82 ZONE, CALEDONIA MULTIPLE DWELLING DISTRICT**3.106.6 Site Coverage, Open Site Space – Multiple Dwelling**

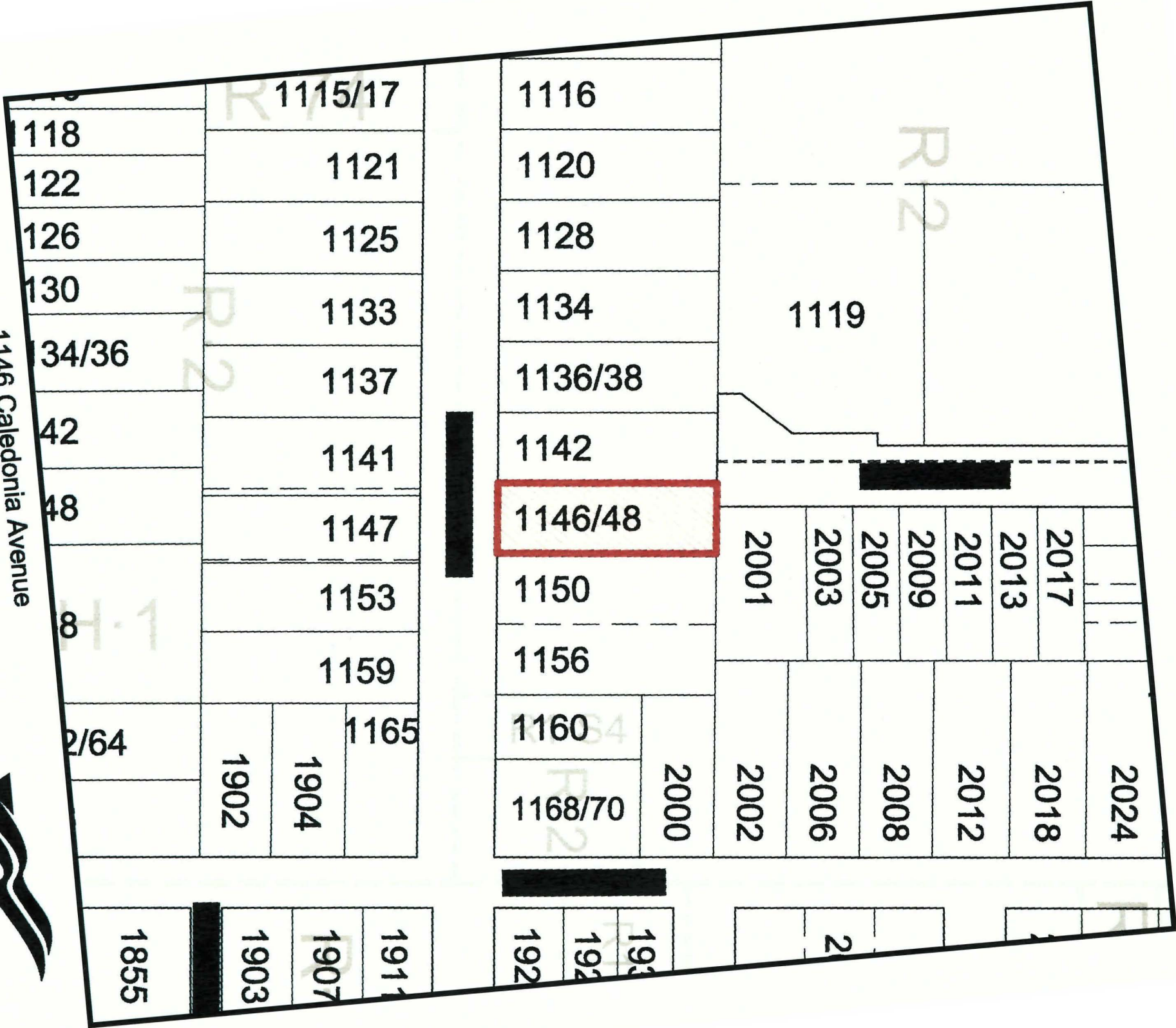
- | | |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 32% |
| b. <u>Open site space</u> (minimum) | 36% |

3.106.7 Vehicle and Bicycle Parking – Multiple Dwelling

- | | |
|-------------------------------------|--|
| a. <u>Vehicle parking</u> (minimum) | 1 space per multiple dwelling unit |
| b. <u>Visitor parking</u> (minimum) | 0 |
| c. <u>Bicycle parking</u> (minimum) | Subject to the regulations in Schedule "C" |



1146 Caledonia Avenue
Rezoning #00469
Bylaw #



NO. 16-031

**HOUSING AGREEMENT (1146 CALEDONIA AVENUE) BYLAW
A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to authorize a housing agreement for the lands known as 1146 Caledonia Avenue, Victoria, BC.

Under its statutory powers, including section 905 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 (1146 CALEDONIA AVENUE) BYLAW".

Agreement authorized

- 2 The Mayor and the City's Corporate Administrator are authorized to execute the Housing Agreement
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Ellen Jane Bradley;
 - (c) that applies to the lands known as 1146 Caledonia Avenue, Victoria, BC, legally described as:

Lot 11, Suburban Lot 17, Victoria City, Plan 153.

READ A FIRST TIME the **25th** day of **February** 2016.

READ A SECOND TIME the **25th** day of **February** 2016.

READ A THIRD TIME the **25th** day of **February** 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**SCHEDULE A
HOUSING AGREEMENT
(Pursuant to Section 905 of the *Local Government Act*)**

THIS AGREEMENT is made the ____ day of _____, 2015.

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, BC
V8W 1P6

(the "**City**")

OF THE FIRST PART

AND:

ELLEN JANE BRADLEY

1146 Caledonia Avenue
Victoria, BC
V8T 1G1

(the "**Owner**")

OF THE SECOND PART

AND:

**CIBC MORTGAGES INC. (A33457) and
CANADIAN IMPERIAL BANK OF COMMERCE**

(both as to priority)

OF THE THIRD PART

WHEREAS:

- A. Under section 905 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 905(2) of the *Local Government Act*;

- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1146 Caledonia Street, Victoria, B.C. and legally described as:

PID 001-507-141

Lot 11, Suburban Lot 17, Victoria City, Plan 153

(the "**Lands**");

- C. The Owner has applied to the City to rezone the Lands to permit the development of a six (6) unit multiple dwelling;
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be available for use as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"Development" means the development and use of the Lands as a six (6) unit residential development.

"Dwelling Units" means the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Non-owner" means a person other than the Owner who occupies a Dwelling Unit for residential purposes.

"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 5.1.

"Subdivision" means the division of land into two (2) or more parcels, whether by plan, strata plan, or otherwise, and includes subdivision under the Strata Property Act, and **"Subdivide"** has the corresponding meaning.

1.2 In this Agreement:

- (a) reference to any enactment includes any regulations, orders or directives

made under the authority of that enactment; and

- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for residential purposes to a Non-Owner.
- 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 the Development, or a building on the Lands unless the strata bylaws in no way restrict rental of the Dwelling Units to Non-Owners.
- 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 that upon the written request of the City, the Owner will provide to the City's Director of Sustainable Planning and Development a report in writing confirming that the Owner is in compliance with this Agreement.
- 3.2 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

4.0 Priority Agreements

- 4.1 CIBC Mortgages Inc. (A33457), the registered holder of a charge by way of a Mortgage against the within described property which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA2340774, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 905(5) of the *Local Government Act* (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.
- 4.2 Canadian Imperial Bank of Commerce, the registered holder of a charge by way of a Mortgage against the within described property which said charge is registered

in the Land Title Office at Victoria, British Columbia, under number CA2671483, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 905(5) of the *Local Government Act* (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

5.0 Notice to be Registered in Land Title Office

- 5.1 Notice of this Agreement ("**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 905 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

7.0 General Provisions

Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received
- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
 - (b) on the date of delivery if hand-delivered,

to the City:

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

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386

to the Owner:

1146 Caledonia Avenue
Victoria, BC V8T 1G1

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

Time

7.2 Time is of the essence of this Agreement.

Binding Effect

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 905(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be

construed as a waiver of any future or continuing failure, whether similar or dissimilar.

Headings

- 7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

- 7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

- 7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

- 7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

- 7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

- 7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

7.13 Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
- (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts, 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.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:

Mayor Lisa Helps

Corporate Administrator Robert Woodland

SIGNED, SEALED AND DELIVERED)
by ELLEN JANE BRADLEY, in the)
presence of:)
)
_____)
Witness Signature)
_____)
Name)
_____)
Address)
_____)
_____)
_____)
_____)
Occupation)

ELLEN JANE BRADLEY

(as to priority)
CIBC MORTGAGES INC., by its authorized)
signatories:)
)
)
)
_____)
Name:)
)
_____)
Name:)

(as to priority)
CANADIAN IMPERIAL BANK OF COMMERCE,)
by its authorized signatories:)
)
)
_____)
Name:)
)
_____)
Name:)

3. Development Variance Permit No. 00125 for 3189 Quadra Street

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Committee recommends that Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution.
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

Carried Unanimously

4. LAND USE MATTERS

4.1 Development Variance Permit No. 00125 for 3189 Quadra Street

Committee received a report dated February 5th, 2016 from the Sustainable Planning and Community Development Department regarding a proposal to legalize the removal of two parking spaces, which have been replaced with a patio space and pedestrian pathway, and further reduce the overall parking requirement from eight stalls to one stall for an existing 38-seat restaurant.

Action:

It was moved by Councillor Isitt, seconded by Councillor Alto that Committee recommends that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Committee recommends that Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution.
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

Committee discussed:

- Desire to look at traffic calming for this area.

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of February 18, 2016

To: Committee of the Whole **Date:** February 5, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00125 for 3189 Quadra Street

RECOMMENDATION

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

- "1. That Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution."
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 3189 Quadra Street. The proposal is to legalize the removal of two parking spaces, replace the parking stalls with a patio space and reduce the overall parking requirement from eight stalls to one stall for an existing 38-seat restaurant.

The following points were considered in assessing this Application:

- The subject property is within a Small Urban Village (Quadra at Tolmie). The *Official Community Plan* (OCP) encourages the walkability and multi-modal approach to transportation in villages as an alternative to vehicular use. In addition, the OCP encourages a complete range of commercial activities within villages.
- Generally, parking for a building should be accommodated on site and not impact adjacent streets. However, this is more achievable with new developments and often difficult to achieve with existing buildings as they are modified over time. There are no opportunities for providing additional parking on-site without converting the patio space back to parking stalls and, in this instance, the patio space provides a more attractive and active building frontage. A bike rack is offered to help mitigate the impact of the parking variance.

BACKGROUND

Description of Proposal

The proposal is to legalize the removal of two parking spaces, which have been replaced with a patio space and pedestrian pathway, and further reduce the overall parking requirement from eight stalls to one stall for an existing 38-seat restaurant.

Sustainability Features

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

Active Transportation Impacts

Staff have requested that a bike rack be located on or near the property. The bike rack on the sidewalk along the frontage of the property has been installed without City approval and will be relocated in accordance with City standards. The restaurant owner has agreed to this request.

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is within the C-1 Zone, Limited Commercial District. There is no intent to redevelop the property at this time.

Relevant History

The building is a mixed-use building with commercial on the main floor and two floors of residential units on the two upper storeys. Over the years, there has been work done to the building without building permits creating a potentially unsafe situation for the residential units. In accordance with the Clean Hands Policy, the City required that this situation be corrected prior to proceeding with processing any land use applications for the property. The work to the residential floors has now been completed with the appropriate permits, in addition to some minor corrective work in the restaurant. While the illegal additions have been removed in accordance with the applicable codes, the issue of the occupancy of the residential portion remains. The permits to date have approved two suites (one per floor) in the residential portion

of the building, however, inspections by various City departments have revealed that the units operate as a boarding house. However, in order to allow the operator of the restaurant to proceed with this Application for the parking variance, it is recommended that the residential occupancy be dealt with as a separate process rather than in accordance with the Clean Hands Policy as it relates to illegal occupancy (details provided in the "Analysis" section of this report).

The main floor commercial was approved for a take-out restaurant with 10 seats in 2003. The approved plan is attached to this report. The approved parking plan for the restaurant shows three parking stalls in the front yard. Sometime after this date, the number of commercial parking stalls has been reduced to one and replaced by a patio area and a ramp (see letter from the owner) and the seating was increased from 10 seats to 38 seats. Approvals were not obtained to reduce the parking requirement or to increase the seating. This change has come to light from the business licensing process.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, a referral was sent to the Hillside-Quadra Neighbourhood Action Group on September 30, 2013, for a 30-day comment period. Due to the passage of time, the Application was referred again to the Hillside-Quadra Neighbourhood Action Group on December 18, 2015, for a 30-day comment period. At the time of writing this report no comments had been received from the Hillside-Quadra Neighbourhood Action Group.

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

ANALYSIS

Zoning Regulation Bylaw - Schedule C - Off-Street Parking Requirements

Number of Off-Street Parking Stalls

A 38-seat restaurant (30 inside and eight outside) requires 8 parking stalls to meet the parking ratio of 1 parking stall for 5 seats which is specified in Schedule C of the *Zoning Regulation Bylaw*. Only one stall is provided for the restaurant. In addition, the residential use has two assigned parking spaces in the rear yard, and do not form part of this parking analysis.

The letter from the building owner, dated July 31, 2013, outlines the history of the changes to the parking layout. It is difficult to determine with any certainty the date that the changes to the property occurred.

There are a number of considerations relevant to the analysis of this Application:

- The changes to the frontage (patio, seating and planters) are an improvement over assigning the entire front yard to vehicle parking.
- In terms of policy support for the parking variance, the *Official Community Plan* envisions urban villages as becoming progressively more complete so that over time residents can reach the goods and services needed to meet their daily needs within a 15-minute walk of their home. Full service restaurants are cited as a commercial element within urban villages.

- The OCP places accommodating single occupancy vehicles as the lowest priority in the hierarchy of Transportation and Mobility Priorities (Figure 10).
- Staff have requested more information to justify the parking variance, such as parking demand, shortfall and proposed mitigation measures. The building owner and the restaurant operator only wish to incur the expense to prepare a parking study by a transportation engineer, if Council requires this study. It is noted that mitigation measures on site are limited, and although a parking study would provide details about the magnitude of the additional parking demand on adjacent residential streets, the restaurant has been in operation for several years and there are few opportunities to further mitigate impacts.
- Quadra Street has time-limited parking and no parking during rush hours due to its arterial status. As such, parking demand will likely overflow on to neighbouring streets.
- This additional reduction of on-site parking will further exacerbate parking issues in the area and the "Resident Parking Only" has recently been extended onto the adjacent streets.

Permitted Use and Occupancy Issues

The approved use of the residential portion of the building is for two residential suites, however, City staff have confirmed that the use is a boarding house, which does not conform to the *Zoning Regulation Bylaw*. It would be prudent for the City to consider posting a notice on title under Section 57 of the *Community Charter*. This is a note on the certificate of title advising that there is a bylaw contravention relating to the safety of the building. With this in effect, it will separate the residential occupancy issue from the restaurant parking issue and the restaurant operator will be able to pursue appropriate approvals for bylaw compliance in relation to the parking requirements. The occupancy issues on the upper two floors would remain unresolved until the City undertakes enforcement or the owner voluntarily rectifies the situation. The Victoria Fire Department will continue on-going inspections of the residential portion until safety infractions are rectified.

CONCLUSIONS

While this is not an ideal situation, there is policy support for a parking reduction in urban villages, however, the lack of on-site parking will impact the neighbouring streets. The trade-off is providing more consumer choice in urban villages. The mitigation measures are limited with the exception of a bike rack. There are no opportunities for providing additional parking on-site without converting the patio space back to parking stalls, however, the patio space provides a more attractive and active building frontage. As such, the goals of the OCP for promoting growth, redevelopment and adaptive use of buildings outweigh the parking concerns.

The Clean Hands Policy has been applied to this property to deal with illegal exterior construction (now removed). Further Clean Hands issues persist with respect to the use (and potentially interior construction). However, to pursue adherence of this Policy would penalize the restaurant owner, who is seeking bylaw compliance. While there are on-going bylaw infractions with the residential portion of the building, the legalization of the restaurant operation can be dealt with independently and the infractions related to the residential portion of the building can be noted with a Section 57 filing on title and with on-going inspection of the premises by the Fire Department. At the Hearing for the filing of a Section 57 Notice on title, Council may wish to decide if further legal action is required. The restaurant owner, who was unaware of the bylaw infractions on the property at the time of leasing the space, is anxious to move forward with the parking variance application as compliance with the *Zoning Regulation Bylaw* is required to obtain a business license and subsequently a liquor primary license.

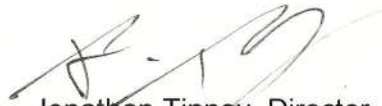
ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00125 for the property located at 3189 Quadra Street.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Feb 10, 2016

List of Attachments

- Subject maps
- Approved plan dated February 3, 2003
- Existing situation
- Letter submitted by owner dated July 28, 2013
- Petition submitted by the restaurant operator date-stamped January 26, 2016.

MUNICIPALITY OF SAANICH

TOLMIE AV

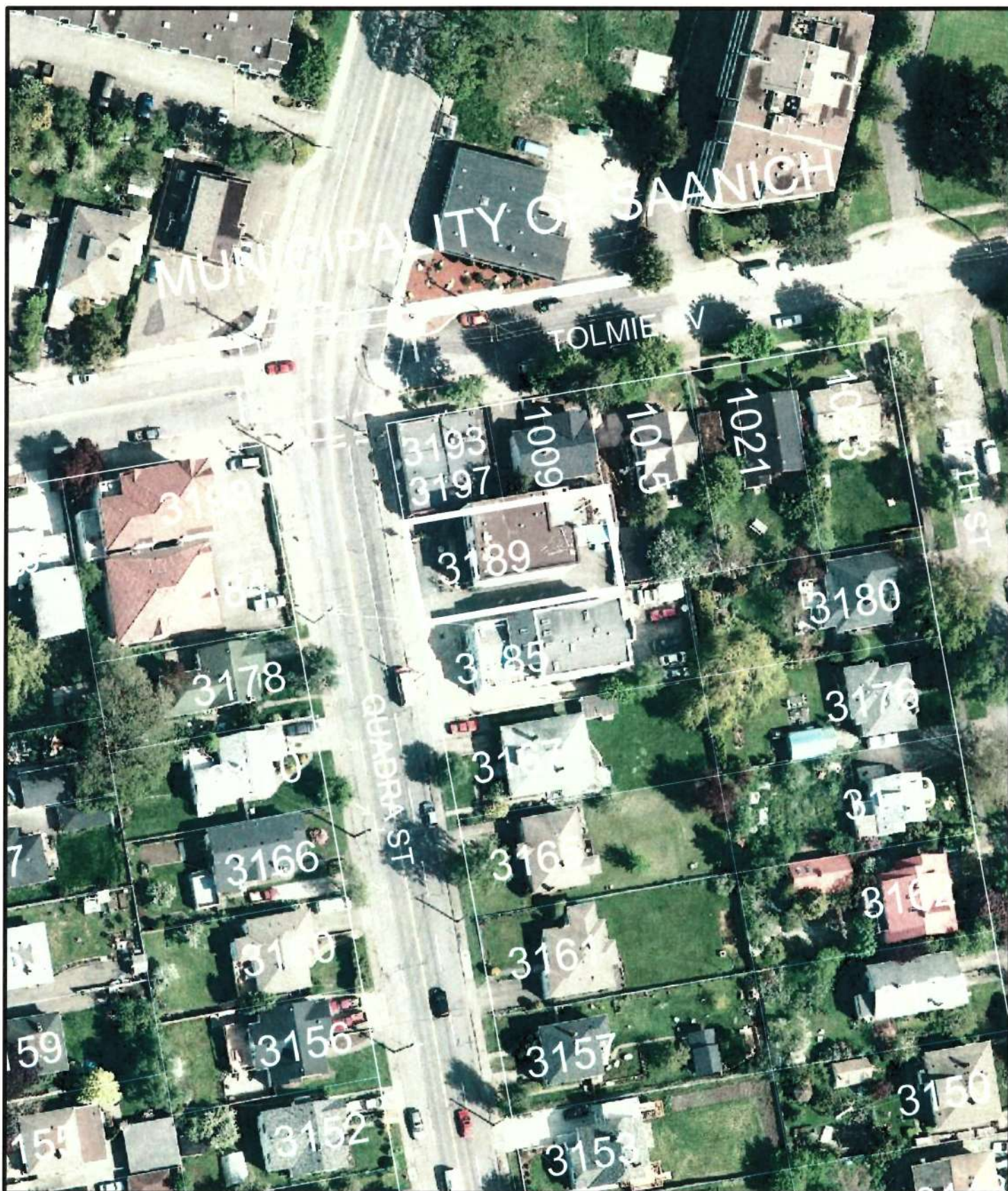
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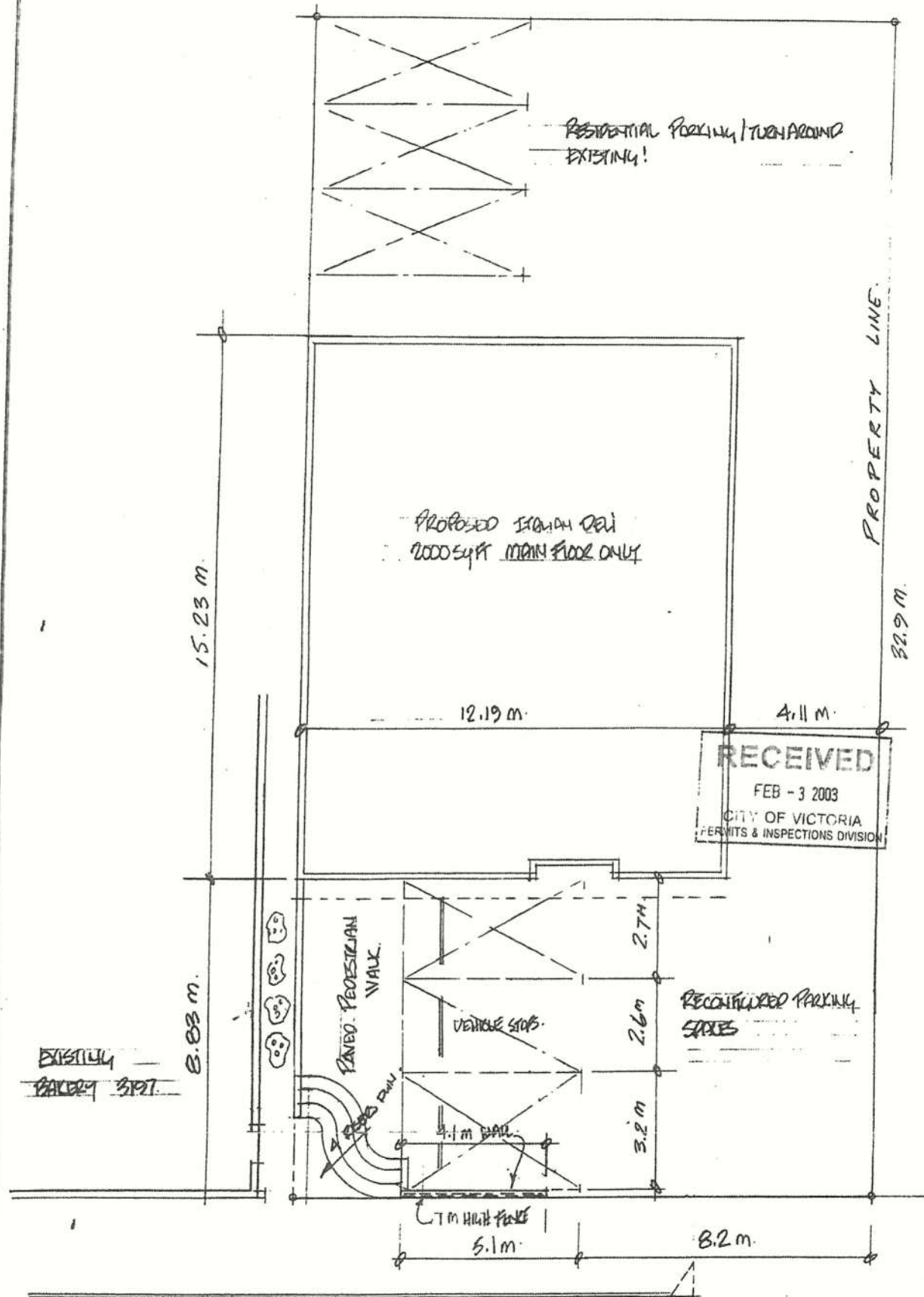
FIFTH ST

3189 Quadra Street
Development Variance Permit #00125

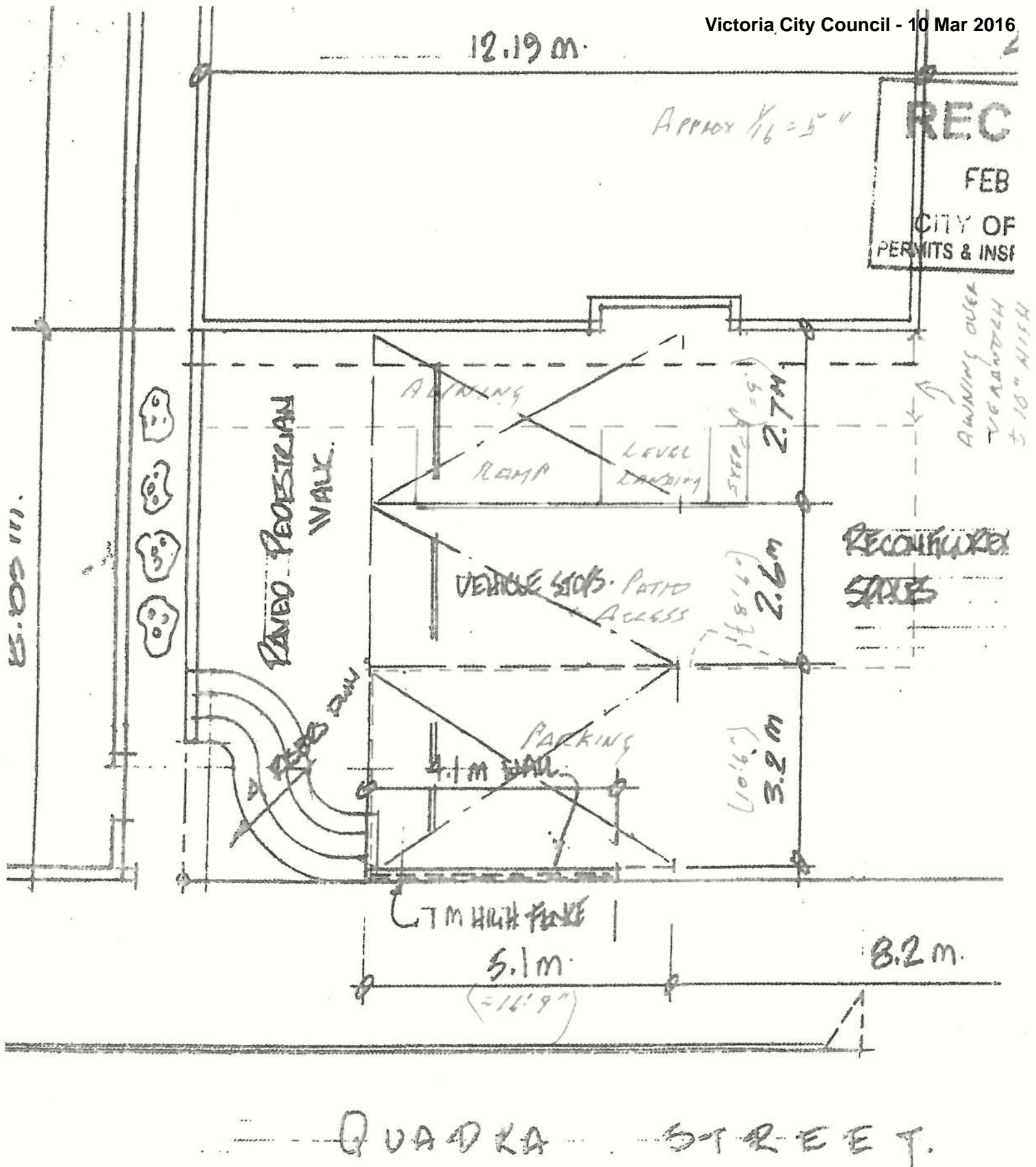




3189 Quadra Street
Development Variance Permit #00125



QUADRA STREET.



Existing
situation



July 28, 2013.

APPLICATION FOR VARIANCE PERMIT.

HISTORY OF SITE:

Sometime after Feb 2003, the previous tenant removed two (2) parking stalls so that Handicap access could be installed for his restaurant. This person assures me all the changes were made with City Hall inspection and approval. The Planning Dept. claim they have no record of this.

The Planning Dept. also claimed they had no record of the ventilation system being approved, that a Stop Work order had been placed on the property in 2009, but last week, after I, the Landlord had spent \$1200 with an engineer, the City "found" that the required plans had been submitted, the inspection had taken place, and that the then tenant was not in violation of the building standards.

The Application today is to "permit" the change from 6 to 4 parking spaces for this building that has existed like this since shortly after Feb 2003, has had a Business License every year, so as to accommodate a HANDICAP ACCESS to the restaurant. There is adequate street parking in the area, but most clientele currently supporting the restaurant are from the immediate neighbourhood, and therefore walk to the premises. The neighbouring Bakery on the corner has no parking provided for their clientele, and they have seats, a business license, and have been in operation like this for in excess of ten years..

The only issue here is that the Planning Dept. require a piece of paper in their files permitting the existing situation that has been in existence for over 10 years.

WE hereby request that this application be approved.

Thank you.

Peter Lee

Building owner

5

Received
City of Victoria
JAN 26 2016
Planning & Development Department
Development Services Division

VIETNAM HOUSE RESTAURANT

WE ACCEPT THE CURRENT PARKING OF THIS RESTAURANT

Name	Date	Address	Walk / Drive
Shakira Sephton	Aug 1 / 14	65 Government St. Victoria BC	Drive ^{*keep the panache!!}
Tashiina BUSWEN	Aug 1 / 14	1720 Christmas Avenue	Drive
Shannon Brouh	Aug. 5 / 14	3137 Yew St.	Walk
Elisabeth CRisci	Aug 5 2014	1011 Gosper Cresc.	Drive
Alyssa Warrington	Aug 8, 2014	116-3244 Quadra St	Drive
Laura Lessing/Leon	Aug 5 / 14	417 1342	Drive
Kelsey Heap	Aug 8 / 14	898 Vernon Ave	Drive
Andrea de Lange	Aug 9, 14	3176 Somerset St.	Walk
Calvin But	Aug 9, 14	4124 Tuxedo Drive.	Drive
Heidi Bergen	Aug 12 / 14	426 Vincent Ave	Drive
STEPHEN HILL	Aug 12 2014	426 Vincent Ave	DRIVE
COLIN HOWLETT	Aug 16 2014	999 DARWIN AVE	DRIVE
Steven Strybosch	Aug 16, 2014	1015 WOLLASTON ST.	DRIVE
Laura Strybosch	Aug 18 2014	1015 Wollaston St	Drive
MORGAN BLAIR	AUG 19 2014	2090 B Cadboro Bay Rd	DRIVE
Edmund Teh	AUG 26 2014	1818 Government St. Victoria BC	DRIVE
Kim Fyfe	AUG 26 2014	1050 Richardson St Victoria BC	DRIVE
Jeff Andette	Aug 28 / 2014	231 Traverse Victoria BC	Drive.
John [unclear]	Aug 28 / 2013	130 Hampton Rd Victoria BC	Drive
Heather Prochnau	Aug 29 / 2014	Asquith St. Victoria B.C.	walk
GEORGE ANDERSON	SEPT. 03 / 14	1037 SUMMIT AVE	DRIVE
TRACY Anderson	Sept 03 / 14	1037 Summit ave.	WALK/DRIVE
Steve Hobb	Sept 04 / 14	1242 Jackson st.	Walk/Drive
Kristina Chu	Sept 5 / 14	1590 31wido Rd.	Drive.
Winola Zhu.	Sept 5 / 14	1426 Jamaica Rd	Drive.

VIETNAM HOUSE RESTAURANT

WE ACCEPT THE CURRENT PARKING OF THIS RESTAURANT

Name	Date	Address	Walk / Drive
Heather van Munster	July 10/2015	Ranand Ave	Drive
'ane Schneider	July 15/2015	Wicklow St.	Drive
Jamel Letam	July 15/2015	Inverness	Walk
Derek Pesca	July 15/2015	BORDEN ST. CCG - RESERVE SPEC.	Drive
LINDSEY SNEEDS	July 16/2015	BROADMEAD. natbira	Drive
Monica Gosal	July 16/2015	White Pine Rd - Victoria BC	Drive
Marc Cittone	July 16/2015	4-1210 Tattersall Dr.	Bicycle
Tom Blackwater	July 21/15	7335 Seaburgh R.D	Drive
Tanya Finer	July 21	2747 Fifth Street	Drive
Heaven Dove	July 21	"	"
John Hutchinson	July 21	55 HWY STREET	Drive
Jr COLLISON	July 21	GROSVENOR ROAD	DRIVE
Tom Kahn	July 21/15	5097 Lakeridge Place	Drive
Phil Kahn	July 21/15	5097 Lakeridge Place	Drive
Mitchell Kahn	July 21/15	5097 Lakeridge Place	Drive
Shawn Marshall	July 23/15	1280 Oakmont Road, Victoria	Drive
PETER Salsman	July 23/15	875 Beaver Pond Rd S.S.I	Drive
Danielle Buchanan	Aug. 18/15	3106 Washington Ave. Victoria	Drive

VIETNAM HOUSE RESTAURANT

WE ACCEPT THE CURRENT PARKING OF THIS RESTAURANT

Name	Date	Address	Walk / Drive
Liz Anderson	June 24 th / 2014	3112 Jackson, Victoria BC	Walk
Catherine Hadwin	June 25/2014	306 - 1276 Johnson St. Victoria	Drive.
TRINITY MACRAE	June 27/2014	20-1120 Summit Ave Victoria BC	drive
Colleen Wan	June 28 / 2014	110-1025 Quenness Rd.	walk
KARLA KRANE	June 28 / 2014	768 Helvetia Crescent BC	drive
MARIE JOSE HALL	July 3 rd / 2014	54 Ciffey Rd Blakesdale out	drive
Shannon Marshall	July 2 / 2014	1215 Chapman St.	Drive / bus
Kevin Phan	July 2 / 2014	2225 Goldeneye Way	Drive
Lorraine Russell	July 4 / 2014	3140 Jackson St.	Walk
Nancy Mergen	July 5 / 14	1615 Belmont Ave	Drive
Lehran young	July 7 / 14	1458 Kingsview RD Duncan, BC	Drive.
Sam Hackett	July 7 / 14	979 Cloverdale Ave	walk.
Vino Ap	July 10 / 14	247 Woodburn Crt	Drive
Seren-Tipner	July 10 / 2014	1014 Bay St.	Drive.
Michelle Meier	July 10 / 14	934 Market St.	Walk.
SARAH HORNETT	July 22 / 14	3 Tolmie Ave	Walk
Jason Oscienny	July 22 nd / 2014	307-3501 Savannah Ave	Drive
DORIS M KENNAN	July 25 / 14	3161 Fifth St	walk / Drive
JOHN R SMITH	July 25 2014	3161 Fifth St.	walk
JULIEU NORMAND	July 25 2014	2652 Florence Way Rd	Drive
Shelene McNamee	July 31 2014	3230 Glasgow Ave.	walk / drive
Alleen Plunkett	July 31	3448 Rutledge	drive
TREVOR STORM	July 31	2130 Cambridge	drive.

VIETNAM HOUSE RESTAURANT

WE ACCEPT THE CURRENT PARKING OF THIS RESTAURANT

Name	Date	Address	Walk / Drive
Michael Walsh	June 7, 2014	#3-1418 Fernwood Road Victoria V8V4P7	Drive
Marion Martenari	June 7, 2014	2924 Orde St Victoria BC	Drive
Eri Umezawa	June 10, 2014	3099 Albany Street Victoria BC	Walk
Ellen Manning	June 11, 2014	1010 Fort Street, Vic, B.C.	Drive
Elizabeth Marsh	June 11, 2014	408 - 1399 Stanley Avenue, v.c BC	Bus
Sarah MacLeod	June 12, 2014	1147 Tolmie Ave Victoria BC V8X2H7	Walk.
Edwin Hodge	June 12, 2014	1147 Tolmie Ave Victoria BC V8X2H7	Walk
Jim Scott	June 12, 2014	842 WAVECREST PL. VICTORIA BC V8Y2S7.	Drive.
Andrea Moir	June 12, 2014	107-2511 Quadra St Victoria BC V8T4E1	Drive/Walk.
Anne Jackson	June 13, 2014	1294 Geris Pl Victoria BC V8Z7K7	Drive
Jesse Hendrickson	June 14, 2014	3277 Quadra St, Victoria BC	Drive
Caitlin McGoey	June 14, 2014	3277 Quadra St, Victoria BC	Drive/Walk
Rogail McNeill	June 17, 2014	1123A Vista Heights, Victoria	Drive
Julien Normand	June 17, 2014	2652 Florence Lake Rd, Vic	Drive/Walk
ELIZABETH DULLEY	JUNE 19, 2014	2317 QUADRA STREET VICTORIA BC	WALK
Carlos Cortes	JUNE 20, 2014	504 SALTON Dr Victoria BC.	Drive
REINHOLD KLEIBL	JUNE 20, 2014	542 HAWTHORNE DR. QUALICUM BEACH BC	DRIVE
Rodan White	June 20, 2014	3028 QUADRA ST. VICTORIA BC	Drive/Walk.
Conan White	June 20/14	3028 Quadra St Victoria	Drive/Walk
Wendy Bryan	June 20/14	2929 the Rise Victoria	Drive
Erin Gnyp	11	2529 Wark St Victoria	Drive
Adan Mark	June 21, 2014	2-6345 Fraser Place	Drive
Jane Draper	JUNE 21, 2014	1025 INVERNESS RD	WALK
JAMES COLLBOURN	June 21, 2014	3880 Synod	Drive
Jane Leece	June 21, 2014	3880 Synod Rd Victoria, B.C.	Drive

VIETNAM HOUSE RESTAURANT

WE ACCEPT THE CURRENT PARKING OF THIS RESTAURANT

Name	Date	Address	Walk / Drive
Shaunna Koch	Mar 5/15	4218 Belvedere Rd	both walk & drive
Alysia Warrington	"	3501 Savannah Ave	both
Katie Lejeune	"	1025 Pakington Street	both
MIKE MANALO	MARCH 6/15	3400 QUADRA ST.	BOTH
Kathy Ford	March 7/15	7277 VEYANESS RD	DRIVE
Peter Wang	Mar 7/15	#117-151 St. Andrews St.	Drive
Ron & June Thibault	Mar. 8/15	#4-981 Fir Tree Glen, Victoria	DRIVE
Thanh PHAN	March 8/15	879 Esquimalt, Victoria.	both
Steve Wilson	March 28/15	860 Villance St. Victoria	WALK
Marshall Gustafson	" " "	8006 Gabriola Cr Saanichton	Drive
Ryan Samayawera	Apr. 4. 2015	1604 Hawthorne St.	Drive
Hodgins	Apr 7 2015	3460 Quadra	Both
Alison Haynes	Apr. 7/15	2B-921 Green St.	Drive
Hinda Jones	April 22, 2015	351 Simco St.	Drive
Melanie Santos	April 23, 2015	381 Obed Avenue	Both w/d.
Alex GRATTAM	APRIL 23 2015	381 OBED AVE.	BOTH
VICTORIA MERRIN	APRIL 23/15	3277 QUADRA ST	BOTH
Amel	APRIL 23/15	3189 Quilley	Both
Karen Basi	April 23, 15	984 Tolmie Ave	WALK WALK
RIEL ALORCO	APRIL 25/15	894 UERNON AVE	DRIVE.
Marcel Ayotte	May 10/15	930 Yates ST	Drive
Sandra Racroix	May 10/2015	1311 Hillside Ave	drive
hee-Ann Johnson	May 16 2015	103-3230 Glasgow Ave	both
Linda Wall	May 16/2015	1048 1206 Montrose Ave	walk

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
Taryn Lees	28 May 2014	3116 Quadra Ave.	Walk
Joy Kruger	May 28 2014	201-630 Speed Ave	Drive
Ron Rosvold	May 28 2014	3577 McINNIS RISE	Drive
Andrew Laroche	May 28 2014	844 Reed St.	Walk
Eric Norberg	MAY 28/14	1133 CAMROSE CRES	Walk
Riley Rebuff	May 28/14	1135 Camrose Cres	Drive/Walk
Curtis Schesberger	May 28 2014	2524 Twinview Place	Walk/Drive/Bike
Jim + KIRSTEN	MAY 29, 2014	10372 BOWER BANK	
STELLY ASSENHEIMER	MAY 29/14	1231 BATES RD.	DRIVE.
DHILTON	29 May 2014	707 SUFFOLK ST.	DRIVE + WALK

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
Wade Smith	May 27	1171 pembroke St.	Drive
Darci Nyal	May 27	1171 pembroke St.	Drive
Halley Mathisen	May 29	950 St Charles St	Walk
Jason Marsi	May 29	1009 Tolmie	walk
Kelsea Keatinge	May 29	1009 Tolmie	Walk
Halley Mathisen			
Rick Rebitt		1135 Camrose Cres	walk/Drive
Dylan Beates	May 30	130 Hampton Rd	Walk / Drive
Kyle Ford	May 30	7277 Vedgwood Rd, Sanichton	drive
ROBERT MABEL	MAY 30	3281 LINWOOD AVE #5	DRIVE

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
ALBERTO SAUPE	MAY/23 RD /2014	2-415 SUPERIOR ST.	DRIVE
ALMA VADEZ	MAY 23 RD /2014	3136 QUADRA ST.	WALK.
Nadine Haskell	May 23, 2014	3028 Quadra St.	Walk
Graeme Lapoie	May 23, 2014	3501 Savannah Ave.	Walk
Steve Strybosch	May 23, 2014	1015 WOLLASTON ST.	Drive
Laura Strybosch	May 23/2014	1015 Wollaston St	Drive
Lia Robbins	May 23/2014	3111 Glasgow Street	Both
Diana Jackson	May 23/14	1294 Geric Place	Drive
Arne Jackson	May 23/14	1294 Geric Place	Drive

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
Jimmy Hwang	May 24	#224 3868 Shelbourne Street	Walk
Ryan Samagieva	May 24	2604 Hawthorne St.	Drive.
Catherine Nguyen	May 24	920 Rankin RD	Walk
Sara Patterson	May 25	803-620 Toronto st / V8V1P7 Drive	
Catherine Bowles	May 25	1400 FAIRFIELD RD ^{VICTORIA}	DRIVE
George Kline	"	4250 EAST RIDGE CRES	DRIVE
Gregory Temocoglou	"	3028 Quadra Street.	Drive/Walk
Ellen Smith	"	3234 Quadra St.	Walk
DORIS LEWIS	May 28	886 KINDERSLEY RD	WALK
Cathy Chamberlain	May 28	2720 COOPER RD	Drive
Rob Stewart		21047 SAN MARINO	DRIVE

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
Charleen Workman	May 24	1010 Ellery St	Drive
Ruk Beachamp	MAY 24	3244 GUNDRA ST.	DRIVE
Angela Leong	24 May	834 Princess Avenue	WALK Drive
WAYNE RUIK	May 24	126 HALLOWELL RD	DRIVE
Jasmine Hsu	May 24	126 Hallowell Rd	Drive.
Matthew Heint		3426 Cook St.	WALK
Thomas Guerrero		3104 Quebec St.	Walk
David Richardson		3206 Alder.	Drive
Marianne Brimmell		971 Bank St	Drive
Julien Normand		3198 Blanchard	Drive

VIETNAM RESTAURANT

We accept the current parking of this restaurant.

Name	Date	Address	Walk / Drive
Mark Robertson	23 MAY	4065 Licorice Ln	Drive.
CLIVE TOLHLEY	23 MAY	1224 DUNE ST.	DRIVE
GARRY AASEN	23 MAY	3250 LINWOOD AVE	WALK.
Kathy Aasen	2019-05-23	3250 Linwood Ave	WALK
KIEN FRANCIS		3657 DARTMOUTH PL.	WALK.
Adam Drake	' '	21 Gorges Rd F	Drive
Ken Louie	23 MAY	789 Ironwood Pl	Drive.
Alexa Lyman	23 May 2140	Cadboro bay road	Drive.
Paul Cao		210 Regina Ave	Drive
Katelyn Cao	"	"	Drive

REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – January 28, 2016

6. Development Variance Permit Application No. 00169 for 534 Pandora Avenue (Lum Sam and Look Den Building):

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, considers the following motion:

Authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:

1. Plans date stamped December 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
3. The Development Variance Permit lapsing two years from the date of this resolution.

Carried Unanimously

9.4 Development Variance Permit Application No. 00169 for 534 Pandora Avenue (Lum Sam and Look Den Building)

Committee received a report dated January 14, 2016, regarding an application to permit residential use on the main floor level.

- Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, considers the following motion:
Authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:
1. Plans date stamped December 11, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance: Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
 3. The Development Variance Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC041



Planning and Land Use Committee Report

For the Meeting of January 28, 2016

To: Planning and Land Use Committee **Date:** January 14, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Development Variance Permit Application No. 00169 for 534 Pandora Avenue (Lum Sam and Look Den Building)**

RECOMMENDATION

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

“Authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:

1. Plans date stamped December 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 534 Pandora Avenue. The proposal is to rehabilitate the heritage-registered building as part of its conversion to residential units.

The following points were considered in assessing this Application:

- The location of a potential residential use on the ground floor facing Pandora Avenue is considered appropriate in this instance because the building frontage is very narrow and would not be detrimental to the overall commercial function of the street. Additionally,

the unit has been designed to be well suited to a home occupation or trade studio. It would also retain the flexibility that it could function as a wholly commercial unit if desired.

- The location of residential units that are accessed via an alleyway would not be detrimental to the overall function of Pandora Avenue because other than access through a gateway feature, they have no direct access to the street.
- The introduction of residential uses on the ground floor helps to ensure the successful repurposing of the existing heritage-registered building.

BACKGROUND

Description of Proposal

The proposal is to rehabilitate the heritage-registered building as part of its conversion to residential units and a variance is required to enable residential uses on the ground floor.

Relevant History

At its meeting of January 14, 2016, Council authorized the issuance of a Heritage Alteration Permit (HAP) Application No. 00211 for the subject property focusing on proposed exterior alterations. At the time this HAP Application was forwarded to Council, it was presented by staff without the variance being identified for Council's consideration.

Sustainability Features

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

Active Transportation Impacts

The Application proposes bike racks which support active transportation.

Public Realm Improvements

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

Existing Site Development and Development Potential

Under the current CA-3C Zone, Old Town District, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) and with the uses proposed, however, the proposed FSR of 1:1 means that the heritage values associated with the building and the scale of the proposed development sustains the predominant character of the Chinatown National Historic Site and of the Core Historic Heritage Conservation Area.

Community Consultation

On January 15, 2016, the Application was referred for a 30-day comment period to the Downtown Residents Association Community Association Land Use Committee (CALUC). Any comments received will be forwarded to Council as part of this Application.

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

ANALYSIS

The location of residential uses on the ground floor is considered appropriate because the building frontage is very narrow and its use as a residential unit would not be detrimental to the overall retail function of Pandora Avenue as an active commercial street. Additionally, the location of the residential units that are accessed via an alleyway would not be detrimental to the overall function of Pandora Avenue since they front an internal alley and not the street. All of the units would be suitable for home occupations or "Trade Studios" and may also function as purely commercial units as well.

The DCAP provides both broad heritage and urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. Overall, the proposal is consistent with these policies and key heritage objectives would be met by conserving the heritage-registered properties, seismically upgrading the property and securing its protection through heritage designation. The introduction of the at-grade residential uses assists with the successful repurposing of these heritage-registered buildings.

While a proposed residential unit facing Pandora Avenue is not entirely consistent with the design criteria for commercial streets, the proposed design consists of a pedestrian-friendly streetscape that will remain active as it is well suited for a home occupation, trade studio or other commercial use at street level. In addition, the proposed development is also consistent with the *Chinatown Guidelines for Buildings, Canopies, Landscaping, Colour & Signs* where it achieves an active streetscape that compliments nearby heritage-registered and heritage-designated properties.

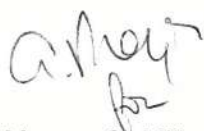
CONCLUSIONS

The request to vary the location of permitted residential use from the second and higher storeys to the ground floor is recommended for Council's consideration as being supportable because the building frontage is very narrow and would not be detrimental to the overall commercial function of Pandora Avenue.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00169 for the property located at 534 Pandora Avenue.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Development Services Division



Jonathan Tinney
Director
Sustainable Planning and Community
Development Department

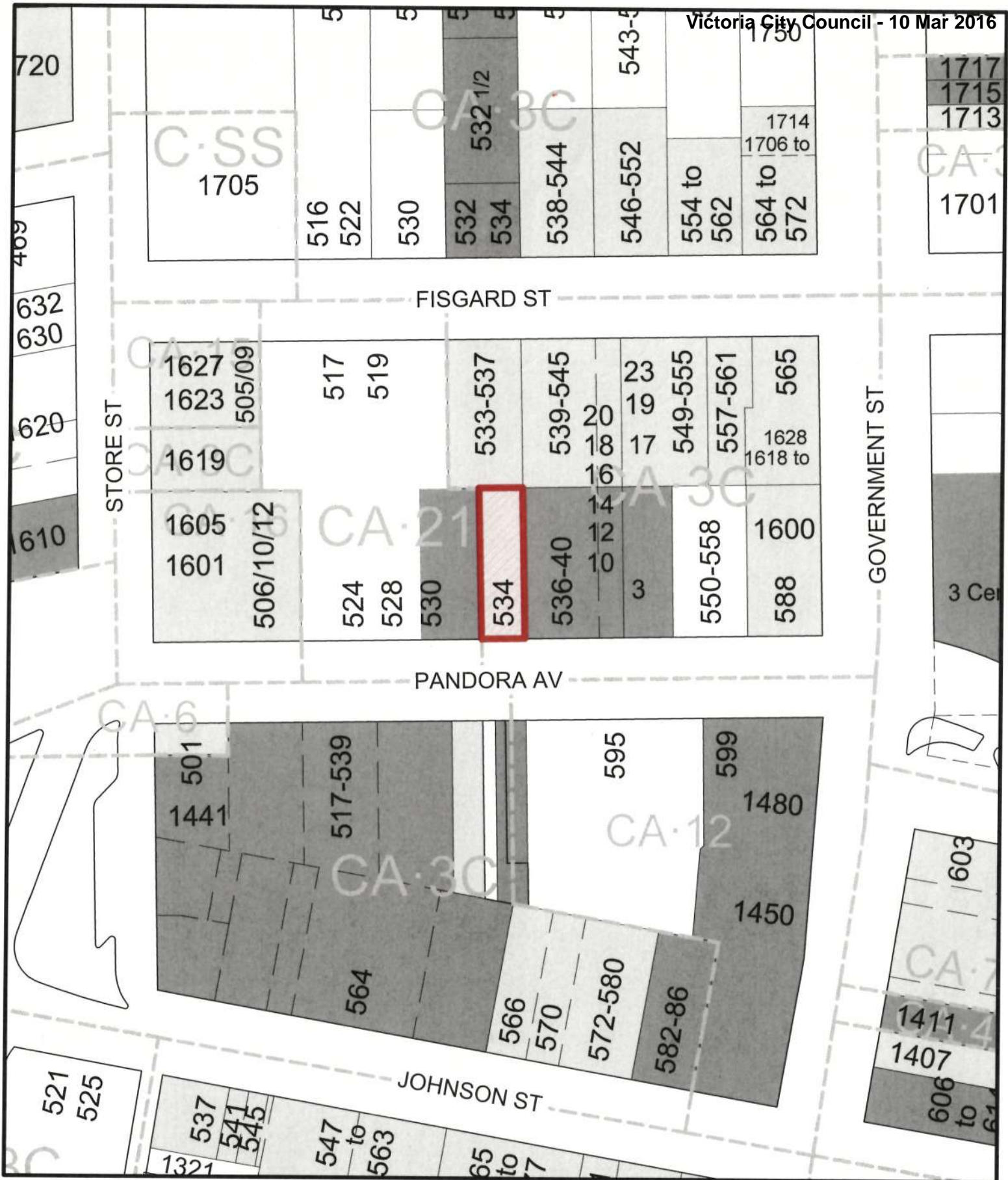
Report accepted and recommended by the City Manager:



Date: Jan. 20, 2016

List of Attachments

- Subject map
- Aerial map
- Letter from the applicant date stamped October 23, 2015
- Revised plans date stamped December 11, 2015
- Statement of Significance.



534 Pandora Avenue

Heritage Alteration Permit #00211

Designated Registered







October 21, 2015

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



Re: 534 Pandora Avenue - H.A.P. Application

Your Worship and Members of Council,

Victoria
977 Fort Street V8V 3K3
T 250-658-3367
F 250-658-3397
Nanaimo
102-5190 Dublin Way V9T 2K8
T 250-585-5810
www.dhka.ca

We are making this application on behalf of Le Fevre and Company who have recently purchased the above noted property, known as the 'Lum Sam' Building. It is connected through a series of courtyards and alleyways to 533-537 Fisgard Street, known the 'Lee Chong' Building. These two buildings were purchased at the same time and the intention is to redevelop both lots simultaneously.

The 'Lum Sam Building' is a 2 storey brick structure that was constructed c. 1884, and is designated as a heritage building. Although the building is 132 years old, it is in remarkably good condition and has been maintained and actively used to the present day. The owners wish to seismically upgrade and refurbish the exterior of the building as part of a conversion of the building into 9 strata units: 8 residential condominiums and one street front live-work studio on Pandora Avenue.

The building will be mostly left 'as-is'. The Pandora frontage will be refurbished and the existing balcony railing replaced with a new code compliant railing. The conversion to strata units requires the addition of some windows and doors to the west and north elevations that face onto the alleyway and courtyard. Part of the courtyard at the rear of the building will be used for a new service room to house sprinkler and electrical equipment. As well, there will be an enclosure for garbage and recycling. A new balcony will be added to the 2nd floor suite looking onto the alleyway and a roof terrace will be added to the second floor at rear of the building.

The Lee Chong building will also be converted into another 17 strata residential units for a total of 26 units for the two projects. Bicycle parking for

October 2015

1 of 2



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all 26 units will be located on the Lum Sam site. Although these two buildings will exist as two separate strata properties, the courtyard spaces and access will be shared for servicing and exit purposes.

The alleyway between the Lum Sam building and the adjacent Union Building is currently closed off with an overhead garage door and partial roof. These will be removed and replaced by a decorative metal gate and screen that will feature a circular 'maze' motive that will be used as a signature design element throughout the project.

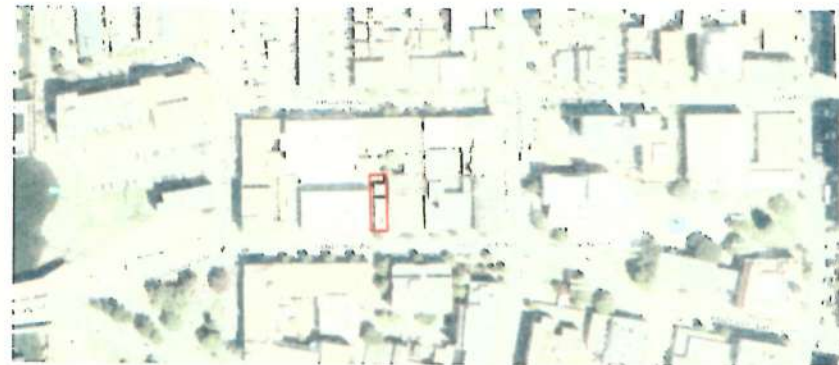
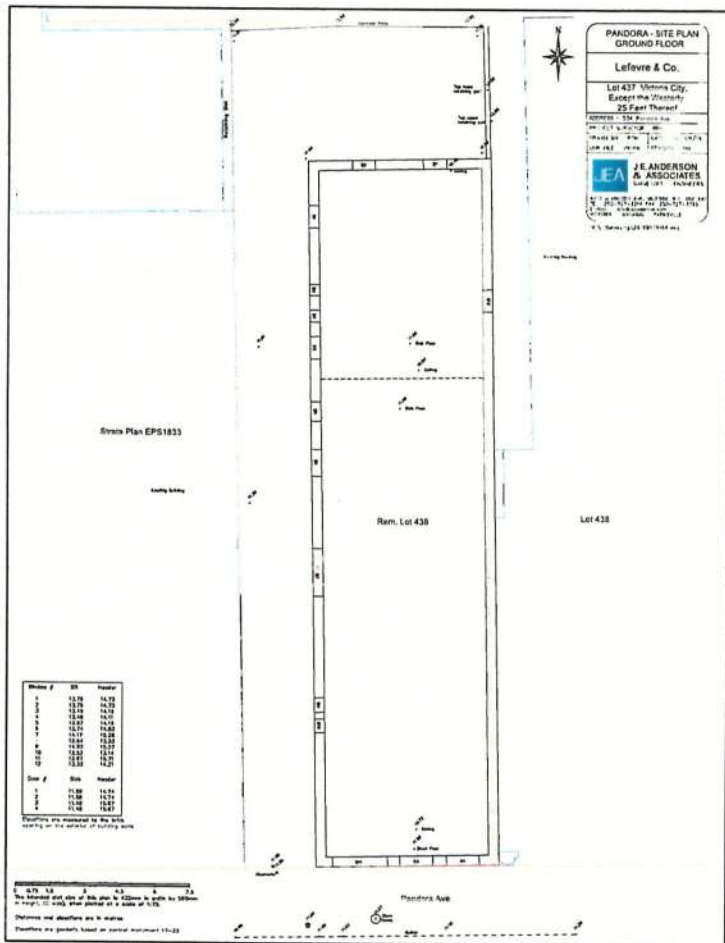
The proposed upgrading and conversion of these historic properties will make a significant contribution to the vibrancy and economic vitality of the Chinatown precinct.

We trust the forgoing is acceptable.

Sincerely yours,

Peter de Hoog Architect AIBC MRAIC

de Hoog & Kierulf architects



2 CONTEXT PLAN
A101
Scale: NTS

ZONING SUMMARY

Address: 534 Pandora Ave, Victoria BC
Legal Description: Lot 437, Victoria City, Except the Westerly 25 Feet Thereof
P.I.D.: 009-370-421
Zoning: CA-3C - OLD TOWN DISTRICT
Use: Retail (Main Floor) & Multiple Residential (Above)

	PERMITTED/REQUIRED	EXISTING	PROPOSED
Lot Area:		392 sq. m. (4, 219 sq. ft.)	no change
AREA SUMMARY			
Main Floor	Includes Stair, Includes shed	239 sq. m. (2, 573 sq. ft.)	249 sq. m. (2, 683 sq. ft.)
Second Floor	Excludes Stair	150 sq. m. (1, 619 sq. ft.)	no change
Total Floor Area		389 sq. m. (4, 187 sq. ft.)	389 sq. m. (4, 302 sq. ft.)
Floor Area Ratio	3:1	1:1	no change
Site Coverage		59%	64%
Open Site Space		41%	36%
Grade		(11.69+11.80+11.15+11.00)/4 = 11.4 m = 37.4 ft. geodetic	no change
Building Height:	15 m (49.2 ft.)	10.48 m (34.4 ft.)	no change
Number of Storages		2	no change
Setbacks:	Not required		
Off-street Parking:	Not required		
Bicycle Parking:	1 per unit + 6-space rack	0	26 - 1 per suite for Pandora building and Fingard Building (26 suites total)

BUILDING CODE SUMMARY

REFERENCED DOCUMENT
British Columbia Building Code 2012 - Part 3

CONSULTANTS

ARCHITECTURAL

de Hoog & Kienoff architects
577 Fort Street
Victoria, B.C. V8V 3K3
tel 250 658 3397
fax 250 658 3397

Contact
Peter J. de Hoog MAIBC MRAC
pjd@dhk.ca

ARCHITECTURAL DRAWING LIST

Sheet 010
A101 Project Data & Site Plan
A201 Floor Plans
A301 Building Elevations
A400 Typical Building Sections

GENERAL NOTES

1. Check dimensions on site plan against existing conditions and survey information.
2. All dimensions are to face of building unless otherwise noted.
3. If dimensions are to be verified, verify with a surveyor.
4. Check notes for 1/8" (1/8" of inch) scale.
5. All dimensions are to face of building unless otherwise noted.
6. All dimensions are to face of building unless otherwise noted.

Victoria City Council - 10 Mar 2016

Lum Sam Building
534 Pandora Ave.
Victoria BC
Project Data

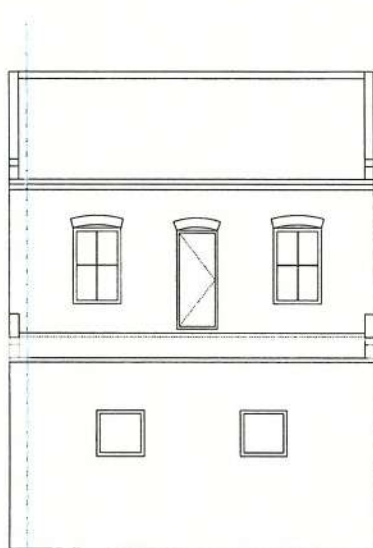
A101

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577 Fort Street
Victoria, B.C. V8V 3K3
tel 250 658 3397
fax 250 658 3397

Received
City of Victoria

DEC 11 2015

Planning & Development Department
Development Services Division



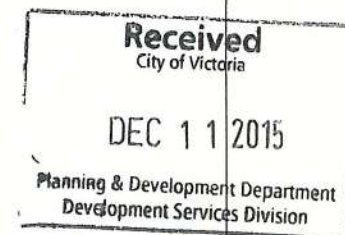
Courtyard Elevation (North)



Pandora Avenue Elevation (South)



Street View

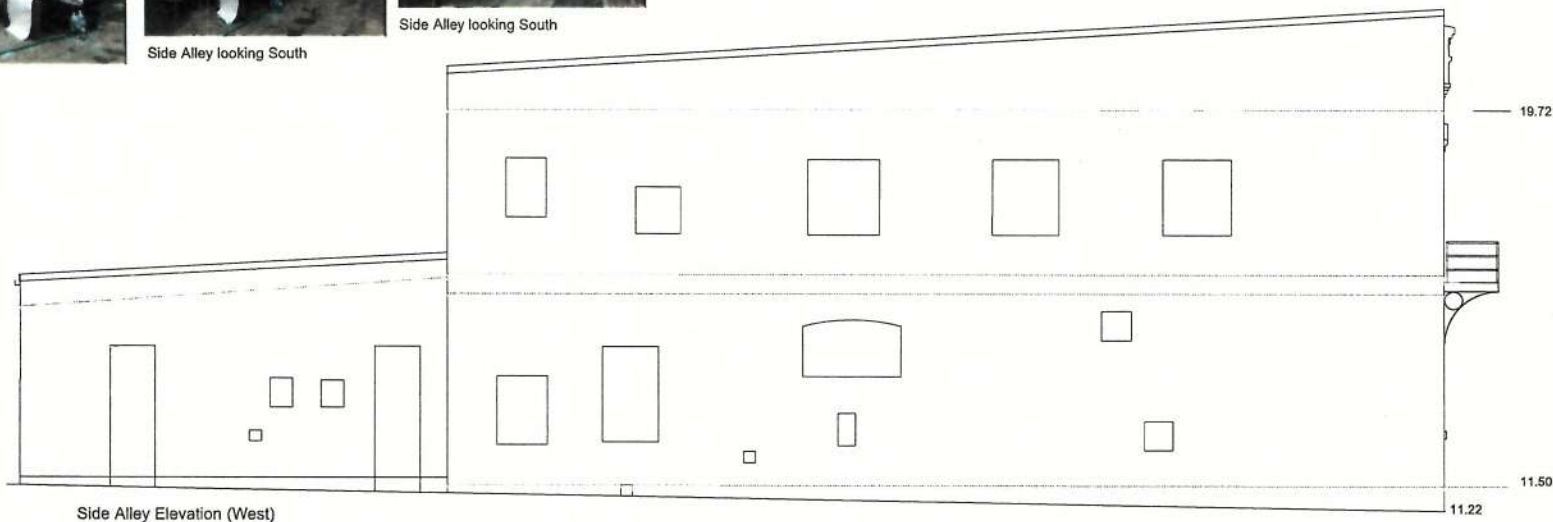


Side Alley looking South



Side Alley looking South

Courtyard



Side Alley Elevation (West)

Lum Sam Building
534 Pandora Ave.
Victoria BC
Existing Elevations

A301

City of Victoria
Planning & Development Department
Development Services Division

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Received
City of Victoria
DEC 11 2015
Planning & Development Department
Development Services Division

- Material Legend**
- 1 Polished Metal Clad Fencing (Old San Diego)
 - 2 Steel (Grey)
 - 3 Field Colour (CP CADST Rose Petal)
 - 4 Trim Colour (CP CADST Fuchsia)
 - 5 Accent Colour (CP CADST Fuchsia)
 - 6 Polished Metal Siding
 - 7 Painted Metal (Black/White)
 - 8 Polished Metal (Black/White)
 - 9 Polished Metal (Black/White)
 - 10 Polished Metal (Black/White)
 - 11 Existing Brick, Refinished



1 Proposed Courtyard Elevation (North)
Scale: 1:50
A302



2 Proposed Pandora Ave. Elevation (South)
Scale: 1:50
A302



4 Detail of New Gate
Scale: 1:25
A302



3 Proposed Side Alley Elevation (West)
Scale: 1:75
A302

No. 10 DEC 15
Page 10 of 10
Date: 10 DEC 15
By: 10 DEC 15
10 DEC 15

Lum Sam Building
534 Pandora Ave.
Victoria BC
Lum Sam Propose

A302

de Hong & Koral architects
Victoria
577 Burr Street V8V 5C3 T 1-250-608-1007
Fax: 1-250-608-1008
www.dhk.ca

Victoria City Council - 10 Mar 2016

CITY OF VICTORIA DOWNTOWN STATEMENTS OF SIGNIFICANCE 2009

LUM SAM & LOOK DEN BUILDING

534-534 1/2 PANDORA AVENUE

Owner: Lum Sam and Look Den

Architect: John Teague

Date: 1884

Description of Historic Place

The Lum Sam & Look Den Building is a two-storey, Late Victorian-era brick commercial structure. It stands on the north side of Pandora Street on the southern edge of Victoria's Chinatown National Historic Site. It is also located across the street from historic Old Town and Market Square, a rehabilitated complex of late nineteenth century buildings with continuous streetfronts. The ground floor has a large storefront window and two doors, the one to the east at 534½ providing access to the upper level. The second storey has two windows flanking a door to the full-width balcony. The exterior is richly articulated with stringcourses and corbelled brickwork.

Heritage Value of Historic Place

The Lum Sam & Look Den Building is valued as a significant contributing resource to a grouping of historic structures that marks the southern edge of Victoria's Chinatown National Historic Site. This block of Pandora Avenue originally faced the Johnson Street Ravine, a swamp that marked the boundary between the European business area to the south and Chinatown to the north that illustrated a physical and cultural divide in the early city. During the early 1880s, the wooden shacks on the north side of the ravine were replaced with brick commercial blocks to house Chinese businesses, prompted by a dramatic increase in the Chinese population. These merchants set up much-needed smaller shops such as laundries, grocery stores, medicinal shops and restaurants in buildings that were often developed and owned by European pioneers. Victoria's Chinatown is expressive of a duality in architecture and cultural landscape. On each block, street façades link together, forming a wall that shields interior spaces and narrow alleyways between and through buildings are linked to central courtyards which were the hidden location of tenements, opium dens, theatres and gambling houses. This configuration is a traditional south Chinese urban pattern. The Lum Sam & Look Den Building is consistent with such a duality. Its commercial façade exhibits Italianate elements such as segmental-arched window openings, stringcourses and a decorative cornice. However, a passageway existed on the west side that provided access to the interior of the block. As the Chinese population continued to grow, the wooden buildings on Fisgard Street were replaced with brick blocks, and the interior network of alleys grew more complicated as tenements and businesses were added behind façades visible from the street.

This site is also significant as part of the forty-two hectare land holdings of Hudson's Bay Company factor, Roderick Finlayson (1818-1892), who was influential in the development of the future province and the City of Victoria. He first came to Vancouver Island in 1843 to oversee the construction of the new Hudson's Bay Company (HBC) trading post, Fort Victoria. Finlayson was made Chief Factor of HBC in 1859, after James Douglas resigned from that position to be appointed Governor of the new Crown Colony of British Columbia. Finlayson served on the Council of Vancouver Island and as Mayor of Victoria in 1878. He became wealthy from land dealings and in 1872 retired to attend to his real estate and business interests. Finlayson was described in an obituary in the *Vancouver Daily World*, as 'a

CITY OF VICTORIA DOWNTOWN STATEMENTS OF SIGNIFICANCE 2009

prominent figure amongst the business men in the Commercial quarter of the Capital'. Numerous geographical features of the province and the city are named for Finlayson.

The Lum Sam & Look Den Building is also a significant example of the vernacular Italianate style that characterized Chinatown at this time. It was the work of local architect John Teague (1835-1902). Born in Cornwall, England, Teague followed the lure of gold, first in California and then in the Fraser Valley. After some time in the gold fields, he settled in Victoria in 1860, where he lived and worked until his death. Teague served the city as councillor in 1885, and as mayor for two terms, 1892 and 1893. During his prolific career Teague designed over 350 buildings, mostly in Victoria. He was adept at all the current architectural styles, ranging from Italianate to Queen Anne Revival. For many years he was the architect for the Royal Navy at the Dockyard and Hospital at Esquimalt; his clients included most of the city's leading businessmen for whom he built commercial as well as residential buildings. Four of his buildings in Victoria: City Hall, #1 Centennial Square 1878-91; St. Ann's Academy, 835 Humboldt Street 1886; Church of Our Lord, 626 Blanshard Street, 1875-76; and the Pemberton Memorial Operating Room, 1900 Fort Street, 1896; and five buildings in the Historic Naval District, Esquimalt, 1888-91, are designated as National Historic Sites.

Character-Defining Elements

Key elements that define the heritage character of the Lum Sam & Look Den Building include its:

- mid-block location on Pandora Avenue, part of a grouping of late-nineteenth and early-twentieth century historic masonry buildings in Victoria's Chinatown National Historic Site, just north of Victoria's historic Old Town and Market Square

- commercial form, scale and massing as expressed by its two-storey height built to the property lines, symmetrical rectangular plan and flat roof
- masonry construction, including brick walls and continuous granite threshold along the street frontage
- Italianate-style details such as: segmental-arched window openings; decorative brick cornice with dentils, round-arched motif and corbelling; and rhythmic stringcourse encompassing the window heads
- additional exterior details such as the full-width metal balcony with ornamental brackets, and side wall chimneys
- double-hung wooden sash windows, including 6-over-6 windows on the front façade and 2-over-2 windows on the west wall



Donald Luxton & Associates

Christine Havelka

From: Public Hearings
To: Stephanie Hartwig
Cc: Gerald Hartwig
Subject: RE: Development Variance Permit Application NO. 00169 -534 Pandora

From: Stephanie Hartwig [mailto:]
Sent: Monday, February 29, 2016 5:22 PM
To: Public Hearings <PublicHearings@victoria.ca>
Cc: Gerald Hartwig < >
Subject: Development Variance Permit Application NO. 00169 -534 Pandora

To Whom it May Concern,

As property owners for 529 Pandora Ave- BC Produce Building, We strongly oppose allowing a Development Variance on permit application No. 00169 for property known at 534 Pandora Ave because Retail on a ground floor is in important to the viability of street. The city should not allow dead zones on a street. People want to be able to go from shop to shop, If they do not see a store next to another store they stop walking. This in turn hurts merchants on both sides of the building. Pandora has been a dead zone for years and it's nice to finally see investment into the area and for the street to become lively again. This however will not happen if we allow residential on the ground floor.

I do feel if they did small micro sized retail shops on the ground floor they would be most successful.
Again, We strongly oppose this variance.

Stephanie Hartwig
Hartwig Investments

REPORTS OF THE COMMITTEE

Planning and Land Use Committee – January 14, 2016

12. Heritage Designation Application No. 000157 for 534 Pandora Avenue:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the designation of the property located at 534 Pandora Avenue pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

Carried Unanimously

6.3 Heritage Designation Application No. 000157 for 534 Pandora Avenue

Committee received a report dated December 18, 2015, regarding an application to designate 534 Pandora Avenue as a Municipal Heritage Site.

Councillor Loveday withdrew from the meeting at 10:10 a.m. and returned at 10:12 a.m.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council:
That Council consider the designation of the property located at 534 Pandora Avenue pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

Committee discussed:

- How downtown architecture is an amenity and this application represents a significant investment in Old Town and Chinatown heritage conservation.
- The importance of continuing to invest in heritage conservation while also continuing to respect and support the Chinese elders living in the community.
- That there is currently a tree that obscures the building and the importance of following the proposed sketch that has the tree removed in order to display the new building.

CARRIED UNANIMOUSLY 16/PLUC015



Planning and Land Use Committee Report

For the Meeting of January 14, 2016

To: Planning and Land Use Committee **Date:** December 18, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000157 for 534 Pandora Avenue

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

"That Council consider the designation of the property located at 534 Pandora Avenue pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site."

LEGISLATIVE AUTHORITY

In accordance with section 967 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate the exterior of the heritage-registered property located at 534 Pandora Avenue.

The following points were considered in assessing this Application:

- general consistency with the *Official Community Plan* (OCP)
- Statement of Significance.

The Application was reviewed by the Heritage Advisory Panel at its December 8, 2015 meeting and was recommended for approval.

This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

BACKGROUND

Description of Proposal

534 Pandora Avenue, also referred to as the Lum Sam & Look Den Building, is a brick building built in 1883. An Application to designate the exterior of 534 Pandora Avenue as a Municipal Heritage Site was received from the property owner, Christopher Le Fevre, on November 26, 2015.

Zoning/Land Use

The exterior fabric appears to be in sound condition. The viability of the property will be strengthened by the owner's intention to seismically upgrade and rehabilitate the exterior of the building.

Heritage Advisory Panel

The Heritage Advisory Panel considered the applicant's request for heritage designation at its regular meeting on December 8, 2015, and recommended the following:

"That Council consider the designation of the property located at 534 Pandora Avenue as a Municipal Heritage Site."

ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies and guidelines.

Official Community Plan

This Application is consistent with the OCP because it contributes to the identification of the heritage value of districts and individual properties; it contributes to the goal of protecting and celebrating Victoria's cultural and natural heritage resources; and in accordance with a key strategic direction of the Downtown, aims to conserve the historic character of Old Town and Chinatown.

The OCP encourages the consideration of tools available under legislation to protect heritage property such as heritage designation. The Application is consistent with the OCP where it considers the heritage value of individual properties.

Statement of Significance

A Statement of Significance, describing the historic place, outlining its heritage value and identifying its character-defining elements, is attached to this report.

CONCLUSIONS

This Application for the heritage designation of the property located at 534 Pandora Avenue as a Municipal Heritage Site is for a building that is a good example of the type of decorative commercial building erected by members of the Chinese-Canadian community from the late nineteenth century. The building's decorative brickwork and symmetrical Italianate windows are illustrative of the architectural styling of commercial buildings in the late 1800s. The building exemplifies the character of Chinatown before the turn of the twentieth century, making it a significant contributor to the integrity of the historic streetscape in this area.

Staff therefore recommend that Council consider the designation of the property located at 534 Pandora Avenue as a Municipal Heritage Site.

ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000157 for the property located at 534 Pandora Avenue.

Respectfully submitted,



Adrian Brett
Heritage Planner
Community Planning



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

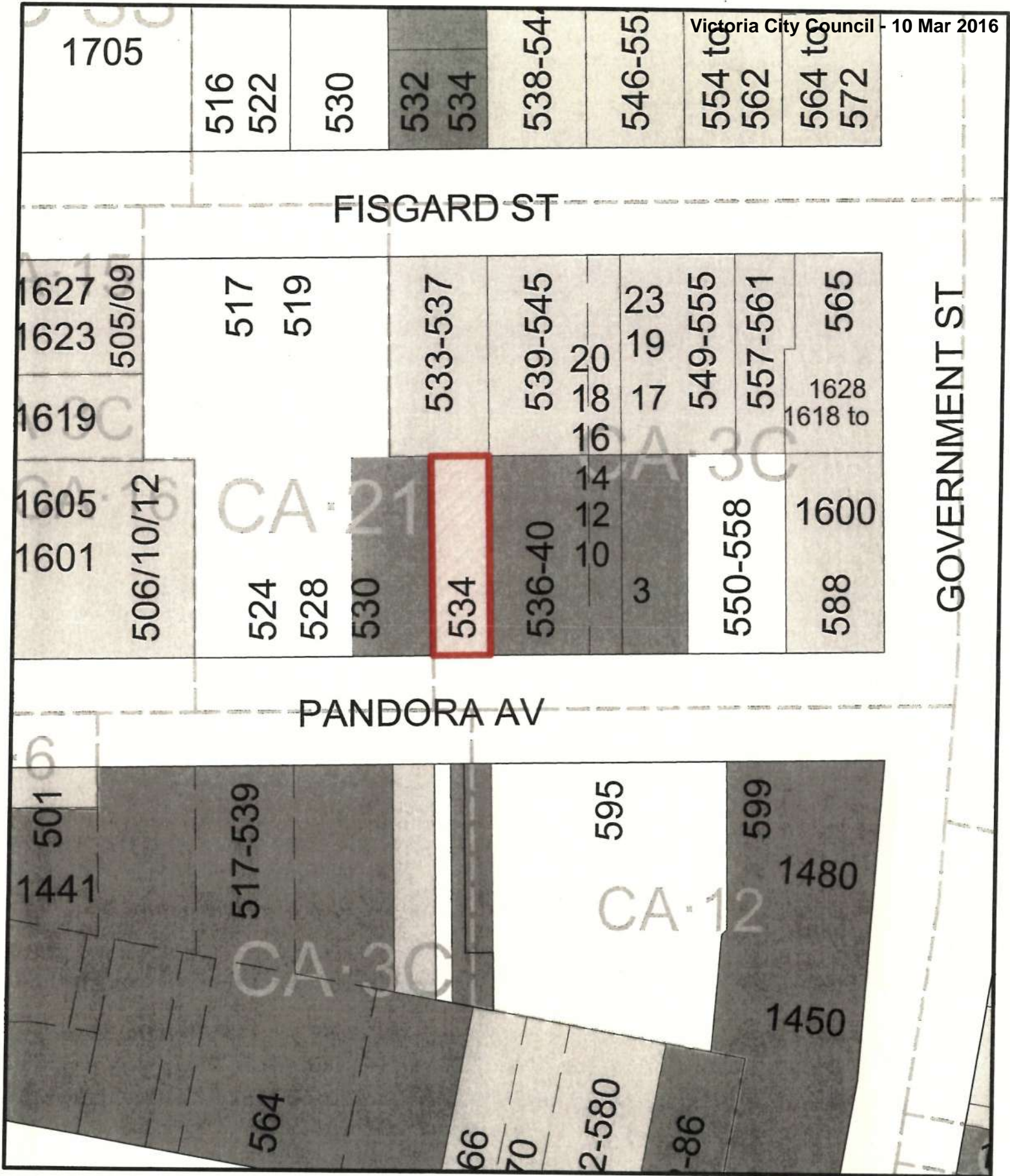
Report accepted and recommended by the City Manager:



Date: December 30, 2015

List of Attachments

- Subject map
- Aerial map
- Photograph
- Statement of Significance
- Letter from the applicant, date stamped November 26, 2015.

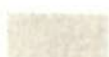


534 Pandora Avenue

Heritage Designation #000157



Designated



Registered





534 Pandora Avenue

Heritage Designation #000157





534 PANDORA AVENUE

CITY OF VICTORIA DOWNTOWN STATEMENTS OF SIGNIFICANCE 2009

LUM SAM & LOOK DEN BUILDING

534-534 1/2 PANDORA AVENUE

Owner: Lum Sam and Look Den

Architect: John Teague

Date: 1884

Description of Historic Place

The Lum Sam & Look Den Building is a two-storey, Late Victorian-era brick commercial structure. It stands on the north side of Pandora Street on the southern edge of Victoria's Chinatown National Historic Site. It is also located across the street from historic Old Town and Market Square, a rehabilitated complex of late nineteenth century buildings with continuous streetfronts. The ground floor has a large storefront window and two doors, the one to the east at 534½ providing access to the upper level. The second storey has two windows flanking a door to the full-width balcony. The exterior is richly articulated with stringcourses and corbelled brickwork.

Heritage Value of Historic Place

The Lum Sam & Look Den Building is valued as a significant contributing resource to a grouping of historic structures that marks the southern edge of Victoria's Chinatown National Historic Site. This block of Pandora Avenue originally faced the Johnson Street Ravine, a swamp that marked the boundary between the European business area to the south and Chinatown to the north that illustrated a physical and cultural divide in the early city. During the early 1880s, the wooden shacks on the north side of the ravine were replaced with brick commercial blocks to house Chinese businesses, prompted by a dramatic increase in the Chinese population. These merchants set up much-needed smaller shops such as laundries, grocery stores, medicinal shops and restaurants in buildings that were often developed and owned by European pioneers. Victoria's Chinatown is expressive of a duality in architecture and cultural landscape. On each block, street façades link together, forming a wall that shields interior spaces and narrow alleyways between and through buildings are linked to central courtyards which were the hidden location of tenements, opium dens, theatres and gambling houses. This configuration is a traditional south Chinese urban pattern. The Lum Sam & Look Den Building is consistent with such a duality. Its commercial façade exhibits Italianate elements such as segmental-arched window openings, stringcourses and a decorative cornice. However, a passageway existed on the west side that provided access to the interior of the block. As the Chinese population continued to grow, the wooden buildings on Fisgard Street were replaced with brick blocks, and the interior network of alleys grew more complicated as tenements and businesses were added behind façades visible from the street.

This site is also significant as part of the forty-two hectare land holdings of Hudson's Bay Company factor, Roderick Finlayson (1818-1892), who was influential in the development of the future province and the City of Victoria. He first came to Vancouver Island in 1843 to oversee the construction of the new Hudson's Bay Company (HBC) trading post, Fort Victoria. Finlayson was made Chief Factor of HBC in 1859, after James Douglas resigned from that position to be appointed Governor of the new Crown Colony of British Columbia. Finlayson served on the Council of Vancouver Island and as Mayor of Victoria in 1878. He became wealthy from land dealings and in 1872 retired to attend to his real estate and business interests. Finlayson was described in an obituary in the *Vancouver Daily World*, as 'a

CITY OF VICTORIA DOWNTOWN STATEMENTS OF SIGNIFICANCE 2009

prominent figure amongst the business men in the Commercial quarter of the Capital'. Numerous geographical features of the province and the city are named for Finlayson.

The Lum Sam & Look Den Building is also a significant example of the vernacular Italianate style that characterized Chinatown at this time. It was the work of local architect John Teague (1835-1902). Born in Cornwall, England, Teague followed the lure of gold, first in California and then in the Fraser Valley. After some time in the gold fields, he settled in Victoria in 1860, where he lived and worked until his death. Teague served the city as councillor in 1885, and as mayor for two terms, 1892 and 1893. During his prolific career Teague designed over 350 buildings, mostly in Victoria. He was adept at all the current architectural styles, ranging from Italianate to Queen Anne Revival. For many years he was the architect for the Royal Navy at the Dockyard and Hospital at Esquimalt; his clients included most of the city's leading businessmen for whom he built commercial as well as residential buildings. Four of his buildings in Victoria: City Hall, #1 Centennial Square 1878-91; St. Ann's Academy, 835 Humboldt Street 1886; Church of Our Lord, 626 Blanshard Street, 1875-76; and the Pemberton Memorial Operating Room, 1900 Fort Street, 1896; and five buildings in the Historic Naval District, Esquimalt, 1888-91, are designated as National Historic Sites.

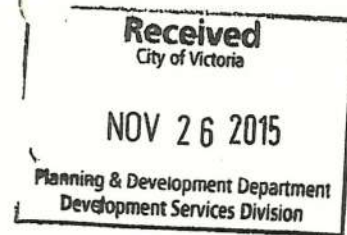
Character-Defining Elements

Key elements that define the heritage character of the Lum Sam & Look Den Building include its:

- mid-block location on Pandora Avenue, part of a grouping of late-nineteenth and early-twentieth century historic masonry buildings in Victoria's Chinatown National Historic Site, just north of Victoria's historic Old Town and Market Square
- commercial form, scale and massing as expressed by its two-storey height built to the property lines, symmetrical rectangular plan and flat roof
- masonry construction, including brick walls and continuous granite threshold along the street frontage
- Italianate-style details such as: segmental-arched window openings; decorative brick cornice with dentils, round-arched motif and corbelling; and rhythmic stringcourse encompassing the window heads
- additional exterior details such as the full-width metal balcony with ornamental brackets, and side wall chimneys
- double-hung wooden sash windows, including 6-over-6 windows on the front façade and 2-over-2 windows on the west wall



Donald Luxton & Associates



November 20, 2015

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

Re: 534 Pandora Avenue - Heritage Designation



Victoria
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T 250-585-5810
www.dhka.ca

Your Worship and Members of Council,

We are making this application to the City of Victoria for formal heritage degeneration of this building on behalf of Le Fevre and Company who have recently purchased the above noted property, known as the 'Lum Sam' Building. It is connected through a series of courtyards and alleyways to 533-537 Fisgard Street, known the 'Lee Chong' Building. These two buildings were purchased at the same time and the intention is to redevelop both lots simultaneously.

The 'Lum Sam Building' is a 2 storey brick structure that was constructed c. 1884, and is on the heritage registry and is designated as a National Historic Site within a Heritage Conservation area. Although the building is 132 years old, it is in remarkably good condition and has been maintained and actively used to the present day. The owners wish to seismically upgrade and refurbish the exterior of the building as part of a conversion of the building into 9 strata units: 8 residential condominiums and one street front live-work studio on Pandora Avenue.

The proposed upgrading and conversion of these historic properties will make a significant contribution to the vibrancy and economic vitality of the Chinatown precinct.

We trust the forgoing is acceptable.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter de Hoog". The signature is stylized with a large, sweeping 'P' and a long horizontal line at the end.

Peter de Hoog Architect AIBC MRAIC

de Hoog & Kierulf architects

November 2015

1 of 1

NO. 16-010

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 534 Pandora Avenue to be protected heritage property.

Under its statutory powers, including section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (534 PANDORA AVENUE) BYLAW”.
2. The exterior of the building located at 534 Pandora Avenue, legally described as Lot 437, Victoria City, except the westerly 25 feet thereof, is designated to be protected heritage property.

READ A FIRST TIME the **25th** day of **February** 2016.

READ A SECOND TIME the **25th** day of **February** 2016.

Public Hearing Held On the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

REPORTS OF THE COMMITTEE

Planning and Land Use Committee – January 14, 2016

14. Heritage Designation Application No. 000156 for 533-537 Fisgard Street:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that after giving notice and allowing an opportunity for public comment at a meeting of Council:

That Council consider the designation of the property located at 533-537 Fisgard Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

Carried Unanimously

6.5 Heritage Designation Application No. 000156 for 533-537 Fisgard Street

Committee received a report dated December 18, 2015, regarding an application to designate 533-537 Fisgard Street as a Municipal Heritage Site.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:
That Council consider the designation of the property located at 533-537 Fisgard Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 16/PLUC017



Planning and Land Use Committee Report

For the Meeting of January 14, 2016

To: Planning and Land Use Committee **Date:** December 18, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000156 533-537 Fisgard Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

"That Council consider the designation of the property located at 533-537 Fisgard Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site."

LEGISLATIVE AUTHORITY

In accordance with section 967 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate the exterior of the heritage-registered property located at 533-537 Fisgard Street.

The following points were considered in assessing this Application:

- general consistency with the *Official Community Plan* (OCP)
- Statement of Significance.

The Application was reviewed by the Heritage Advisory Panel at its December 8, 2015 meeting and was recommended for approval.

This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

BACKGROUND

Description of Proposal

533-537 Fisgard Street, also referred to as the Lee Cheong Building is a brick building built in 1901. An Application to designate the exterior of 533-537 Fisgard Street as a Municipal

Heritage Site was received from the property owner, Christopher Le Fevre, on November 26, 2015.

Zoning/Land Use

The proposed designation is consistent with the CA-3C: Old Town District zoning and surrounding land uses.

Condition/Economic Viability

The exterior fabric appears to be in sound condition. The viability of the property will be strengthened by the owner's intention to seismically upgrade and rehabilitate the exterior of the building.

Heritage Advisory Panel

The Heritage Advisory Panel considered the applicant's request for heritage designation at its regular meeting on December 8, 2015, and recommended the following:

"That Council consider the designation of the property located at 533-537 Fisgard Street as a Municipal Heritage Site."

ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies and guidelines.

Official Community Plan

This Application is consistent with the OCP because it contributes to the identification of the heritage value of districts and individual properties; it contributes to the goal of protecting and celebrating Victoria's cultural and natural heritage resources; and in accordance with a key strategic direction of the Downtown, aims to conserve the historic character of Old Town and Chinatown.

The OCP encourages the consideration of tools available under legislation to protect heritage property such as heritage designation. The Application is consistent with the OCP where it considers the heritage value of individual properties.

Statement of Significance

A Statement of Significance, describing the historic place, outlining its heritage value and identifying its character-defining elements, is attached to this report.

CONCLUSIONS

This Application for the heritage designation of the property located at 533-537 Fisgard Street as a Municipal Heritage Site is for a building that is a good example of the type of modest commercial building erected by members of the Chinese-Canadian community from the early twentieth century. The building illustrates a transition period during the early 1900s toward plainer building styles for commercial buildings composed of brick, stone and wood. The building exemplifies the character of Chinatown at the turn of the twentieth century, making it a significant contributor to the integrity of the historic streetscape in this area.

Staff therefore recommend that Council consider the designation of the property located at 533-537 Fisgard Street as a Municipal Heritage Site.

ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000156 for the property located at 533-537 Fisgard Street.

Respectfully submitted,



Adrian Brett
Heritage Planner
Community Planning



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: December 29, 2015

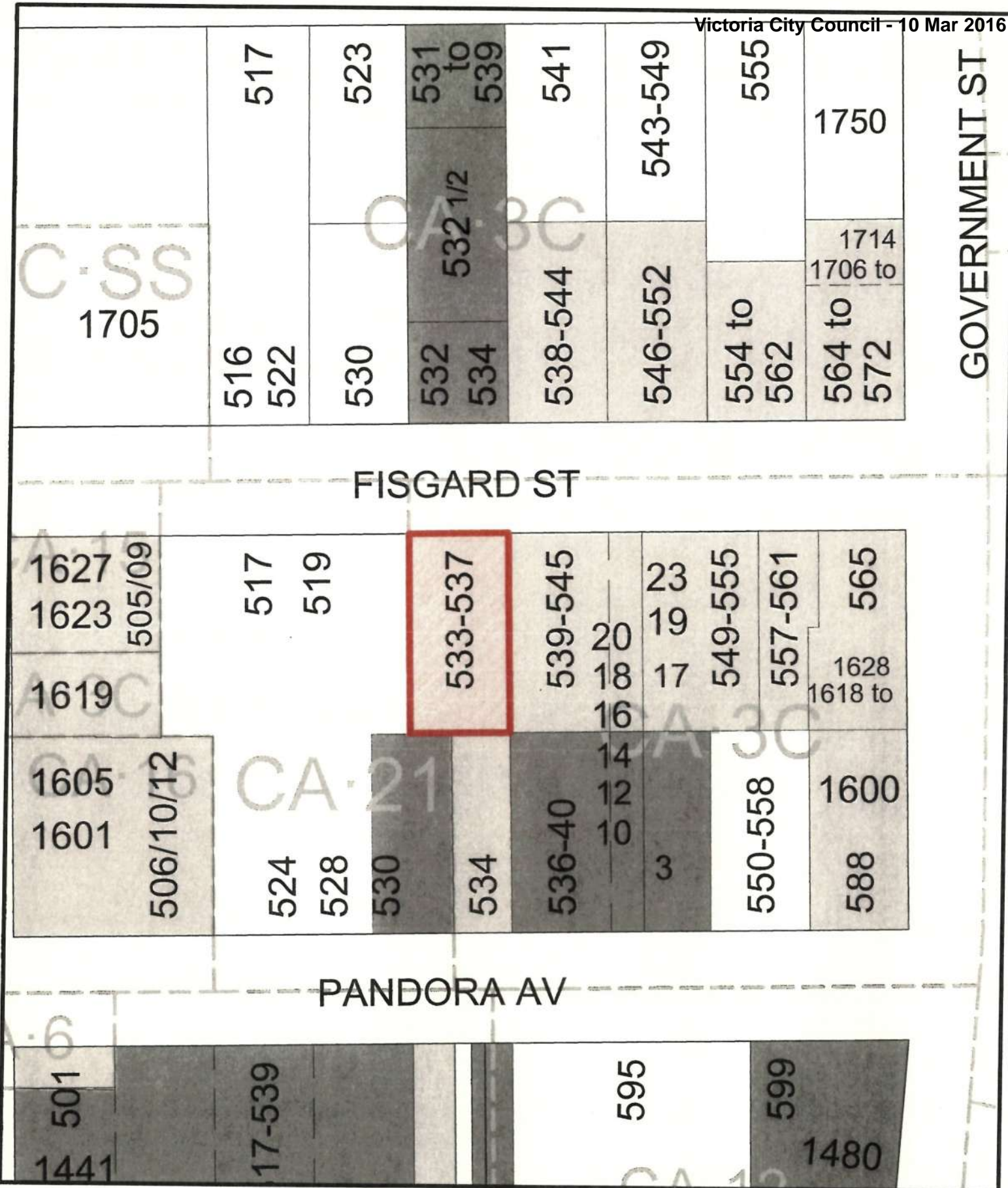
List of Attachments

- Subject map
- Aerial map
- Photograph
- Statement of Significance
- Letter from the applicant, date stamped November 26, 2015.

GOVERNMENT ST

FISGARD ST

PANDORA AV

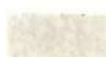


533 - 537 Fisgard Street

Heritage Designation Permit #000156



Designated



Registered

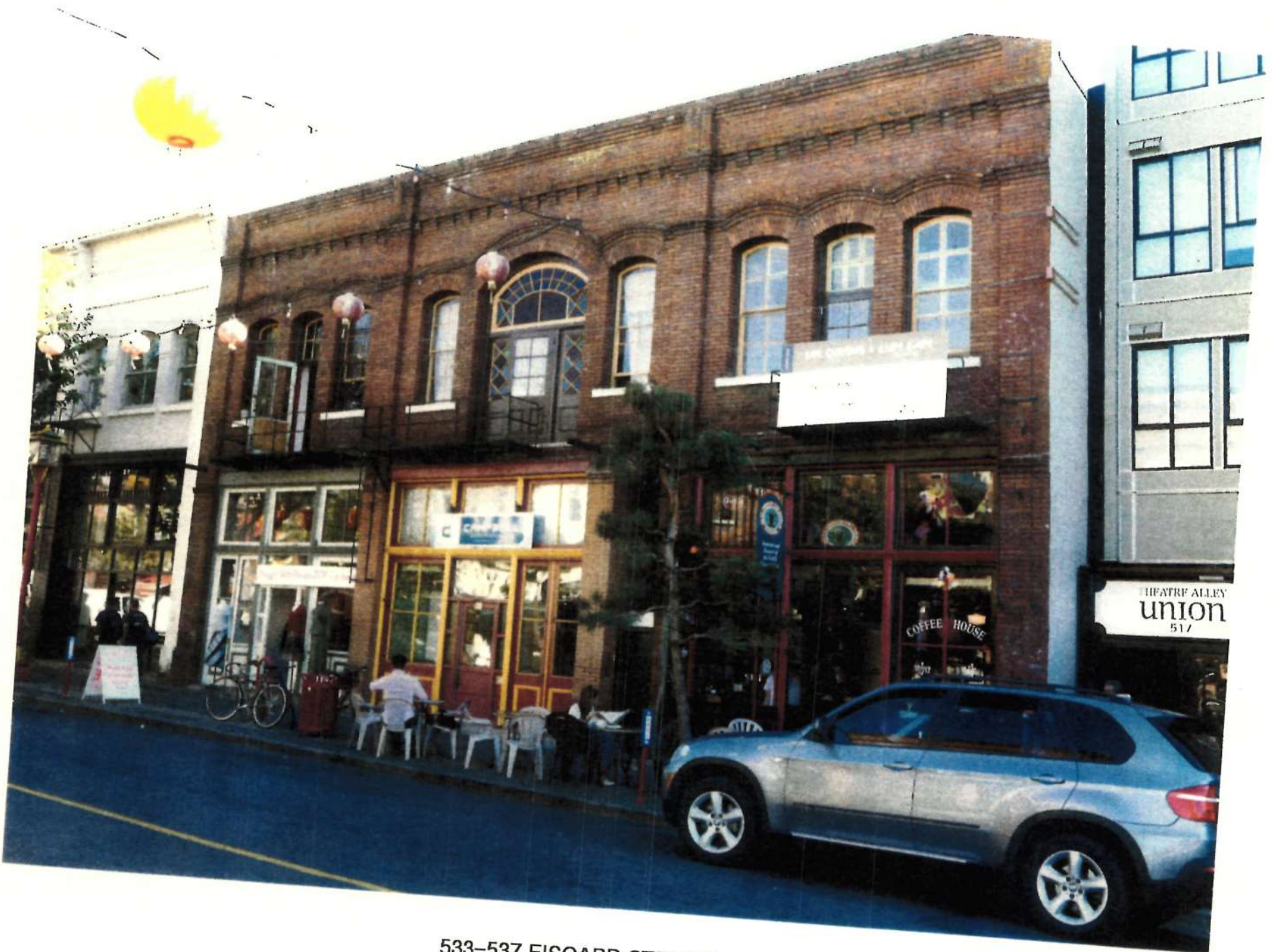




533 - 537 Fisgard Street

Heritage Designation Permit #000156





533-537 FISGARD STREET

LEE CHEONG BUILDING, 533-537½ FISGARD STREET

Owners: Lee Cheong and Lee Woy

Date: 1901

Description of Historic Place

The Lee Cheong Building is a two-storey, brick-clad commercial and residential building located in the heart of Victoria's Chinatown National Historic Site. The front façade retains original storefront elements, including 'cheater' mezzanines. The upper storey is residential, and features segmental-arched window openings, brick corbelling, second floor doors and a central coloured glass door surround. A narrow passageway located between two of the storefronts connects to an internal courtyard and a brick tenement building behind.

Heritage Value of Historic Place

The Lee Cheong Building is valued as part of a grouping of early buildings that contribute to the historic character and urban pattern of Victoria's Chinatown National Historic Site, the oldest and most intact Chinatown in Canada. In the 1850s, exacerbated by political and social turmoil in China, thousands of Chinese migrated from a small region in the southern province of Guangdong to frontier gold rush sites in California, setting up a permanent base in San Francisco. In 1858, the Fraser Gold Rush spurred the growth of Victoria as a significant port town, and prompted the movement of many Chinese into the province. Victoria was the primary point of entry for Chinese into Canada until the early twentieth century.

Victoria's Chinatown is expressive of a duality in architecture and cultural landscape. On each block, street façades link together, forming a wall that shields interior spaces and narrow alleyways between and through buildings are linked to central courtyards which were the hidden location of tenements, opium dens, theatres and gambling houses. This configuration allowed the Chinese community to adhere to follow traditional religion, kinship and economic practices while projecting the image of assimilation to Western society. The Lee Cheong building is consistent with such a duality. Externally, the building has a brick-clad commercial façade in a design that would not have been considered exotic at the time. A narrow passageway between two storefronts leads to an interior courtyard and simple tenement also clad in brick.

The Lee Cheong building is further valued as representative of the dominant role Chinese merchants played in Victoria's Chinatown. The first wave of powerful business owners had a monopoly until the early 1880s. Built in 1901, the Lee Cheong Building was the product of the second wave of merchants who immigrated to Victoria's Chinatown in the 1890s to 1910s, and included smaller clan or family proprietors who pooled their resources to purchase land to build their businesses. These merchants set up north of Pandora Avenue, bringing much-needed smaller shops such as laundries, grocery stores, medicinal shops and restaurants into the area. The original owners of the building, Lee Cheong and Lee Woy, purchased Lot 446 and built this structure in 1901. Built as 'stores and cabins', the building contained retail storefronts on the main floor, and residential

uses on the second storey, with a passageway to a separate tenement building to the rear. Lee Cheong was one of the earliest Chinese settlers, and soon became known as a leading businessman. The building was Chinese owned until 1933, when the City acquired it due to tax arrears.

Character-Defining Elements

Key elements that define the heritage character of the Lee Cheong Building include its:

- location on Fisgard Street, part of a grouping of late-nineteenth and early-twentieth century historic masonry buildings in Victoria's Chinatown National Historic Site
- continuous commercial and residential use
- siting on the front property line, with no setbacks
- commercial form, scale and massing as expressed by its two-storey height with 'cheater' mezzanines, flat roof, and three storefronts facing Fisgard Street; rear tenement connected through a narrow passageway between two storefronts
- masonry construction, including red-brick walls with dark-grey mortar, brick corbelling and pilasters, granite thresholds and wood-frame interior structure
- exterior features such as segmental-arched window openings, brick corbelling, and second floor glazed, panelled wooden doors
- Chinese features such as a tall, narrow passageway that provides access to an internal courtyard and a rear tenement, and half-width wooden storefront doors leading to second floor entries
- original windows such as 4-over-4 double-hung wooden sash windows, and a central second-floor door surround with decorative coloured and textured glass in sidelights and arched transom
- interior features such as tongue-and-groove cladding, 'cheater' mezzanines, and wooden floors

Received
City of Victoria

NOV 26 2015

Planning & Development Dept.
Neighbourhood Services Division

November 20, 2015

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

Re: 533 - 537 Fisgard Street - Heritage Designation



Victoria
977 Fort Street V8V 3K3
T 250-658-3367
F 250-658-3397
Nanaimo
102-5190 Dublin Way V9T 2K8
T 250-585-5810
mail@dhka.ca
www.dhka.ca

Your Worship and Members of Council,

We are making this application to the City of Victoria for formal heritage designation of this building on behalf of Le Fevre and Company who have recently purchased the above noted property, known as the 'Lee Chong' Building. It is connected through a series of courtyards and alleyways to 535 Pandora Avenue, known the 'Lum Sam' Building. These two buildings were purchased at the same time and the intention is to redevelop both lots simultaneously.

The 'Lee Chong Building' site consists of a 2 storey brick heritage building that was constructed in 1901, as well as a later 2 storey residential building located in the courtyard on the south side. The building is on the heritage registry and is designated as a National Historic Site within a Heritage Conservation area. Although the building is 114 years old, it is in remarkably good condition and has been maintained and actively used to the present day. The owners wish to seismically upgrade and refurbish the exterior of both buildings as part of a conversion into 17 strata units: 14 residential condominiums as well as the 3 existing retail units.

The proposed upgrading and conversion of these historic properties will make a significant contribution to the vibrancy and economic vitality of the Chinatown precinct.

We trust the forgoing is acceptable.

Sincerely yours,

Peter de Hoog Architect AIBC MRAIC
de Hoog & Kierulf architects

November 2015

1 of 1

NO. 16-009

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exteriors of the two buildings located at 533-537 Fisgard Street to be protected heritage property.

Under its statutory powers, including section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (533-537 FISGARD STREET) BYLAW”.
2. The exteriors of the two buildings located at 533-537 Fisgard Street, legally described as Lot 446, Victoria City, are designated to be protected heritage property.

READ A FIRST TIME the **25th** day of **February** 2016.

READ A SECOND TIME the **25th** day of **February** 2016.

Public Hearing Held On the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

BYLAWS

5. Heritage Designation (222 Dallas Road) Bylaw No. 16-021

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaw be given first and second reading:

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Carried Unanimously

FIRST READING

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaw be given first reading:

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Carried Unanimously



Council Report

For the Meeting of February 11, 2016

To: Council **Date:** February 2, 2016
From: C. Coates, City Clerk
Subject: Heritage Designation Bylaw No. 16-021 for 222 Dallas Road

RECOMMENDATION

That Council consider first and second readings of Heritage Designation Bylaw No. 16-021.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Heritage Designation Bylaw No. 16-021.

The heritage designation issue came before Council on November 12, 2015, where the following resolution was approved:

Heritage Alteration Permit Application No. 00206 for 222 Dallas Road

That Council authorize the issuance of Heritage Alteration Permit Application No. 00206 for 222 Dallas Road, subject to the completion of the following prior to the issuance of a Building Permit and in accordance with:

1. Revised plans date stamped August 18, 2015.
2. The provision of:
 - a. Plan, elevation and section details for the front porch;
 - b. A post-relocation condition assessment of the existing wood siding/shingles, woodwork, roof, exterior doors and windows;
 - c. Rehabilitation details confirming the scope of work arising from the condition of the historic fabric;
 - d. An exterior door and window rehabilitation schedule.
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 1.2.4.a - Height relaxed from 7.6m to 9.9m and number of storeys from 2 to 2.5;
 - b. Section 1.2.5.a - Front setback relaxed from 7.5m to 6.45m for main building, from 5.9m to 4.94m for porch, from 5.0m to 3.91m for stairs;
 - c. Section 1.2.5.c - Side yard setback (east) relaxed from 1.5m to 1.36m;
 - d. Section 1.2.5.d - Combined side yard setbacks relaxed from 4.5m to 2.68m; and
 - e. Section 1.2.5.e - Flanking street (Dock) setback relaxed from 3.5m to 1.32m.
4. The Heritage Alteration Permit lapsing two years from the date of this resolution.
5. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development.

The proposed bylaw is the final step to heritage protection of the dwelling, and is able to be considered at this time, as the dwelling has been relocated to its new location on Dallas Road.

Respectfully submitted,



Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:



Date:

Feb 4, 2016

BYLAWS

4. Heritage Designation (226 Dallas Road) Bylaw No. 16-022

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaw be given first and second readings:

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

FIRST READING

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaw be given first reading:

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously



Council Report

For the Meeting of February 11, 2016

To: Council **Date:** February 2, 2016
From: C. Coates, City Clerk
Subject: Heritage Designation Bylaw No. 16-022 for 226 Dallas Road

RECOMMENDATION

That Council consider first and second readings of Heritage Designation Bylaw No. 16-022.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Heritage Designation Bylaw No. 16-022.

The heritage designation issue came before Council on November 12, 2015, where the following resolution was approved:

Heritage Alteration Permit Application No. 00205 for 226 Dallas Road

That Council authorize the issuance of Heritage Alteration Permit Application No. 00205 for 226 Dallas Road, subject to the completion of the following prior to the issuance of a Building Permit and in accordance with:

1. Revised plans date stamped August 18, 2015.
2. The provision of:
 - a. Plan, elevation and section details for the front porch;
 - b. A post-relocation condition assessment of the existing wood siding/shingles, woodwork, roof, exterior doors and windows;
 - c. Rehabilitation details confirming the scope of work arising from the condition of the historic fabric; and
 - d. An exterior door and window rehabilitation schedule.
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 1.2.4.a - Height relaxed from 7.6m to 8.8m;
 - b. Section 1.2.5.a - Front setback relaxed from 7.5m to 6.15m for main building, from 5.0m to 4.83m for stairs;
 - c. Section 1.2.5.c - Side yard setback (east) relaxed from 3.0m to 1.20m and side yard setback (west) relaxed from 1.5m to 1.04m; and
 - d. Section 1.2.5.d - Combined side yard setbacks relaxed from 4.5m to 2.24m.
4. The Heritage Alteration Permit lapsing two years from the date of this resolution.
5. Final plans to be generally in accordance with the plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development.

The proposed bylaw is the final step to heritage protection of the dwelling, and is able to be considered at this time, as the dwelling has been relocated to its new location on Dallas Road.

Respectfully submitted,


Chris Coates
City Clerk


Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: 

Date: Feb. 4, 2016

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – June 11, 2015

- 2. Heritage Designation Application Nos. 000148 and 000149 for 524 and 526 Michigan Street**
It was moved by Councillor Alto, seconded by Councillor Loveday, that Council designates 524 and 526 Michigan Street as Municipal Heritage Sites. Carried Unanimously

3.3 Heritage Designation Application Nos. 000148 and 000149 for 524 and 526 Michigan Street

Committee received a report regarding an application to designate 524 and 526 Michigan Street as Municipal Heritage Sites.

Action: It was moved by Councillor Alto, seconded by Councillor Madoff, that Committee recommends that Council designates 524 and 526 Michigan Street as Municipal Heritage Sites.

CARRIED UNANIMOUSLY 15/PLUC/129



Planning and Land Use Committee Report

For the Meeting of June 11, 2015

To: Planning and Land Use Committee **Date:** May 28, 2015

From: Murray G. Miller, Senior Heritage Planner, Community Planning

Subject: **Heritage Designation Application Nos. 000148 and 000149 for 524 and 526 Michigan Street, respectively (Prout House and Beaven/Macabe Residence)**

RECOMMENDATION

That Council consider the designation of the Heritage-Registered houses (presently located at 524 and 526 Michigan Street) to be relocated within James Bay, pursuant to Section 967 of the *Local Government Act* as Municipal Heritage Sites. This report fulfils the requirements of Section 968(5) of the Act.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate the Heritage-Registered houses (presently located at 524 and 526 Michigan Street) to be relocated within James Bay.

The following points were considered in assessing these Applications:

- general consistency with the *Official Community Plan (OCP)*
- Statement of Significance including Victoria's Heritage Thematic Framework.

These Applications were reviewed by the Heritage Advisory Panel at its May 12, 2015, meeting and it recommended that Council consider the designations of the Heritage-Registered properties located at 524 Michigan Street and 526 Michigan Street.

BACKGROUND

At its special meeting on July 16, 2014, the Heritage Advisory Panel recommended that Council authorize the issuance of Heritage Alteration Permits #00188 and #00189 for 524 and 526 Michigan Street, for the relocation of the the Prout House and the Beaven/Macabe Residence within James Bay, respectively. The recommendation was subject to the owner of the Heritage-Registered Prout House and the Beaven/Macabe Residence and the owner of the recipient sites providing the City with a letter irrevocably agreeing to the designation of the houses as protected heritage property pursuant to Section 967 of the *Local Government Act*.

Description of Proposal

Applications to designate the houses presently located at 524 and 526 Michigan Street, to be relocated within James Bay, as Municipal Heritage Sites were received from Jawl Properties Ltd. on March 16, 2015.

Condition/Economic Viability

The exterior of the buildings, while in sound condition, require exterior maintenance. The houses will be relocated within James Bay and will undergo rehabilitation in preparation for their new use.

ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies and guidelines.

Official Community Plan

These Applications are consistent with the OCP because they contribute to the goal of protecting and celebrating Victoria's cultural and natural heritage resources as Municipal Heritage Sites.

Statement of Significance

A Statement of Significance describing the historic place, outlining their heritage value and identifying their character-defining elements, is attached to this report.

Resource Impacts

The applicant has indicated their interest in rehabilitating the exterior appearance of the properties; as a result, there may be a request in the future for a grant from the Victoria Heritage Foundation.

CONCLUSIONS

The Heritage-Registered houses presently located at 524 and 526 Michigan Street, to be relocated within James Bay, will contribute to the heritage character of James Bay. The designation of the houses as Municipal Heritage Sites is consistent with relevant City policies and strategic directions for the James Bay Neighbourhood. Staff, therefore, recommend that Council consider the designation of the Heritage-Registered houses presently located at 524 and 526 Michigan Street, to be relocated within James Bay.

ALTERNATE MOTION

That Council decline Heritage Designation Application Nos. 000148 and 000149 for the houses presently located at 524 and 526 Michigan Street, to be relocated within James Bay, as Municipal Heritage Sites.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning



Andrea Hudson
Acting Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date:

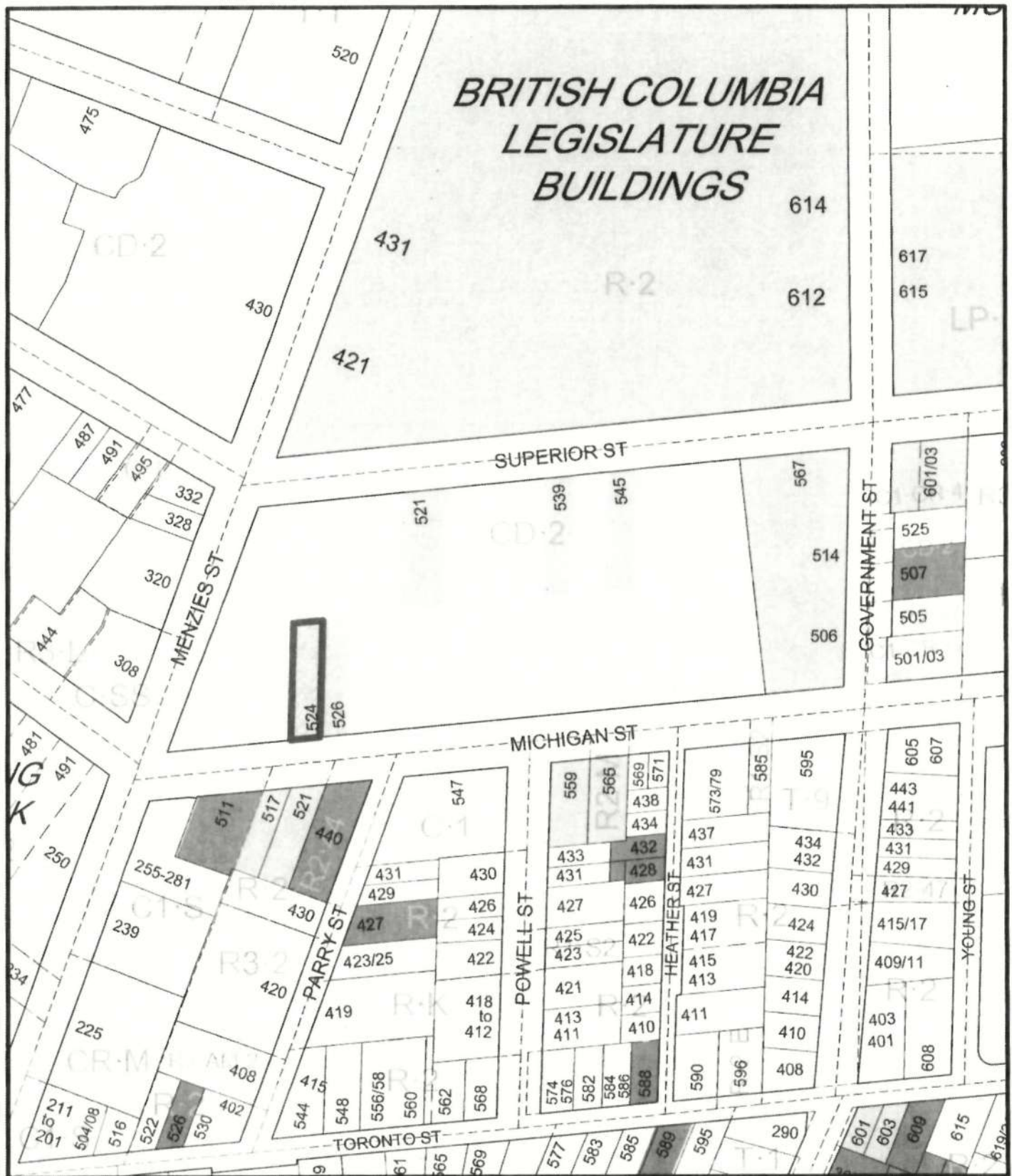
June 2, 2015

MGM:aw/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HD\HD000148\524 AND 526 MICHIGAN ST PLUC HD REPORT MAY 28 2015.DOC

List of Attachments

- Subject maps
- Aerial photographs
- Existing site plan
- Photographs
- Statements of Significance
- Letter from the owner, date stamped March 16, 2015.



524 Michigan Street

Heritage Designation Permit #000148

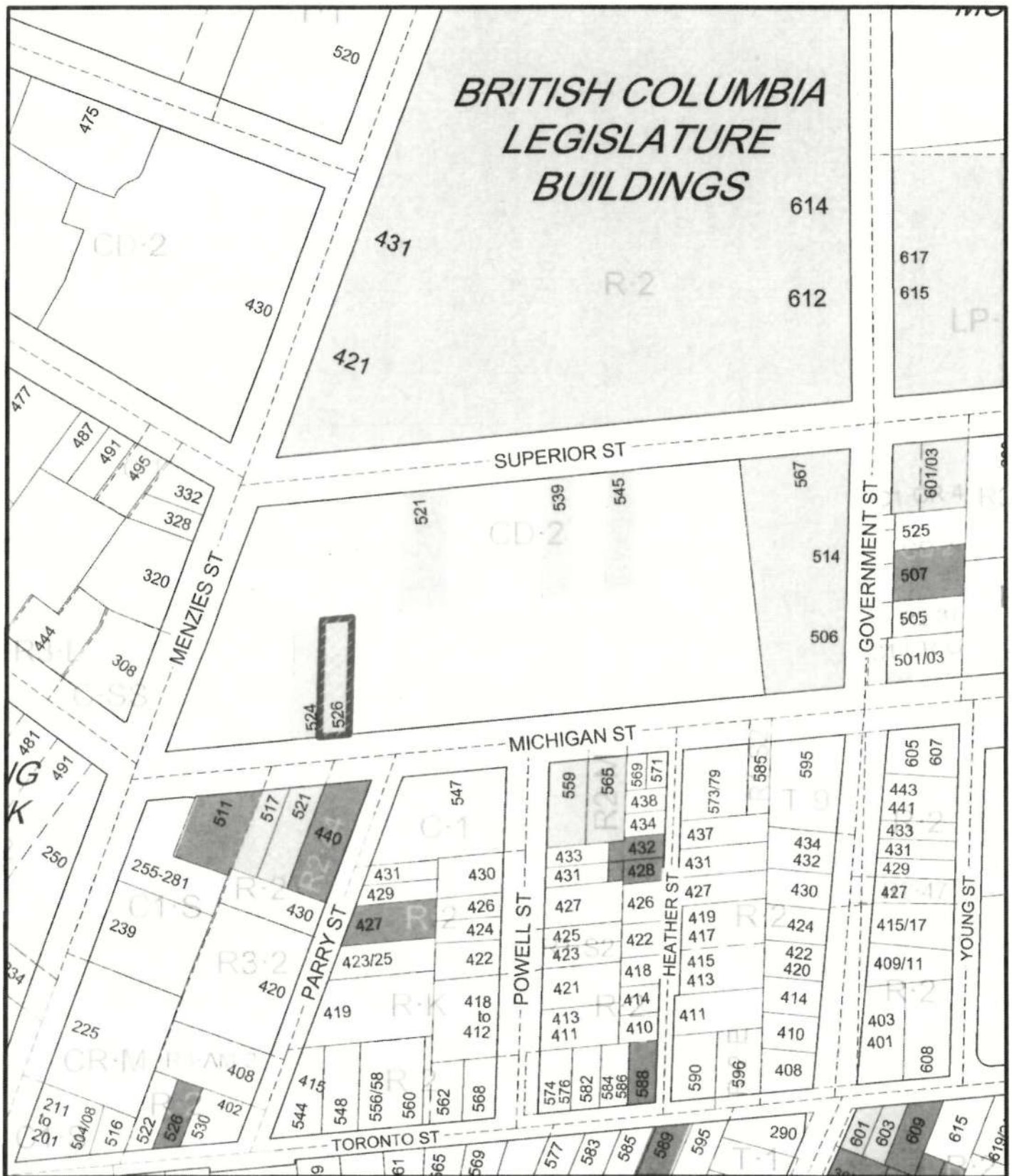


Designated



Registered





526 Michigan Street

Heritage Designation Permit #000149



Designated



Registered



Heritage Designation Permit #000148

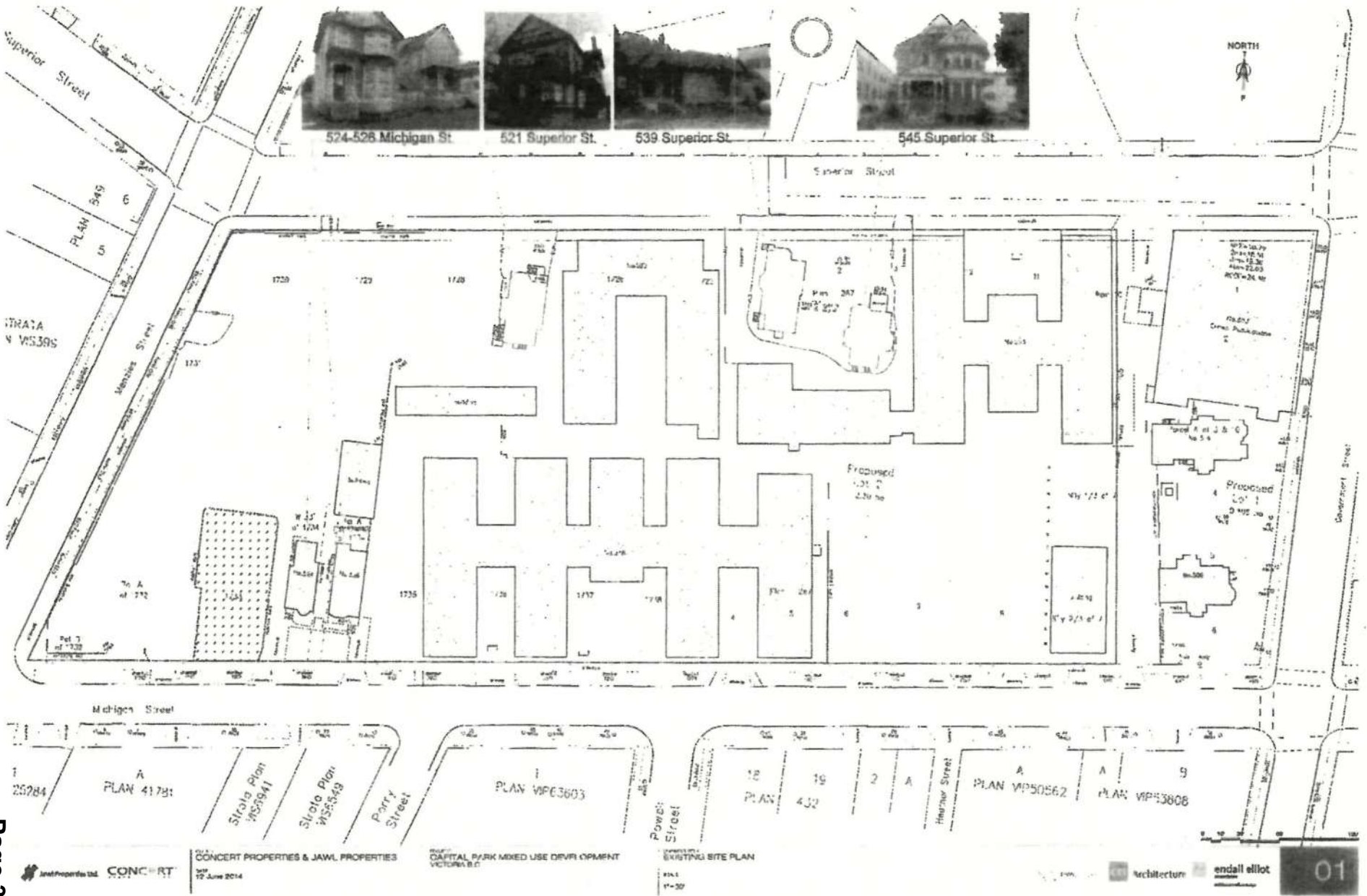




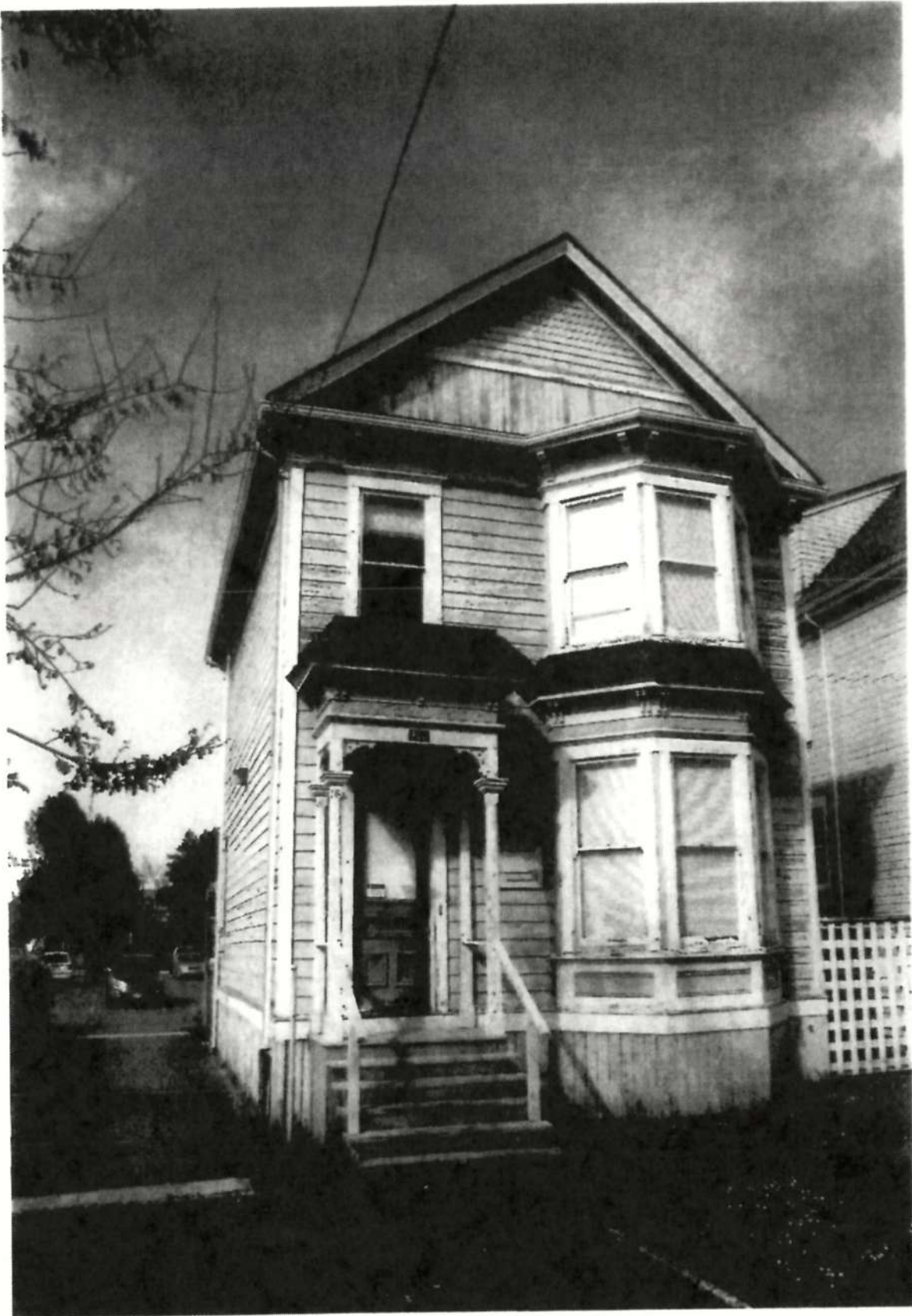
526 Michigan Street

Heritage Designation Permit #000149





524 MICHIGAN STREET



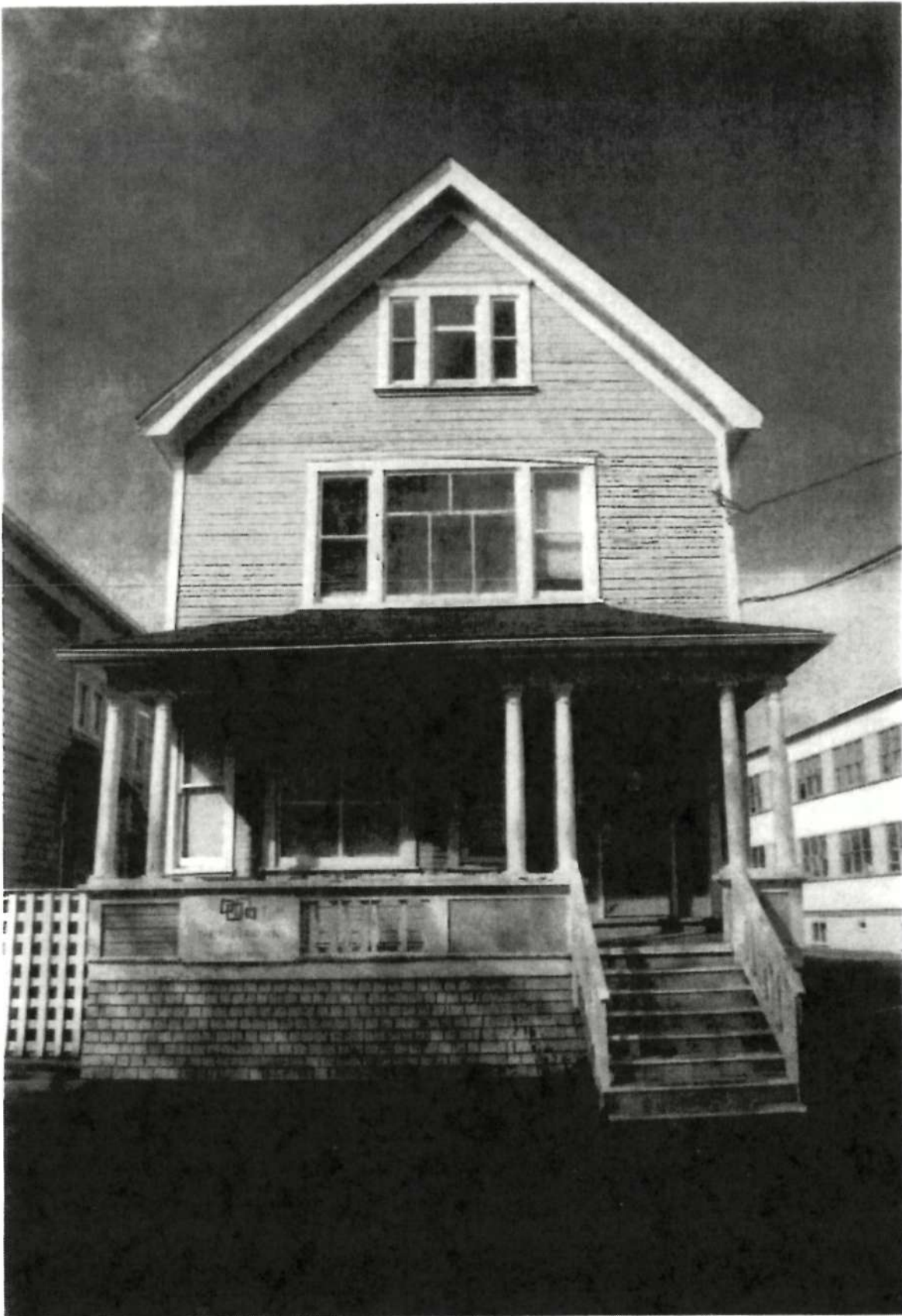
524 MICHIGAN STREET



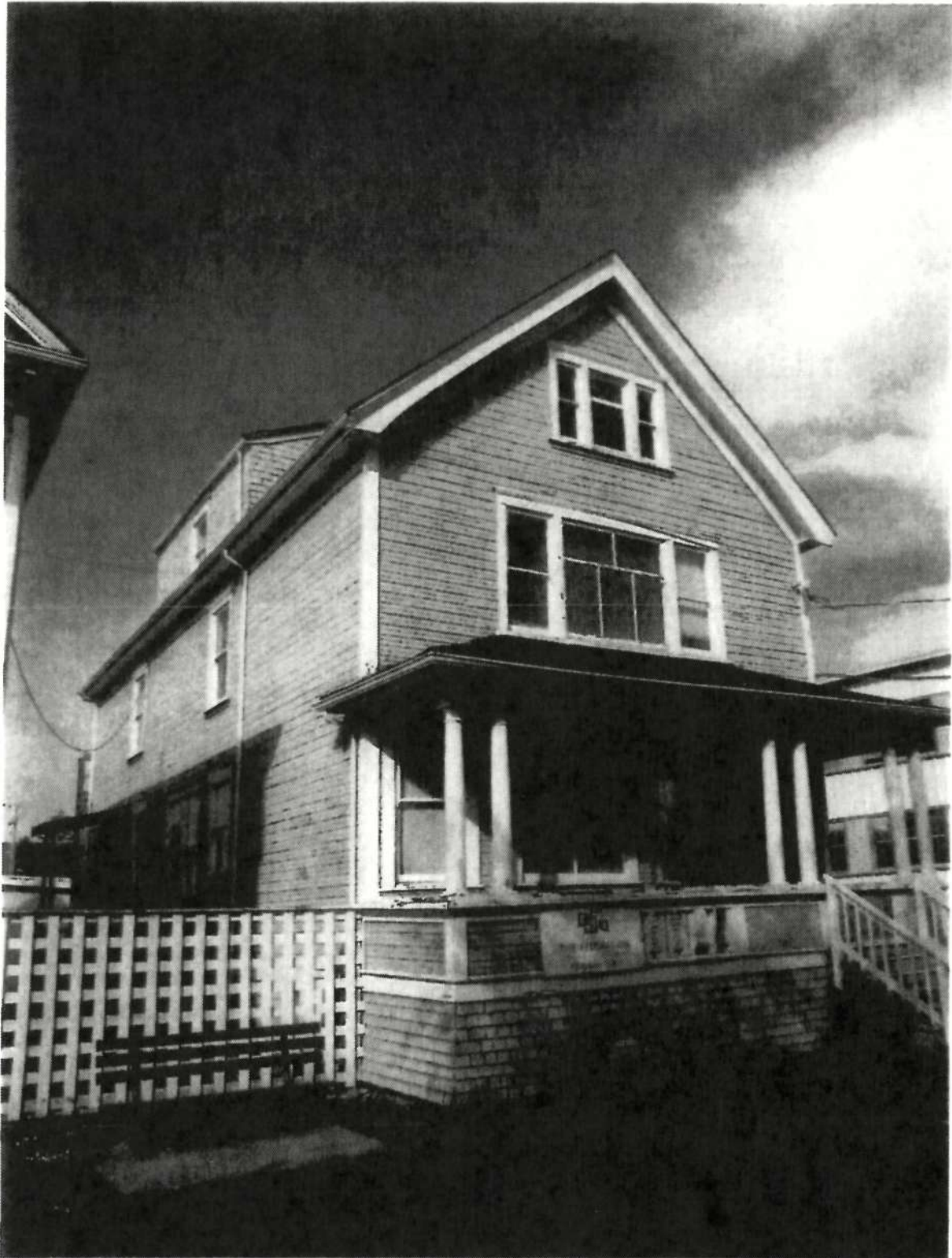
524 MICHIGAN STREET



526 MICHIGAN STREET



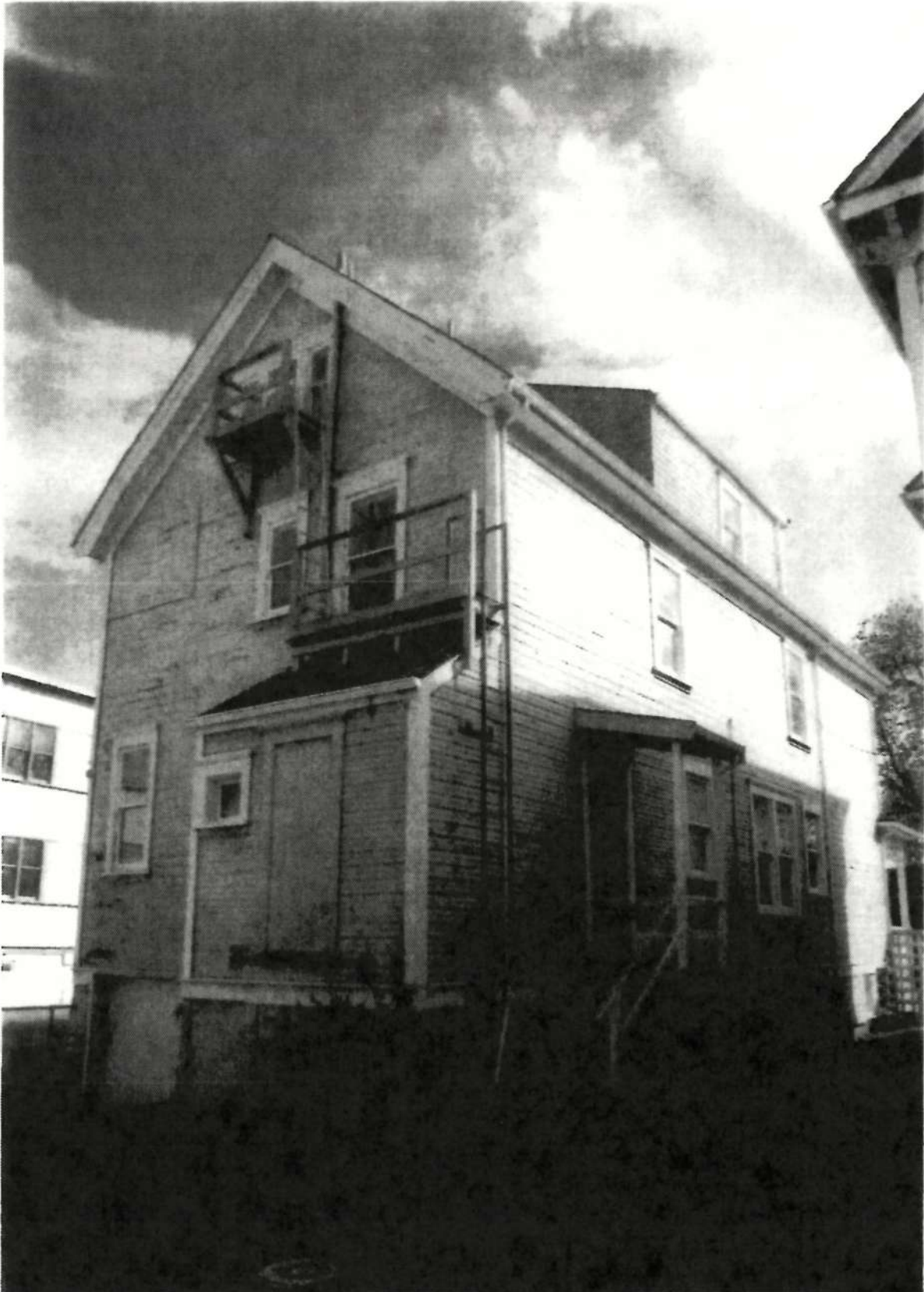
526 MICHIGAN STREET

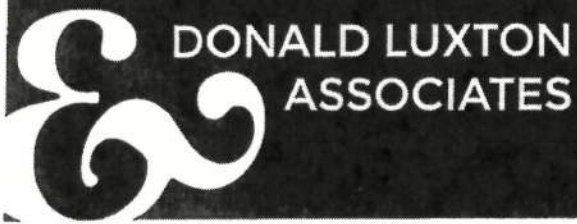


526 MICHIGAN STREET



526 MICHIGAN STREET





3. STATEMENT OF SIGNIFICANCE

Construction Date: 1891; relocated in 1910
 Original Address: 59 ½ Superior Street (later 548 Superior)
 Original Owner: William Prout

Description of Historic Place

The Prout House is a two-storey wood-frame Italianate house with a front-gabled roof. Situated on the north side of Michigan Street, in James Bay's Legislative Precinct, the Prout House is identifiable by its front double-height semi-octagonal bay with flat roof, offset entrance porch, scroll-cut brackets and patterned shingles in the gable end.

Heritage Value of Historic Place

Constructed in 1891, the Prout House is tangible evidence of the evolution of the James Bay neighbourhood from a pioneer farm to the first Garden City suburb in Victoria. Hudson's Bay Company Chief Factor James Douglas established James Bay, a peninsula of fertile land, as Beckley farm in 1846. The early subdivision and sale of Beckley Farm into small lots occurred just after gold was discovered on the Fraser River in 1858. The year 1858 also marked Douglas's reservation of public parkland (Beacon Hill) and the initial construction of colonial administrative buildings in James Bay on the Government Reserve. These administrative buildings, referred to as the "Birdcages," formed the city's legislative centre and were an early catalyst for residential development in James Bay. The neighbourhood subsequently developed into a centre for industry and shipping, which facilitated transportation links and supporting infrastructure. The Prout House is additionally valued as an example of a modest Victorian-era Italianate design. The house displays a front-gabled roof, rare for this architectural style, generally symmetrical massing and vertical proportions. It is elaborated through the use of carpenter ornamentation that demonstrated the introduction of new technology at a time when steam-driven band saws, drills and lathes had become readily available, demonstrated in the use of scroll-

cut brackets, patterned shingles in the gable peak and scroll-cut window aprons. This house was constructed in 1891 as a speculative rental property and was originally located at 59 ½ Superior Street (later 548 Superior Street); the Provincial Government purchased the lot in anticipation of the construction of the new Legislative Library. In 1910, Charles Beaven acquired it during a government auction held on the front steps of the house, and moved to its present location. Prince Edward Island-born Beaven moved to Victoria in the 1870s; he was a carriage builder and later became part of the real estate trade. Beaven did not initially live in the house, but rented the property to local residents through the 1910s, demonstrating an increased need for rental housing during the Edwardian era, a time of social and economic transitions in the neighbourhood prior to the advent of the First World War. Beaven did eventually inhabit the house from the early 1920s until his death in 1926.

The relocation of the Prout House also demonstrates the ongoing expansion of the B.C. Parliament from the time of its early establishment in the Birdcages.

Character-Defining Elements of Historic Place

Key elements that define the heritage character of the Prout House include its:

- location in the historic James Bay neighbourhood;
- residential form, scale and massing as expressed by its: two-storey height; front-gabled roof; offset entry porch with hipped roof and chamfered square columns; double-height semi-octagonal bay at front; canopy roof with scroll-cut brackets on east elevation;
- wood-frame construction with wooden siding, drop cornerboards, shingles and vertical v-joint siding at foundation;
- Italianate design features such as: generally symmetrical massing; balanced front façade with highly articulated surfaces; and bay window skirt roof, banding and panels;

STATEMENT OF SIGNIFICANCE

- Carpenter ornamentation such as scroll-cut sandwich brackets, fishscale shingles; scroll-cut window aprons; and window crowns
- fenestration such as: 1-over-1 double-hung wooden sash windows with horns, in single and double assembly; and
- original panelled and glazed wooden front door with transom.



3. STATEMENT OF SIGNIFICANCE

Construction Date: 1911

Original Owner: Mary Ellen Macabe (née Beaven)

Earliest Known Occupant: Jennie Hall (1913)

Description of Historic Place

The Beaven / Macabe Residence is a two and one-half storey, Edwardian-era wood frame house situated on the north side of Michigan Street in the Legislative Precinct of Victoria's James Bay neighbourhood. It is identifiable by its front-gabled roof and full-width open front verandah supported by paired Doric columns.

Heritage Value of Historic Place

The Beaven / Macabe Residence demonstrates James Bay's evolution from a pioneer farm to the first Garden City suburb in Victoria. Hudson's Bay Company Chief Factor James Douglas established James Bay, a peninsula of fertile land, as Beckley farm in 1846. The early subdivision and sale of Beckley Farm into small lots occurred just after gold was discovered on the Fraser River in 1858. The year 1858 also marked Douglas's reservation of public parkland (Beacon Hill) and the initial construction of colonial administrative buildings in James Bay on the Government Reserve. These administrative buildings, referred to as the "Birdcages," formed the city's legislative centre and were an early catalyst for residential development in James Bay. The neighbourhood subsequently developed into a centre for industry and shipping, which facilitated transportation links and supporting infrastructure.

The Beaven / Macabe Residence is additionally significant for its modest Edwardian-era architecture, reflective of the housing stock being constructed for James Bay's rapidly growing population. This house reflects a transition in architectural expression from the elaborate Victorian-era styles to the classically-influenced styles of the Edwardian era. The house is characterized by its balanced façade with full-width verandah supported by lathe-turned Doric columns. Mary Ellen Macabe, the daughter of Charles Frederick Beaven, who owned the neighbouring house at 524 Michigan Street, also owned this home. It was utilized as a boarding house in the mid 1910s, reflective of the increased need for rental housing during the Edwardian era, a time of social and economic transitions in the neighbourhood prior to the advent of the First World War.

STATEMENT OF SIGNIFICANCE

Character-Defining Elements of Historic Place

Key elements that define the heritage character of the Beaven / Macabe Residence include its:

- location in the historic James Bay neighbourhood;
- residential form, scale and massing as expressed by its: two and one-half storey height; front-gabled roof; shed dormers on the side elevations; full-width open front verandah with paired, lathe-turned Doric columns and closed balustrades with rectangular opening; and semi-octagonal bay window on front elevation;
- wood-frame construction with double-bevelled wooden siding, cornerboards and bellcast shingle siding at foundation level;
- decorative features such as window trim with mouldings at top and bottom, and distinctive scroll-cut verandah balusters;
- fenestration such as: 1-over-1 double-hung wooden sash windows with horns; and
- original front door assembly, with panelled wooden front door with glazed inset and glazed sidelights.

South Block Development Corporation

3360 Douglas St. - Suite 100
Victoria, BC V8Z 3L1
Phone: 250 475-0338
Fax: 250 475-0339

August 13, 2014

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

Attention: Mayor and Council



**Re: Heritage Designation for 521, 539 and 545 Superior and 524 and 526
Michigan Street**

As part of the purchase of the lands known as "South Block" from the Province, South Block (Concert) Ltd. and Jawl Precinct Lands Corporation (collectively the 'Developer') acquired five heritage registered houses: 521 Superior Street, 539 Superior Street, 545 Superior Street, 524 Michigan Street and 526 Michigan Street.

The conceptual redevelopment plan for South Block provides for the retention and relocation of the three houses currently located on Superior Street to the South Eastern Quadrant of Capital Park along Michigan Street. The Developer is proposing to relocate and transfer ownership of the two houses currently sited on Michigan Street off-site somewhere within the James Bay Neighbourhood.

Since the mid-1990s, South Block and a number of adjacent provincially owned land parcels (most notably Q-Lot) were subject to a land use and redevelopment strategy outlined in the existing CD-2 zone and the Victoria Accord. Immediately prior to the disposition of South Block by the Province to the Developer, the obligations set out in the Victoria Accord were updated to exclude those that had been satisfied and to allocate the remainder between the lands to be sold and the lands to be retained by the Province. The obligations assigned to each land parcel were secured by way of a Section 219 Covenant on title so as to confirm that the key provisions and objectives of the Victoria Accord would survive the land sale. The Section 219 Covenant deals with the heritage houses in Section 9 which reads as follows:

9.0 Heritage Buildings

- 9.1** *The Transferor must include the extent of restoration of the Heritage Houses in future development proposal guidelines.*
- 9.2** *Concurrently with the application for a development permit for the first office building to be constructed on the Lands, the Transferor must submit to the Transferee for its approval a plan for the restoration and relocation of the Heritage Houses, the relocations to be at locations within the Lands,*

or at alternative off-site locations, that are acceptable to the Transferee. The Transferor must restore the Heritage Houses (or in the event of relocation and restoration of one or more of the Heritage Houses at an off-site location, must ensure the restoration of the Heritage Houses on terms and conditions that are acceptable to the Transferee, acting reasonably) in the agreed upon locations in accordance with the approved phasing plan.

In June 2014 the Developer submitted to the City applications which included Conservation Plans for each of the five heritage houses and the proposed relocation plan of the Superior Street houses within the South Block parcel and the relocation criteria outlined in the respective Conservation Plans for the Michigan Street houses to address the requirement of the covenant.

The specific applications are identified as follows:

521 Superior Street –Heritage Alteration Permit Application #00184
539 Superior Street –Heritage Alteration Permit Application #00187
545 Superior Street –Heritage Alteration Permit Application #00185
524 Michigan Street –Heritage Alteration Permit Application #00188
524 Michigan Street –Heritage Alteration Permit Application #00189

The following work and interventions are anticipated to be made to each home:

- Relocation
- Rehabilitation of the façade as outlined in the Conservation Plan for each house.
- Sensitive façade intervention to facilitate the re-purposing of each structure, including but not limited to, exit stairs, fire suppression sprinkler systems, the addition, relocation or removal of windows and doors on the side and rear facades and other modifications as required. These interventions will comply with the intent outlined in the Conservation Plan for each home.
- Modifications required to meet the requirements of the British Columbia Building Code.
- Extensive interior renovations

At the request of the City, the Developer has consented to the heritage designation for all five heritage registered houses and waives all right to compensation associated with the designation.

A heritage designation application, pursuant to Part 27 of the Local Government Act for 521, 539 and 545 Superior Street will be submitted once these three houses have been relocated to Michigan Street and a subdivision plan to create a lot for each home has been registered.

A heritage designation application, pursuant to Part 27 of the Local Government Act for each of 524 and 526 Michigan Street will be submitted for each of these houses when they have been relocated to an identified receiver site.

Notwithstanding the designations it is understood that The City will allow and the Developer and future owners of the Michigan Street houses will complete, or cause to complete, the work to each of the heritage houses as outlined in the Conservation Plans.

Should the houses not be relocated as outlined above the Developer will have the option to apply for heritage designation for one or more of the houses on South Block. In that event, the designation would be structured in such a way as to permit the future relocation of the house and the transfer of the designation to the receiver site.

Sincerely,

South Block Development Corporation

Per:

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

Karen Jawl

NO. 16-021

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 222 Dallas Road to be protected heritage property.

Under its statutory powers, including Section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (222 DALLAS ROAD) BYLAW”.
2. The exterior of the building to be relocated to 222 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, is designated to be protected heritage property.

READ A FIRST TIME the **11th** day of **February** 2016.

READ A SECOND TIME the **11th** day of **February 26** 2016.

Public Hearing held on the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CITY CLERK

MAYOR

NO. 16-022

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 226 Dallas Road to be protected heritage property.

Under its statutory powers, including Section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (226 DALLAS ROAD) BYLAW”.
2. The exterior of the building to be relocated to 226 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, is designated to be protected heritage property.

READ A FIRST TIME the **11th** day of **February** 2016.

READ A SECOND TIME the **11th** day of **February** 2016.

Public Hearing held on the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CITY CLERK

MAYOR



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 25, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

RECOMMENDATION

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

"That Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of October 1, 2015, the Application has been referred to the Advisory Design Panel (ADP) and the applicant has provided revised plans in response to the ADP recommendations. The applicant has also addressed the pre-conditions recommended in the staff report to the Planning and Land Use Committee (PLUC) dated October 1, 2015. The PLUC report along with the meeting minutes are attached.

This report also responds to the Council direction that staff investigate “the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons”.

Referral to Advisory Design Panel

The Application was referred to the Advisory Design Panel meeting on October 28, 2015. A copy of the Panel minutes and the applicants' response to the Panel recommendations (letter dated December 11, 2015) are attached to this report and can be summarized as follows:

- the southern termination of Central Spur Road has been designed to maximize space allocated to “Bridges Park and Tot Lot”, provide a safer environment adjacent to the Park and provide better access to the Park and connection to the Galloping Goose Trail for pedestrians and cyclists
- the applicant has proposed interim tree planting along the southern edge of Phases 1 and 2 to soften the appearance of the development prior to the commencement of construction on the subsequent Phase
- to reduce the potential risk of conflict between an operational Park and childrens play area with a major construction site, the applicant proposes that the “Bridges Park and Tot Lot” be constructed with Phase 3 of the development
- the building entrances on Tyee Road have been designed to collaborate with the landscaping proposed as part of the “Victoria West Entry Park” to create the atmosphere of a “City in the Park”.

Revised Plans

As required by the Council motion dated October 1, 2015, revised plans have been submitted that:

- screen the proposed garbage enclosure adjacent to Gaudin Road
- provide details of the proposed grass pave finish
- provide comprehensive details relating to landscaping for Phases 1 and 2
- reduce annual landscaping maintenance costs within Bridges Park and along Tyee Road (see section relating to Resource Impacts below).

Amendment to Master Development Agreement

A draft amendment to the Railyards Master Development Agreement (MDA) has been prepared and, based on the remaining development proceeding in three phases, the key revisions to the existing Agreement are as follows:

- the northerly section of the “Victoria West Entry Park” will be constructed as part of Phase 1
- the area defined as “Bridge Dedication and Landscaping” will be dedicated to the City with the deposit of the phased strata plan for Phase 1
- the “Bridges Park and Tot Lot”, southerly section of the “Victoria West Entry Park”, public pathway from Tyee Road to Central Spur Road and landscaping of the bridge dedication area must be completed before any building associated with Phase 3 is occupied
- public parking in conjunction with “Bridges Park and Tot Lot” is no longer required

- the Developer will provide the City with a security equivalent to 120% of the total cost of constructing an amenity before obtaining a Building Permit for the Phase of development in which the amenity occurs
- a Statutory Right-of-Way (SRW) will be registered over the lands for the accommodation of the public pathways from Tyee Road to Central Spur Road and associated with the "Victoria West Entry Park" with the deposit of the phased strata plan for Phase 1.

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Public Footpath from Tyee Road to Central Spur Road

Under the terms of the MDA, the Developer is required to construct a public pathway through the site connecting Tyee Road with Central Spur Road and dedicate this land as City Park. The applicant is proposing a pathway design that is consistent with this MDA requirement, however, the Application proposes an underground parkade structure under the land earmarked for this pathway. Due to liability and maintenance concerns resulting from the underground parkade being located directly under the pathway, staff have recommended that Council consider securing public access along this corridor by means of an SRW.

One underground parkade, serving all three phases of the proposed residential development is considered to be a preferable design solution for the project. If Phase 3 of the development were to have a self-contained underground parkade allowing for a strip of land not encumbered with an underground structure, then it would be necessary to construct an additional parkade entrance and, critically, Central Spur Road would have to be extended to provide vehicular access to the parkade potentially impacting the size and design of Bridges Park. In addition, an extended Central Spur Road may conflict with pedestrian movements from the new pathway to Bridges Park (the current design shows the pathway connecting directly to Bridges Park and the Galloping Goose Trail).

Acquisition of the land by the City and dedication of the pathway as a park would make the arrangements for the parkade underneath unnecessarily complicated as it would require complex legal agreements and would still leave the City potentially exposed to liability in relation to the underground parkade. On the other hand, the same public rights of access could be easily secured through a SRW in favour of the City with the strata retaining ownership of the property. Subject to Council's directions, the SRW could make the City responsible for all surface operations and maintenance, while the strata would be responsible for the underground structure only. The strata would have no ability to limit public use or access to the pathway except where reasonably required for construction or maintenance of the underground structure. Rather, the pathway would be subject to City regulations under the *Parks Regulation Bylaw*. Thus, for all practical purposes, the pathway would be the same as a City Park, notwithstanding that the ownership of it would remain with the strata. A properly drafted SRW offers all the advantages, without most of the disadvantages, of actually acquiring the property.

Resource Impacts

There are resource impacts anticipated with this proposal. As per the MDA, several public amenities will be provided as part of the of the Railyards development. Once completed, the maintenance of Bridges Park, the Tot Lot as well as the Tyee Road improvements will rest with the Parks Division. Based on the plans presented to Council on October 1, 2015, it was estimated that the annual maintenance of the landscaping and play structures would add

approximately \$60,000.00 in annual maintenance costs. In an effort to reduce annual maintenance costs, staff recommended that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs. The applicant responded and new plans have reduced the estimated annual maintenance costs by \$18,050.00 (revised annual cost of \$41,950.00). This estimate is based on 2015 rates and the operational impact is expected in 2018. The ongoing cost of this amenity equals a 0.03% tax increase. The breakdown is as follows:

- shrub beds: \$18,750.00 (weed, mulch, fertilize and prune)
- new trees: \$5,000.00 (fertilize and prune)
- turf areas: \$6,000.00 (mow, trim and fertilize)
- irrigation infrastructure: \$1,200.00 (water meter fees, spring/winter maintenance)
- playground maintenance: \$ 6,700.00 (repairs and fiber surface grading)
- garbage pickup: \$4,300.00.

Additional capital implications are that the playground will require replacement in 15 years at an estimated cost of \$150,000.00 (plus inflation) and a full time employee (FTE) of 0.75 will be required to maintain this additional inventory. This capital implication equals a 0.12% tax increase.

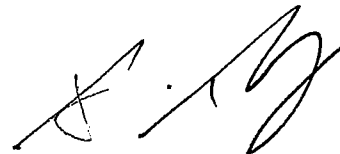
Conclusion

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Respectfully submitted,

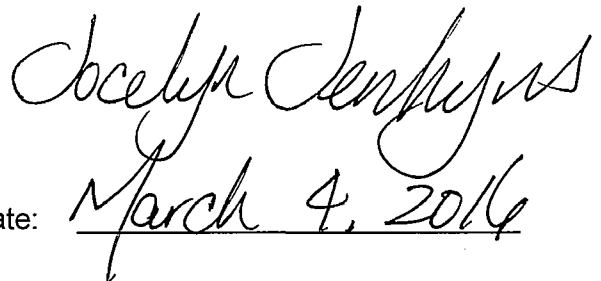


Jim Handy, Senior Planner –
Development Agreements
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

March 4, 2016

List of Attachments

- PLUC Report dated October 1, 2015
- PLUC Minutes dated October 1, 2015
- Council Minutes dated October 1, 2015
- Advisory Design Panel Minutes dated October 28, 2015
- Letters from applicant dated December 11, 2015
- Revised plans dated February 9, 2016
- Draft Amendment to Master Development Agreement.



Planning and Land Use Committee Report

For the Meeting of October 1, 2015

To: Planning and Land Use Committee **Date:** September 17, 2015

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

1. Plans date stamped August 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - ii. reduce the south setback from 4m to nil for Phases 1 and 2;
 - iii. reduce the south setback from 4m to 3.5m;
 - iv. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - v. increase the height in DA-J from 31m to 33m for Phase 3;
 - vi. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - vii. reduce parking from 185 stalls to 178 stalls;
 - viii. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. Revised plans to the satisfaction of staff that:
 - i. either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;
 - ii. provide further details of the proposed grass pave finish;
 - iii. provide comprehensive details relating to landscaping for Phases 1 and 2;
 - iv. provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.
5. Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:
 - i. the design of building entrances facing Tyee Road;
 - ii. the design and appearance of the "Sky Home" end units;
 - iii. the treatment of parkade walls that project above grade.

6. An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:
 - i. address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road;
 - ii. secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.
7. A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.
8. A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.
9. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff.

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan, 2012*. 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.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of commercial, industrial and multi-family residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

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 701 Tyee Road. The proposal is to construct 144 residential units in three phases on Lots H and J (the undeveloped portions) of the Railyards development.

The Application proposes the following variances from the *Zoning Regulation Bylaw*:

- reducing the north setback (Gaudin Road) from 3.5m to nil
- reducing the south setback from 4m to nil for Phases 1 and 2; this setback variance will be 3.5m on completion of the development
- increasing the maximum allowable building height in DA-H from 24m to 25.49m for Phase 2
- increasing the maximum allowable building height in DA-J from 31m to 33.01m for Phase 3
- reducing the bicycle storage (class 1) from 40 stalls to 28 stalls for Phase 1; the number of bicycle stalls will exceed the number required by the *Zoning Regulation Bylaw* for the entire project following the completion of Phase 2

- reducing parking from 50 stalls to 49 stalls for Phase 1
- reducing parking for the completed project from 185 stalls to 178 stalls.

The following points were considered in assessing this Application:

- The applicant wishes to develop the site in three phases and, as each phase must be reviewed against the *Zoning Regulation Bylaw*, this results in some variances that will not exist, or will not exist to the extent proposed, at the completion of the project.
- The proposal is generally consistent with the *Railyards Development Guidelines*, however, staff recommend that some minor revisions are made to the plans to address issues relating to garbage areas and landscaping.
- An amendment to the Railyards Master Development Agreement (MDA) is required to address proposed revisions to the required public amenities, namely the public parking associated with Bridges Park and the path from Tyee Road to Central Spur Road. The MDA should also be amended to ensure that any necessary cost estimates and security is provided before the proposed Phase 1 building is occupied.
- The Application proposes 195 parking stalls, however, 17 of the stalls are either small car stalls or tandem stalls and do not meet the requirements of Schedule C of the *Zoning Regulation Bylaw*. The parking requirement for this project is 185 stalls, therefore, the proposal would result in a seven stall parking variance.

BACKGROUND

Description of Proposal

The proposal is for 144 residential units on the undeveloped portions of the Railyards development. Specific details include:

- The development would be constructed in three phases. Phase 1 would be located at the corner of Gaudin Road and Central Spur Road and would consist of 40 residential units. Phase 2 would be located immediately to the south of Phase 1 and would consist of 38 residential units. The final Phase would be located immediately to the north of the Point Ellice Bridge and would consist of 66 units.
- The tallest buildings would be located on Tyee Road with the building heights ranging from three to seven storeys. Building elements fronting Central Spur Road would range from two to three storeys in height.
- The proposed 144 units would be in the form of apartments units ranging from studios with a floor area of 36.7m² to two bedroom plus den units with a floor area of 130.4m².
- The development would have the appearance of several individual buildings above a shared underground parkade.
- Access to the underground parkade would be provided in two locations directly off Central Spur Road.
- The proposed finishing materials include corrugated metal cladding and fiber cement panels
- As required by the Railyards MDA, the plans indicate that the land located immediately to the north of the Point Ellice Bridge will be dedicated to the City for future bridge improvements/expansion
- The proposal includes the construction of a Park and Tot Lot between Central Spur Road and the Galloping Goose Trail. A "parkette" and neighbourhood signage will be provided at the corner of Bay Street and Tyee Road.

The proposed variances are as follows:

- reducing the north setback (Gaudin Road) from 3.5m to nil as a result of the underground parkade projecting above grade
- reducing the south setback from 4m to nil for Phases 1 and 2; this setback variance will be 3.5m on completion of the development
- increasing the maximum allowable building height in Development Area H from 24m to 25.49m
- increasing the maximum allowable building height in Development Area J from 31m to 33.01m
- reducing the bicycle storage (class 1) from 40 stalls to 28 stalls for Phase 1; the number of bicycle stalls will exceed the number required by the *Zoning Regulation Bylaw* for the entire project by 15 stalls following the completion of Phase 2
- reducing parking from 50 stalls to 49 stalls for Phase 1
- reducing parking for the completed project from 185 stalls to 178 stalls (7 stall variance).

Sustainability Features

As indicated in the applicant's letter dated August 20, 2015, the following sustainability features are associated with this Application:

- energy efficiency through orientation of windows
- reduced water use through xeriscaping in the plant selection and low-flush/dual-flush toilets with low-flow features
- installation of energy-star appliances
- provisions for future electrical charging station
- motion sensor lighting within parkade and corridor locations
- energy saving lighting in public space locations.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- 159 Class 1 (secure storage) bicycle stalls
- 18 Class 2 bicycle racks
- new public footpath from Tyee Road to Central Spur Road
- new public footpath (which can accommodate bicycles) from Central Spur Road to the Galloping Goose Trail.

Public Realm Improvements

The following public realm improvements are proposed and are required by the Railyards MDA:

- the construction of a Park and Tot Lot between Central Spur Road and the Galloping Goose Trail
- the construction of a "parkette," public footpaths and neighbourhood signage at the corner of Bay Street and Tyee Road.

In addition to the above, the applicant will also be constructing a new bus stop on Tyee Road.

Existing Site Development and Development Potential

The Application site is located within Development Areas H and J of the CD-5 Zone, Railyards Residential Commercial District, which permits apartments, live/work and park uses with a maximum floor space ratio (FSR) of 2.25:1 in Development Area H and 2.35:1 in Development Area J.

Data Table

The data table is attached as Appendix 1 and compares each phase of the proposal with the regulations for Development Areas H and J in the existing C-5 Zone, Railyards Residential Commercial District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on August 25, 2015, the Application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 13: Core Songhees. The applicable Design Guidelines are the Railyards Development Guidelines. The proposal is consistent with these Guidelines as follows:

- the proposed design reflects the industrial nature of the site and is complimentary to the completed phases of the Railyards development
- the proposal contributes to the public park system in the Victoria West Neighbourhood by providing a park, children's play area and several public footpaths through and adjacent to the site
- the buildings with the highest residential density are located adjacent to the Point Ellice Bridge
- the development includes a variety of expressive roof forms
- architectural features such as balconies and recesses have been used to articulate the proposed buildings
- strong colours are proposed to add visual interest to the buildings
- the use of corrugated metal and fiber cement panels is consistent with the recommended wall cladding materials listed in the Design Guidelines
- a mix and range of unit types are proposed with the floor area of individual units ranging from 36.7m² to 130.4m².

Notwithstanding the above, staff recommend that Council consider referring the Application to the Advisory Design Panel for a comprehensive review with particular attention being made to the following issues:

- the design of building entrances facing Tyee Road
- the design and appearance of the "Sky Home" end units
- the treatment of parkade walls that project above grade.

Proposed Variances

Parking

The Application proposes a total of 195 parking stalls within an underground parkade. However, 17 of these stalls are either identified as small car stalls or tandem stalls and do not meet the requirements outlined in Schedule C of the *Zoning Regulation Bylaw*. As the proposal requires 185 parking stalls and only 178 stalls meet the Schedule C requirements, the Application technically results in a seven stall parking variance. The total breakdown of parking stalls is outlined in the table below and an asterisk marks where a variance occurs:

PROPOSED PARKING														
Phase 1					Phase 1 & 2					Phase 1, 2 & 3				
Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total	Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total	Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total
49*	50	5	3	57	100	99	8	5	113	178*	185	12	5	195

Notwithstanding the above, the proposal would result in parking ratio of approximately 1.2 parking spaces per dwelling unit which is considered appropriate to address parking demand for an apartment development in this location. In addition, the small car and tandem stalls will still be available for use by residents.

Height

The Application seeks a height variance in Development Area H from 24m to 25.49m and in Development Area J from 31m to 33.01m. The building elements exceeding the maximum allowable building heights are solely parapet roof elements on the tallest feature buildings situated adjacent to Tyee Road. These parapet features have been included to address the Railyards Development Guidelines that recommends that buildings are designed with expressive roof forms.

Bike Parking

The applicant proposes to provide the majority of the bicycle storage in Phase 2 of the development. Therefore, at the completion of Phase 1 a 12 stall Class 1 bicycle parking variance is proposed. When the entire project is complete, the bike storage provided will exceed the *Zoning Regulation Bylaw* requirements by providing storage for 159 bicycles.

North Setback

The main north-facing building elevation is setback 3.5m from Gaudin Road. However, the underground parkade wall projects over 2m above grade and is located immediately adjacent to the property line. The plans indicate that the exposed wall would have a "green wall" treatment. Staff recommend that Council consider referring the application to the ADP to review, amongst other elements of proposal, the treatment of the exposed parkade walls that are clearly visible from public vantage points.

South Setback

Both Phases 1 and 2 would be constructed up to the proposed phasing line but the subsequent phase of development would occur immediately to the south of the preceding phase. The CD-5 Zone requires a 4.5m south setback, however, the completed project would be setback 3.5m from the property line. This is a result of the land immediately to the south of the development being dedicated to the City for the purpose of future improvement to the Point Ellice Bridge.

Recommended Plan Revisions

Garbage Area

Initial plans submitted by the applicant indicated a garbage pickup location on Central Spur Road. However, to accommodate garbage truck manoeuvres, a turning head would likely have been required that would have had a significant impact on the proposed Bridges Park. As such, the plans now indicate that a garbage pick-up area will be provided immediately adjacent to Gaudin Road. The Railyards Development Guidelines state that recycling and garbage areas should be fully enclosed within buildings, rather than in an open air location. Therefore, it is recommended that Council consider requesting revised plans that enclose the garbage area or satisfactorily screen it from public views.

Surface Treatment and Landscaping

The Application proposes extensive areas of grass pave surface treatment to accommodate emergency fire truck access adjacent to Tyee Road. Staff recommend that Council consider requesting that the applicant provide further details of the grass pave treatment to ensure it is both visually acceptable and has long term durability.

In addition, the revised plans should include all landscaping elements associated with each phase of the project regardless of whether that landscaping is temporary in nature. The plans submitted do not comprehensively illustrate this level of landscaping detail.

With particular regard to Bridges Park and along Tyee Road, in an effort to reduce annual maintenance costs, staff recommend that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs. This can be achieved by reducing the shrub bed areas and revising the plant palette.

Railyards Master Development Agreement

The Railyards MDA requires that the following public amenities be constructed in conjunction with Lots H & J:

- Bridges Park and Tot Lot

- Public Parking (Bridges Park – 6 stalls)
- Bridge Dedication Landscaping
- Victoria West Entry Park (Tyee & Bay)
- Path from Tyee Road to Central Spur Road.

The Application responds to the above as follows:

Bridges Park and Tot Lot

The Bridges Park and Tot Lot would be constructed at the southern end of the site, adjacent to the Galloping Goose Trail, consistent with the MDA requirements and the Railyards Development Guidelines.

Public Parking (Bridges Park)

The applicant is no longer proposing parking spaces specifically for Bridges Park. Instead the Application proposes to use this space for additional park area which allows for a public footpath link to the Galloping Goose Trail with a gradient of less than 5% making it accessible to cyclists. Staff recommend that Council consider supporting this solution as it encourages modes of active transportation and, given the location of the park, visitors are likely to cycle or walk to it.

Bridge Dedication Landscaping

The applicant proposes to dedicate a landscaped area immediately to the north of the Point Ellice Bridge to the City, consistent with the MDA.

Victoria West Entry Park

The Victoria West Entry Park is proposed on the corner of Tyee Road and Bay Street and would consist of a small “parkette” with seating, pedestrian pathways, an improved transit stop and a new neighbourhood sign. The design and layout of these features are considered to be generally consistent with the Railyards Development Guidelines, however, the “parkette” and some of the pathways are located on private land and public access to these must be secured by a Statutory Right-of-Way.

Path from Tyee Road to Central Spur Road

A public pathway is proposed between Tyee Road and Central Spur Road consistent with the MDA. The MDA requires that the pathway be dedicated as Park, however, due to liability and maintenance concerns resulting from the underground parkade being located directly under the pathway, staff recommend that Council consider securing public access along this corridor by means of a Public Access Easement.

MDA Amendments

In light of the above, staff recommend that Council consider that the proposed design solution for the required public amenities are acceptable and that the MDA be amended to address the changes relating to the public parking for Bridges Park and the path from Tyee Road to Central Spur Road.

In addition, the MDA envisaged that the cost estimates and securities for required on-site services, off-site services and public amenities be linked to subdivision approval. As the Application now proposes a different approach to site subdivision, staff recommend that the MDA be amended to secure the necessary cost estimates and securities before the proposed Phase 1 building is occupied.

Encroachment Agreement

With any project of this scale that has significant excavation adjacent the road Right-of-Way, construction methods often require a form of underpinning which can result in material being left in the public Right-of-Way. The resulting material (typically rock anchors) present no concerns to the public interest, however, an Encroachment Agreement between the City and the developer is required. The staff recommendation that is provided for Council's consideration includes direction to allow staff to enter into an agreement, if the Development Permit Application is approved by Council and if underpinning is deemed necessary to facilitate the construction.

Community Garden

When considering an earlier phase (Lot E) of the Railyards development, Council made the following motion:

That staff be directed to explore with the applicant and the Victoria West Community Association the possibility of including a community garden with the phasing of Lots H and J.

In discussions with the applicant, it is apparent that the provision of a community garden is not feasible for the following reasons:

- The developer is required to complete Bridges Park and Tot Lot, Victoria West Entry Park, the final sections of Central Spur Road and dedicate land to the City adjacent to the Point Ellice Bridge in conjunction with Lots H and J.
- There is a substantial grade change from the east to west property boundary.
- The most logical location for a community garden, on the land least affected by the change in grade, would be where the Bridges Park and Tot Lot is proposed. Converting part of this area to a community garden would likely compromise the ability to provide a satisfactory footpath link from Central Spur Road to the Galloping Goose Trail or would result in the loss of the Tot Lot.

It should be noted that neither the MDA, the applicable CD-5 Zone nor the Railyards Design Guidelines identify the need for, or require that the Developer provide, a community garden at this location.

Resource Impacts

There are resource impacts anticipated with this proposal. As per the MDA, several public amenities will be provided as part of the of the Railyards development. Once completed, the maintenance of Bridges Park, the Tot Lot as well as the Tyee Road improvements will rest with the Parks Division. It is estimated that the annual maintenance of the landscaping and play structures will add approximately \$60,000.00 in annual maintenance costs. This estimate is based on 2015 rates and the operational impact is expected in 2018. The breakdown is as follows:

- shrub beds: \$37,000.00 (weed, mulch, fertilize and prune)
- new trees: \$5,000.00 (fertilize and prune)
- turf areas: \$4,000.00 (mow, trim and fertilize)
- irrigation infrastructure: \$2,000.00 (water meter fees, spring/winter maintenance)
- playground maintenance: \$7,000.00 (repairs and fiber surface grading)
- garbage pickup: \$5,000.00.

Additional capital implications are that the playground will require replacement in 15 years at an estimated cost of \$150,000.00 (plus inflation) and a full time employee (FTE) of 0.75 will be required to maintain this additional inventory.

The landscape areas in Bridges Park and along Tyee Rd are extensive. In an effort to reduce annual maintenance costs, staff recommend that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs.

CONCLUSIONS

The proposal to construct 144 residential units on the undeveloped portions of the Railyards development is considered generally consistent with the Railyards Development Guidelines. However, it is recommended that Council consider referring the Application to the ADP for a comprehensive design review.

The applicant wishes to develop the site in three phases and, as each phase must be reviewed against the *Zoning Regulation Bylaw*, this results in some variances that will not exist, or will not exist to the extent proposed, at the completion of the project.


An amendment to the MDA is required to address proposed revisions to the required public amenities, namely the public parking associated with Bridges Park and the path from Tyee Road to Central Spur Road. The MDA should also be amended to ensure that any necessary cost estimates and security is provided before the proposed Phase 1 building is occupied.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000404 for the property located at 701 Tyee Road.


Respectfully submitted,

 Jim Handy, Senior Planner – Development Agreements, Development Services Division

 Jonathan Tinney, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:


Sept. 25/15

List of Attachments

- Appendix A – Data Table
- Aerial plan
- Zoning plan
- Letter from Architect dated August 16, 2015
- Letter from applicant dated August 20, 2015
- Plans dated August 24, 2015.

Appendix 1: Data Table

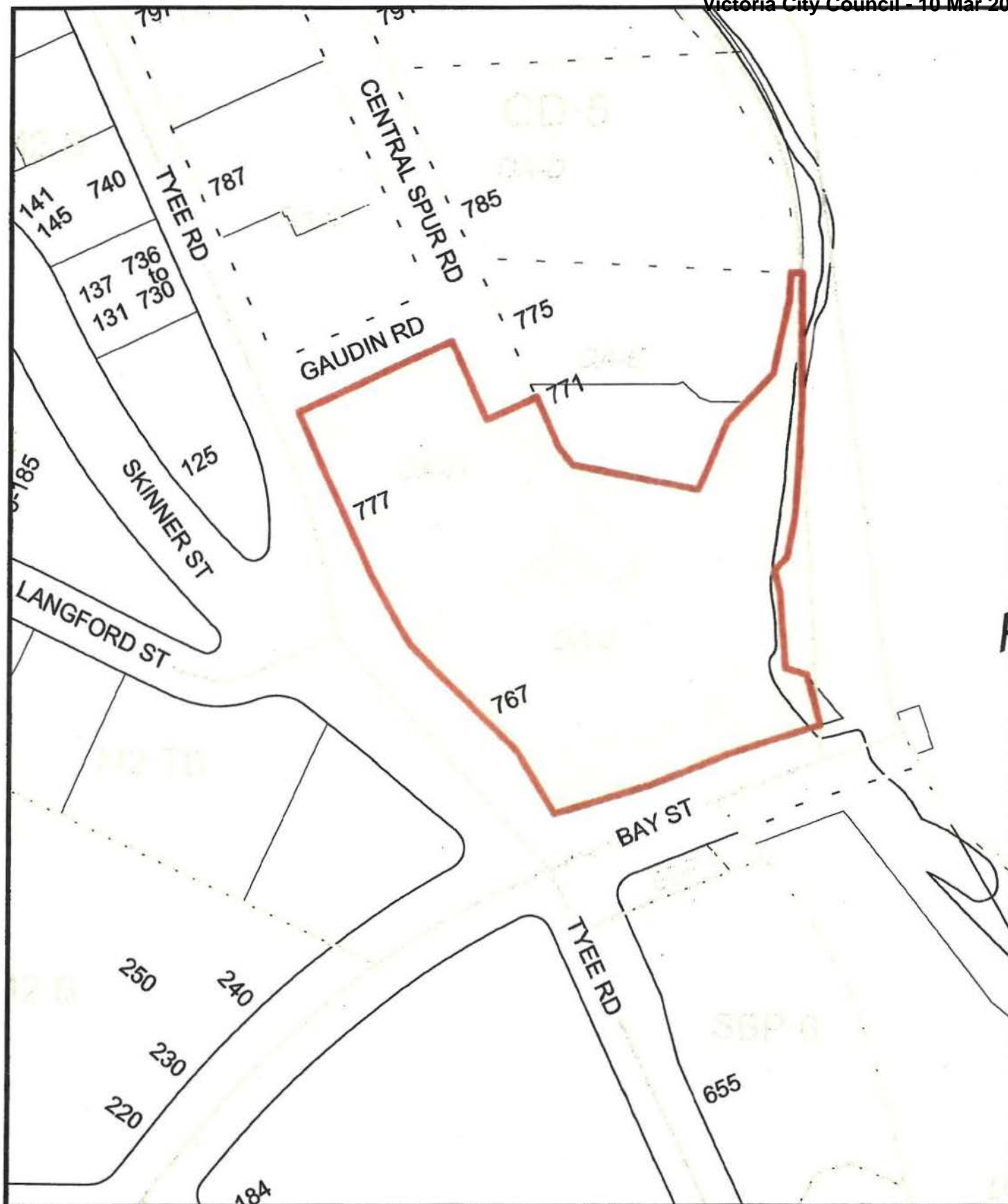
Zoning Criteria	Phase 1 (DA-H)	Phases 1 & 2 (DA-H)	Zone Standard (DA-H)	Phase 3 (DA-J)	Zone Standard (DA-J)	Total Project (Phases 1, 2 and 3)
Site Area (m ²)	2366.83	4372.59	n/a	2395.14	n/a	6767.73
Total Floor Area (m ²) – max.	2771.15	5683.02	9855.85	5067.42	n/a	10750.44
Density (Floor Space Ratio) – max.	1.17	1.3	2.25	2.12	2.35	1.59
Geodetic Height (m) – max.	22.55	25.29*	24	33.01*	31	n/a
Storeys	3	4	n/a	7	n/a	n/a
Site coverage (%)	47	45	n/a	43	n/a	43
Open site space (%)	53	55	n/a	57	n/a	57
Setbacks (m) – min. Front (Tyee Road) Rear (Central Spur Road) Side (Gaudin Road) Side (Bay Street)	7.25 3.5 Nil* Nil*	11 3.5 Nil* Nil*	2 3.5 3.5 4	7.25 3.5 Nil* 3.5*	2 3.5 4 4	n/a
Parking provided	49*	100		78*		178 (does not include the proposed 17 small car and tandem stalls)
Parking required – min.	50	99	99	86	86	185

Appendix 1: Data Table

Visitor parking provided	6	17		2		19
Visitor parking required – min.	6	10	10	9	9	19
Bicycle Storage (Class 1) provided	28*	159		0		159
Bicycle Storage (Class 1) required – min.	40	89	89	53	53	144
Bicycle Rack (Class 2) provided	6	18		0		18
Bicycle Rack (Class 2) required – min.	6	12	12	6	6	18



701 Tye Road
Development Permit #000404



701 Tyee Road
Development Permit #000404



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Calgary, Alberta, T2G 0X5
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100 - 10237 104th Street
Edmonton, Alberta T5J 1B1
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Toronto, Ontario, M4W 1A8
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DIALOG

16 August 2015

City of Victoria
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria
BC V8W 1P6

Attention: Jim Handy, MCIP RPP Senior Planner

Dear Jim,

**Re: 701 Tyee Road
Development Permit No. 000404**

In response to our revised DP submission dated Aug 14, 2015, this letter contains our response for the design rationale of variances that we are requesting:

. Variance on maximum building height of Building 3,

See the Architectural drawing, A3.11. The Building 3 rooftop finishes at geodetic height, 31.00m, the maximum allowable height. The only elements built above are the elevator mechanical room and parapet walls for roofscape articulation. All the habitable space will be under the maximum allowable height. To create a meaningful gateway feature at the base of the bridge head, we strongly believe that these roof articulations are necessary from the urban design perspective and worth supporting.

. Variance on bike storage in Phase 1,

See the Architectural drawings, Phasing Plans, A0.05B, A0.06B, A 0.06C. The project will be built in phases for healthy market absorption. The 28 stalls bike storage room is temporary for Phase 1 residents. Upon the completion of Phase 2, the permanent bike storage room will be provided with surplus amount of bike storage capacity, better connection to bike lane on Tyee Road, and better access from building main entries.

. Variance on interior setback,

See the Architectural drawings, A0.02, A0.04. The project will be developed in phases and when completed will be seen as a fully integrated development across the original legal boundaries of Lot H and J. For creative public pedestrian access thru the site utilizing an intimate scale of pathways and building forms, the design provides an unique urban scale within the site. In light of this urban enhancement, the original interior side setback requirement should not restrict the innovation process and should not apply to this unique project.

PRINCIPALS

JIM ANDERSON, AIBC, AIA, OAA, LEED AP
CHANG ANDERSON, AIBC, AIA, OAA, LEED AP
NARESH ABDEA, B. ENG.
JAGIT BANERJEE, AIBC, AIA, OAA, LEED AP
ALAN DONIFACE, AIBC, AIA, OAA, LEED AP
GERALD CARSON, P. ENG.
DOUG CUNNINGHAM, AIBC, AIA, OAA, LEED AP

JEFF DIBATTISTA, PBD, P. ENG., LEED AP
SADI CHODRAYEE, M. ENG., P. ENG., STRUCT. ENG., M. ARCHTCT, P. ENG.
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ADRIAN LAD, AIA, OAA, LEED AP

JANICE LEBRE, AIBC, AIA, OAA, LEED AP
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MARTIN PAPROV, AIBC, AIA, OAA, LEED AP
TOM SUTHERLAND, AIBC, AIA, OAA, LEED AP

LYNN WESTER, AIBC, AIA, OAA, LEED AP
THOMAS WU, PhD, P. ENG., STRUCT. ENG., P. ENG.
ROD VECIL, B.A. SC., P. ENG., P. ENG. LEED AP

DIALOG BC
ARCHITECTURE ENGINEERING
INTERIOR DESIGN PLANNING INC.

* DENOTES "ARCHITECT AIBC" OR "ARCHITECT AIA"

DIALOGDESIGN.CA

Mr. Jim Handy
City of Victoria
August 16, 2015
Page 2 of 2

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We trust that this response, including all attachments, will satisfy the prior-to conditions and requested clarifications for this project. We look forward to the timely issuance of the approved application.

Yours truly,

DIALOG BC Architecture Engineering Interior Design Planning Inc.

A handwritten signature in black ink, appearing to read 'J. Bakker', with a stylized flourish at the end.

Joost Bakker, Architect AIBC, AAA, SAA, OAA, FRAIC, RCA
Principal, DIALOG

c.c.	Chris Le Fevre,	The Railyards Development Ltd.
	Michael Cheung,	DIALOG
	Matthew Thomson,	DIALOG



PROPERTY AGENTS LTD.

Aug 20th, 2015

Mayor Lisa Helps
Members of Council

RE: RAILYARDS FINAL DEVELOPMENT PERMIT APPLICATION AREAS H & J

The development of these areas will see to the perfection of the Railyards.

The application honours the principals of the original M.D.A without variance and similarly respects all original design guidelines endowed for the project.

The matrix of units that will be realized in this DP application before you will be as follows:

Phase I

- 3 storey wood frame apartment building
- 40 suites
- 57 parking

Phase I + II

- 4 storey wood frame apartment building
- 78 suites
- 113 parking

Phase I + II + III

- 4 storey wood frame and 7 storey concrete frame apartment buildings
 - 144 suites
 - 190 parking
-

The Railyards project is a major contribution to Victoria's overall community sustainability.

The redevelopment of this industrial site into a compact and vibrant community is trend setting. These last phases of development on parcels H&J will contribute an array of green building features including the following:

Transit friendly development

- convenient access and proximity to transit
- car sharing parking opportunity
- major bike storage zones

Energy efficiency

- with the utilization of focussed window locations, the project will provide a high performance building envelope

Reduced Water Use

- xeriscaping in the plant selection to reduce water utilization
- low-flush / dual-flush toilets low flow fixtures

Electrical efficiency

- CFL lighting at public space locations
- motion sensor lighting within parkade and corridor locations
- Energy-star appliances
- provisions for future electrical charging station

Respectfully submitted.

Yours,

A handwritten signature in black ink, appearing to read 'Chris Le Fevre', with a stylized flourish at the end.

Chris Le Fevre
President & CEO
Le Fevre & Company Property Agents Ltd.

Received
City of Victoria

AUG 24 2015

Planning & Development Department
Development Services Division

DIALOG



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- B 14 AUG15 DEVELOPMENT PERMIT REVISIONS

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OWNER:
LEWIS AND CLARK
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TEL: 250-383-1111 FAX: 250-383-1112

SEAL

PROJECT INFORMATION	
PROJECT ADDRESS	701 TYEE RD, VICTORIA BC
NEIGHBOURHOOD	VICTORIA WEST
PLAN DISTRICT	RAILYARDS DISTRICT
DEVELOPMENT PERMIT AREA	DA H & DA J
LEGAL DESCRIPTION	LOT 767 & 777
ZONING	CD 5 - RAILYARDS RESIDENTIAL COMMERCIAL DISTRICT
SITE AREA	EXISTING : DA H & DA J COMBINED: 6610 SQM (71,150 SQ FT)
SITE COVERAGE	43%
OPEN SITE SPACE	57%
TOTAL FLOOR AREA	10,750 SQM
FLOOR SPACE RATIO	10,750 SQM / 7677 SQM = 1.39
AVERAGE GRADE	10.6m & 11.6m
HEIGHT OF BUILDING	ALLOWED UNDER CD-5 ZONING: 24m (79' 3" MAX) PROPOSED: 22.5m (74' 0" MAX)

NUMBER OF STOREYS	
3 STOREYS + 4 STOREYS + 7 STOREYS	
BUILDING SETBACKS (m)	
FRONT (FREE ROAD): 2m	
SIDE (NORTH AT GARDEN RD): 3.5m	
SIDE (SOUTH AT GARDEN ROAD): 3.5m	
NEAR (CENTRAL SPIN ROAD): 3.5m	
REAR (AT BOYHART VY ROAD PARK): 4m	
PARKING SPACES ON SITE	
PARKING REQUIRED UNDER SCHEDULE C	PROPOSED
STUDIO: 13 (1 UNIT) + 13	
RESIDENTIAL: 131 (1.3 UNIT) + 170.3	
TOTAL: 184.3	
REQUIRED TOTAL: 183	201
VISITOR PARKING REQUIRED UNDER SCHEDULE C	
10% OF REQUIRED TOTAL: 18.3	PROPOSED
19	
BIKE STORAGE	
CLASS 1 PARKING REQUIRED UNDER SCHEDULE C	PROPOSED
RESIDENTIAL: 144 (1.0 UNIT)	
CLASS 2 PARKING REQUIRED UNDER SCHEDULE C	PROPOSED
6-SPACE RACK AT EACH RESIDENTIAL ENTRY	12
STORAGE LOCKERS PROVIDED	
154	

SUITE TYPES						
TYPE	RANGE	COUNTS			AREA	
STUDIO	395 - 400 SF (36.3 - 37.2 SQM)	13	97%			
1 BEDROOM	520 - 554 SF (48.3 - 51.5 SQM)	77	95%			
2 BEDROOM	750 - 804 SF (69.3 - 80.5 SQM)	32	21%			
3 BEDROOM & DEN	812 - 892 SF (75.4 - 82.9 SQM)	7	4%			
GARDEN & SKY HOMES	1120 - 1404 SF (103.1 - 130.4 SQM)	15	11%			
TOTAL		144	100%			

BUILDING INFORMATION (METRIC)						
FLOOR	RESIDENTIAL	STUDIO	1BED	2BED	3BED	GARDEN/HOME
LR1	515	0	0	0	0	13
LR2	2,360	2	13	0	0	0
LR3	2,530	3	23	4	0	0
LR4	1,587	4	22	4	0	0
LR5	640	3	7	5	4	0
LR6	640	3	3	5	0	0
LR7	640	3	3	3	7	0
LR8	640	3	3	5	0	0
LR9	658	0	2	6	0	0
SUBTOTAL		13	77	30	7	13
TOTAL	10,074				144	
ADJUSTABLE SITE AREA						
PLA						5.5

DRAWING LIST - 100% SUBMISSION	
AL01	COVER PAGE & PROJECT DATA
AL02	CONCEPT PLAN
AL03	EXISTING SITE PLAN
AL04	PROPOSED SITE PLAN
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AL100	PROPOSED SITE PLAN

RAILYARDS, LOT H & J

VICTORIA, BC

COVER PAGE & PROJECT DATA

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A0.01

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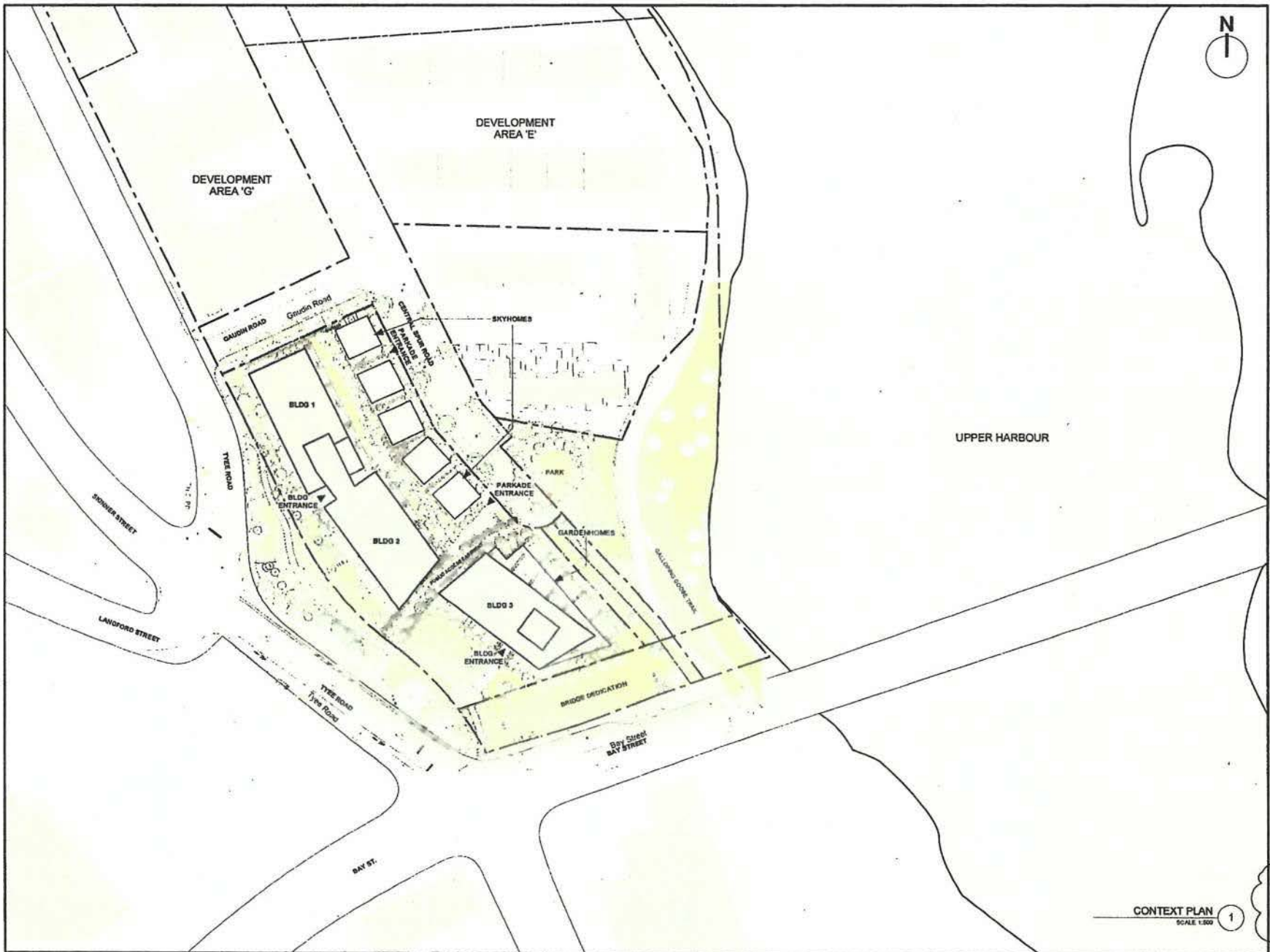
RAILYARDS, LOT H & J

VICTORIA, BC

CONTEXT PLAN

DATE: 28 JAN 2015

A0.02



CONTEXT PLAN
 SCALE 1:500

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RAILYARDS, LOT H & J

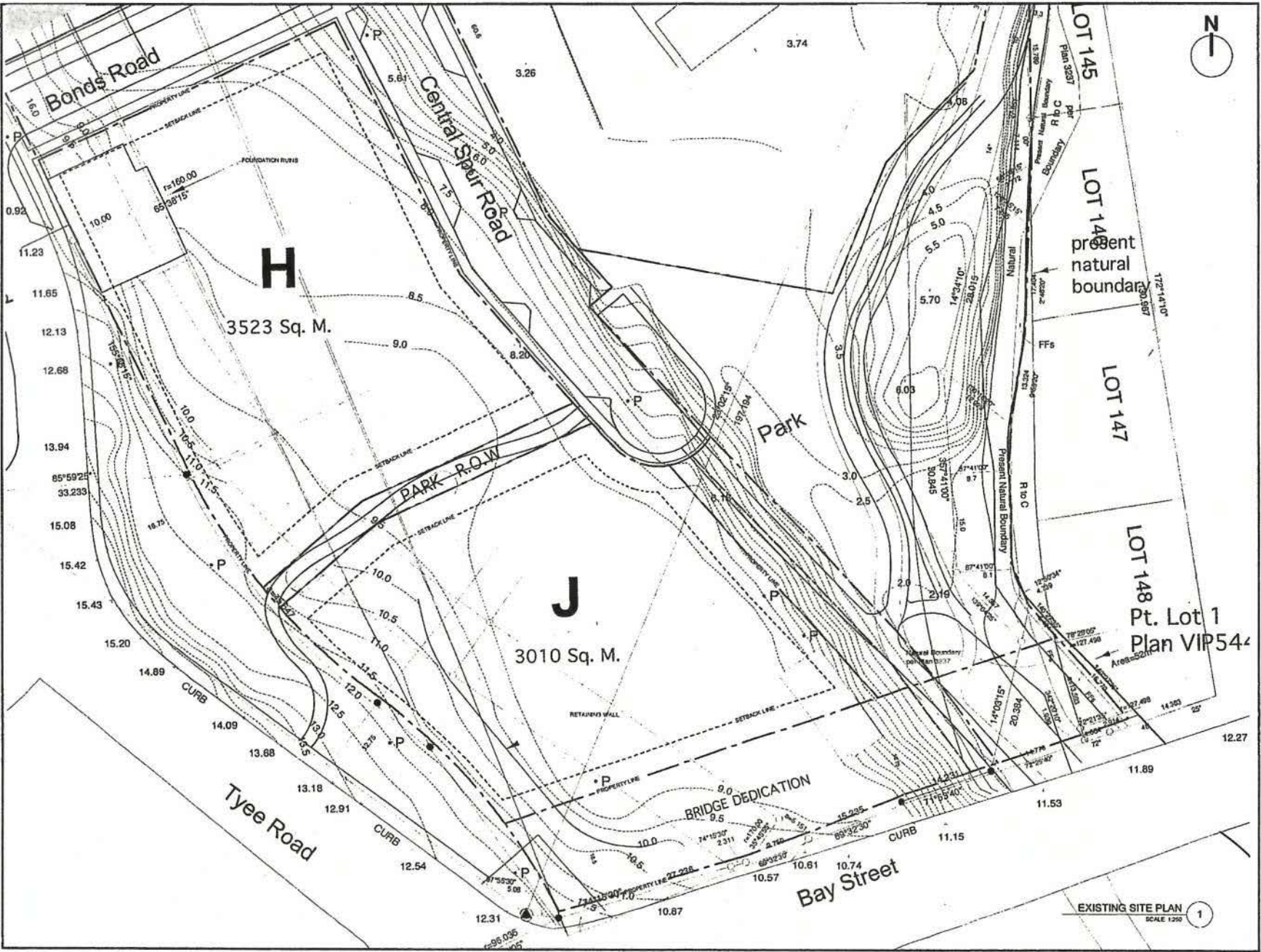
VICTORIA, BC

EXISTING SITE PLAN

DRAWN: PLOT DATE: STAFF: CHECK:

A0.03

Victoria City Council - 10 Mar 2016

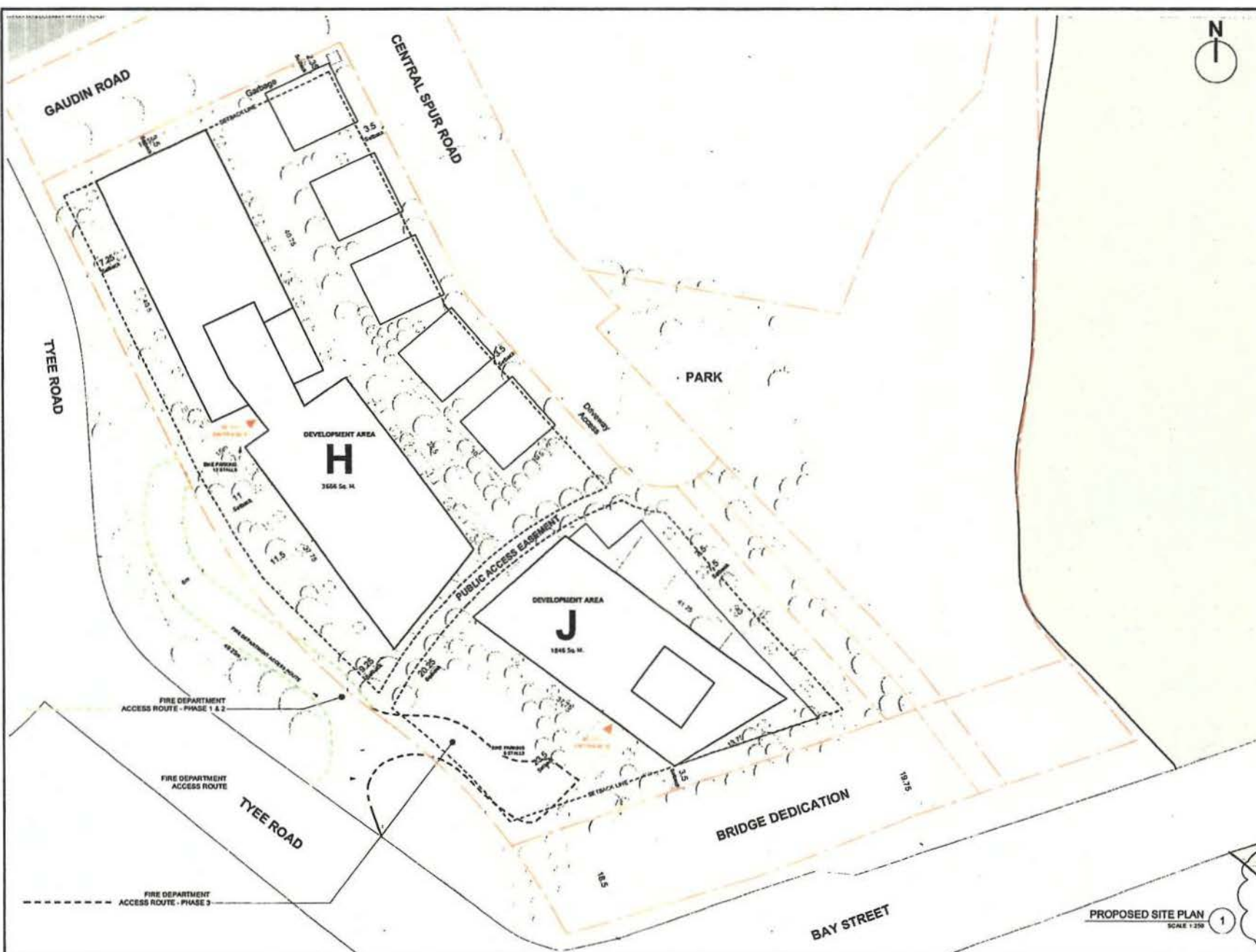


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 LEVINE AND COMPANY
 1000 BAY STREET
 VICTORIA, BC V8N 1X1
 TEL: 250-353-1100

SEAL
 RAILYARDS, LOT H & J
 VICTORIA, BC
 PROPOSED SITE PLAN

DRAWN: FLOT DATE: 28/01/15 CHECKED:
A0.04



FOOTING SUMMARY		PHASE 1
SITE AREA		2364.83
TOTAL FLOOR AREA		2771.55
SITE COVERAGE		47
OPEN SITE SPACE		5
SETBACKS		
FRONT (FEET)		5.2
NEAR (CENTRAL SPUR)		5.6
SIDE (CLAYTON RD.)		Open
		2.25 m - buffer
		Open
BACK (GOLFVIEW)		5.2
GLC(DITCH HEIGHT STOREY) (feet/m)		23
EDGE TOLERANCE		24
# OF UNITS		
BIRD STORAGE		
	CLASS 1	
	CLASS 2	
BARRING TOTAL		

[illegible]

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1

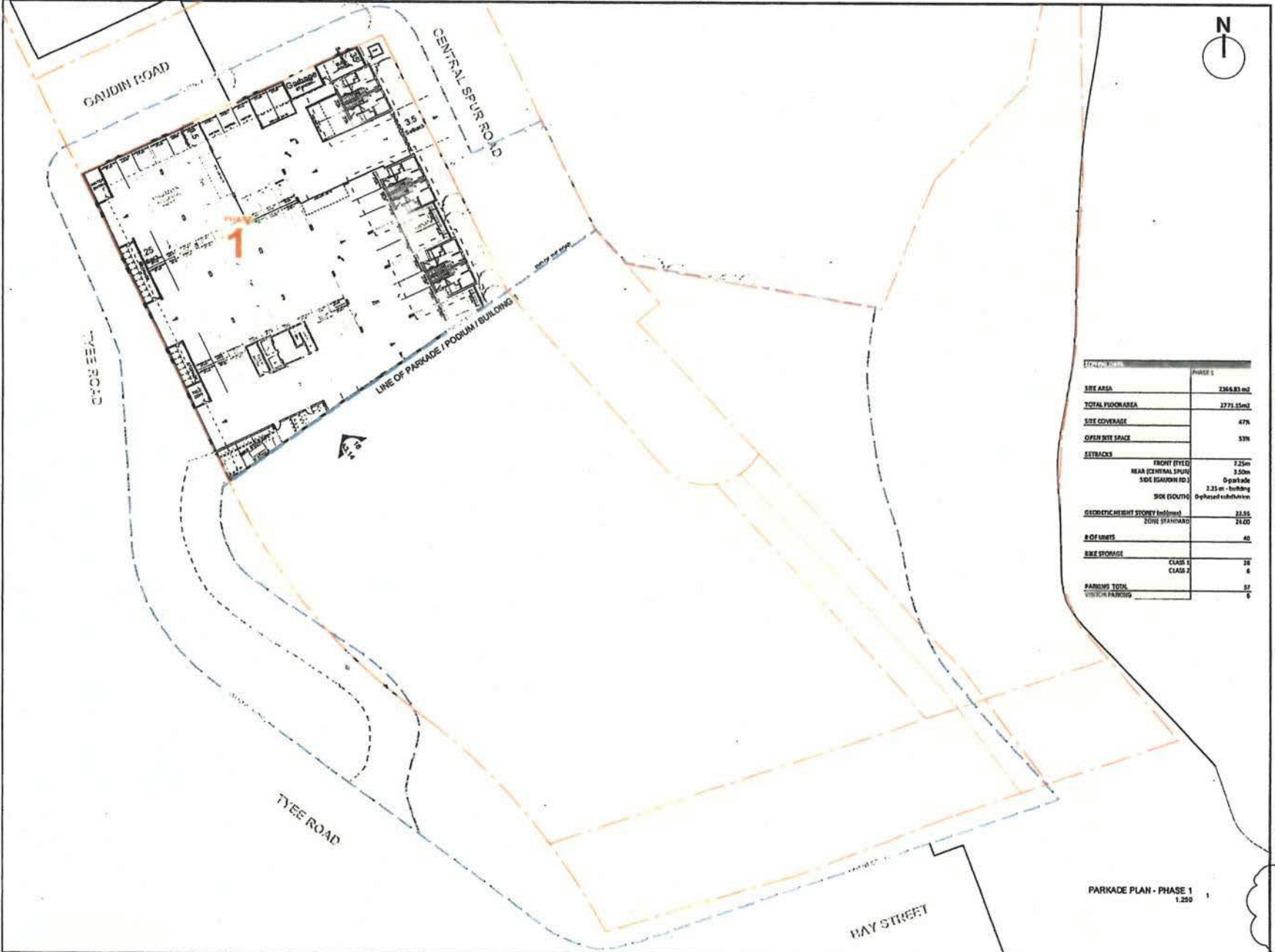
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 1000 LOCUST STREET
 VANCOUVER, BC V6E 1T1
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SEAL
 RAILYARDS, LOT H & J
 VICTORIA, BC
 PHASING PLAN
 PARKADE PLAN
 PHASE 1
 DRAWN: [blank] PLOT DATE: 2015
A0.05B



SITE DATA	
PHASE 1	
SITE AREA	2364.81 m ²
TOTAL FLOOR AREA	2771.15 m ²
SITE COVERAGE	47%
OPEN SITE SPACE	53%
SETBACKS	
FRONT (TYEE)	7.25m
REAR (CENTRAL SPUR)	3.50m
SIDE (GARDIN RD.)	0.91m
SIDE (TYEE)	2.33m - 1.00m
GEOMETRIC HEIGHT (STONEY HILL)	22.35
ZONE STANDARD	24.00
# OF UNITS	40
Bike Storage	
CLASS 1	28
CLASS 2	6
PARKING TOTAL	34
VISITOR PARKING	6

PARKADE PLAN - PHASE 1
 1:250

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REPORT FOR PARTNERSHIP'S AND CONTRIBUTION TO THE FISCAL YEAR
FROM 1/1/2010 TO 12/31/2010

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INTERIOR DESIGN PLANNING INC
408 - 811 ALEXANDER STREET
VANCOUVER, BC, V6A 1G1
Tel (604) 796-1363 Fax (604) 251-1766

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OWNER:
LEIFUNG AND COMPANY
500 HEROLD ST.
VICTORIA BC V8N 1G1
Tel: 251-1111 Fax: 251-1111

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1000

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1 + 2

DRAWN BY DATE 8/2/85

PLOT DATE: 8/20/15

A0.06A

TOTAL SQUARE FEET		DRAINAGE	
SITE AREA	4372		
TOTAL FLOOR AREA	5885.00		
SITE COVERAGE	5.0		
OPEN SITE SPACE	5		
SETBACKS			
FRONT (FEET)	11.0		
REAR (CENTRAL SPAN)	3.0		
SIDE (EASTERN RD)	3.0	Optional setbacks	
	3.0	3.0	Optional setbacks
SIDE (EASTERN)			
GEOTECHNICAL STUDY	Required		
	20' or greater		
# OF UNITS			
BIKE STORAGE			
	CLASS 1		
	CLASS 2		
PARKING TOTAL			
VEHICLE SPACES			

PHASING PLAN
SCALE 1/200

5

DIALOG



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 DESIGN BY: ARCHITECTURE
 ARCHITECTURE
 401-401-401-401
 401-401-401-401
 401-401-401-401
OWNER
 METRIC AND COMPANY
 401-401-401-401
 401-401-401-401

PHASE 1 + 2	
SITE AREA	4373.50
TOTAL FLOOR AREA	5483.00m ²
SITE COVERAGE	43%
OPEN SITE INDEX	53%
DETRAILS	
FROM STREET	21.00m
NEAR CENTRAL SPUR	3.00m
SIDE (EAST) NO 2	2.35 m - building
SIDE (EAST) NO 1	2.35 m - building
GEOMETRIC HEIGHT STONE (bottom)	12.50
20m STATIONARY	24.00
# OF UNITS	70
BKE STORAGE	
CLASS 1	139
CLASS 2	17
PARKING TOTAL	157
VEHICLE PARKING	157

PARKADE PLAN - PHASE 2
 1:250

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
 PARKADE PLAN
 PHASE 1 + 2

DATE: 08/01/15

A0.06B

Victoria City Council - 10 Mar 2016

DIALOG



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VICTORIA, BC V8V 1K1
Tel: (250) 383-1888 Fax: (250) 383-1700
bryan@bryanw.ca

OWNER
MILNE AND COMPANY
100 HERRING STREET
VICTORIA, BC V8V 1K1
Tel: (250) 383-1888

PHASE 1 + 2	
SITE AREA	4372.50
TOTAL FLOOR AREA	5625.00m ²
SITE COVERAGE	45%
OPEN SITE SPACE	55%
SETBACKS	
FRONT (TREE)	11.00m
REAR (CENTRAL SPUR)	3.00m
SIDE (GAUDIN RD.)	0.90m (subterranean)
SIDE (SOUTH)	2.25 m - building
	0.90m (subterranean)
GEOTECH HEBBY STONEY (meters)	22.50
20% STANDARD	24.00
# OF UNITS	78
BRE STORAGE	
CLASS 1	108
CLASS 2	12
PARKING, BIKING, VISITOR PARKING	212

SEAL

RAILYARDS, LOT H & J

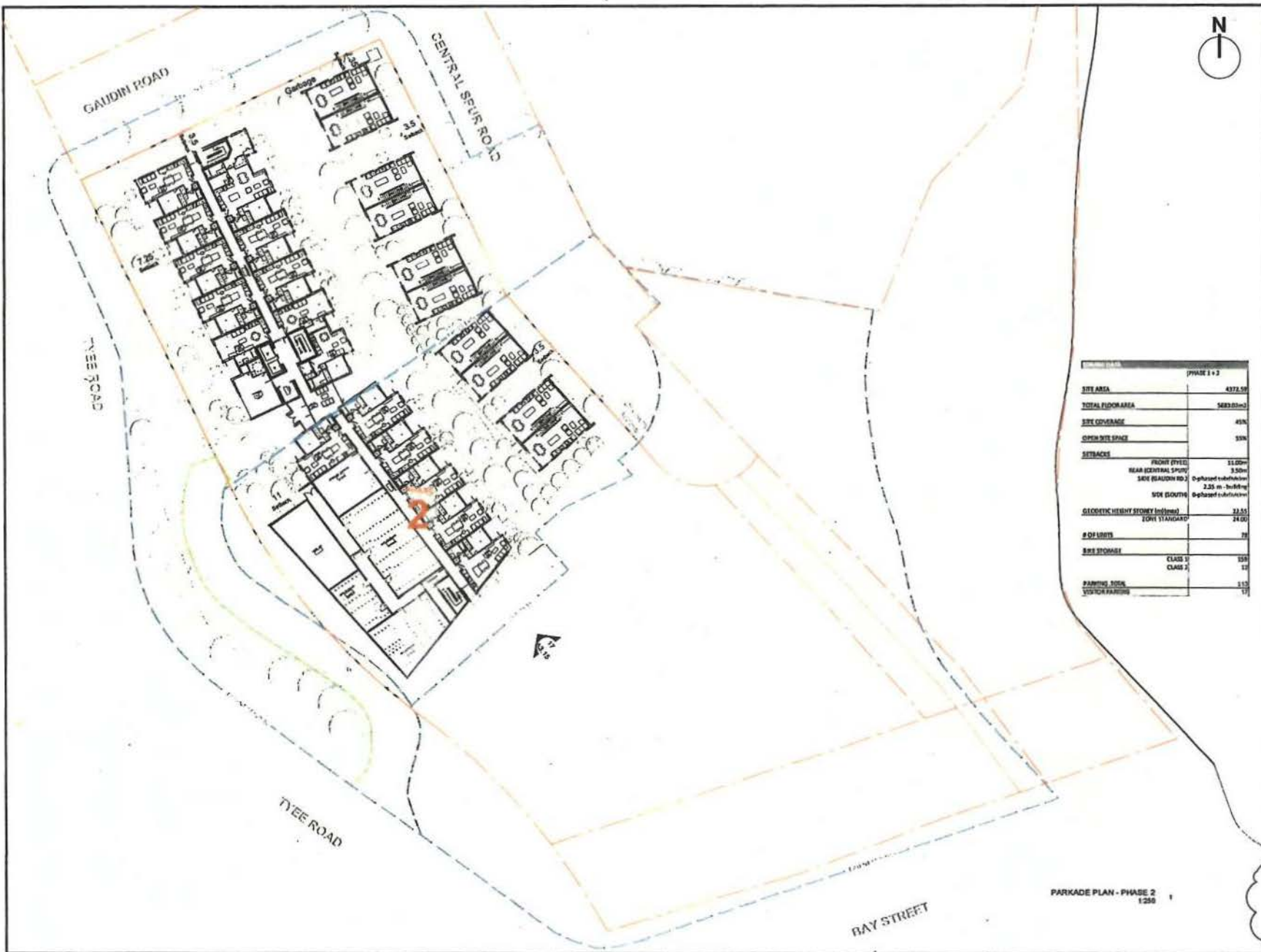
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PHASING PLAN
PARKADE PLAN
PHASE 1 + 2

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PLUT DATE: 08/01/15

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PARKADE PLAN - PHASE 2
1:250



Victoria City Council - 10 Mar 2016

ISSUED FOR

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B 14 AUG15 DEVELOPMENT PERIOD REVISIONS

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PROPERTY DATA		PRICE (\$ + \$)
SITE AREA		6757
TOTAL FLOOR AREA		10770.66
SITE COVERAGE		41
OPEN SITE SPACE		51
STREETS		
FRONT STREET	9.25-13.5	
NEAR (CENTRAL SPUR)	3.7	
SIDE (EASTON RD)	2.95 m - bus stop	
	3.95	
SIDE COURTY		
GEOTECH WEIGHT STRENGTH (soil)		31
	20% STANDARD	
# OF UNITS		1
BKS STORAGE		
	CLASS 1	1
	CLASS 2	
PARKING TOTAL		
VEHICLE TOTAL		

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MINNEAPOLIS, MN 55402
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www.danlop.com

OWNER:
LIFEPOINT AND COMPANY
550 HUNOLD STREET
VICTORIA, B.C. V8W 1K6
Tel: (250) 363-6666

For 2004, 2005 and 2006

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1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

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SEA

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1 + 2 + 3

FLY DATE 800115

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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

DEADLINE
PLOT DATE BY 15

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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

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A0.09

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RENDERING OF PROJECT
 VIEW SOUTH ALONG CENTRAL SPUR ROAD 1

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RENDERING OF PROJECT
VIEW WEST BAY STREET BRIDGE

1

RAILYARDS, LOT H & J

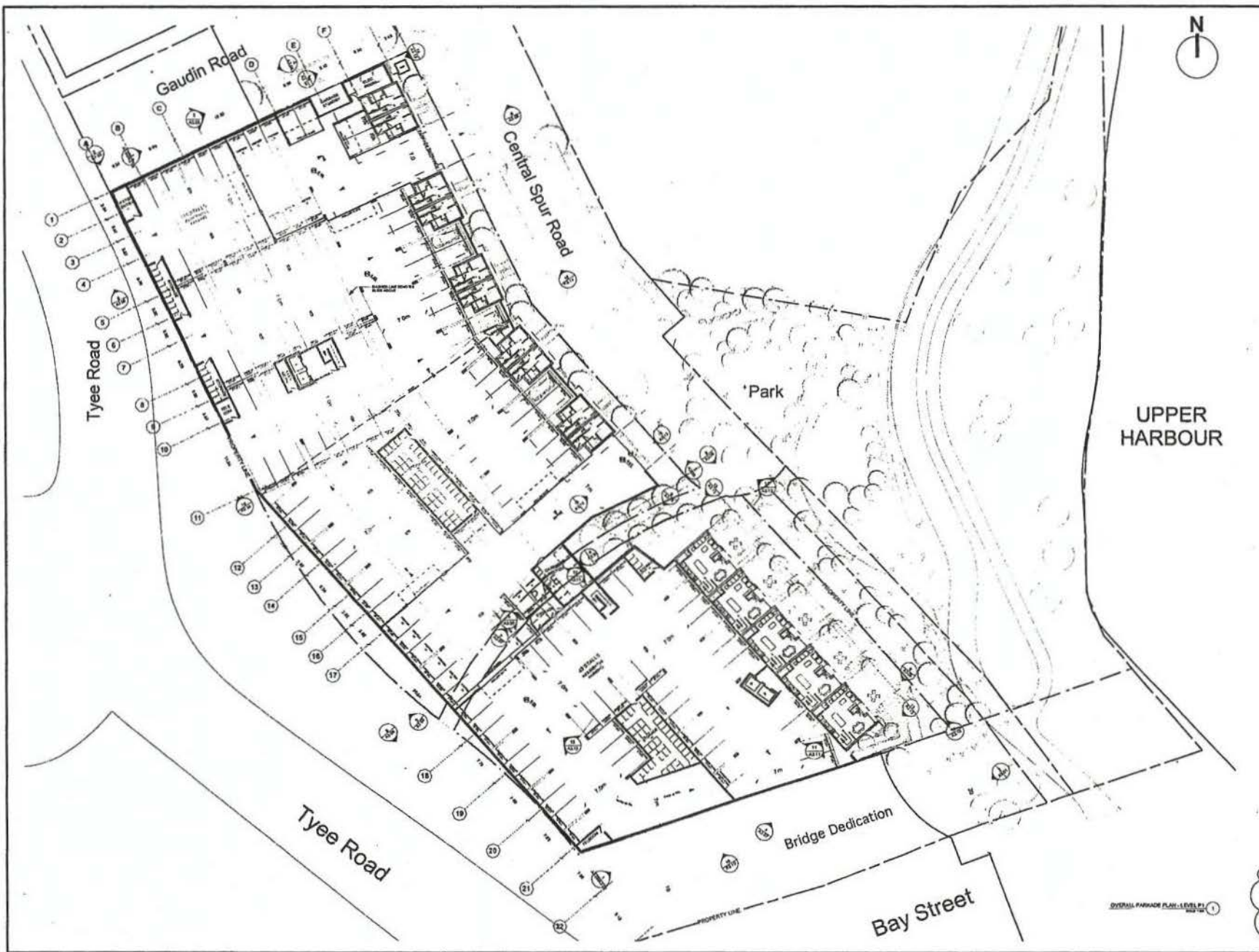
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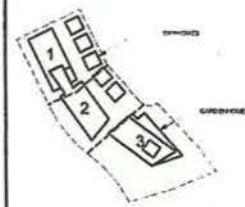
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 401-111-1111

OWNER:
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 VICTORIA, BC V8W 2M6
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RAILYARDS, LOT H & J

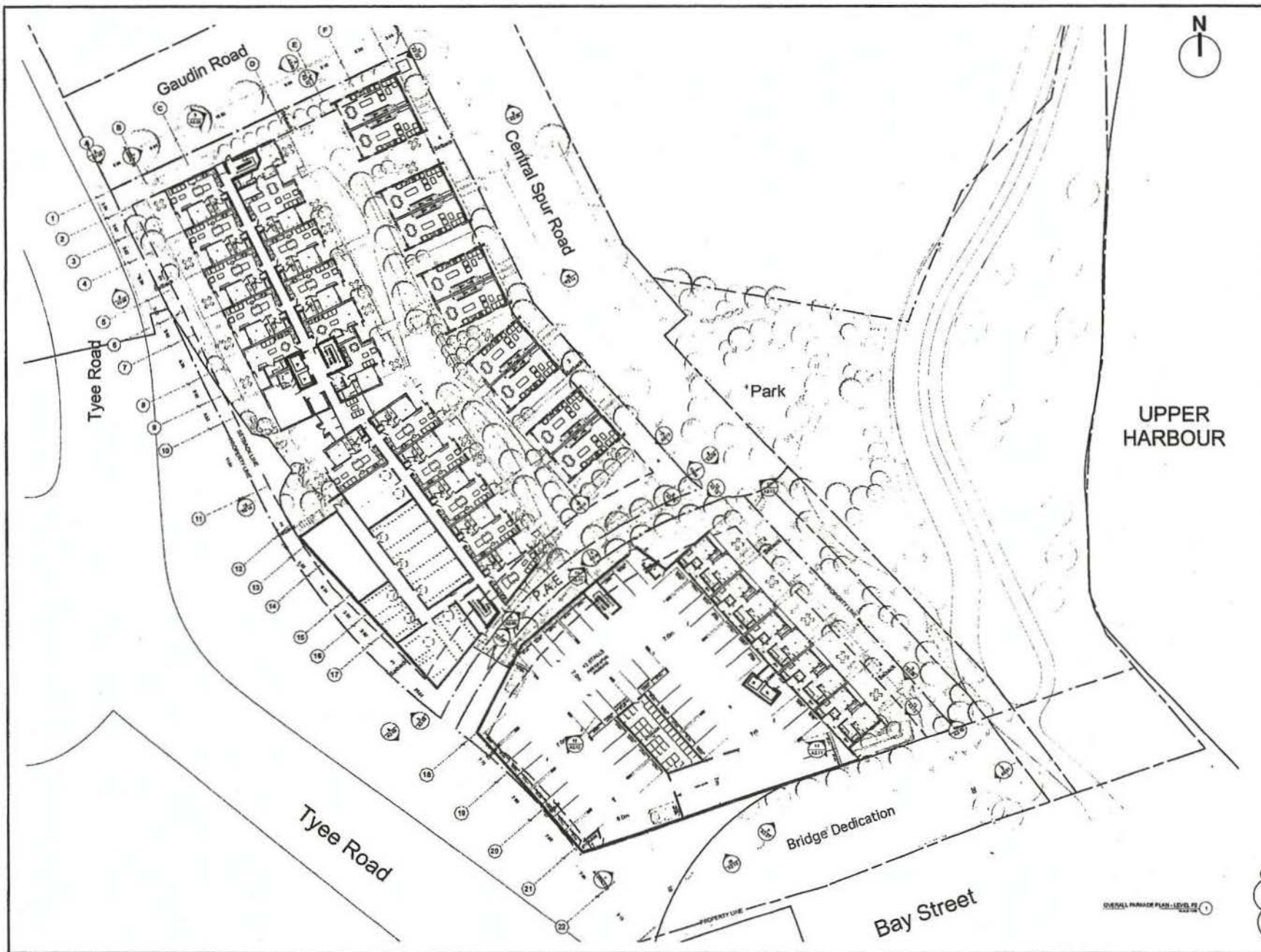
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OVERALL PARKADE PLAN
 LEVEL P1

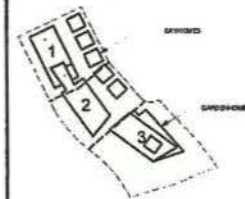
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A2.01

2016.03.10



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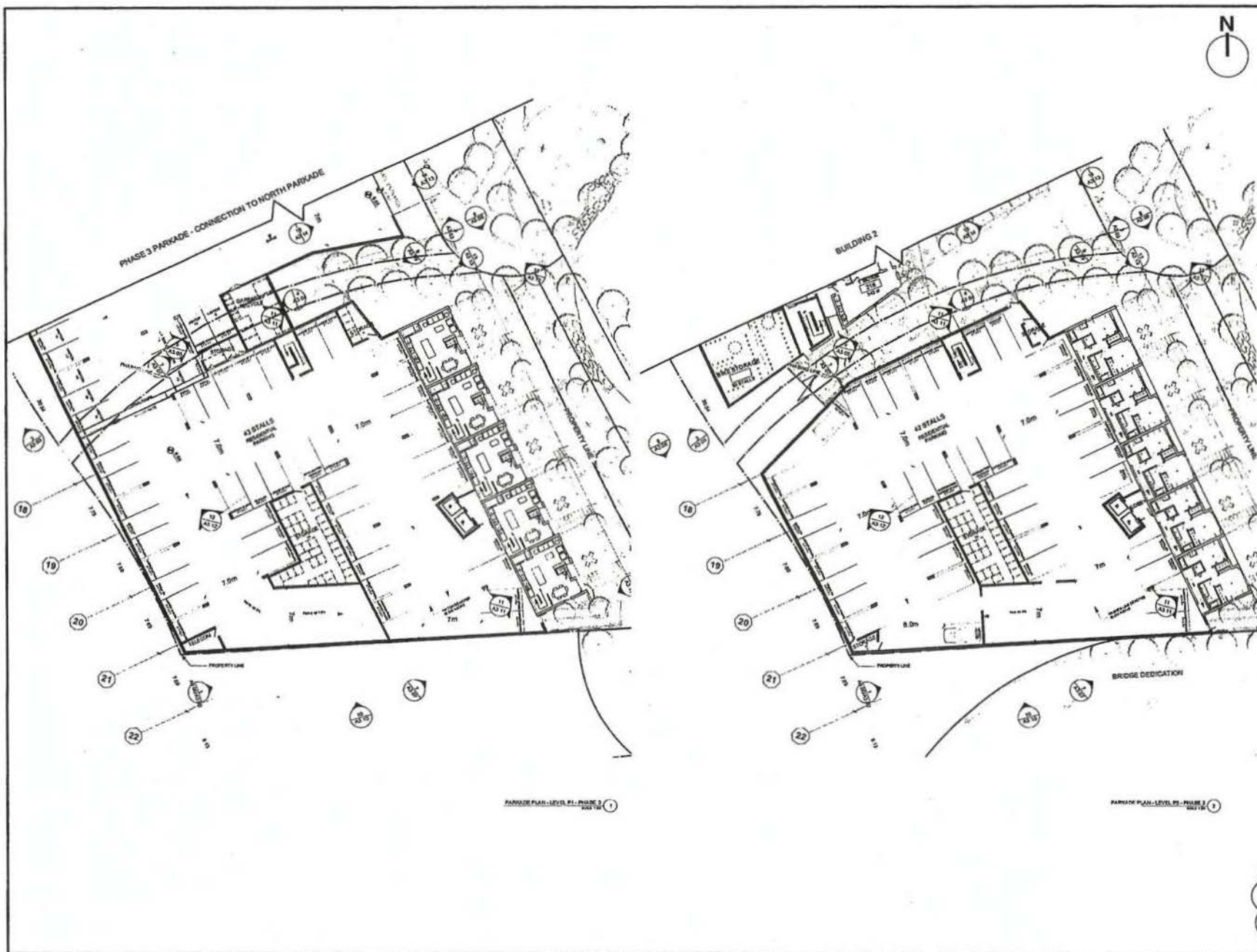
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VICTORIA, BC
 OVERALL PARKADE PLAN LEVEL P2

DRAWN BY: JAC
 PLOT DATE: 01/15/15
A2.02

SHOWN: PLOT DATE: 01/15/15





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RAILYARDS, LOT H & J

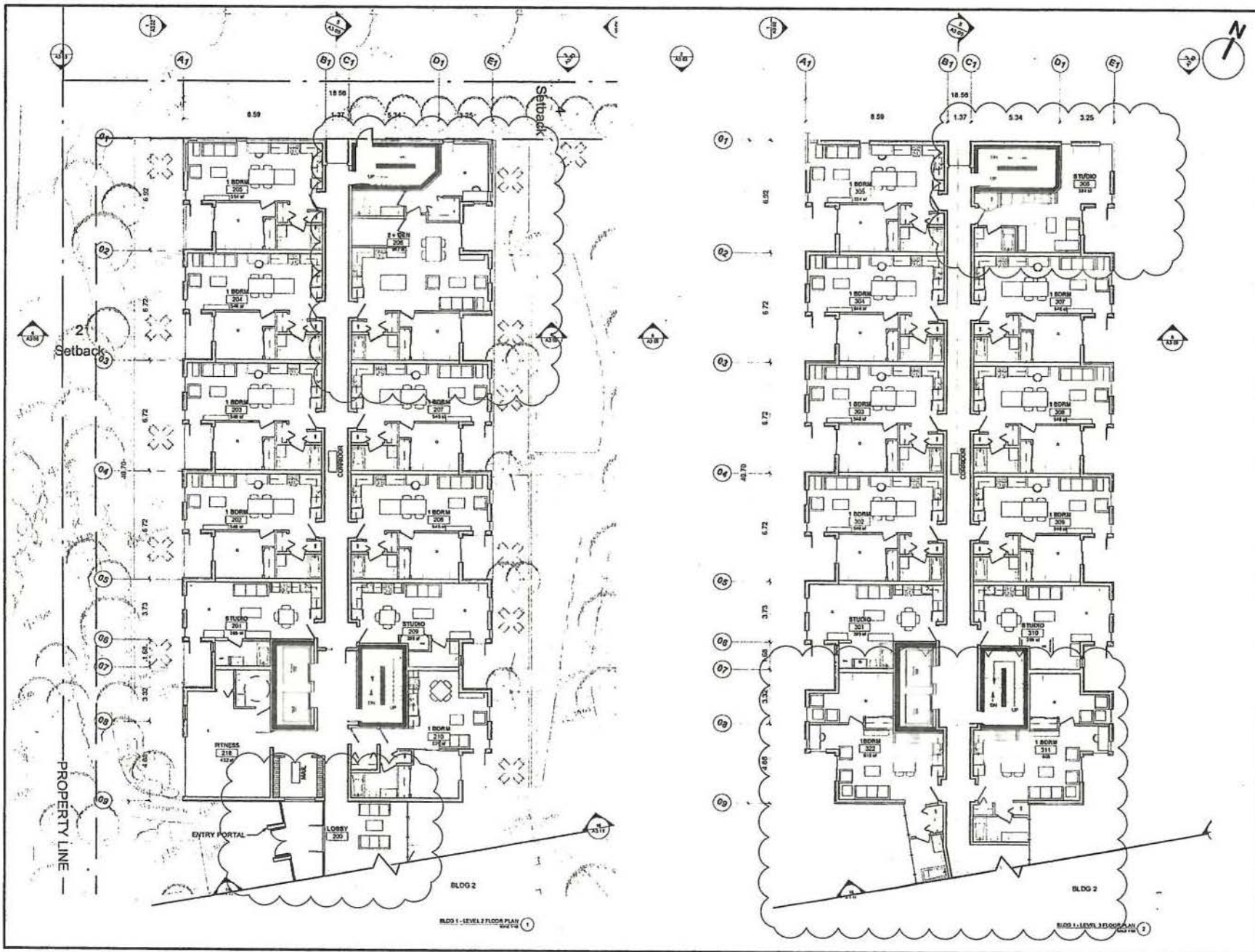
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**PARKADE PLAN - LEVELS 1 & 2
 PHASE 3**

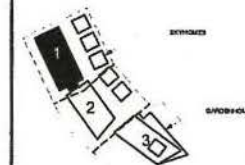
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 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000
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 LEFEME AND COMPANY
 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000
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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

BLDG 1 - LEVELS 2 & 3
 FLOOR PLANS

DRAWN BY: AD
 PLOT DATE: 01/14/15
 CHECKED:

A2.11

01/27/15 Plan BLDG 1, 2, 3 2015/11/15 rev

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DIVISION OF HIGH PLANNING INC.
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VANCOUVER BC V6A 1E1
Tel: (604) 255-1188 Fax: (604) 255-1180

OWNER:
LEFEVRE AND COMPANY
175 HERALD STREET
ALBANY, NY 12206
Tel: (518) 365-4900

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RAILYARDS, LOT H & J

VICTORIA, BC

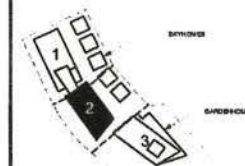
BLDG 1 - LEVELS 4 & 5
FLOOR PLANS

DRYIN AG
PLOT DATE: 6/14/15

A2.12



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Tel: 250-363-1111 Fax: 250-363-1112
www.dialogarchitect.com

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VICTORIA BC V8V 1K1
Tel: 250-363-1111

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

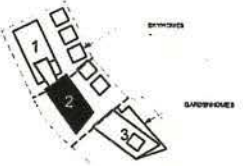
**Bldg 2 - Levels 2 & 3
FLOOR PLANS**

DRAWN BY: AD
PLOT DATE: 01/14/15
CHECKED:

A2.21

12/25/15 Plans BLDG2_12_2101151111.dwg

DIALOG



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RAILYARDS, LOT H & J

VICTORIA, BC

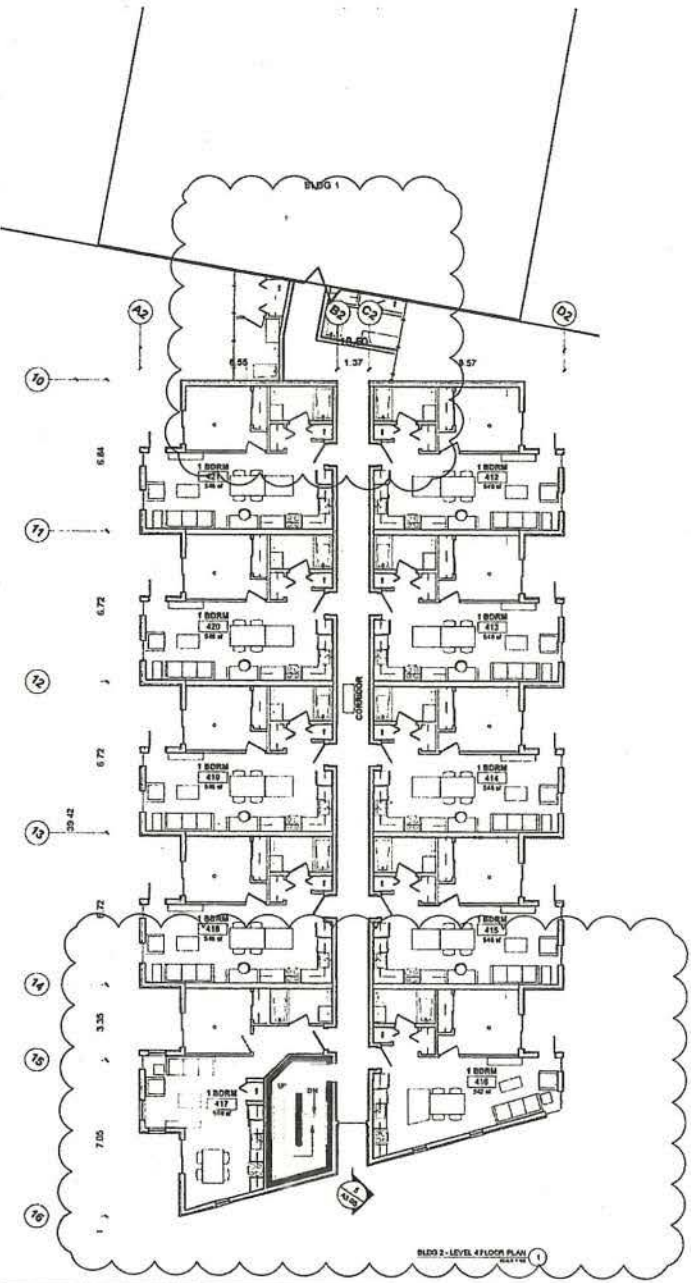
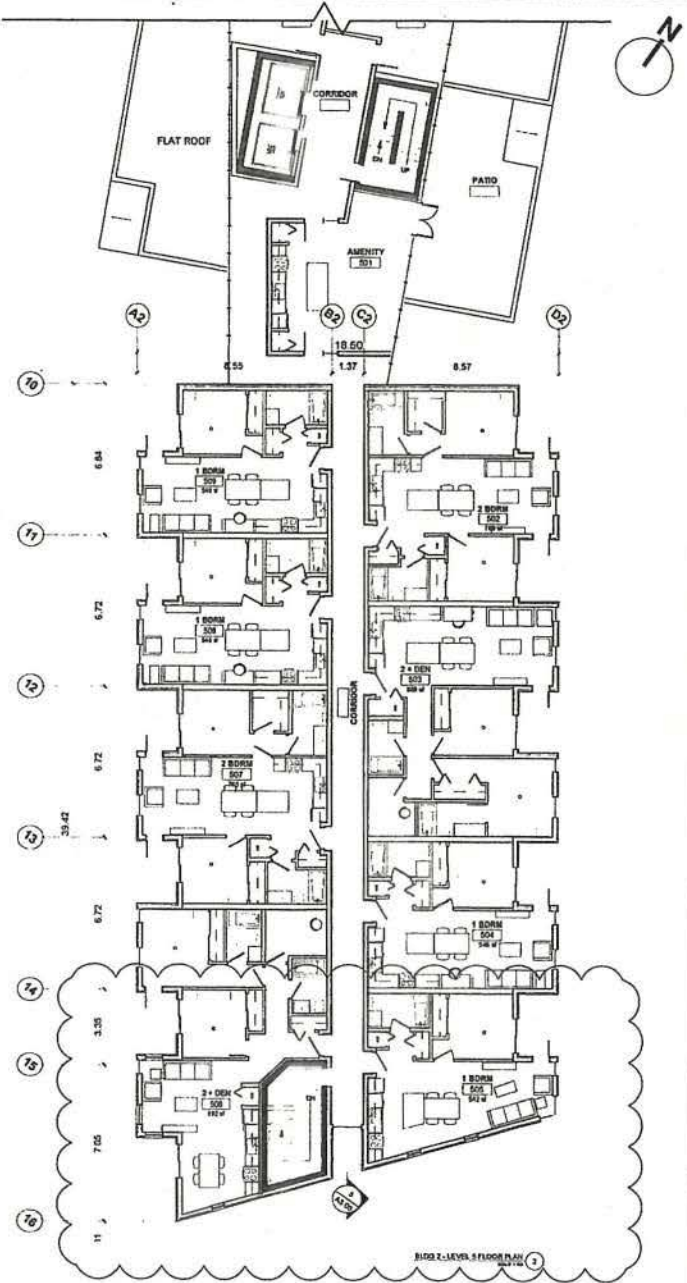
**BLDG 2 - LEVELS 4 & 5
 FLOOR PLANS**

DRAWN: AD
 PLOT DATE: 01/14/15

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A2.22

BLDG 2 - LEVEL 4 FLOOR PLAN



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RAILYARDS, LOT H & J

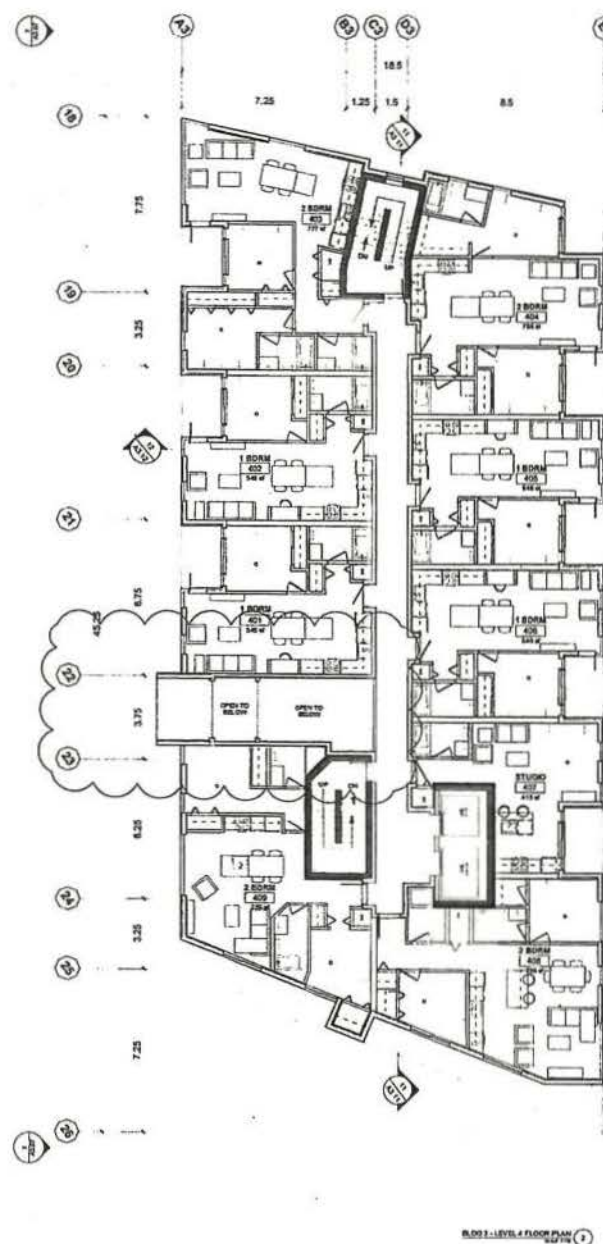
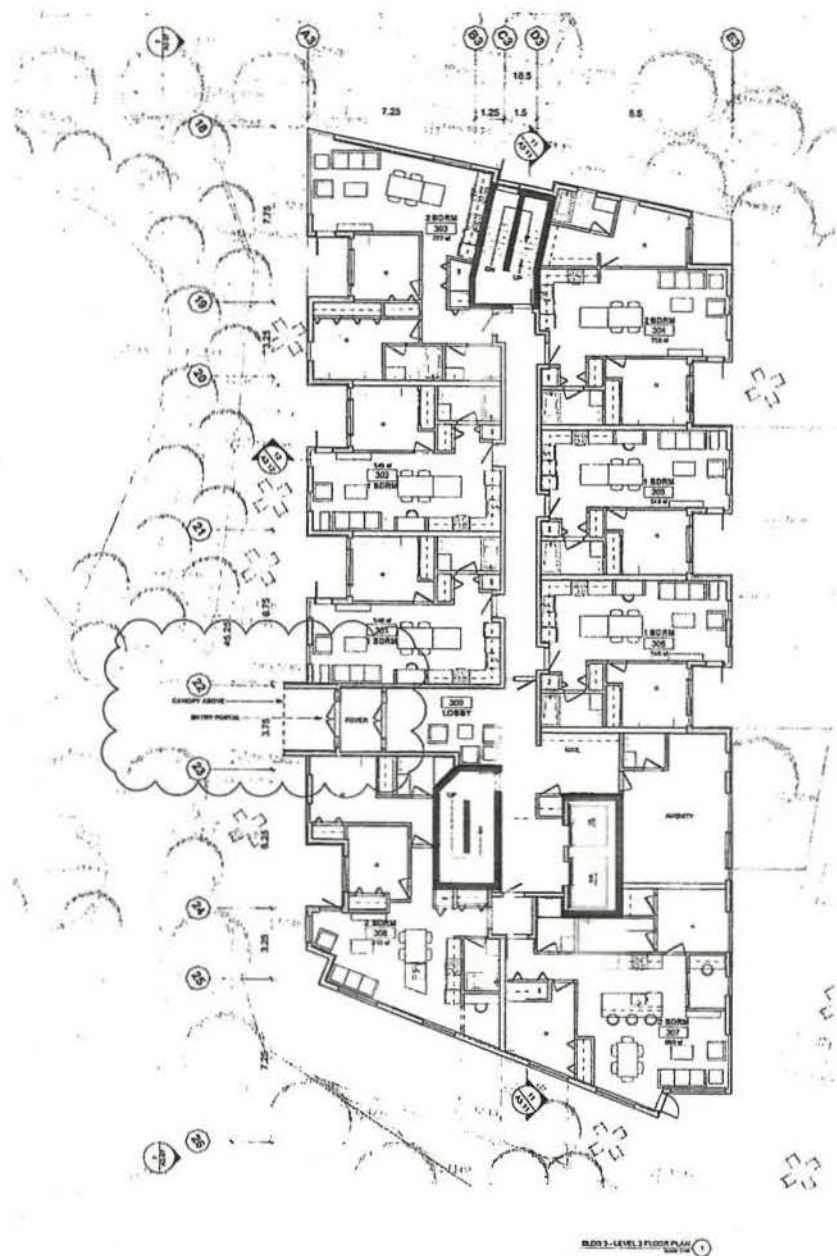
VICTORIA, BC

BLDG 2 - ROOF PLAN

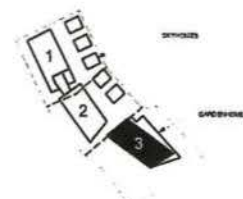
DRAWN AG
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GEAR

RAILYARDS, LOT H & J

VICTORIA, BC

BLDG 3 - LEVEL 3 & 4
FLOOR PLANS

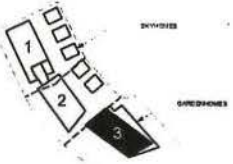
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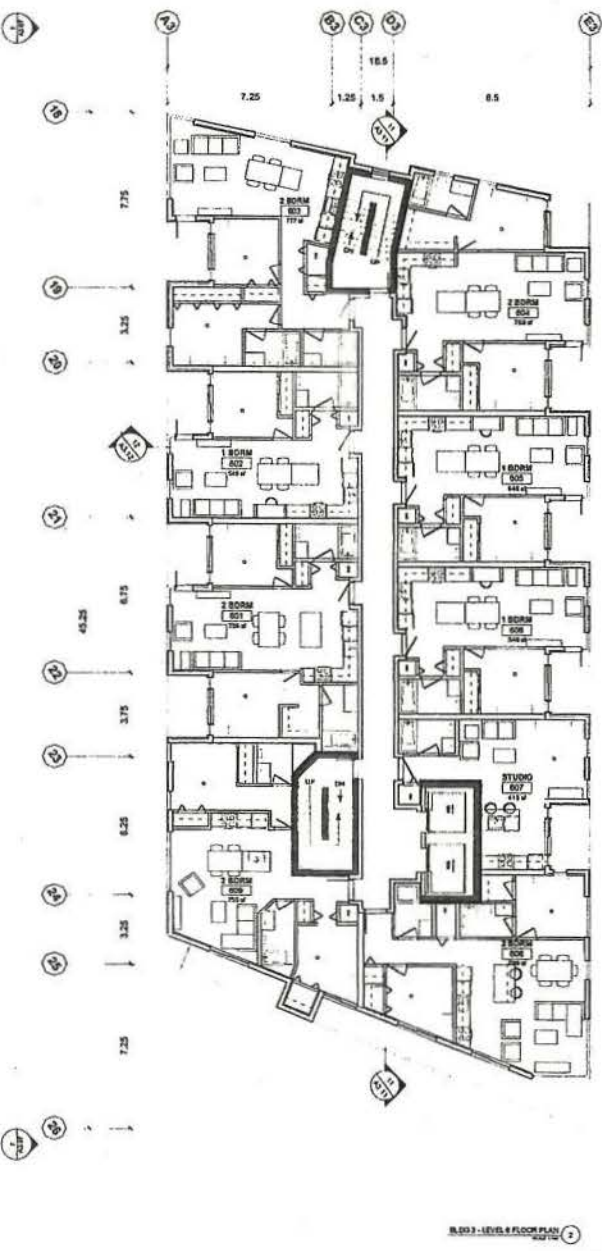
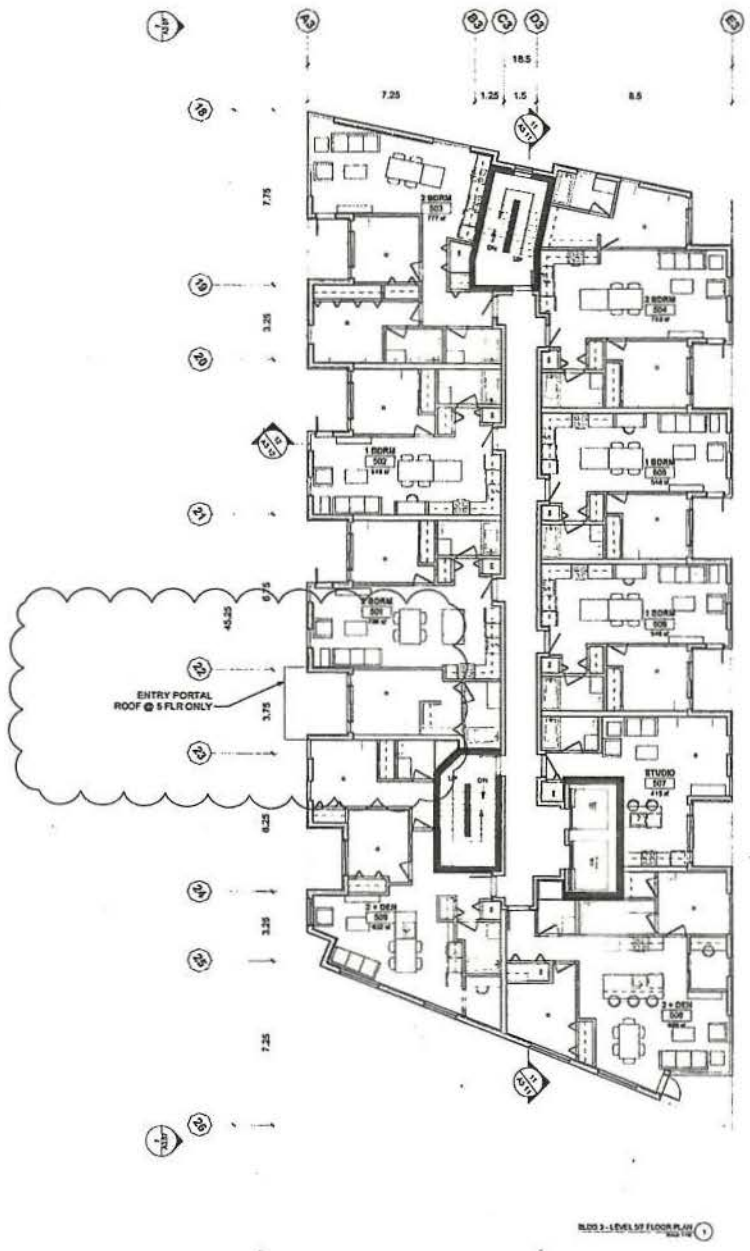
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 BLDG 3 - LEVEL 5-7
 FLOOR PLANS

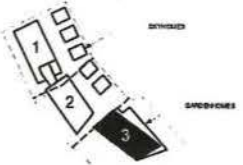
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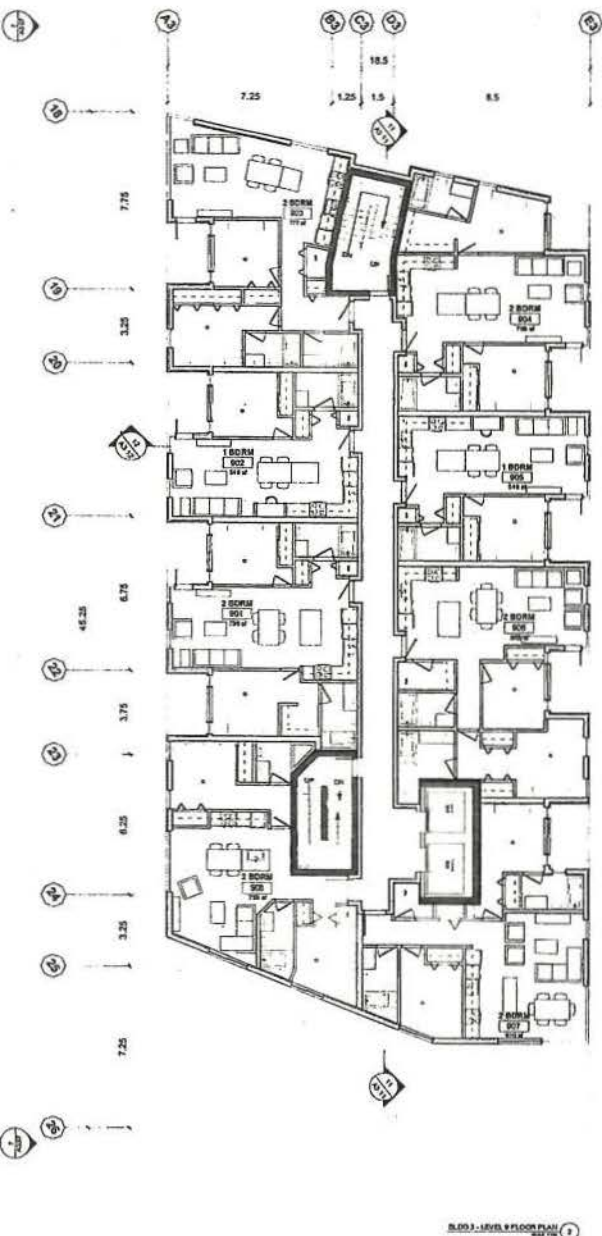
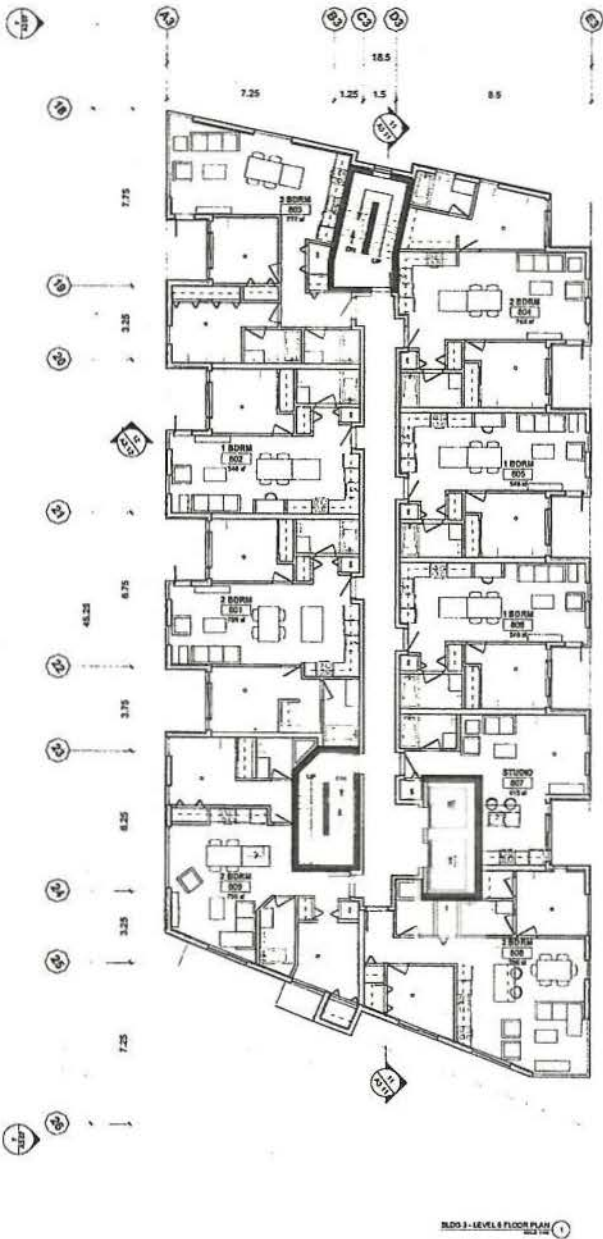
**BLDG 3 - LEVEL 8 & 9
 FLOOR PLANS**

DRAWN: AQ/DT
 PLOT DATE: 01/01/15

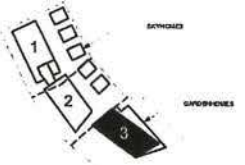
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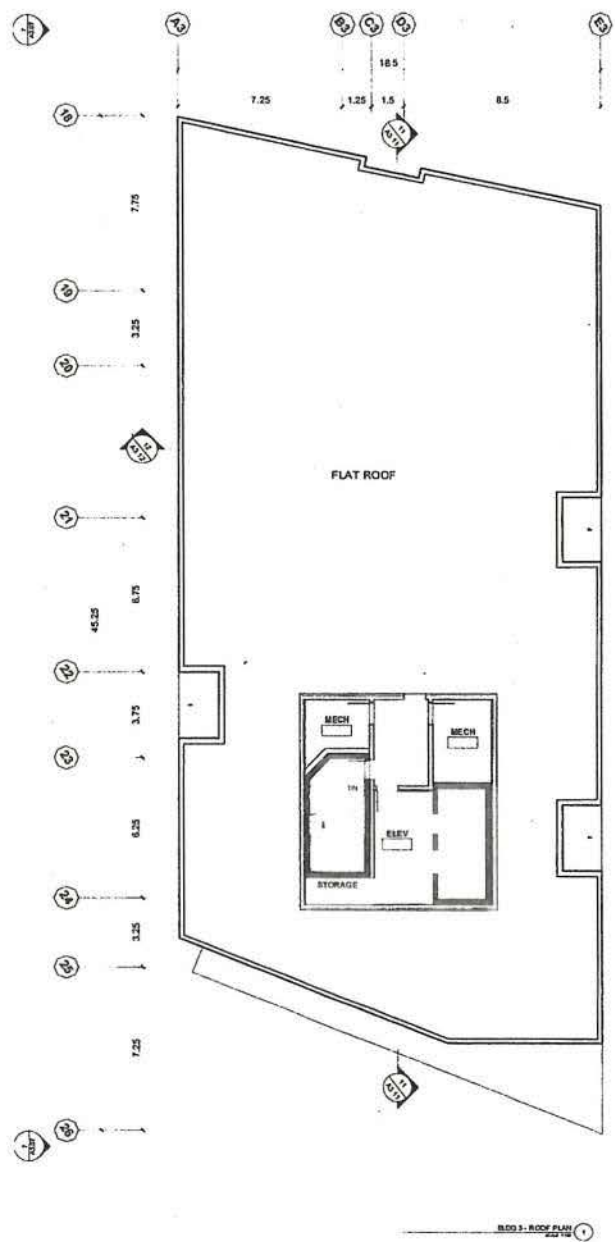
VICTORIA, BC

BLDG 3 - ROOF PLAN

DRAWN: AD/DT
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A2.34

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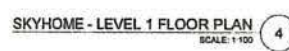
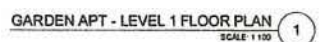
VICTORIA, BC

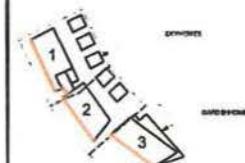
TYPICAL UNIT PLANS
GARDEN APT-LVLS 1-4
SKY HOMES - LVLS 1-4

DRAWN: _____ CHECKED: _____
PLOT DATE: 1/23/15

A2.41

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RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEVATION

DRAWN BY: AD
 PLOT DATE: 01/11/15
 CHECKED:

A3.00

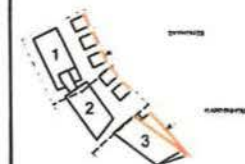
WEST ELEVATION, 01/11/15



WEST ELEVATION LEGEND 1A
 SCALE 1:200



WEST STREETSCAPE ALONG TYEE RD. 1B
 SCALE 1:200



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RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATION

DRAWN: AD
 PLOT DATE: 01/10/15
 CHECKED:

A3.01

WEEK 15 ELEVATIONS_01/10/15.rvt



EAST ELEVATION - LEGEND
 SCALE: 1:200 2A



EAST STREETSCAPE ELEVATION
 SCALE: 1:200 2B

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VICTORIA, BC

WEST ELEVATION

BLDG 1 & 2

DRAWN AND
PLOT DATE 8/14/75

A3.02

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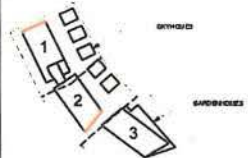


WEST ELEVATION 1 - BLDG 1

WEST ELEVATION 1 - BLDG 2 (1D)
SCALE: 1/100



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RAILYARDS, LOT H & J

VICTORIA, BC

NORTH & SOUTH ELEVATION

BLDG 1 & 2

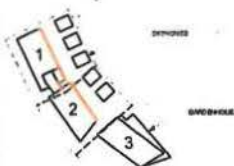
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A3.03

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RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATION

BLDG 1 & 2

DATE: 28 JAN 15
 PLOT DATE: 28 JAN 15

A3.04

REVISION ELEVATION, 28 JAN 15



EAST ELEVATION - BLDG 2
 SCALE 1:100 4A



EAST ELEVATION - BLDG 1
 SCALE 1:100 4B

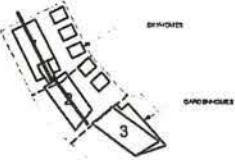
GAUDIN RD.

ROLLING OVERHEAD GARAGE DOOR

MAX BULK HEIGHT 4.00
 ROOF LEVEL 22.50
 LEVEL 05 19.5
 LEVEL 04 18.45
 LEVEL 03 17.4
 LEVEL 02 16.35
 LEVEL 01 6.00

MAX BULK HEIGHT 4.00
 ROOF LEVEL 22.50
 LEVEL 05 19.5
 LEVEL 04 18.45
 LEVEL 03 17.4
 LEVEL 02 16.35
 LEVEL 01 6.00

DIALOG

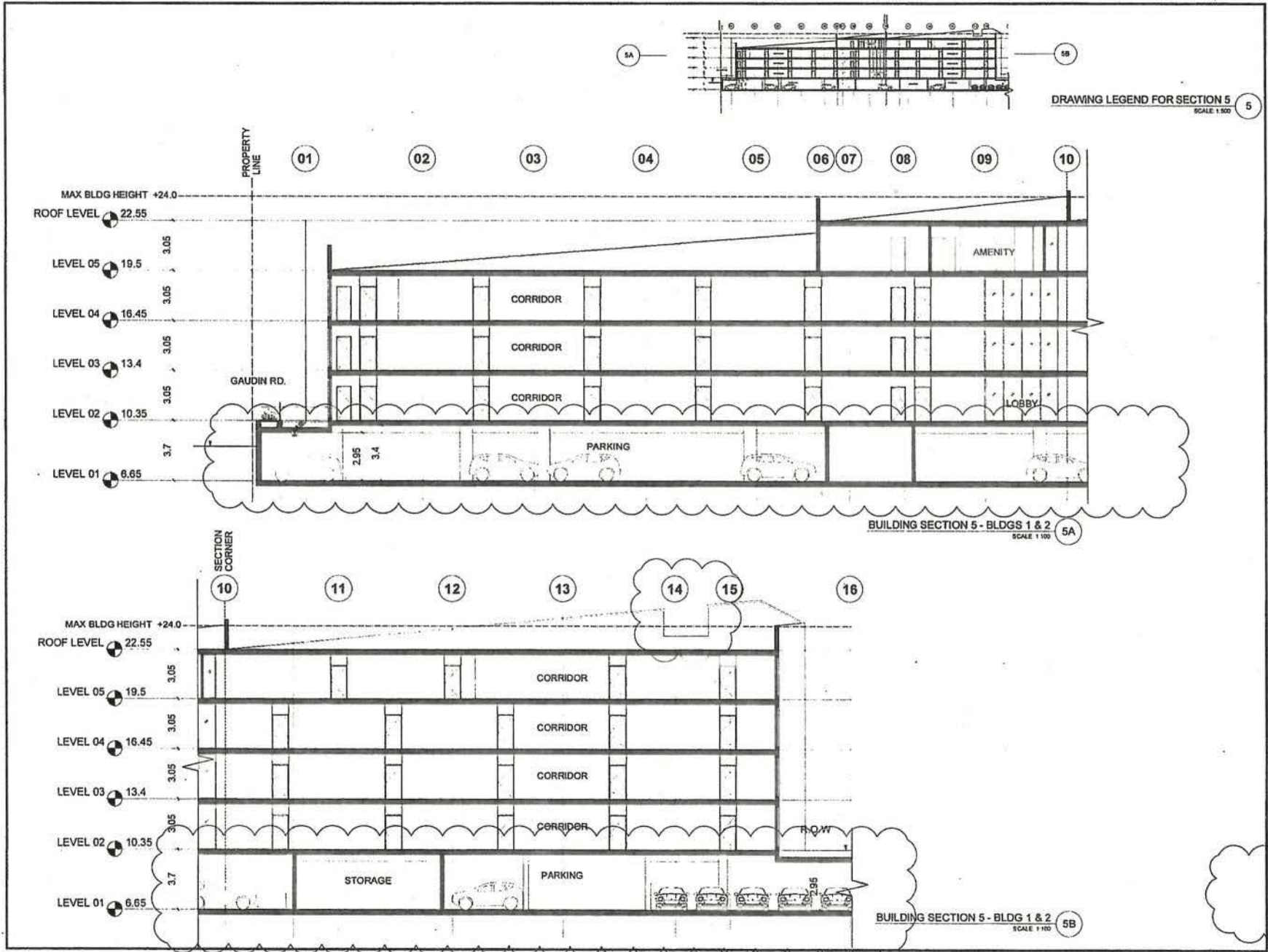


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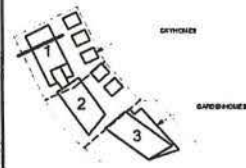
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 BLDG 1 & 2
 DRAWN: AD
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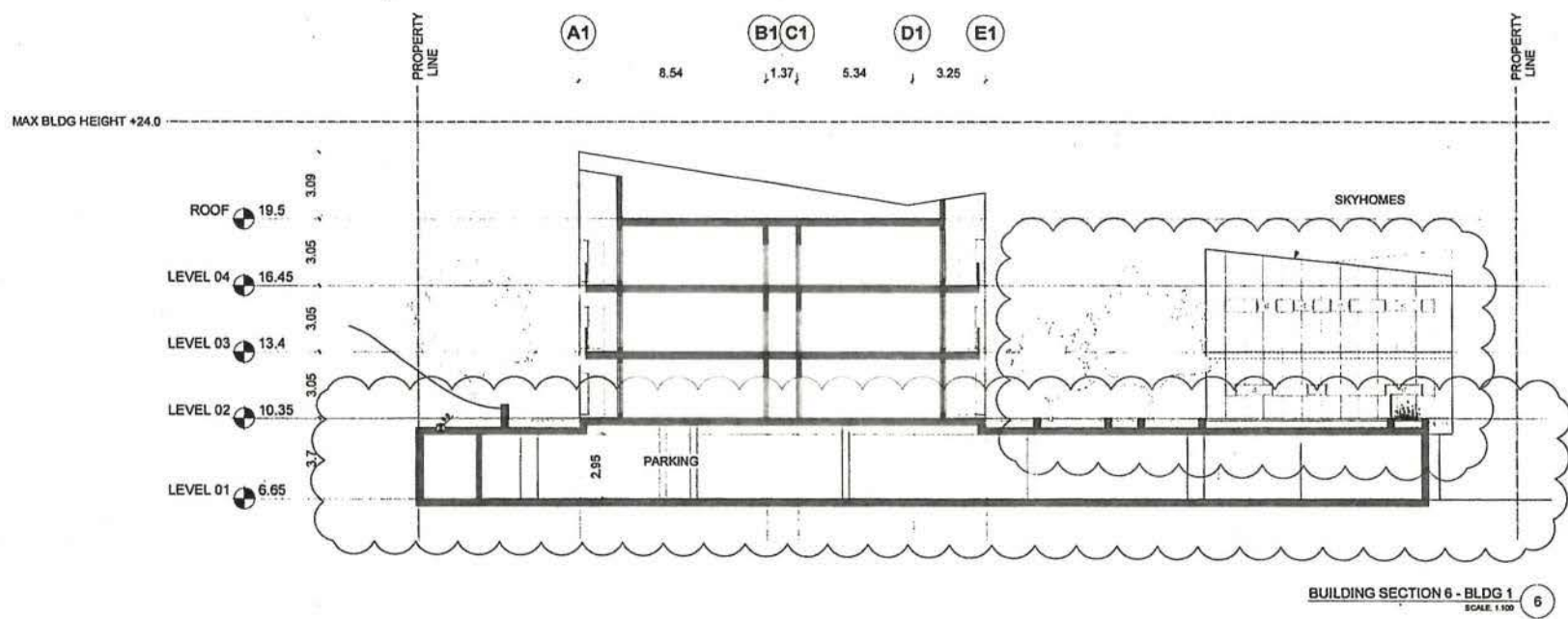
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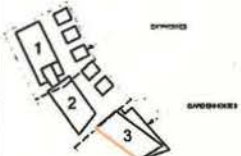
DRAWN AG
 PLOT DATE: 8/14/15

A3.06

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

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 TEL: 250-383-8888

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEVATION

BLDG 3

DRAWN AND PLOTT DATE 01/10/15 CHECKED

A3.07

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INTERIOR DESIGN PLANNING P.C.
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WASHINGTON, DC 20013
Tel: (202) 338-1780 Fax: (202) 338-1780

OWNER:
LEFFING AND COMPANY
208 HARBOR STREET
VICTORIA BC V8W 1A6
TEL: (250) 366-4000

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

NORTH ELEVATION

BLDG 3

DRAWN AS
PLOT DATE: 8/14/75

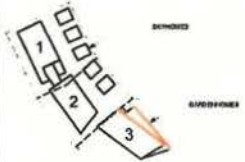
A3.08

KEYWORDS: child abuse; child sexual abuse; child sexual exploitation; child sexual abuse investigation; child sexual abuse assessment



NORTH ELEVATION - BLDG 3

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 LEVINE AND COMPANY
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 VICTORIA BC V8W 2E8
 Tel: 250-383-4000

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RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATION

BLDG 3
 DRAWN BY: [blank]
 PLOT DATE: 27/10/15

A3.09

1/2015 ELEVATION_A3.091015.dwg

Victoria City Council - 10 Mar 2016

PAINTED FIBER CEMENT PANEL PAINTED FIBER CEMENT PANEL CORRUGATED METAL CLADDING

26 25 24 23 22 21 20 19 18

7.32 3.11 6.19 3.79 6.71 6.71 3.6 7.01

ROOF @ MAX HEIGHT 31.00

LEVEL 09 28.35

LEVEL 08 25.7

LEVEL 07 23.05

LEVEL 06 20.4

LEVEL 05 17.75

LEVEL 04 15.1

LEVEL 03 12.45

LEVEL 02 9.8

LEVEL 01 6.95

3.05



EAST ELEVATION - BLDG 3
 SCALE 1:100

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Denver, CO 80231
402-491-4500
Fax: 402-491-1200

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LEFEVRE AND COMPANY
10 HURDLE STREET
VICTORIA BC V8Y 1Z8
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RAILYARDS, LOT H & J

VICTORIA, BC

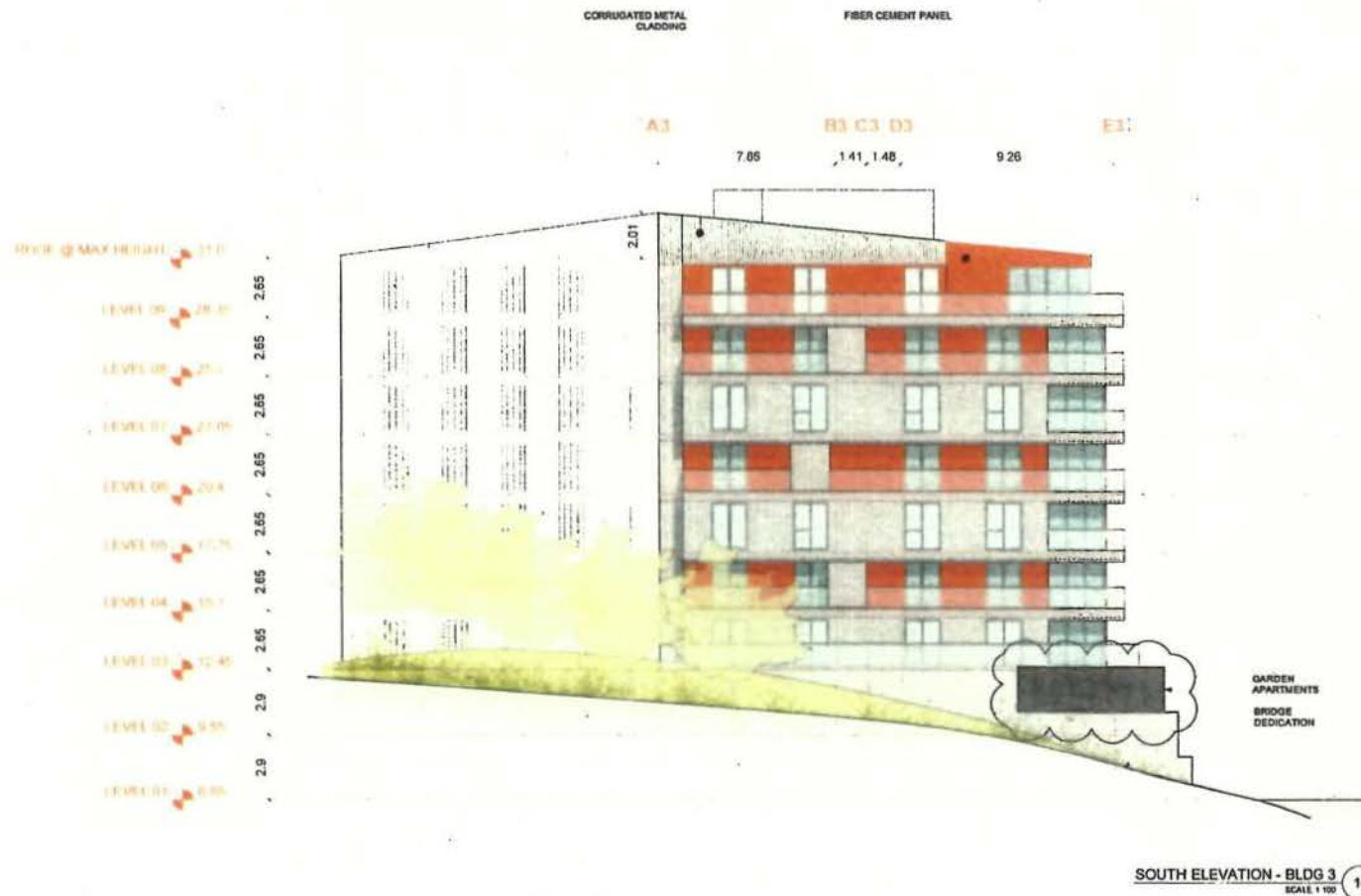
SOUTH ELEVATION

BLDG 3
DRAWN AG
PLOT DATE: 8/14/95

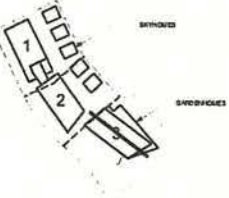
A3.10

ORDER OF CANTON, 1817-18

Victoria City Council - 10 Mar 2016



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 401 WEST BROADWAY STREET
 VICTORIA, BC V8W 1G1
 TEL: 250.363.1138 FAX: 250.363.1139
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 100 HERALD STREET
 VICTORIA, BC V8W 1G1
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RAILYARDS, LOT H & J

VICTORIA, BC

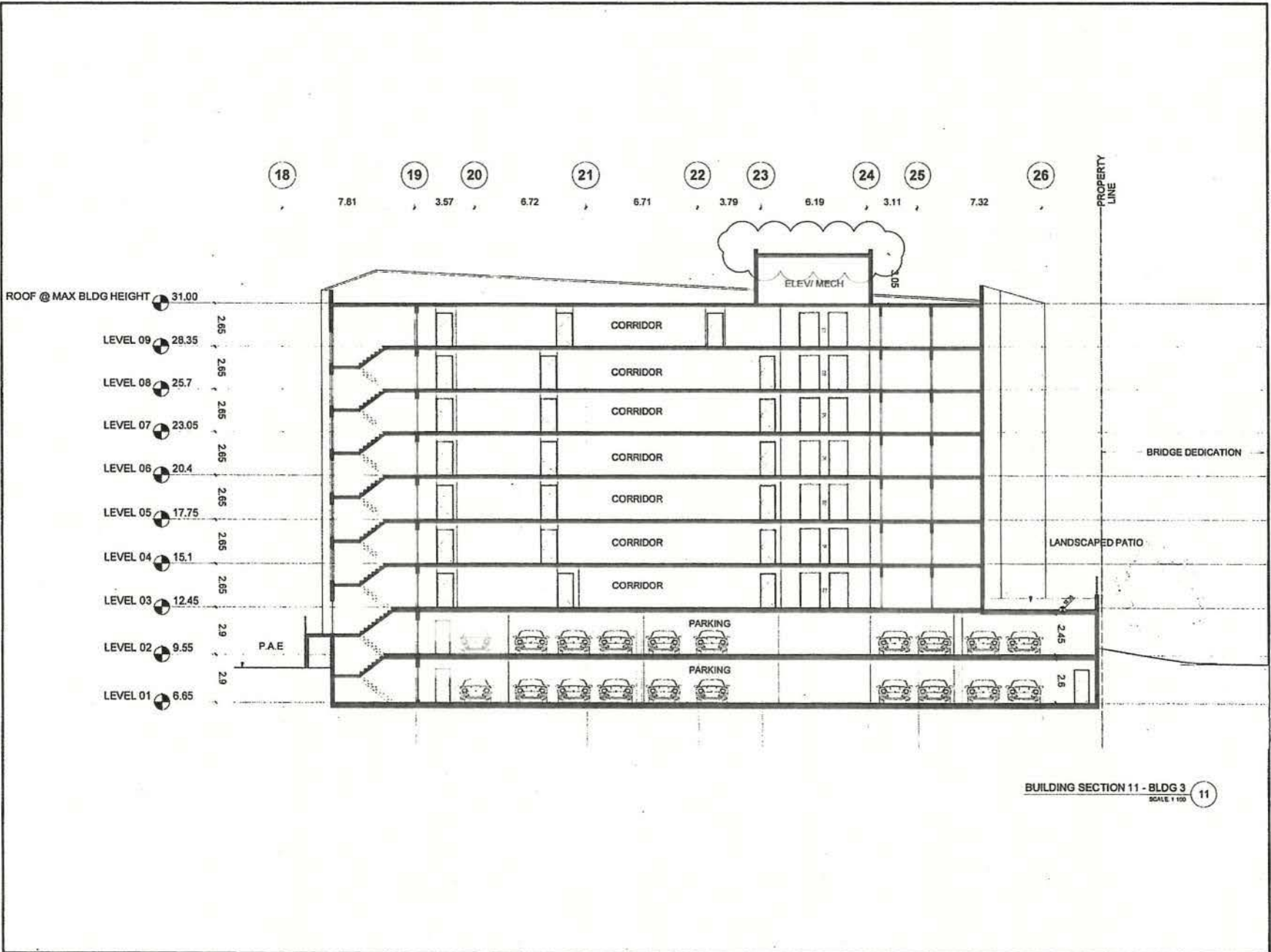
BUILDING SECTION

BLDG 3

DRAWN: AG PLOT DATE: 01/14/15 CHECKED:

A3.11

WSPN 02/20/2016 20150117-000



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VANCOUVER, BC, CANADA
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OWNER:
LEFEBRE AND COMPANY
THE HERALD STREET
VICTORIA BC V8W 1Z6
Tel: (250) 768-4902

SEAR

BUILDING SECTION 12 - BLDG 3

RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

BLDG 3

DRAWN AD
PLOT DATE: 01/14/15

A3.12

43202 SECTION 201.6017 (a)

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 email: info@dialoginc.ca

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 VICTORIA, BC V8A 1A1
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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATIONS - GARDEN HOMES & SKY HOMES

DRAWN BY: AD
 PLOT DATE: 01/10/15

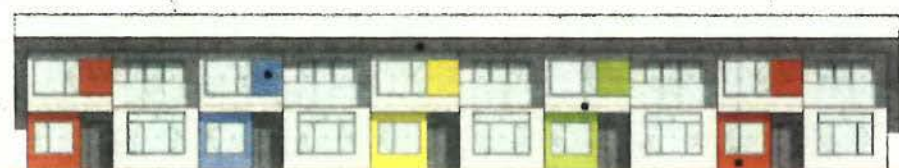
CHECKED BY:

A3.13

ISSUED FOR: 28 JANUARY 2015

ROOF @ MAX HEIGHT 11.95
 LEVEL 06 28.00
 LEVEL 05 25.00
 LEVEL 04 23.00
 LEVEL 03 20.00
 LEVEL 02 17.00
 LEVEL 01 14.00
 LEVEL 00 11.00
 LEVEL 01 8.00

PAINTED CORRUGATED METAL CLADDING
 PAINTED ALUMINUM
 PAINTED FIBER CEMENT PANEL
 PAINTED FIBER CEMENT PANEL



EAST ELEVATION - GARDEN HOMES
 SCALE 1:100 13

MAX HEIGHT 24.00

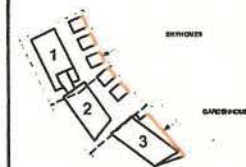
PARKING ENTRANCE GREEN WALL PAINTED FIBER CEMENT PANEL CORRUGATED METAL CLADDING PAINTED ALUMINUM PAINTED FIBER CEMENT PANEL PARKING ENTRANCE

LEVEL 05 19.5
 LEVEL 04 16.45
 LEVEL 03 13.4
 LEVEL 02 10.35
 LEVEL 01 6.65

3.05
 3.05
 3.05
 3.7



EAST ELEVATION - SKY HOMES
 SCALE 1:100 14



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VANCOUVER BC V6A 1E1
Tel: (604) 255-1150
info@dialog-ae.com

OWNER:

SKY HOMES AND RAILWAY
100-111 ALAN STREET
VANCOUVER BC V6A 1E1
Tel: (604) 255-1150

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEV. - SKY HOMES
SOUTH ELEV. - PHASE 1

DRAWN BY
PLOT DATE 01/14/15

CHECKED

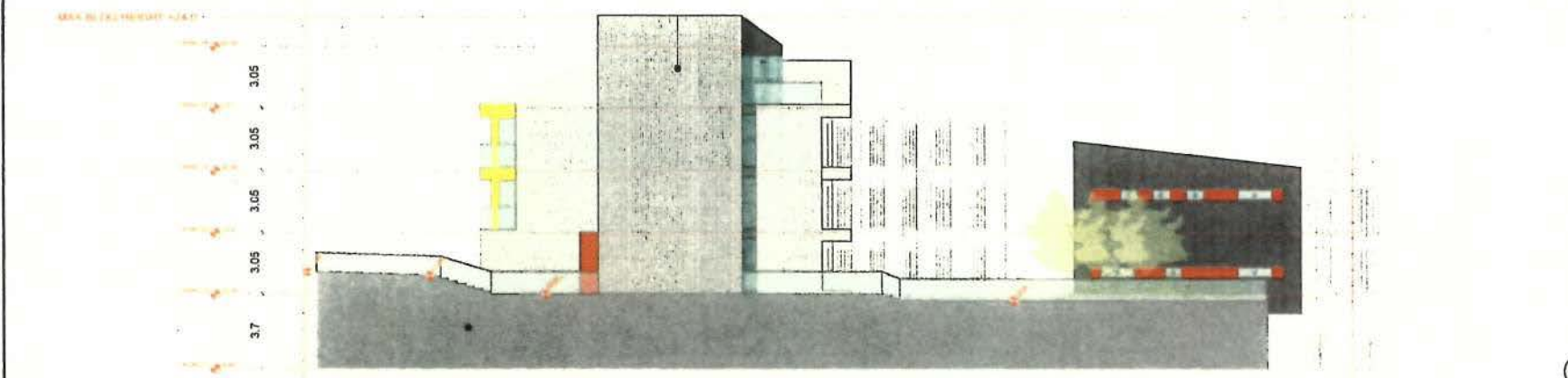
A3.14

SKY HOMES AND RAILWAY

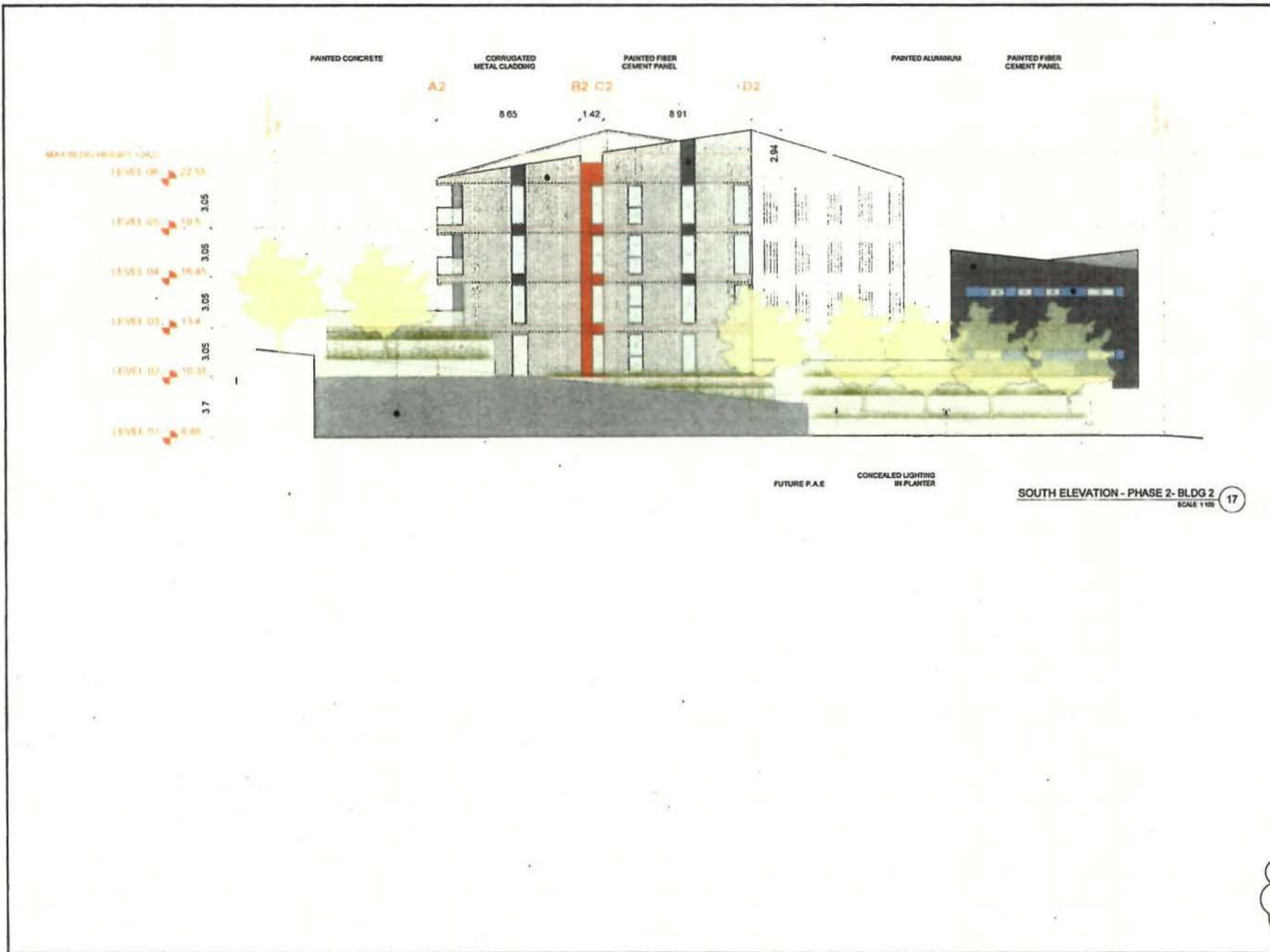
Victoria City Council - 10 Mar 2016



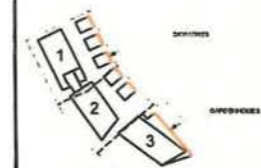
WEST ELEVATION - SKY HOMES
SCALE 1/100 15



SOUTH ELEVATION - PHASE 1
SCALE 1/100 16



DIALOG



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GENERAL STREET

WILLOWDALE, ONTARIO

M4B 1B8

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RAILYARDS, LOT H & J

VICTORIA, BC

SOUTH ELEVATION - PHASE 2

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PLOT DATE: 27/1/2015

CHECKED BY: [Signature]

A3.15

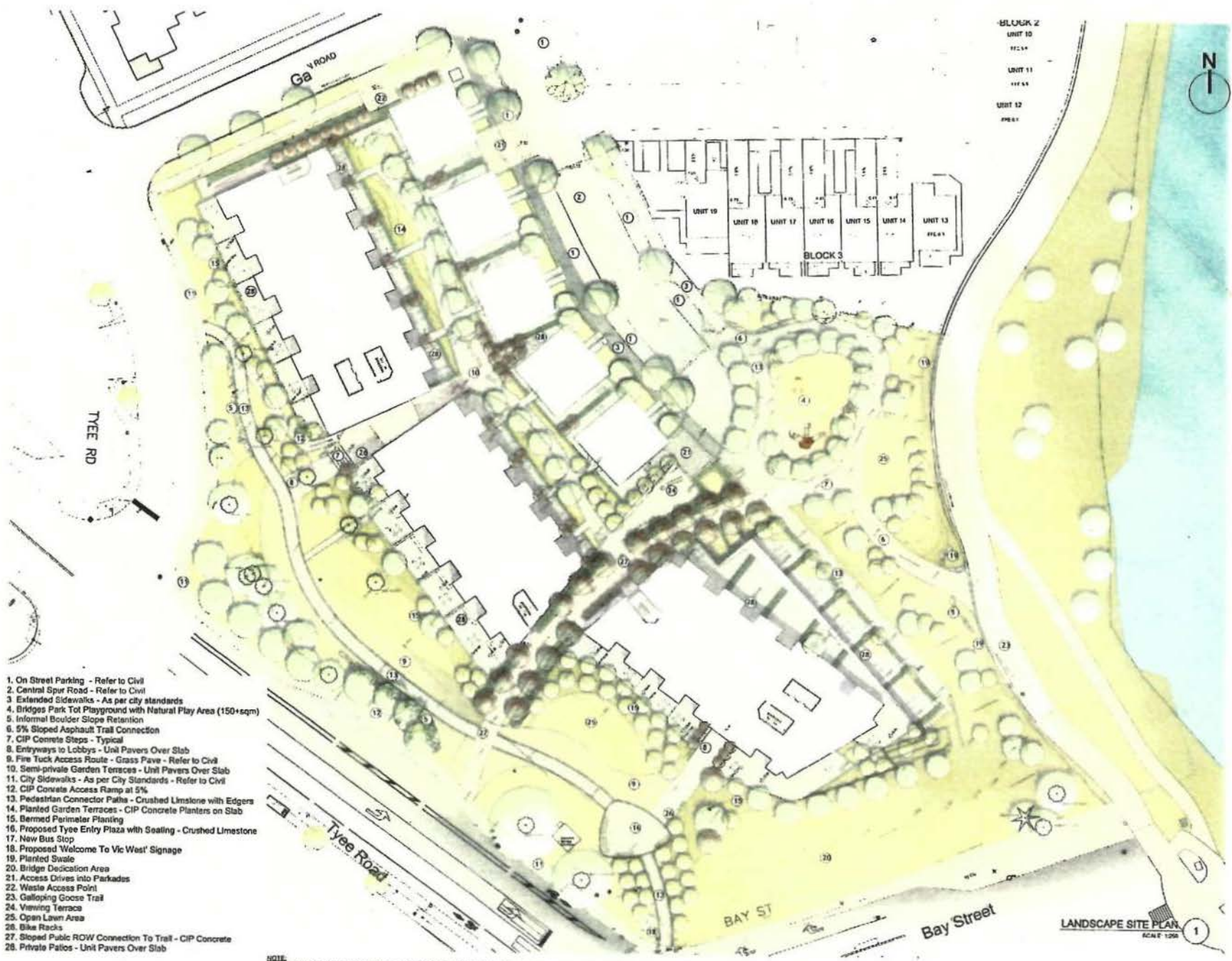
10/20/2015, 2015/01/27

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 VICTORIA, BC V8M 1A1
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 FAX: 250-383-1101
OWNER:
 LAYNE AND COMPANY
 1000 BAY STREET
 VICTORIA, BC V8W 2E8
 TEL: 250-383-1100

SEAL
 RAILYARDS, LOT H & J
 VICTORIA, BC
 LANDSCAPE PLAN
 DRAWN: PLD DATE: 04/15
 CHECKED: [Signature]
L0.01

Victoria City Council - 10 Mar 2016



1. On Street Parking - Refer to Civil
2. Central Spur Road - Refer to Civil
3. Extended Sidewalks - As per city standards
4. Bridges Park Tot Playground with Natural Play Area (150+sqm)
5. Informal Boulder Slope Retention
6. 5% Sloped Asphalt Trail Connection
7. CIP Concrete Steps - Typical
8. Entryways to Lobbies - Unit Pavers Over Slab
9. Fire Truck Access Route - Grass Pave - Refer to Civil
10. Semi-private Garden Terraces - Unit Pavers Over Slab
11. City Sidewalks - As per City Standards - Refer to Civil
12. CIP Concrete Access Ramp at 5%
13. Pedestrian Connector Paths - Crushed Limestone with Edgers
14. Planted Garden Terraces - CIP Concrete Planters on Slab
15. Bermed Perimeter Planting
16. Proposed Tye Entry Plaza with Seating - Crushed Limestone
17. New Bus Stop
18. Proposed Welcome To Vic West Signage
19. Planted Swale
20. Bridge Dedication Area
21. Access Drives into Parkades
22. Waste Access Point
23. Galloping Goose Trail
24. Viewing Terrace
25. Open Lawn Area
26. Blue Rocks
27. Sloped Public ROW Connection To Trail - CIP Concrete
28. Private Patios - Unit Pavers Over Slab

NOTE:
 1. CIVIL TO PROVIDE GEOTECHNICAL TEXTILES/BASE DETAILS FOR GRASSED & IRRIGATED FIRE ACCESS ROUTES.
 2. IRRIGATION TO BE DESIGNED AND BUILT AS PER CITY OF VICTORIA'S STANDARDS AND REQUIREMENTS

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 design@dialoginc.ca

OWNER:
 DEVOLVE AND COMPANY
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 VICTORIA, BC V8N 1K6
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SEAL

RAILYARDS, LOT H & J

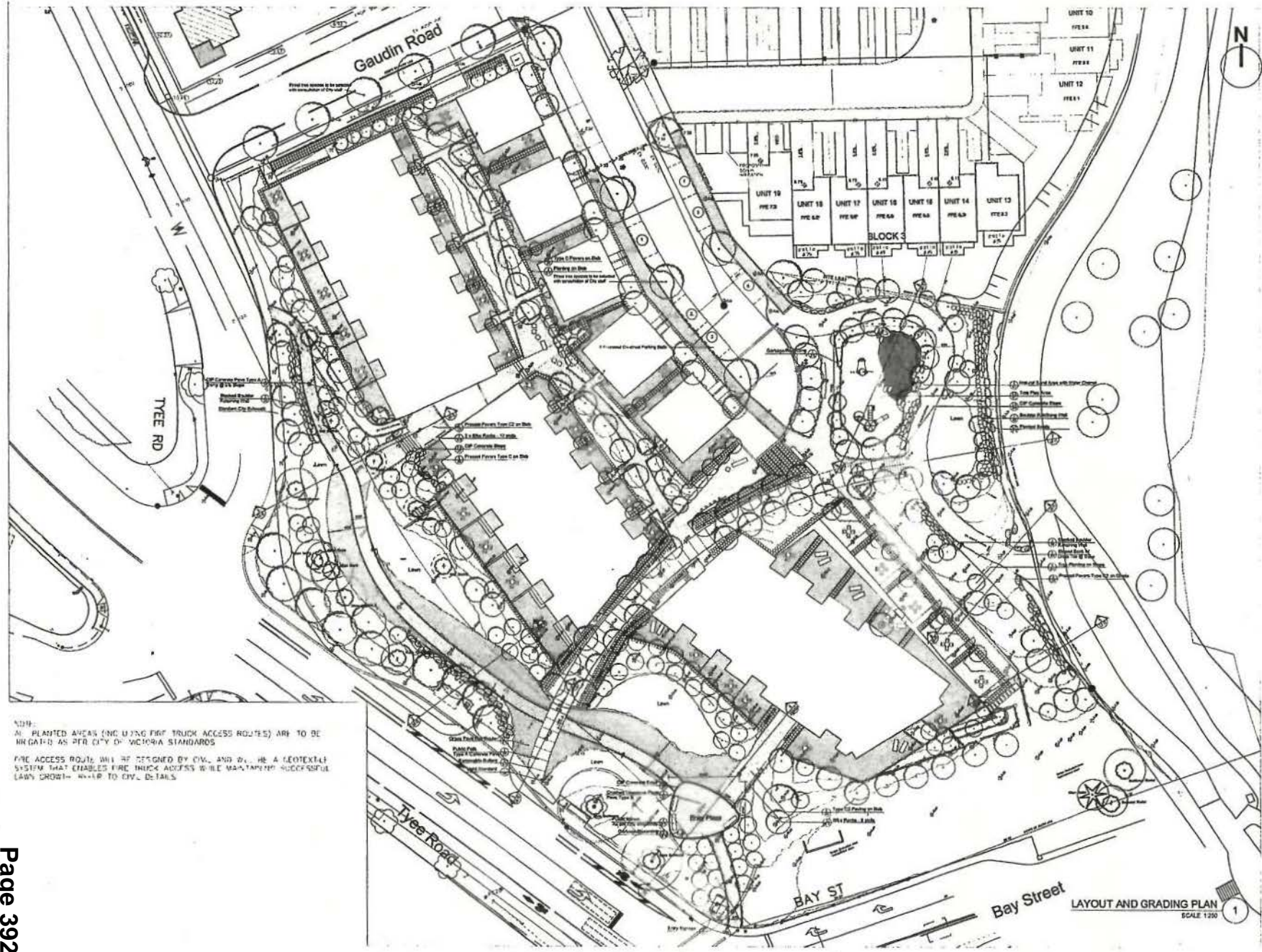
VICTORIA, BC

LAYOUT AND GRADING PLAN

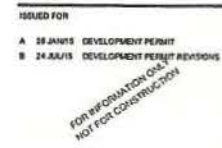
DRAWN: PLOT DATE: 01/15/15

L0.02

1



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 SYSTEM THAT ENABLES FIRE TRUCK ACCESS WHILE MAINTAINING SUCCESSFUL
 LAWN GROWTH. REFER TO CIVIL DETAILS.

[illegible]

DEAL

Victoria City C

RAILYARDS, LOT H & J

VICTORIA, BC

PLANTING PLAN

DRAWN: _____
 PLOT DATE: 8/14/15
 CHECKED: _____
 L0.03



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VICTORIA, BC V8W 2E1
Tel: 250-383-1100 Fax: 250-383-1101
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500 HANCOCK STREET
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Tel: 250-383-1100

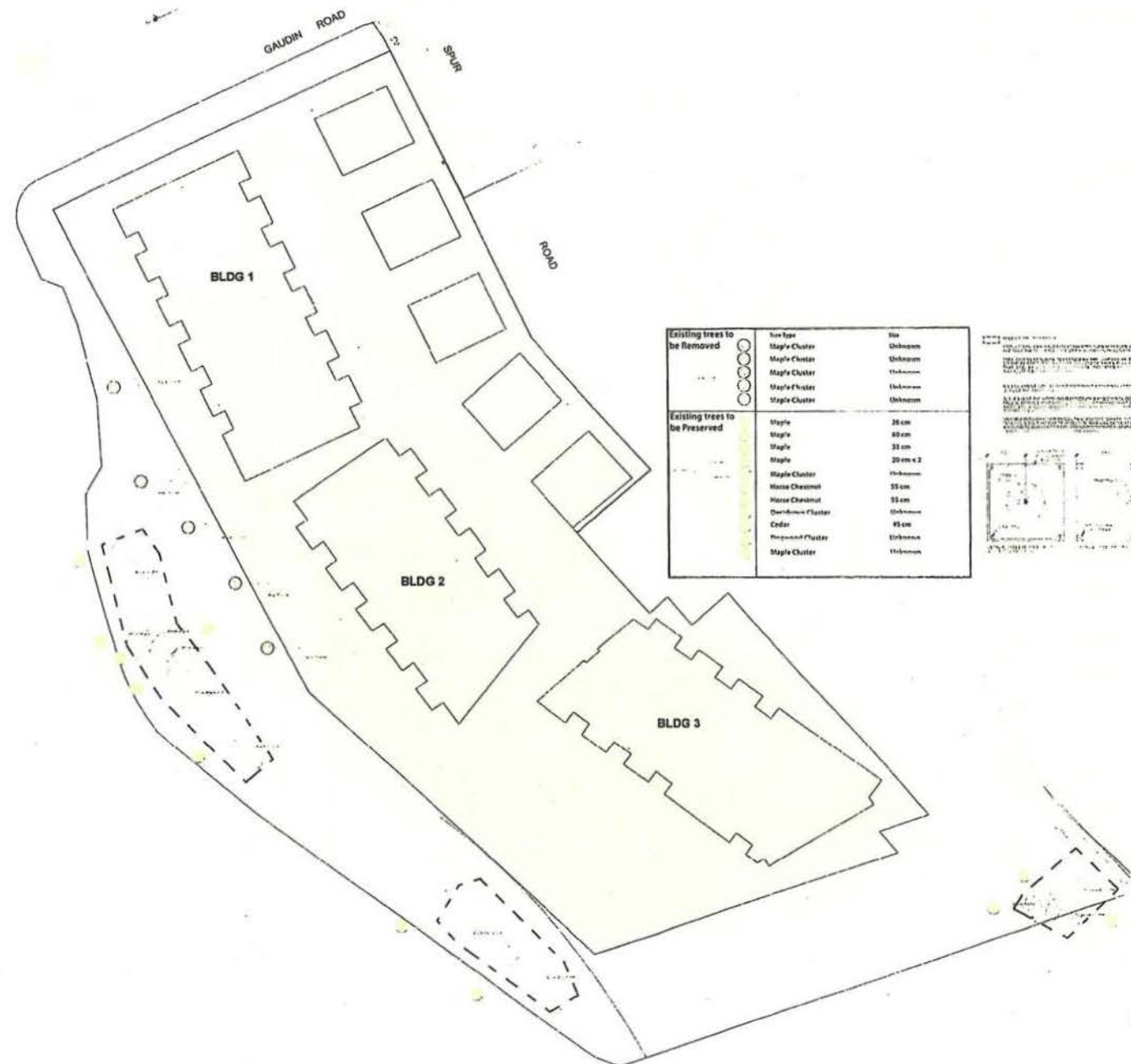
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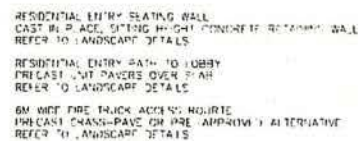
RAILYARDS, LOT H & J
VICTORIA, BC
TREE PRESERVATION PLAN

DRAWN:
PLOT DATE: 8/14/15
L0.04

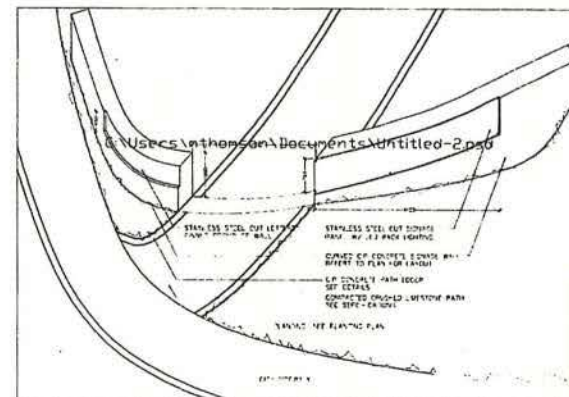
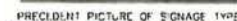
TREE PRESERVATION PLAN
SCALE: 1:250

Existing trees to be Removed	Tree Type	Size
○	Maple Cluster	Unknown
○	Maple Cluster	Unknown
○	Maple Cluster	Unknown
○	Maple Cluster	Unknown
○	Maple Cluster	Unknown
Existing trees to be Preserved	Tree Type	Size
●	Maple	26 cm
●	Maple	60 cm
●	Maple	31 cm
●	Maple	20 cm x 2
●	Maple Cluster	Unknown
●	White Birch	35 cm
●	White Birch	35 cm
●	Quercus P. (Oak)	Unknown
●	Cedar	45 cm
●	Prunella (Plum)	Unknown
●	Maple Cluster	Unknown





EXISTING SIGNAGE TO BE REMOVED



SEAL

Victoria City Council -

RAILYARDS, LOT H & J

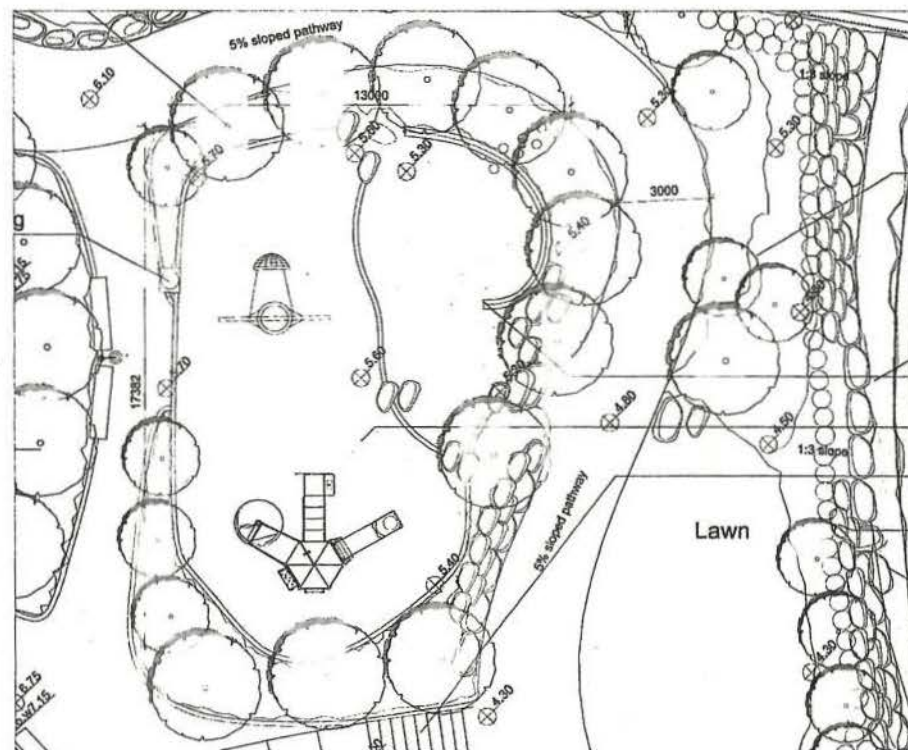
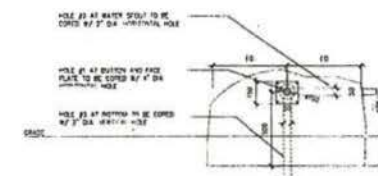
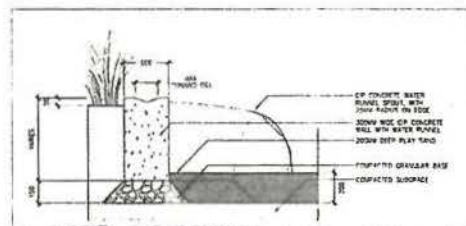
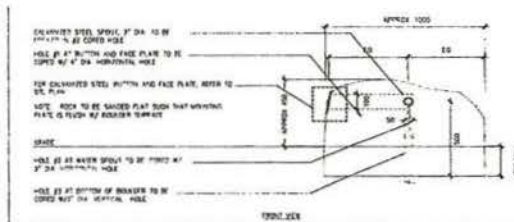
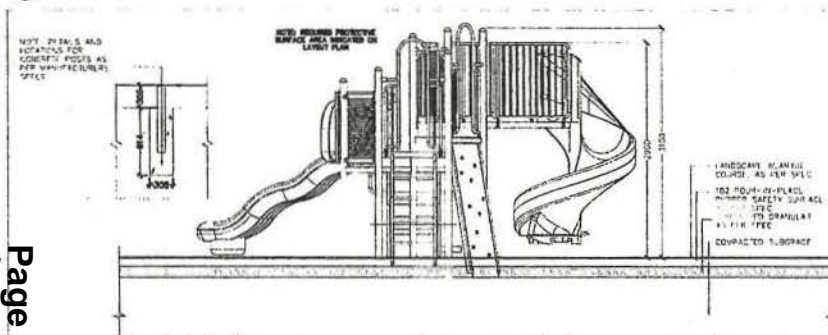
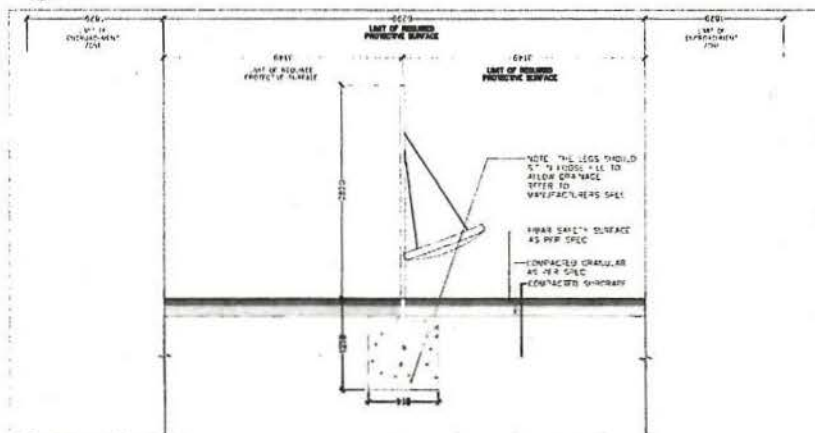
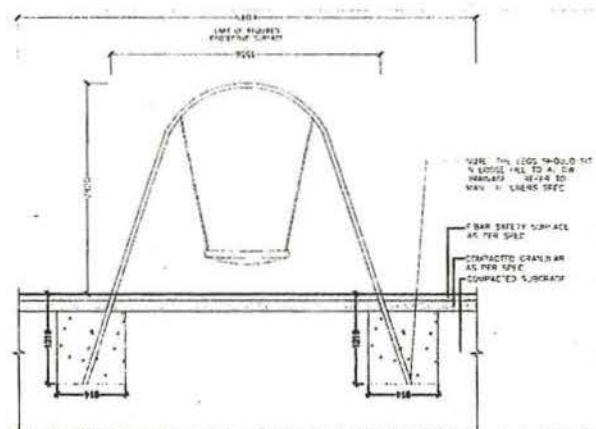
VICTORIA, BC

ENTRY PLAZA & NEW SIGNAGE

DRAWN
PLOT DATE 8/18/18

CHECKED

L0.06



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528 HERRING STREET
NATIONALE, BC V8N 1Y6
Tel: 250-335-4303

SEAN

RAILYARDS. LOT H & J

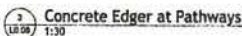
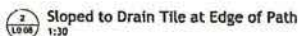
VICTORIA, BC

TOTS PLAY AREA DETAILS

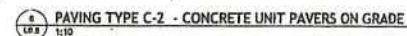
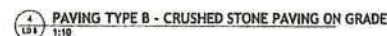
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L0.07



LD 8 PAVING TYPE A - C.I.P. CONCRETE PAVING ON SLAB



Victoria City Council - 10 Mar 2016

3 Steel Handrail Blow-up Details
1:5

ISSUED FOR
A 29 JANIS DEVELOPMENT PERMIT
B 24 JULIS DEVELOPMENT PERMIT REVISIONS
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1111 1111 STREET
VICTORIA, BC, V8W 2E1
Tel: 250-250-1791
Fax: 250-250-1791
www.dialogue.ca

OWNER:
SANDHILL AND COMPANY
500 HASTINGS STREET
VICTORIA, BC, V8W 2E1
Tel: 250-250-1791

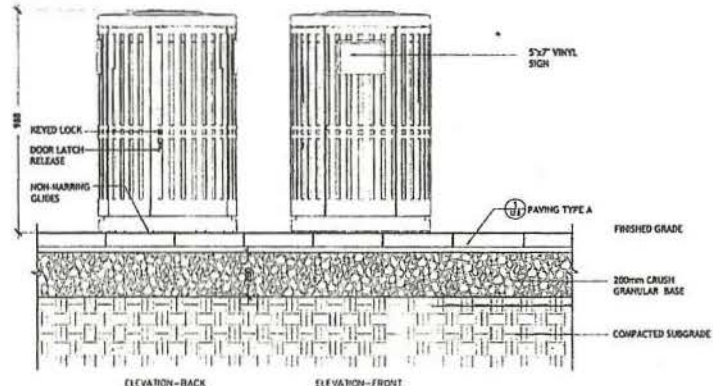
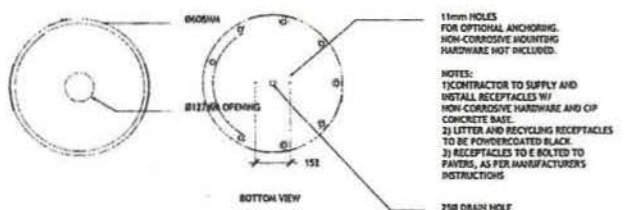
SEAL
RAILYARDS, LOT H & J

VICTORIA, BC
SITE FURNISHINGS

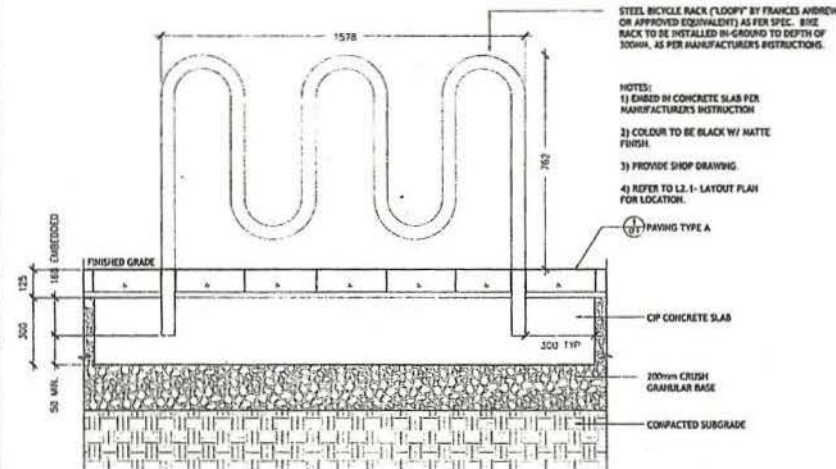
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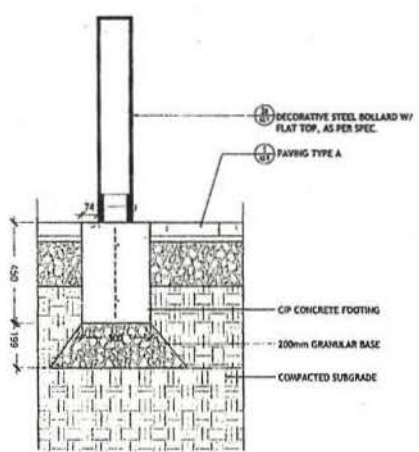
Victoria City Council - 10 Mar 2016



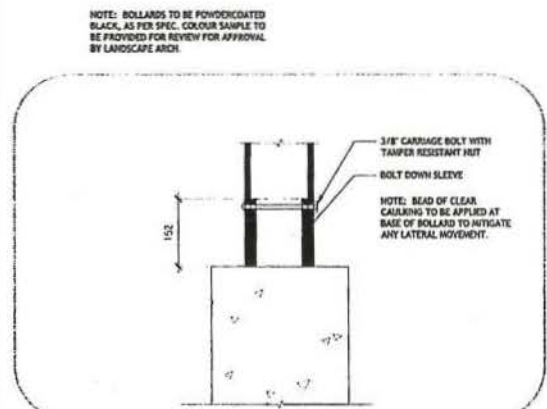
1 RECYCLING RECEPTACLE W/ LOCK- OPTIONAL ITEM
L0.10 1:10



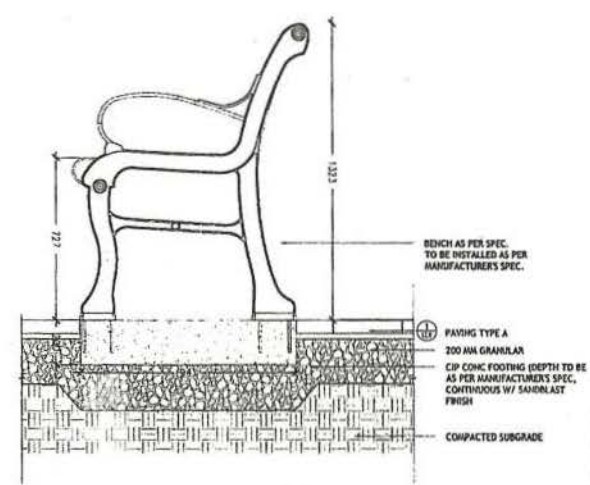
2 BIKE RACK
L0.10 1:10



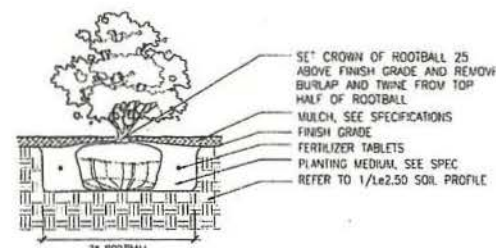
3 STEEL BOLLARD - SURFACE MOUNT (REMOVABLE)
L0.10 1:10



3a DETAIL-STEEL BOLLARD (REMOVABLE)
L0.10 1:5



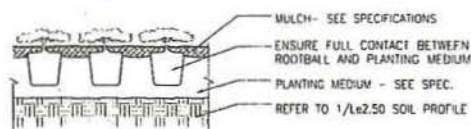
4 BENCH- As per City Standard
L0.10 1:10



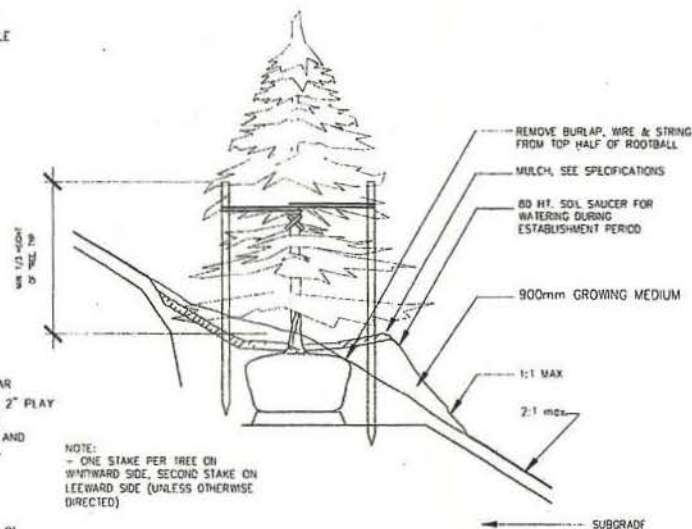
ISSUED FOR

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B	24 JUL/15	DEVELOPMENT PERMIT REVISION

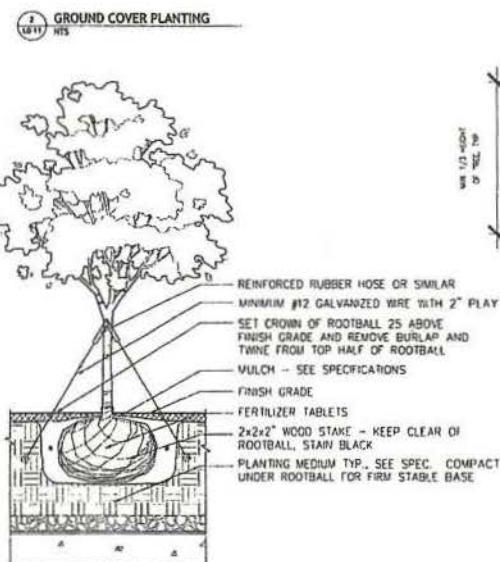
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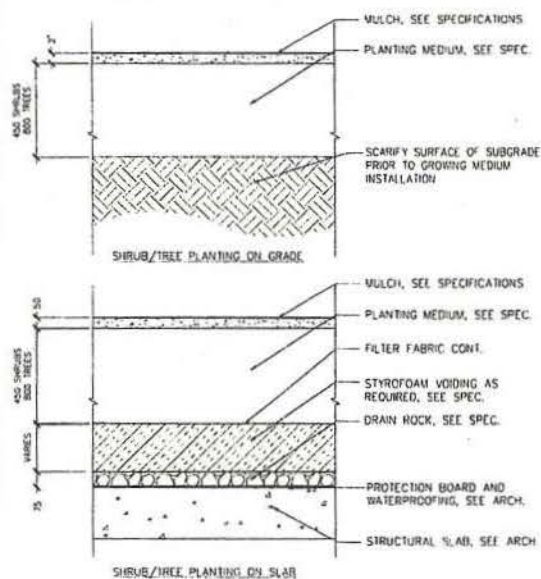
4 SHRUB PLANTING
LD 11 NTS

[illegible]

5 CONIFER PLANTING ON SLOPE
LH 11 NTS



4 TREE PLANTING
18/11 HTS



1 SOIL PROFILES
L2-11 NTS

RAILYARDS, LOT H & J

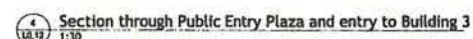
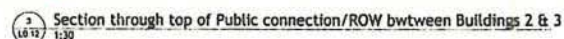
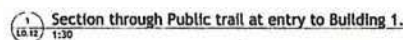
VICTORIA, BC

PLANTING DETAILS

ORIGIN
PLOT DATE: 8/14/13

CHECKED

LO.11



L0.12

ISSUED FOR
 A 25 JAN13 DEVELOPMENT PERMIT
 B 24 JUL13 DEVELOPMENT PERMIT REVISIONS
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 VICTORIA CITY COUNCIL
 1000-1000 PLYMOUTH AVE
 VICTORIA BC V8P 1G1
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SEAL

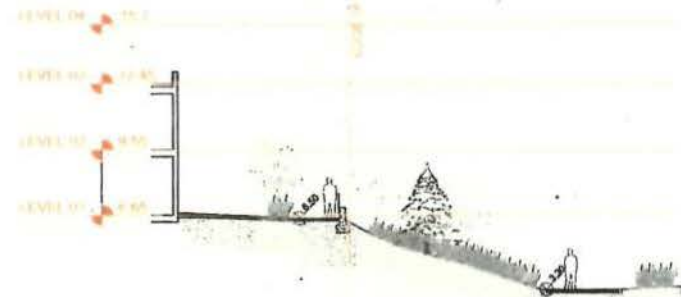
RAILYARDS, LOT H & J

VICTORIA, BC

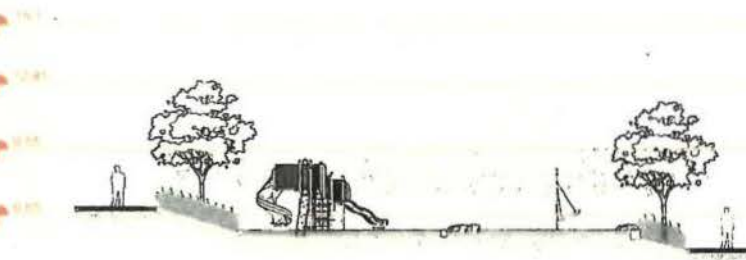
LANDSCAPE SECTIONS 5

DRAWN: PLOT DATE: 07/14/13 CHECKED:

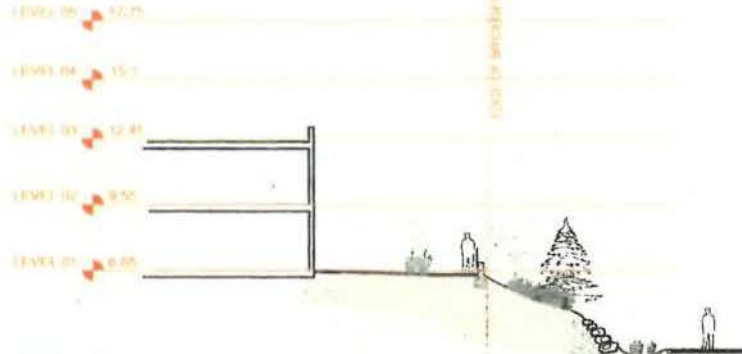
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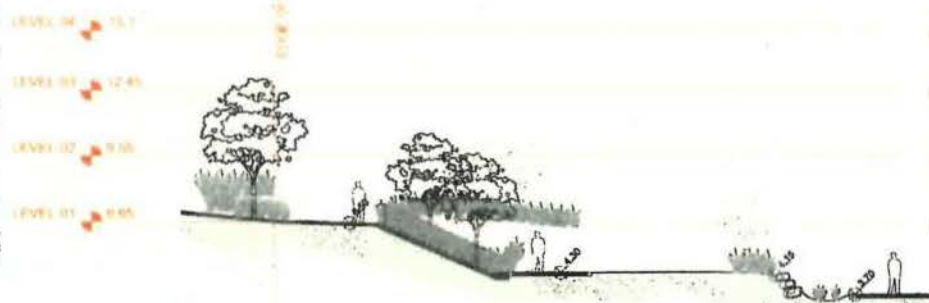
Section through planted slope at trail connection
 1:30



Section through Tots Play Area in Bridges park
 1:30



Section through boulder retaining wall, swale and Galloping Goose
 1:30



Section at steps into Bridges Park
 1:30

REPORTS OF THE COMMITTEES**2. Planning and Land Use Committee – October 1, 2015****1. Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

1. *Plans date stamped August 24, 2015.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - a. *Reduce the north setback (Gaudin Road) from 3.5m to nil;*
 - b. *Reduce the south setback from 4m to nil for Phases 1 and 2;*
 - c. *Reduce the south setback from 4m to 3.5m;*
 - d. *Increase the height in DA-H from 24m to 25.49m for Phase 2;*
 - e. *Increase the height in DA-J from 31m to 33m for Phase 3;*
 - f. *Reduce parking from 50 stalls to 49 stalls for Phase 1;*
 - g. *Reduce parking from 185 stalls to 178 stalls; and*
 - h. *Reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.*
3. *The Development Permit lapsing two years from the date of this resolution.*
4. *Revised plans to the satisfaction of staff that:*
 - a. *Either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;*
 - b. *Provide further details of the proposed grass pave finish;*
 - c. *Provide comprehensive details relating to landscaping for Phases 1 and 2; and*
 - d. *Provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.*
5. *Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:*
 - a. *The design of building entrances facing Tyee Road;*
 - b. *The design and appearance of the "Sky Home" end units; and*
 - c. *The treatment of parkade walls that project above grade.*
6. *An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:*
 - a. *Address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road; and*
 - b. *Secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.*
7. *A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.*
8. *A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.*
9. *That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff."*

Carried Unanimously

2. Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council direct that staff report back to Council after the application is reviewed by the Advisory Design Panel, on the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons.

Carried Unanimously

4. DEVELOPMENT APPLICATION REPORTS

4.1 Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

Committee received a report regarding an application for 701 Tyee Road (Railyards). The application is to authorize the design, siting and landscaping for a 144 unit apartment to be constructed in three phases.

Committee discussed:

- Concerns regarding the smaller vehicle parking spots and the type of vehicles that could be accommodated.
 - Affordability and the range of housing types that will be built.
 - Sustainability features and if there is an opportunity to request that LEED standards be incorporated.
 - Concerns from the Community Association regarding the lack of community gardens and affordable housing.
 - The pathway and if there was a way to ensure the City will retain the right-of-way.

Action: It was moved by Councillor Young, seconded by Councillor Coleman, that Committee recommends this report be forwarded to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

Committee discussed:

- Why the park cannot be built at the onset.
 - The area will be under construction and the land will be used as a staging area for equipment.
- The lack of affordability options and inclusionary zoning. There are no legal requirements built in.
- The public wants more sustainability features looked at.
- The timing of amenities.
- The need to develop policies to ensure that any amenities desired be requested at the beginning of the application process instead of at the time of the public hearing.
- If there is a mechanism by which the City remains the owner of the public pathway.

That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

1. Plans date stamped August 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. Reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. Reduce the south setback from 4m to 3.5m;
 - d. Increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. Increase the height in DA-J from 31m to 33m for Phase 3;
 - f. Reduce parking from 50 stalls to 49 stalls for Phase 1;

- g. Reduce parking from 185 stalls to 178 stalls; and
- h. Reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
- 3. The Development Permit lapsing two years from the date of this resolution.
- 4. Revised plans to the satisfaction of staff that:
 - a. Either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;
 - b. Provide further details of the proposed grass pave finish;
 - c. Provide comprehensive details relating to landscaping for Phases 1 and 2;
 - d. Provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.
- 5. Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:
 - a. The design of building entrances facing Tyee Road;
 - b. The design and appearance of the "Sky Home" end units; and
 - c. The treatment of parkade walls that project above grade.
- 6. An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:
 - a. Address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road;
 - b. Secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.
- 7. A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.
- 8. A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.
- 9. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff.

CARRIED UNANIMOUSLY 15/PLUC210

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends that Council direct that staff report back to Council after the application is reviewed by the Advisory Design Panel, on the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons

CARRIED UNANIMOUSLY 15/PLUC211

PLUC meeting
October 1, 2015

**MINUTES OF THE
ADVISORY DESIGN PANEL
HELD WEDNESDAY, OCTOBER 28, 2015, 12 P.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:05 P.M.

Panel Members Present: Rod Windjack (Chair); Brad Forth; Cynthia Hildebrand; Mickey Lam; Ann Katherine Murphy; Christopher Rowe

Absent: Barry Cosgrave; Gerald Gongos; Mike Miller

Staff Present: Mike Wilson – Senior Planner - Urban Design;
Jim Handy– Senior Planner - Development Agreements;
Charlotte Wain – Senior Planner - Urban Design;
Quinn Anglin - Secretary

Barry Cosgrave joined the meeting at 12:07 P.M.

2. APPLICATIONS

2.1 Development Permit No. 000404 for 701 Tyee Road

The proposal is to construct 144 residential units on the undeveloped portion of the Railyards.

Applicant Meeting attendees: Mr. Joost Bakker, DIALOG
Mr. Matthew Thomson, DIALOG

Mr. Handy provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

- Design of building entrances facing Tyee Road.
- Design and appearance of the "Sky Home" end units.
- Treatment of the parkade walls that project above grade.

Mr. Thomson and Mr. Bakker then provided the Panel with a detailed presentation of the proposal.

Panel Members discussed:

- Views of the eight-storey building from the Bay Street Bridge, particularly in relation to the architectural design and treatment of the south east corner of the building.
- The visibility of the main building entrances from Tyee Road.
- Landscape treatment of the undeveloped areas between phases of construction.
- The proposed crushed limestone finish for pathways and its practicality for strollers, wheelchairs, and pedestrians. Building entrance canopies should be increased to provide for adequate weather protection and improve visibility from Tyee Road.
- The lack of dedicated parking stalls for the proposed park.

- The application of colour, particularly on Building 3 to improve the expression of building volumes.
- The proposed screening of the garbage and recycling area and the proposed access for garbage pickup.
- Concerns relating to the terminus of Central Spur Road as an adequate vehicle turn around and on-street parking has not been proposed.
- The expression of the east elevation of the 8-storey building.
- The delivery of the public park is proposed as part of Phase 3 of the development. Panel members discussed delivering the public park as part of Phase 2.
- Major public pathway between the street and site down is not constructed until the construction of the final phase.
- The landscape design within the area of the bridge dedication should be considered by the City prior to the completion of the first phase.
- The proposed landscape screening of the exposed parking garage walls is acceptable.
- The treatment of the Sky Home end units is acceptable.

Action:

MOVED / SECONDED

It was moved by Rod Windjack, seconded by Brad Forth, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Central Spur Road.
- Reconsideration of the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road.
- Provision of the playground as part of the Phase 2 development.
- Provision of landscape treatment between Phases as they are completed.

Amendment:

MOVED / SECONDED

It was moved by Christopher Rowe, seconded by Brad Forth, that the motion be amended as follows:

That the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Central Spur Road.
- Reconsideration of the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road.
- Provision of the playground as part of the Phase 2 development.
- Provision of landscape treatment between Phases as they are completed.
- **Recommend to City staff that they explore the opportunities for providing access from Tyee Road to Central Spur Road through the Bridge Dedication lands.**

On the amendment:

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

2.2 Development Permit No. 000439 for 1101 Fort Street

The proposal is to construct a six-storey, mixed-use building with 81 residential units and ground-floor commercial/retail

Applicant Meeting attendees: Mr. Korbin Dasilva, Abstract Developments
Mr. Sam Ganong, Abstract Developments
Greg Damant, Cascadia Architects Inc.
Andy Guiry, Cascadia Architects Inc.
Peter Johannknecht, Cascadia Architects Inc.
Scott Murdoch, Murdoch de Greef Inc. Landscape Architects

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that staff are seeking advice on, including the following:

- The potential impacts on the neighbouring Zen building to the east.
- The height of the six-storey street wall along Cook Street and Fort Street
- The blank east elevation as viewed from Meares Street.
- Location of bicycle racks.

Ms. Wain also advised the Panel that this application has not yet been presented before the Planning and Land Use Committee as it does not require any variances.

Mr. Damant and Mr. Ganong then provided the Panel with a detailed presentation of the proposal.

Panel Members discussed:

- The proposal is a contemporary approach but is different to the existing approach along Fort Street.
- How the building relates to the character of Fort Street to the west and the design of retail frontages to respect pedestrian scale at the street level.
- The proposed wood detailing is appreciated, the applicant should explore increasing this along the retail frontage to aid in breaking up long expansions of glass and to add warmth to the expression of the building.
- Opportunities to reduce CPTED concerns associated with the east facing blank wall fronting the rear courtyard and consideration of adding window openings to the wall.
- The landscaped area fronting Meares Street could be improved to offer increased outdoor amenity space for occupants of the proposed live/work units.
- Opportunities to refine the window placement and increase the recess on the second and third floors.

Action:

MOVED / SECONDED

It was moved by Christopher Rowe, seconded by Barry Cosgrave, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000439 for 1101 Fort Street be approved with consideration of the following:

- Revisions to the design of the outdoor amenity space associated with the live/work units to provide for increased private outdoor space.

CARRIED UNANIMOUSLY

3. Approval of Comments on the Proposed Delegation/Exemption Process

- Panel members did not offer any additional comments to those already provided.

4. ADJOURNMENT

The Advisory Design Panel meeting of October 28, 2015 adjourned at 2:20 P.M.

Rod Windjack, Chair

DRAFT

DIALOG

10 December 2015

City of Victoria
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria
BC V8W 1P6

Attention: Jim Handy, MCIP RPP Senior Planner



Dear Jim,

**Re: 701 Tyee Road
Development Permit No. 000404**

In response to our revised DP submission dated Dec 10, 2015, this letter contains our response to the ADP recommendations from your email dated, Nov 4, 2015, and Minutes of the ADP meeting dated, Oct 28, 2015:

The email dated, Nov 4, 2015

Revisions required by Council

The Council motion of October 1 requires the following plan revisions:

- *either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;
Screen to be provided to hide the garbage enclosure, see A3.03*
- *provide further details of the grass pave finish;
Attached are to supplementary details from Civil Engineer towards additional information for Fire truck lane. These will be developed further and stamped by Civil for the Building Permit.*
- *provide comprehensive details relating to landscaping for Phases 1 and 2; See L0.01 – L0.13*
- *provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.
We have worked closely with City Parks Staff to develop a landscape treatment that effectively reduces the associated maintenance costs with these noted areas.*

Other recommended plan revisions

As discussed, the revised plan package should also address the following:

- *provide details of all exterior doors (for Garden Homes, Sky Homes and Garage Doors)
See A3.13*
- *please ensure the labelling of plans is correct (i.e. the Garden Homes / Sky Homes seem to be mislabelled) Revised, see A2.41*
- *provide enhanced details of the green wall treatment, See L0.11*

PRINCIPALS

HM ANDERSON, AIBC, ARA, OAA, LEED AP
ERIK APPIALTO, AIBC, PRA, ARA, LEED AP
NARETH ARORA, B.ENG.
JOSEF BEMER, AIBC, ARA, OAA, LEED AP
ALAN BONERRE, AIBC, ARA, AIA
DERRICK CARSON, P.ENG.
DOUG CANNON, AIBC, ARA

JEFF DIAMANTIS, PhD, P.ENG., LEED AP
FADI CHOKRIB, P.ENG., P.ENG., STRUT ENG. MSTRUTS, P.ENG.
JIM GORDON, AIBC, ARA, OAA, AIA
DANIEL HEDENBART, B.ENG., LEED AP
NORMAN HOLTEN, AIBC, ARA, OAA
DERRICK HATCH, P.ENG.
ADRIAN LIO, ARA, AIA, LEED AP

SHUCC LIO, AIBC, ARA, OAA, LEED AP
TIM MATHIE, P.ENG., LEED AP
DAVID MEYER, AIBC, ARA, OAA, AIA, LEED AP
JIM MONTAGNA, P.ENG., LEED AP
NATHAN NELSON, AIBC, P.ENG.
NATHAN SPARROW, AIBC, ARA, OAA, LEED AP
DANIEL SUTHERLAND, AIBC, ARA, OAA, LEED AP

DYON WILSON, AIBC, ARA, OAA, LEED AP
THOMAS WU, PhD, P.ENG., STRUT ENG. MSTRUTS, P.ENG.
BOB YEOU, B.ENG., P.ENG., P.ENG., LEED AP

ERIK WILSON, AIBC, ARA, OAA, LEED AP
THOMAS WU, PhD, P.ENG., STRUT ENG. MSTRUTS, P.ENG.
BOB YEOU, B.ENG., P.ENG., P.ENG., LEED AP

DIALOGDESIGN.CA

- the south elevation drawing indicates that the service room, bike storage area etc. projects out from the main face of the building. This is illustrated on the south elevation drawing of building 2 (retaining walls, planters and railing above). Please include details of this treatment on the west and north elevation drawings of building 2, The foundation / parkade wall to be covered by the landscape and earth, see A3.02, A3.03

Minutes of the ADP meeting dated, Oct 28, 2015

Action:

MOVED / SECONDED

It was moved by Rod Windjack, seconded by Brad Forth, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Spur Road*
 The proposed layout is based on the following rationales and merits to the public,
 - 1) Bigger Park and Tots Play Area,
 - 2) Better access and connections with park, Tyee Road and transit thru public access easement, bike lane, Galloping Goose trail, etc.
 - 3) Safer environment beside park,
 - 4) Reduced road asphalt surface resulted in less hot island area,
 - 5) Better barrier free access to park,
- Reconsideration the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road*
 Building 1 & 2 are to be scaled as subtle and respect the massing of surrounding buildings while Building 3 is more iconic gateway pairing with other tall office building opposite to Bay Street. The introduction of Sky homes is to create a transition in scale between proposed lowrise Building 1 & 2 and existing townhouse community. Also, it creates better street presence for this vibrant neighbourhood.
 To be coherent with the character of Railyards, the building finishes has been carefully thought through and cautiously executed with some fun pop color panels. This is to create the sense of continuity and to reflect the vision for a diverse of residential community.
 Along Tyee Road, the invaluable park space is not only for public enjoyment, but it also acts a generous front yard for the adjacent buildings. The entrances collaborate with the landscape to create the atmosphere of "City in the park". Accessibility has been carefully planned.
- Provision of the playground as part of Phase 2 development*
 We want to make sure the park and playground delivered to public in a safe context. The only and best option is to provide the playground in Phase 3 as a part of the completion of whole development. This will reduce the risk between park visitors and construction works.
- Provision of landscape applications between Phases as completed in project over its duration of construction*
 Noted. There will be a screen of tree pots along the phase boundary between Phases, see phasing plans A0.05A, A0.06A

Mr. Jim Handy
City of Victoria
December 10, 2015
Page 3 of 3

DIALOG

We trust that this response, including all attachments, will satisfy the prior-to conditions and requested clarifications for this project. We look forward to the timely issuance of the approved application.

Yours truly,

DIALOG BC Architecture Engineering Interior Design Planning Inc.

A handwritten signature in black ink, appearing to read 'J. Bakker', with a stylized flourish at the end.

Joost Bakker, Architect AIBC, AAA, SAA, OAA, FRAIC, RCA
Principal, DIALOG

c.c.	Chris Le Fevre,	The Railyards Development Ltd.
	Michael Cheung,	DIALOG
	Matthew Thomson,	DIALOG

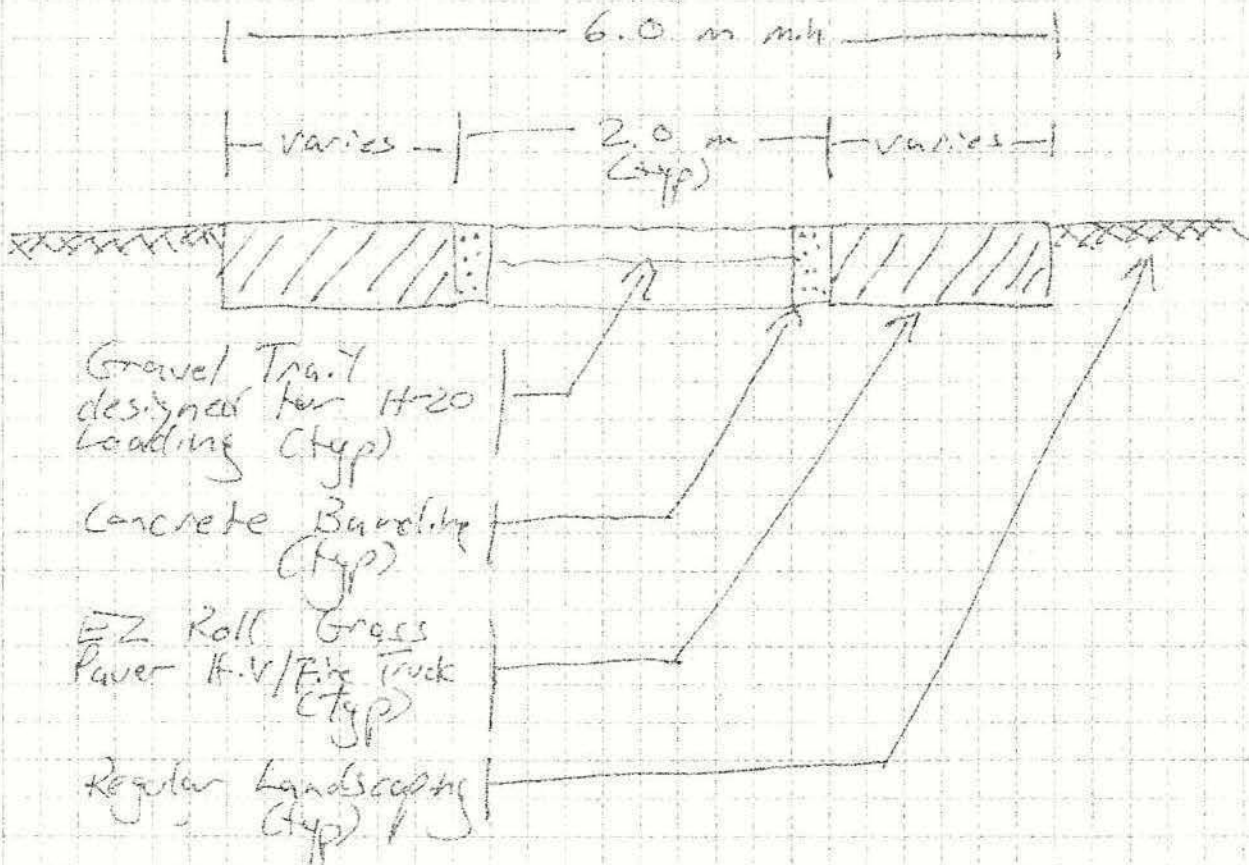


**J.E. ANDERSON
& ASSOCIATES**
SURVEYORS - ENGINEERS

DATE Dec 10 / 2015
PREPARED BY PST

PROJECT No. 21281-6
Page No. 1 of 1

Run by grade H&S
Fire Access / Trail Detail



PANEL SIZE - 24" x 24" x 1"

CELLS PER PANEL - (72) - 2-1/4" HEXAGONAL CELLS

STOCK ROLL SIZE'S - 4' x 24' (96 sq. ft.)
4' x 150' (600 sq. ft.)

CUSTOM SIZES AVAILABLE UPON REQUEST

1'-6" x 150' (225 sq. ft.)
2' x 150' (300 sq. ft.)

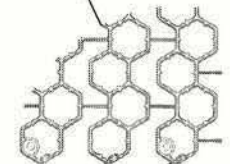
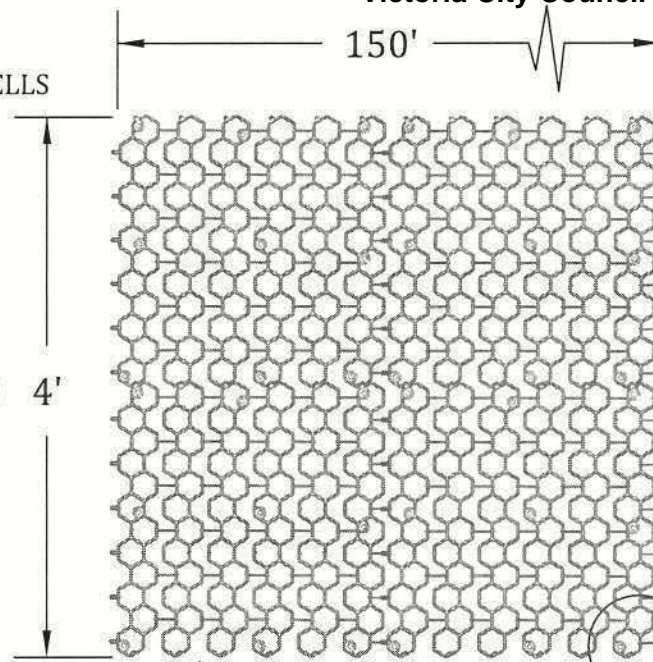
NESTED HONEYCOMB CELL LAYOUT

COMPRESSIVE STRENGTH (OPEN CELL NO FILL)

63,936 PSF

444 PSI

EXCEEDS H2O
LOADING

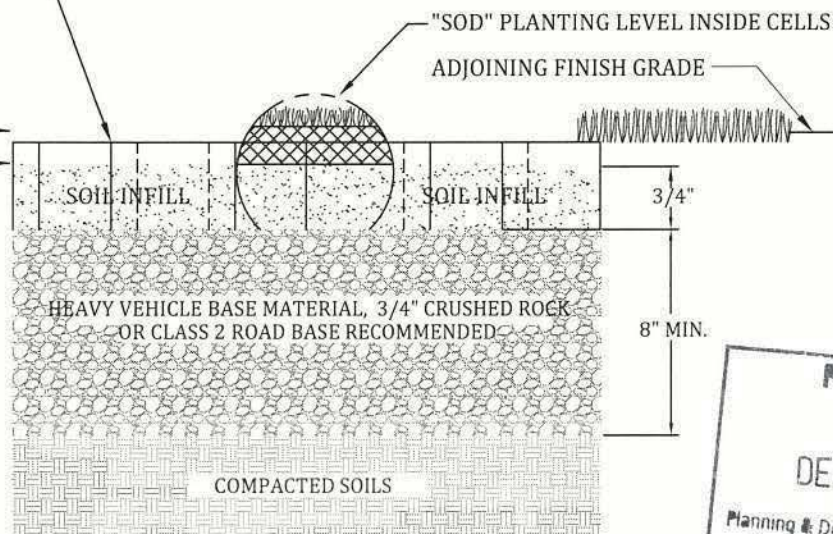


LATERAL SNAP LOCKS

EZ ROLL GRASS ROAD PAVER

ACTUAL FINISH GRADE

SOIL FILL LEVELS INSIDE
PAVER GRIDWORK AFTER
HEAVY WATER DOWN. THIS
IS THE ACTUAL SOD PLANTING
LEVEL.



SOIL INFILL THE COMPOSITION OF THE MATERIAL WILL BE BASED ON
LOCAL CONDITIONS AND DETERMINED BY THE LANDSCAPE ARCHITECT
OR AS SPECIFIED IN THE CONTRACT DOCUMENTS

GRASS SEED OR SOD TYPE TO BE AS SPECIFIED IN THE CONTRACT
DOCUMENTS OR BY DESIGN LANDSCAPE ARCHITECT.



TECHNICAL SERVICES
1-888-825-4716
techservice@ndspro.com

TYPICAL EZ-ROLL™ GRASS PAVER H.V. /FIRE ACCESS DETAIL

HEAVY VEHICLE OR FIRE ACCESS ROAD

TERMS OF INSTRUMENT - PART 2

**AGREEMENT TO AMEND MASTER DEVELOPMENT AGREEMENT
(Section 219 Covenant)**

THIS AGREEMENT dated for reference the day of December, 2015.

BETWEEN:

THE RAILYARDS DEVELOPMENT INC.

530 Herald Street
Victoria, B.C. V8W 1S6

(the "**Developer**")

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, British Columbia V8W 1P6

(the "**City**")

OF THE SECOND PART

WHEREAS:

- A. The Developer is the registered owner in fee-simple of those lands and premises located within the City of Victoria, in the Province of British Columbia, more particularly described as:

PID 025-615-033

Lot A, District Lot 119, Esquimalt District, Plan VIP74947 except that part in Plans VIP76024, VIP77618, VIP84119, VIP88377, VIP89279 and EPP35998

(the "**Lands**")

- B. The City is a municipality incorporated under the laws of the Province of British Columbia.

- C. The City and the Developer are parties to a Master Development Agreement dated December 3, 2002 (and registered against title to the Lands in the Land Title Office as a covenant under section 219 of the Land Title Act under number ET139699), as modified by instruments registered under numbers EV2554, EW57134, EW153863, CA1159331, and CA3825917, and extended by an instrument registered under number EW57135 (collectively, the "**MDA**").

- D. The MDA sets out certain terms and conditions that apply to the subdivision and development of the lands described in the MDA as the Railyards Lands.
- E. The Lands are the last remaining portion of the Railyards Lands to be developed, and the City and the Developer have agreed to amend the terms and conditions of the MDA so far as they apply to the development of the Lands.
- F. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, or that land is not to be built on or subdivided except in accordance with the covenant may be granted in favour of the City and may be registered as a charge against the title to the Dockside Lands.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to The Developer by the City (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1.0 INTERPRETATION

1.1 In this Agreement:

"Bridge Dedication Area" means that area of the Lands shown outlined and labeled "Bridge Dedication" on the Site Plan.

"Bridges Park and Tot Lot" means that area of the Lands shown outlined and labeled "Bridges Park and Tot Lot" on the Site Plan.

"Public Pathway" means the area of the Lands shown outlined and labeled "Public Path Right of Way" on the Site Plan and which connects Tyee Road with Central Spur Road.

"Phased Strata Development" means the phased strata subdivision and development of the Lands that the Developer proposes to undertake, as generally depicted on the Site Plan, and "Phase 1", "Phase 2" and "Phase 3" mean, respectively, each of the three phases that are so depicted and described on the Site Plan.

"Site Plan" means the plans showing the proposed strata phasing and amenity phasing that are attached to this Agreement as Schedule "A".

"Victoria West Entry Park" means that area of the Lands, along with areas shown as "highway" or "road", shown outlined and labeled "Victoria West Entry

Park” on the Site Plan, and includes any associated public pathways over the Lands that are shown on the Site Plan as being connected to the Victoria West Entry Park.

2.0 RESTRICTIONS ON SUBDIVISION AND DEVELOPMENT

- 2.1 The Developer covenants and agree that it shall not build any buildings or structures on the Lands, or subdivide the Lands, except in strict accordance with the MDA, as modified by this Agreement.

3.0 REMAINING AMENITIES TO BE PROVIDED

- 3.1 The Developer and the City both confirm and agree that the following amenities (the “**Amenities**”) will be provided by the Developer in conjunction with the development of the Lands, and in accordance with the terms and conditions of this Agreement and that the Developer’s provision of the Amenities in accordance with the terms and conditions of this Agreement will fully satisfy the Developer’s remaining obligations under section 4 of the MDA:

- a) Bridges Park and Tot Lot;
- b) Public Pathway;
- c) Victoria West Entry Park; and
- d) Bridge Dedication and Landscaping.

- 3.2 The Amenities as provided will be generally as depicted in Schedule A to this Agreement, and will be constructed in accordance with the more detailed plans and specifications that are attached to this Agreement as Schedule “B”.

4.0 BRIDGES PARK AND TOT LOT

- 4.1 Concurrently with the deposit of the phased strata plan for Phase 3, the Developer shall dedicate to the City as “PARK” the area shown on the Site Plan as comprising the Bridges Park and Tot Lot.
- 4.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install on the Bridges Park and Tot Lot the improvements generally depicted in Schedule “A” and that are described in more detail in Schedule “B” to this Agreement. For greater certainty, the Developer is no longer required to construct on the Bridges Park and Tot Lot the 6 parking stalls that were required under the terms of the MDA.

5.0 PUBLIC PATHWAY

- 5.1 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer agrees to grant the City a statutory right of way over the Lands for the accommodation of the Public Pathway, in the form attached to this Agreement as Schedule "C".
- 5.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install on the Public Pathway the Public Pathway improvements generally depicted in Schedule "A" and that are described in more detail in Schedule "B" to this Agreement, and after the completion of those improvements to the City's satisfaction the Developer shall prepare a statutory right of way plan defining the boundaries of the Public Pathway, for the City's approval. The Developer shall then prepare for execution by the Developer and the City, and registration by the Developer, a partial release of the Public Pathway right of way, releasing the right of way from those areas of the Lands outside the area defined by the approved right of way plan.

6.0 VICTORIA WEST ENTRY PARK

- 6.1 For certainty, and notwithstanding anything to the contrary in the MDA, the Victoria West Entry Park will be situated in part on lands that are at present or will be dedicated as highway, as well as on portions of the Lands over which a statutory right of way for public pathway purposes will be registered in accordance with section 6.2.
- 6.2 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer agrees to grant the City a statutory right of way over the Lands for the accommodation of the public pathways that are to be constructed within the Victoria West Entry Park, in the form attached to this Agreement as Schedule "C".
- 6.3 The Developer shall construct the Victoria West Entry Park Improvements in the following two phases:
- (a) Before any building that is constructed on Phase 1 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install the Victoria West Entry Park improvements that are shown on Drawing No. A0.05A that is part of the Site Plan (for certainty, this portion of the Victoria West Entry Park shall be constructed generally as depicted on the Phasing Plan Master Site Plan Drawing No. A0.05A which forms part of the Site Plan attached as Schedule "A", and shall include the sidewalk connection from Gaudin Road to the existing sidewalk on Tyee Road, as well as the bus bay pull-out on Tyee Road, all as generally depicted on the Phasing Plan Master

Site Plan Drawing No. A0.05A forming part of Schedule "A", and as more specifically described in Schedule "B");

- (b) Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install the remainder of the Victoria West Entry Park improvements as generally shown on Drawing No. A0.07A that forms part of the Site Plan, and as more specifically described in Schedule "B".

- 6.4 After the completion of the Victoria West Entry Park improvements to the City's satisfaction, the Developer shall prepare a statutory right of way plan defining the boundaries of the public pathways that are within the Victoria West Entry Park, for the City's approval. The Developer shall then prepare for execution by the Developer and the City, and registration by the Developer, a partial release of the Victoria West Entry Park right of way, releasing the right of way from those areas of the Lands outside the area defined by the approved right of way plan.

7.0 BRIDGE DEDICATION AND LANDSCAPING

- 7.1 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer shall dedicate as "ROAD" the area shown on the Site Plan as comprising the Bridge Dedication.
- 7.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall grade and improve the Bridge Dedication Area as generally depicted in Schedule "A", and as described in more detail in Schedule "B" to this Agreement.

8.0 PROVISION OF PLANS AND SECURITY

- 8.1 In accordance with the process described in section 5.2 of the MDA, and before obtaining a building permit for any building to be constructed within Phase 1, the Developer shall provide to the Approving Officer, for his or her approval, detailed engineering plans, drawings, specifications, landscaping plans, cost estimates and security for the construction and installation of the Victoria West Entry Park improvements that are referred to in section 6.3(a) of this Agreement.
- 8.2 In accordance with the process described in section 5.2 of the MDA, and before obtaining a building permit for any building to be constructed within Phase 3, the Developer shall provide to the Approving Officer, for his or her approval, detailed engineering plans, drawings, specifications, landscaping plans, cost estimates and security for the construction and installation of:

- (a) the improvements and landscaping on the Bridges Park and Tot Lot that are described in Schedule "B" to this Agreement,
 - (b) the Victoria West Entry Park improvements that are referred to in section 6.3(b) to this Agreement;
 - (c) the grading, landscaping and other improvements of the Bridge Dedication Area as described in Schedule "B" to this Agreement;
 - (d) the Public Pathway improvements that are described in Schedule "B" to this Agreement.
- 8.3 The security provided under sections 8.1 and 8.2 shall be in the form of a letter of credit, substantially in the form attached to this Agreement as Schedule 'D', and shall be in the amount of 120% of the cost estimates provided by the Developer and approved by the Approving Officer under this Agreement.
- 8.4 For certainty, in the event the Developer fails to complete the construction of an Amenity within the time required under this Agreement, the City may draw upon the letter of credit provided under section 8.1 or 8.2, as the case may be, and may utilize the security to complete the construction of that Amenity.
- 8.5 Before obtaining a building permit for any building to be constructed within Phase 1, the Developer shall also provide to the Approving Officer, for his or her approval, detailed civil design drawings, engineering plans, landscape plans and cost estimates for all of the other works and services, including any landscaping elements, required under the bylaws of the City of Victoria in connection with the development of Phase 1, Phase 2 and Phase 3, such as but not limited to frontage improvements and other civil works and services. The Developer shall provide security for the construction of the works and services referred to in this section 8.5, together with updated cost estimates as may be required from time to time by the Approving Officer, in the amounts and at the times required under the bylaws of the City of Victoria.

9.0 PUBLIC BODY

- 9.1 Nothing contained or implied within this Agreement shall prejudice or affect the duties, rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders or regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered.
- 9.2 Nothing in this Agreement shall relieve the Developer from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the subdivision and development of the Lands.

10.0 GENERAL PROVISIONS

- 10.1 At the Developer's expense, the Developer must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
- 10.2 Time is of the essence of this Agreement.
- 10.3 The Developer covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Developer as personal covenants only during the period of its respective ownership of any interest in the Lands.
- 10.4 It is mutually understood, acknowledged and agreed by the parties hereto that the City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Developer other than those contained in this Agreement and the Original MDA. This Agreement and the Original MDA are to be read and construed together as one document.
- 10.5 The waiver by a party of any breach of this Agreement or 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, and no waiver shall be effective unless it is in writing signed by both parties.
- 10.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 10.7 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 10.8 The enforcement of this Agreement shall be entirely within the discretion of the City and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the City to the Developer or to any other person to enforce any provision or the breach of any provision of this Agreement.
- 10.9 The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office

pursuant to section 219 of the *Land Title Act* as covenants in favour of the City as a first financial charge against the Lands.

- 10.10 The Developer agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 10.11 If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 10.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

11.0 PRIORITY AGREEMENT

- 11.1 HSBC Bank Canada, the registered holder of charges by way of Mortgages and Assignments of Rents against the Lands and registered under Numbers EV23500 (as extended by EV25800 and EW76979), EV23501 (as extended by EV25801 and EW76980), EV25800 (extension of EV23500) and EV25801 (extension of EV23501) (collectively the "Charges") in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

The Developer and City acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.



DIALOG

ISSUED FOR
A 38 JANU 15 DEVELOPMENT PERMIT
B 14 AUGU 15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

METRIC
THIS DRAWING IS FOR INFORMATION ONLY AND NOT TO BE USED
FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE.
ALL DIMENSIONS AND ALLOCATIONS UNLESS OTHERWISE NOTED
ARE IN METRIC UNITS.
UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO THE FACE
OF THE STRUCTURE.
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ARCHITECT & PRIME CONSULTANT
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OWNER
VICTORIA AND CANTON
100 HURON STREET
VICTORIA BC V8W 2E1
TEL: 250-383-1111

SEAL

RAILYARDS, LOT H & J

VICTORIA BC

CONTEXT PLAN

DRAWN
PLOT DATE 15/01/15

CHECKED

A0.02

CONTEXT PLAN
SCALE 1:500



ISSUED FOR

- A 26 JAN'15 DEVELOPMENT PERMIT
B 14 AUG'15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

METRIC

THESE DRAWINGS ARE UNQUALIFIED AND MUST NOT BE USED
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DEVIATIONS FROM THE CONTRACT DOCUMENTS WITHOUT
THE SIGNATURE OF THE ARCHITECT SHALL BE SUBJECT TO
CORRECTION AT THE CONTRACTOR'S EXPENSE.

ARCHITECT & PRIME CONSULTANT

ARCHITECT & PRIME CONSULTANT
5000 10TH AVE. N.E. SUITE 1000 (HART)
PORTLAND, OREGON 97218
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Tel. 503-236-1100 Fax 503-235-3700

OWNER

OWNEER
LEWIS AND COMPANY
570 MADISON STREET
CHICAGO 31, ILL. 60605
Tel. 312-321-1000

SEA

RAILYARDS, LOT H & J

VICTORIA, BC

PROPOSED SITE PLAN

DRAWN:
PLOT DATE: 10-2-9

CHECKED

A0.04

PROPOSED SITE PLAN
SCALE: 1/250

1



INCLUDED FOR

- A. 20 MILES DEVELOPMENT PERMIT REGION
B. 14 MILES DEVELOPMENT PERMIT REGION
C. 10 MILES DEVELOPMENT PERMIT REGION

METRIC

7. The following are the steps in the process of creating a new product:
1. Identify the need for a new product.
2. Develop a concept for the new product.
3. Conduct a market analysis to determine the potential for the new product.
4. Develop a business plan for the new product.
5. Obtain financing for the new product.
6. Develop a prototype of the new product.
7. Test the prototype of the new product.
8. Obtain regulatory approval for the new product.
9. Manufacture the new product.
10. Distribute the new product.

ARCHITECT & PRIME CONSULTANT

For more information, contact:
 Dr. Robert L. Smith, Director
 Office of the Director
 1000 University Avenue, Suite 100
 University of California, San Diego
 La Jolla, CA 92037
 Tel: 619/594-5800 Fax: 619/594-5801

1704-1705

OWNER:
LAWSON INTERNATIONAL
FALLS CHURCH, VA 22034
LAWSON@LAWSON-INTL.COM
703/261-1000

83.4%

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
PARKADE PLAN
PHASE 1

PLANT DATE: 10-2-0

A0.05B



Summary Data		Phase 1 + 2
SITE AREA		4377
TOTAL FLOOR AREA		108152
SITE COVERAGE		41
OPEN ST SPACE		50
SETBACKS		
FRONT YIELD		13.00
REAR CENTRAL YIELD		3.50
SIDE (EASTING) YIELD	0 phased subdiv	
	2.25 m - 10' - 10'	
SIDE (SOUTH) YIELD	0 phased subdiv	
	2.25 m - 10' - 10'	
GEODETIC HEIGHT STORY (meters)		22
	ZONE C STANDARD	26
# OF UNITS		
BIKE STORAGE	CLASS 3	1
	CLASS 2	1
PARKING TRAIL		
TRAIL PARKING		

METRIC
THIS PROGRAM IS DESIGNED TO ACHIEVE THE LOWEST
POSSIBLE COST FOR THE SYSTEM - BUT WITHOUT COMPROMISING
ANY OTHER CRITICAL ASPECTS. BATTERIES ARE THE MOST CRITICAL
AND ARE ALWAYS FIRST.
WE'VE GOT TO GET THIS PROGRAM

[illegible]

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www.dialogicarchitect.com

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SOUTHERLAND STREET
JACKSON, MS 39205
* W. 100, 100, 100

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1 + 2

DRAWN: _____ CHECKED: _____
PLOT DATE: 10-2-5

A0.06A



DIALOG

ISSUED FOR:
A. 25 JANUARY DEVELOPMENT PERMIT
B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
C. 08 DECEMBER DEVELOPMENT PERMIT REVISIONS

METRIC
THIS PHASING PLAN IS A CONSULTANT'S WORK AND IS NOT A LEGAL DOCUMENT. IT IS THE PROPERTY OF THE CONSULTANT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT IS PROHIBITED. THE CONSULTANT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE CONSULTANT'S WORK IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

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WWW.DIALOGIC.COM

OWNER:
VICTORIA CITY COUNCIL
1000 BAY STREET, SUITE 100
VICTORIA, BC V8W 2E1
TEL: 250-383-1111 FAX: 250-383-1112

SEAL

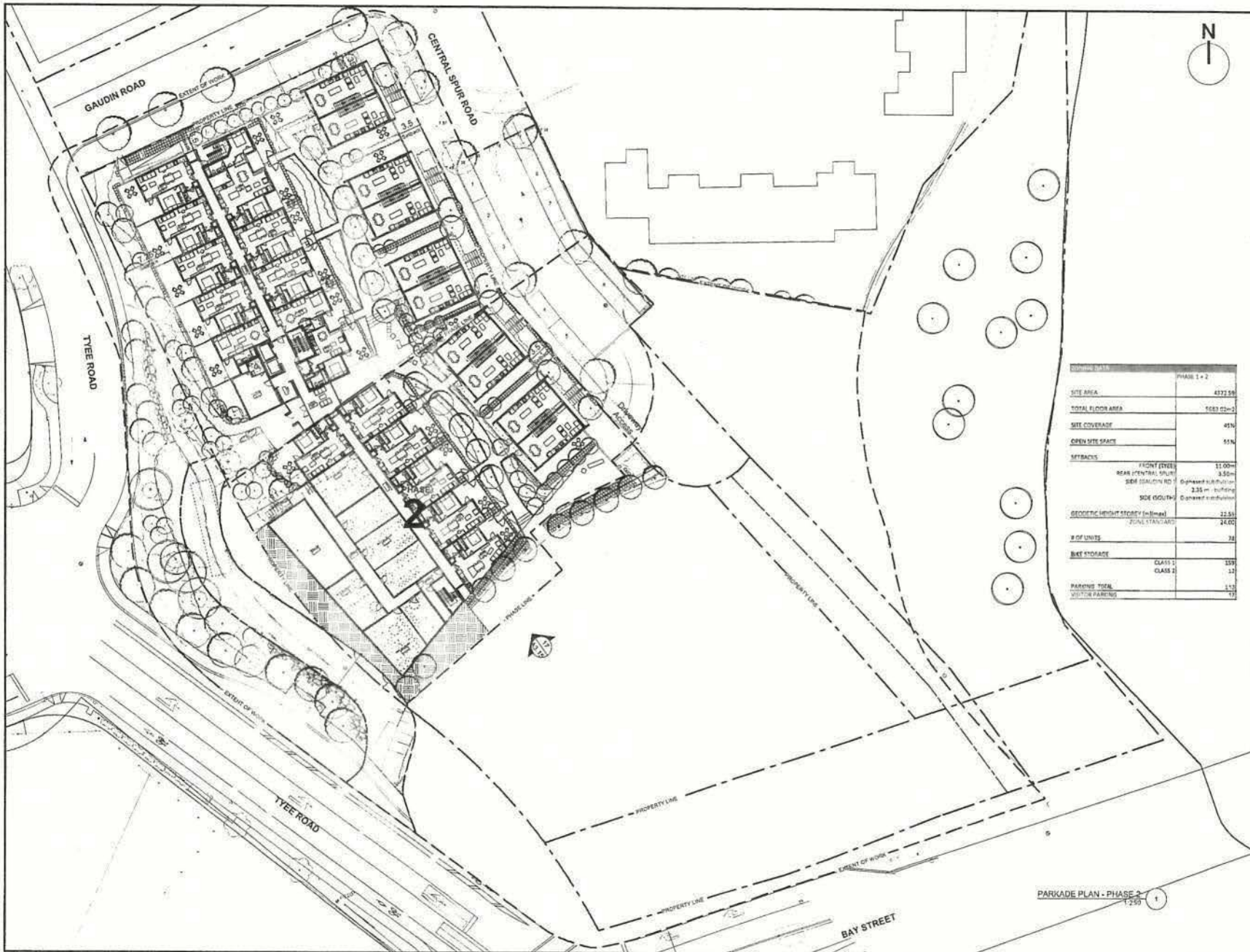
RAILYARDS, LOT H & J

VICTORIA, BC

**PHASING PLAN
PARKADE PLAN
PHASE 1 + 2**

DRAWN: PLOT DATE: 16-2-6 CHECKED:

A0.06B



SUMMARY DATA		PHASE 1 + 2
SITE AREA		4372.58
TOTAL FLOOR AREA		1089.02m ²
SITE COVERAGE		45%
OPEN SITE SPACE		55%
SETBACKS		
FRONT (TYE)	11.00m	
REAR (CENTRAL SPUR)	3.50m	
SIDE (GAUDIN RD)	2.35m - buffering	
SIDE (GOUTH)	2.35m - buffering	
GEOMETRIC MINIMUM SETBACK (m) (max)	22.51	
20% MIN. SETBACK	24.60	
# OF UNITS		78
BIKE STORAGE		
	CLASS 1	159
	CLASS 2	12
PARKING TOTAL		171
VISITOR PARKING		17

DIALOG

ISSUED FOR:

- A. 28 JANUARY DEVELOPMENT PERMIT
- B. 14 AUGUST DEVELOPMENT PERMIT REVIEW
- C. 09 DECEMBER DEVELOPMENT PERMIT REVIEW

METRIC

THIS PHASING PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS THE ARCHITECT'S RESPONSIBILITY TO ENSURE THAT THE DESIGN IS FEASIBLE AND COMPLIES WITH ALL APPLICABLE REGULATIONS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER SERVICES OR TO ANY OTHER PARTY. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER SERVICES OR TO ANY OTHER PARTY.

ARCHITECT & PRIME CONSULTANT

DAVIDSON ARCHITECTURE CONSULTANTS
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TEL: 250.363.1111 FAX: 250.363.1112

OWNER

SEAFRONT AND TOWN
1100 GASTRO STREET
VICTORIA, BC V8W 2E1

SEAL

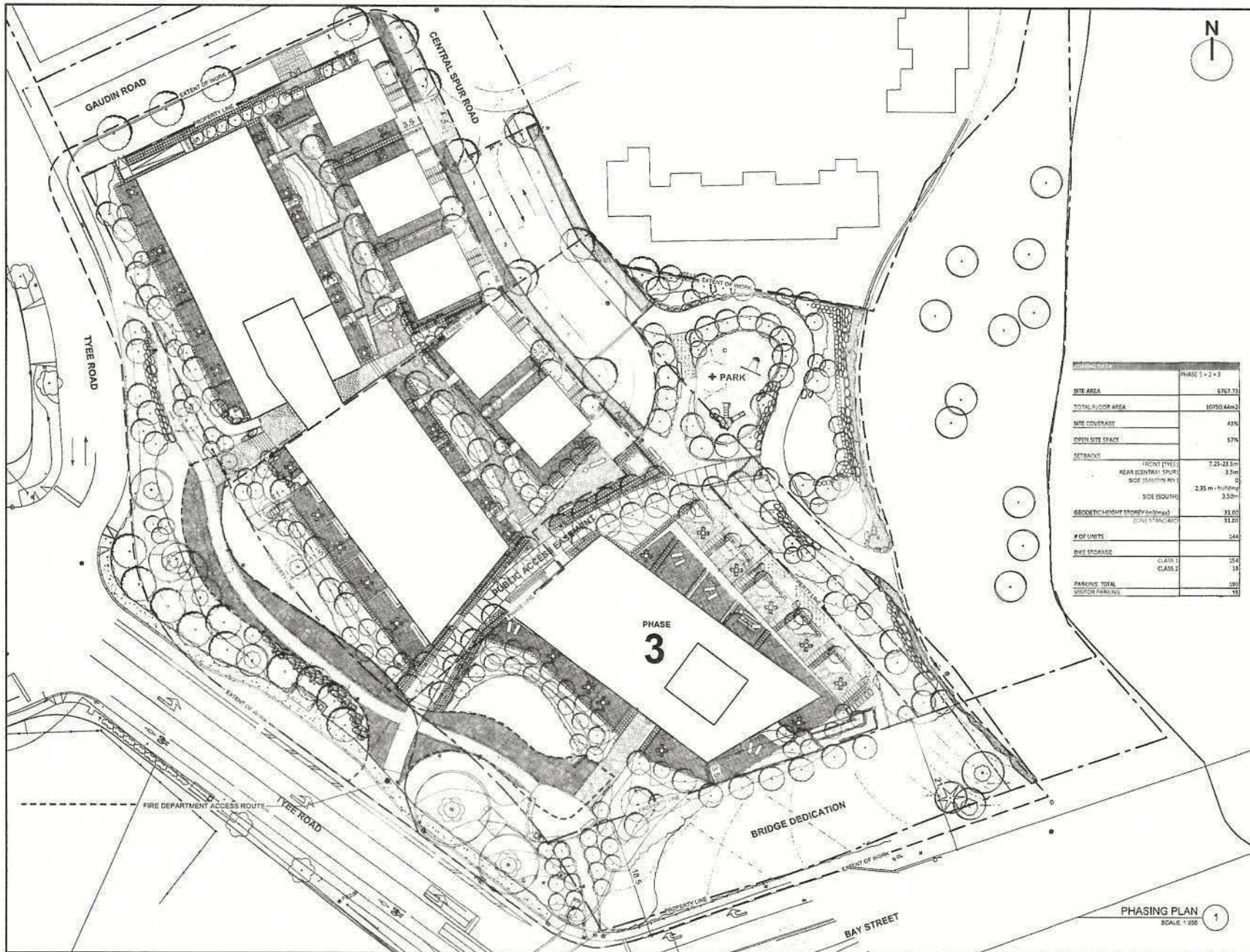
RAILYARDS, LOT H & J

VICTORIA, BC

**PHASING PLAN
PARKADE PLAN
PHASE 1 + 2**

DRAWN: 15-0-0 CHECKED:

A0.06C



PHASE 1+2+3	
SITE AREA	6767.33
TOTAL FLOOR AREA	10750.64m ²
SITE COVERAGE	43%
OPEN SITE SPACE	57%
SETBACKS	
FRONT (TYEE)	7.25-23.51
REAR (CENTRAL SPUR)	3.5m
SIDE (GAUDIN RD)	0
SIDE (SOUTH)	2.35 m - 10.00m
GEODETIC HEIGHT (TYPICAL)	31.00
GEODETIC HEIGHT (TYPICAL)	31.00
# OF UNITS	344
BIKE STORAGE	
CLASS 1	354
CLASS 2	18
PARKING TOTAL	180
VISITOR PARKING	11

DIALOG

ISSUED FOR:

- A 25 JAN/15 DEVELOPMENT PERMIT
- B 14 AUG/15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC/15 DEVELOPMENT PERMIT REVISIONS

METRIC

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SEAL

RAILYARDS, LOT H & J

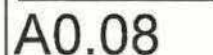
VICTORIA, BC

**PHASING PLAN
MASTER SITE PLAN
PHASE 1+2+3**

DESIGN DATE: 16-2-15 CHECKED:

A0.07A

PHASING PLAN
SCALE: 1:200



A0.08



RENDERING OF PROJECT 1
VIEW SOUTH ALONG CENTRAL SPUR ROAD

ISSUED FOR
A. 28 JAN'15 DEVELOPMENT PERMIT
B. 14 AUG'15 DEVELOPMENT PERMIT REVISED
C. 09 DEC'15 DEVELOPMENT PERMIT REVISED

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WWW.DIALOGARCHITECTURE.COM

OWNER
VICTORIA CITY COUNCIL
100-1100 14TH AVENUE, SUITE 100
VICTORIA, BC V8M 4K7
TEL: 250-363-1100

SCALE
1:100

RAILYARDS, LOT H & J

VICTORIA, BC

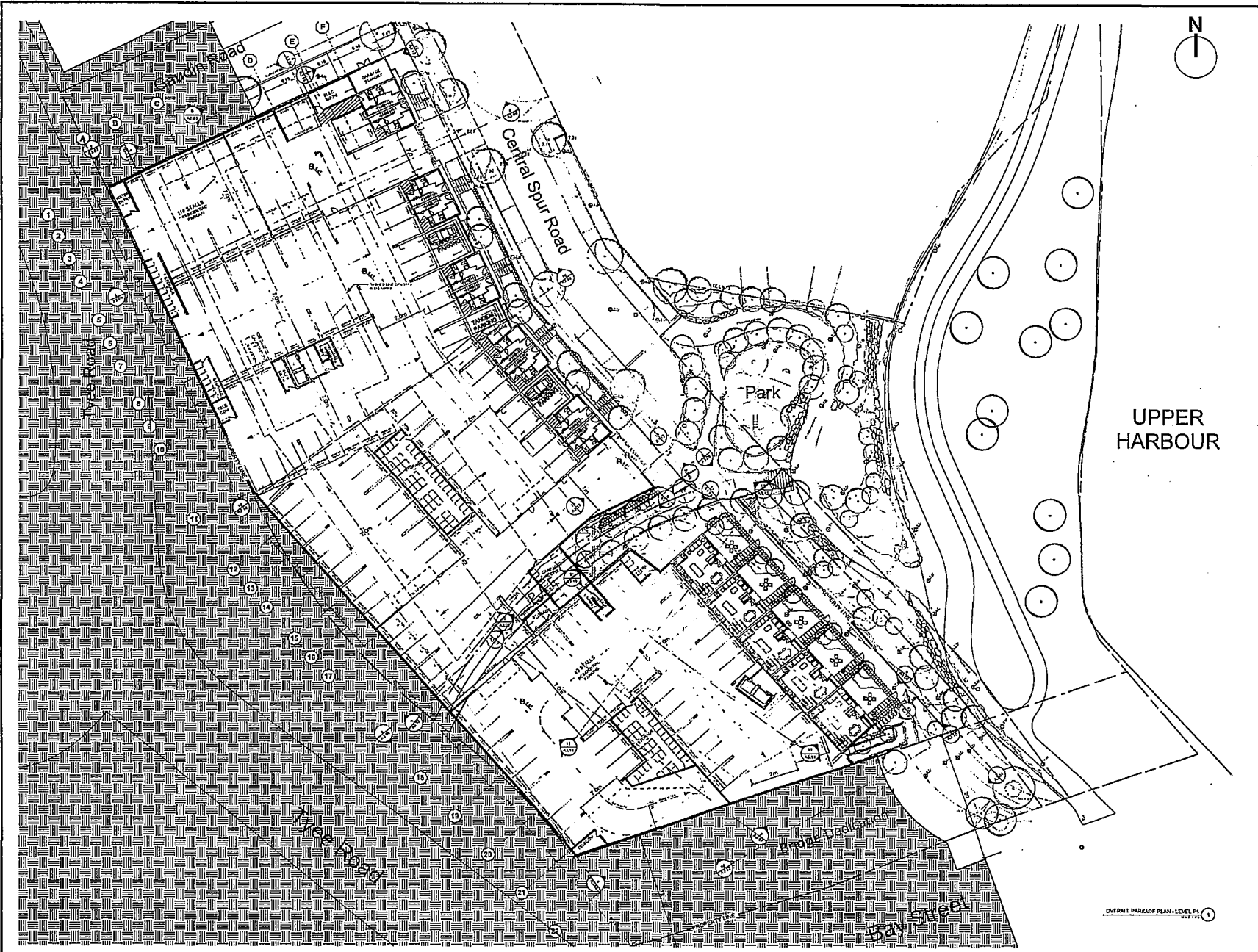
RENDERING

DATE: 09/12/15 CHECKED: [Signature]

A0.09



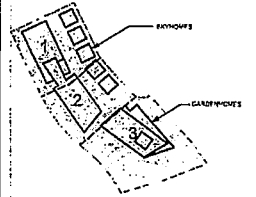
A0.10



UPPER
HARBOUR

OVERALL PARKADE PLAN-LEVEL P1
A2.01

DIALOG



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- A. 28 JAN15 DEVELOPMENT PERMIT
- B. 14 AUG15 DEVELOPMENT PERMIT REVISIONS
- C. 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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RAILYARDS, LOT H & J

VICTORIA, BC

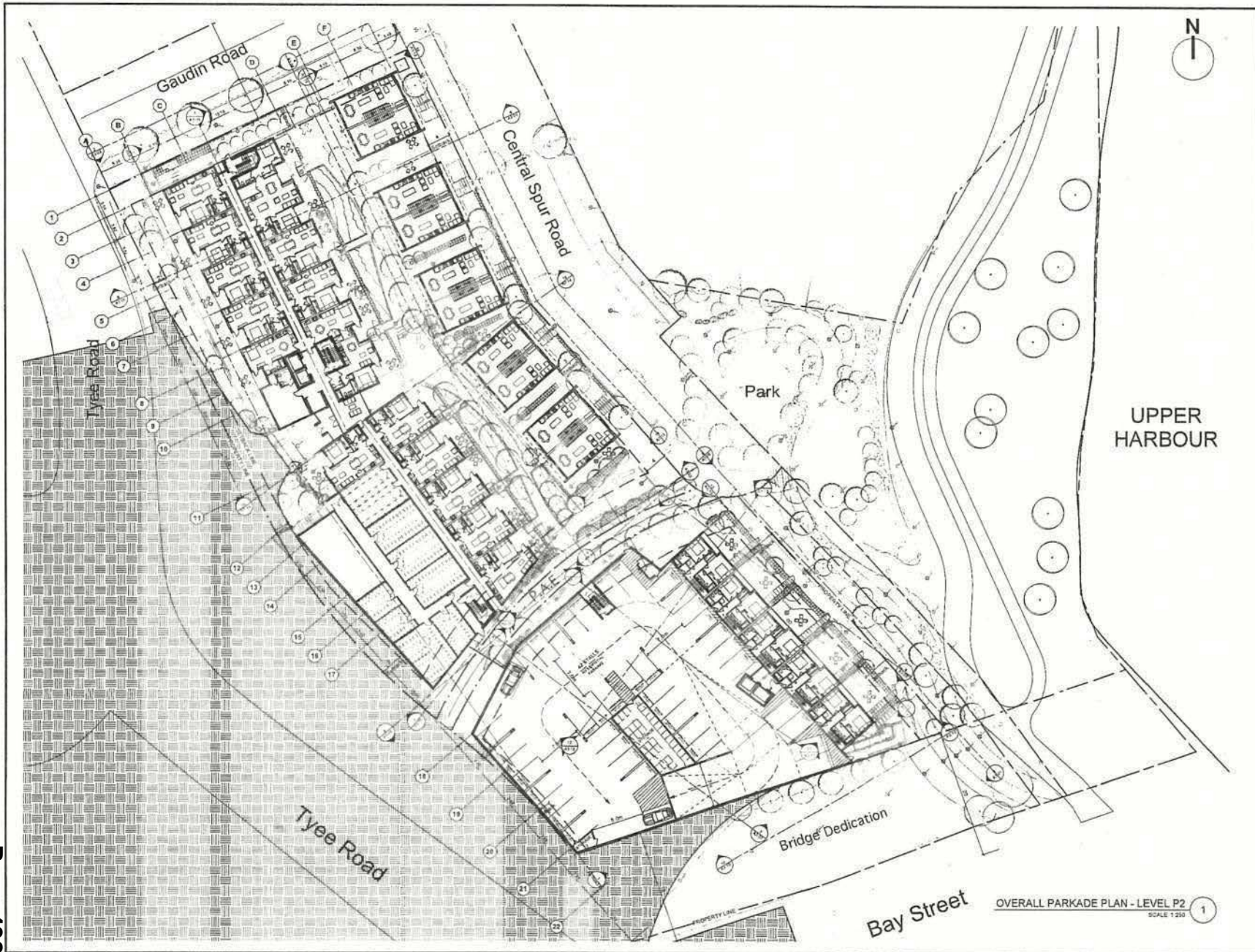
OVERALL PARKADE PLAN
LEVEL P1

DRAWING: AS / MC
PLOT DATE: 16-04

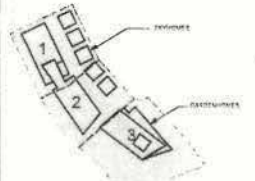
CHECKED: MC

A2.01

545117 Plan 8.003_16_011714.mxd



DIALOG®



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 A 28 JUN15: DEVELOPMENT PERMIT
 B 14 AUG15: DEVELOPMENT PERMIT REVISIONS
 C 08 DEC15: DEVELOPMENT PERMIT REVISIONS

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SEAL
 RAILYARDS, LOT H & J

VICTORIA, BC
 OVERALL PARKADE PLAN
 LEVEL P2

DESIGNED BY: JMC
 CHECKED BY: JMC
 DATE: 12/11/15

A2.02

DATE: 12/11/15



DIALOG



ISSUED FOR

- A. 28 JANV15: DEVELOPMENT PERMIT
- B. 12 AUG15: DEVELOPMENT PERMIT REVISIONS
- C. 09 DEC15: DEVELOPMENT PERMIT REVISIONS

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VICTORIA, BC V8W 2E1
TEL: 250-383-1111
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SCALE

RAILYARDS, LOT H & J

VICTORIA BC

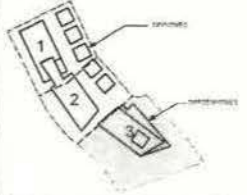
**PARKADE PLAN - LEVEL P1
PHASE 1 & 2**

DRAWN: P.J.M.C.
PLOT DATE: 19-2-4

CHECKED: M.C.

A2.03

8/10/2015 10:00 AM

DIALOG®

ISSUED FOR

- A. 01 JANU15 DEVELOPMENT PERMIT
- B. 14 AUGU15 DEVELOPMENT PERMIT REVISIONS
- C. 09 DECE15 DEVELOPMENT PERMIT REVISIONS

METRIC

[illegible]

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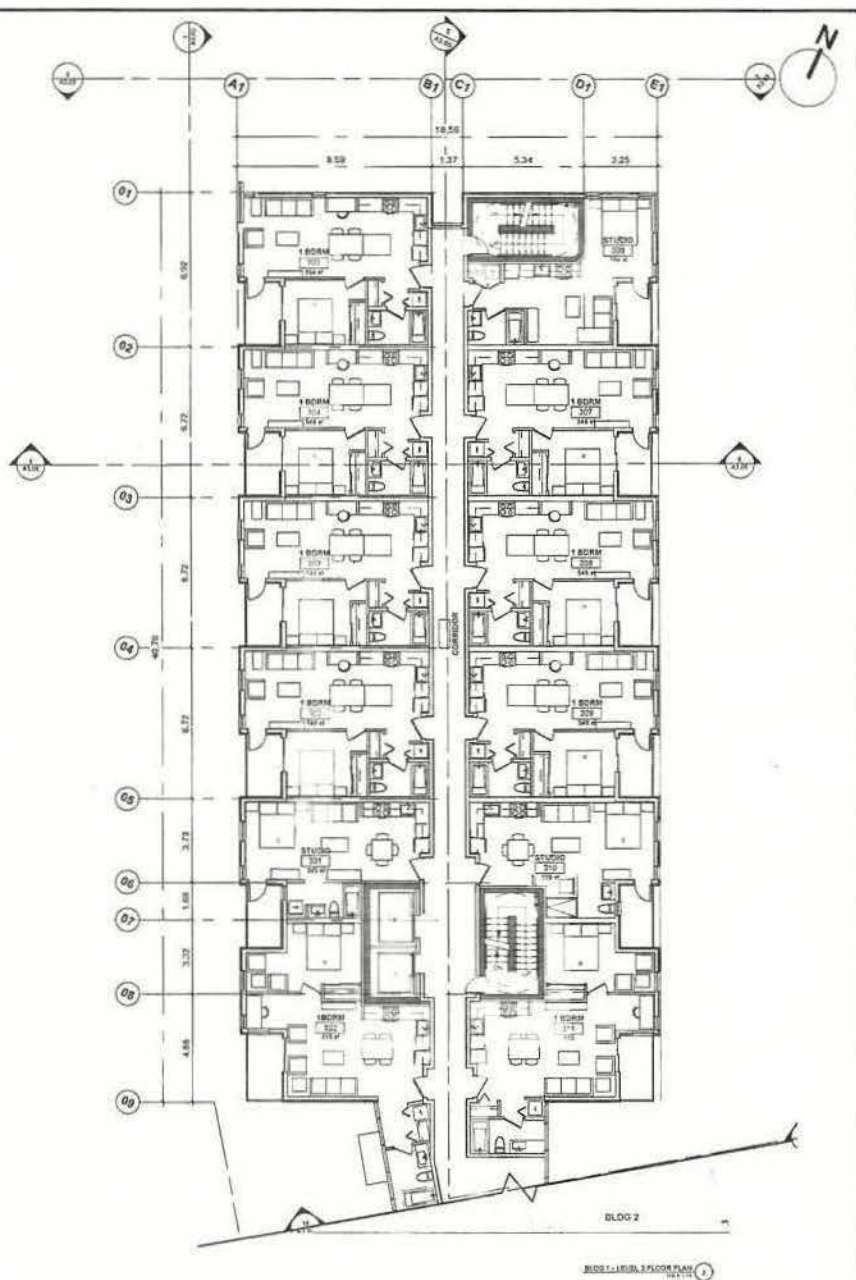
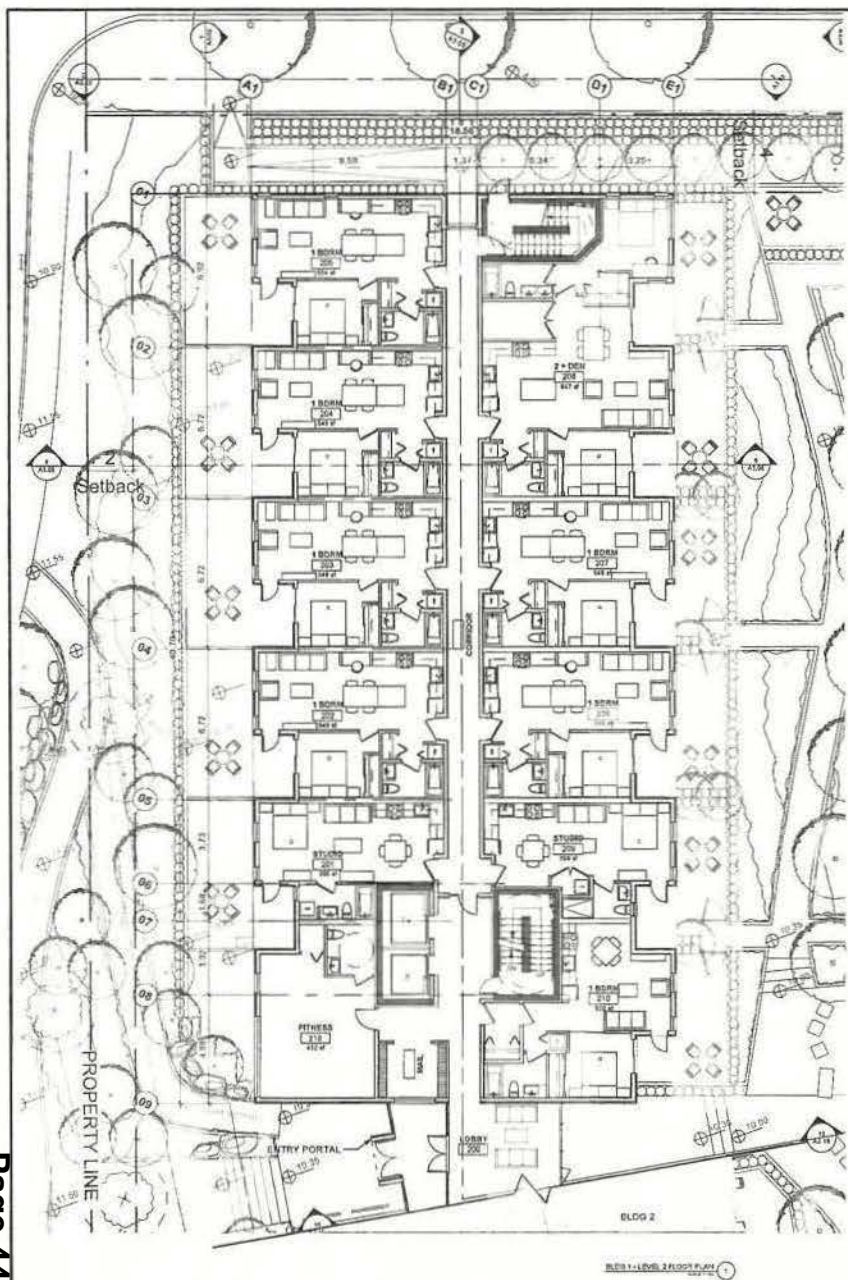
VICTORIA, BC

PARKADE PLAN - LEVELS P1 & P2
PHASE 3

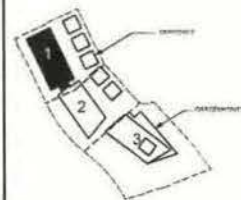
DRAWN: AG/MC
PLOT DATE: 12/04/98

A2.04

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DIALOG



ISSUED FOR:

- A. 10 JANUARY DEVELOPMENT PERMIT
- B. 10 JANUARY DEVELOPMENT PERMIT REVISIONS
- C. 10 DECEMBER DEVELOPMENT PERMIT REVISIONS

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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

BLDG 1 - LEVELS 2 & 3
FLOOR PLANS

DRAWN BY: J. HARRIS

CHECKED BY: J. HARRIS

A2.11

DATE: 10/10/2016

ISSUED FOR:

A 25 JAN15 DEVELOPMENT PERMIT

B 14 AUG15 DEVELOPMENT PERMIT REVISIONS

C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

[illegible][illegible]

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RAILYARDS, LOT H & J

VICTORIA, BC

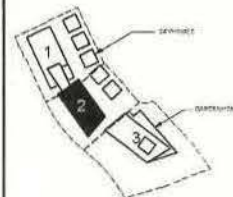
BLDG 1 - LEVELS 4 & 5
FLOOR PLANS

DRAWN BY: _____ CHECKED BY: _____
PLT DATE: 12/11/15

A2.12

Supplementary Materials: <http://www.jci.org>





- A. 26 JAMES DEVELOPMENT PERMIT
B. 14 AUDIE DEVELOPMENT PERMIT RESOLUTION
C. 38 DECHS DEVELOPMENT PERMIT RESOLUTION

[illegible]

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RAILYARDS, LOT H & J

VICTORIA - 800

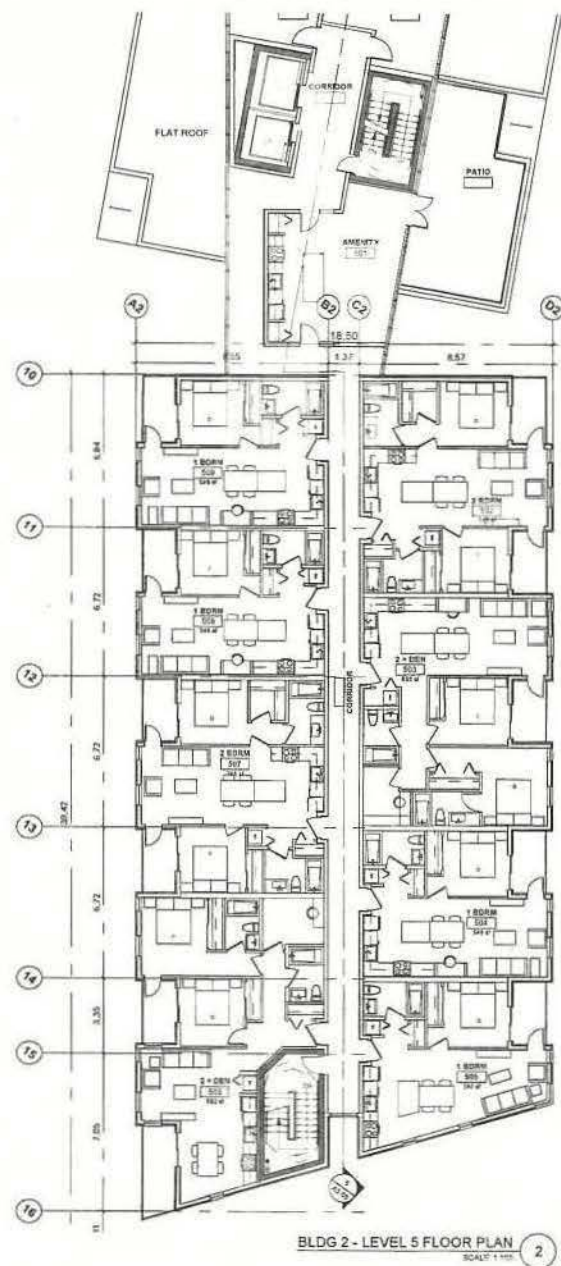
BLDG 2 - LEVELS 4 & 5
FLOOR PLANS

DRAWN AS
PLOT DATE 12/9/94

294022

A2.22

SAFETY FILE # 95-008, Y2, 03/10/19



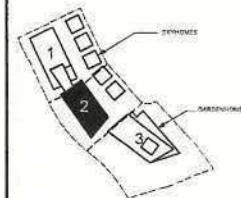
Architectural floor plan of Bldg 2 - Level 4. The plan shows two long, symmetrical wings of residential units separated by a central corridor. Each unit is labeled "1 BDRM" and includes a bedroom, living area, dining area, kitchen, and bathroom. The plan includes dimensions for various sections and a scale bar at the bottom right.

Dimensions (from top to bottom): 6.84, 6.72, 6.72, 6.72, 6.72, 3.35, 7.65.

Dimensions (from left to right): 1.37, 8.27, 8.27.

Scale: 1" = 10'-0"

Legend: 1 BDRM, 1 BATH, 1 KITCHEN, 1 LIVING, 1 DINING, 1 HALL, 1 CLOSET, 1 TERRACE, 1 PORCH, 1 BALCONY, 1 STAIR, 1 ELEVATOR, 1 ENTRY, 1 REAR PORCH, 1 FRONT PORCH, 1 GARAGE, 1 DRIVEWAY, 1 PARKING, 1 LOT, 1 TRAIL, 1 ROAD, 1 RAIL, 1 BRIDGE, 1 TUNNEL, 1 CANAL, 1 LAKE, 1 RIVER, 1 OCEAN, 1 MOUNTAIN, 1 HILL, 1 VALLEY, 1 PLAIN, 1 DESERT, 1 JUNGLE, 1 TROPIC, 1 ARCTIC, 1 ANTARCTIC, 1 SPACE, 1 TIME, 1 ENERGY, 1 MATTER, 1 FORCE, 1 FIELD, 1 WAVE, 1 PARTICLE, 1 ATOM, 1 MOLECULE, 1 CELL, 1 ORGANISM, 1 SPECIES, 1 ECOSYSTEM, 1 BIOME, 1 BIOSPHERE, 1 GEOSPHERE, 1 LITHOSPHERE, 1 HYDROSPHERE, 1 ATMOSPHERE, 1 BIOSPHERE, 1 GEOSPHERE, 1 LITHOSPHERE, 1 HYDROSPHERE, 1 ATMOSPHERE, 1 BIOSPHERE.



ISSUED FOR

- A 28 JAN15 DEVELOPMENT PERMIT
B 14 AUG16 DEVELOPMENT PERMIT REVISIONS
C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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info@dialogic.ca

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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

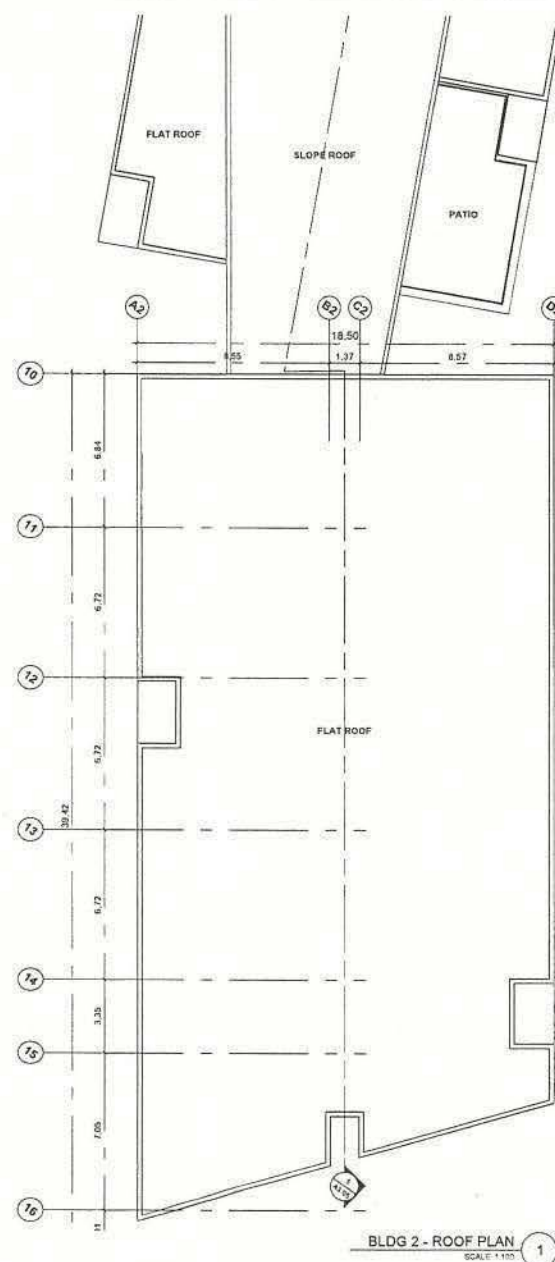
BLDG 2 - ROOF PLAN

DRAWN AS
PLOT DATE 12/2/95

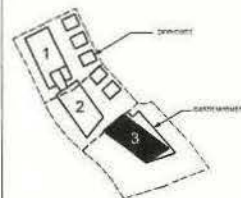
CHECKED MC

A2.23

547492 2004-08-27 12:12:12 200408271212



DIALOG



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- A. 30 DAYS DEVELOPMENT PERMIT
- B. 14 DAYS DEVELOPMENT PERMIT REFUSAL
- C. 30 DAYS DEVELOPMENT PERMIT REFUSAL

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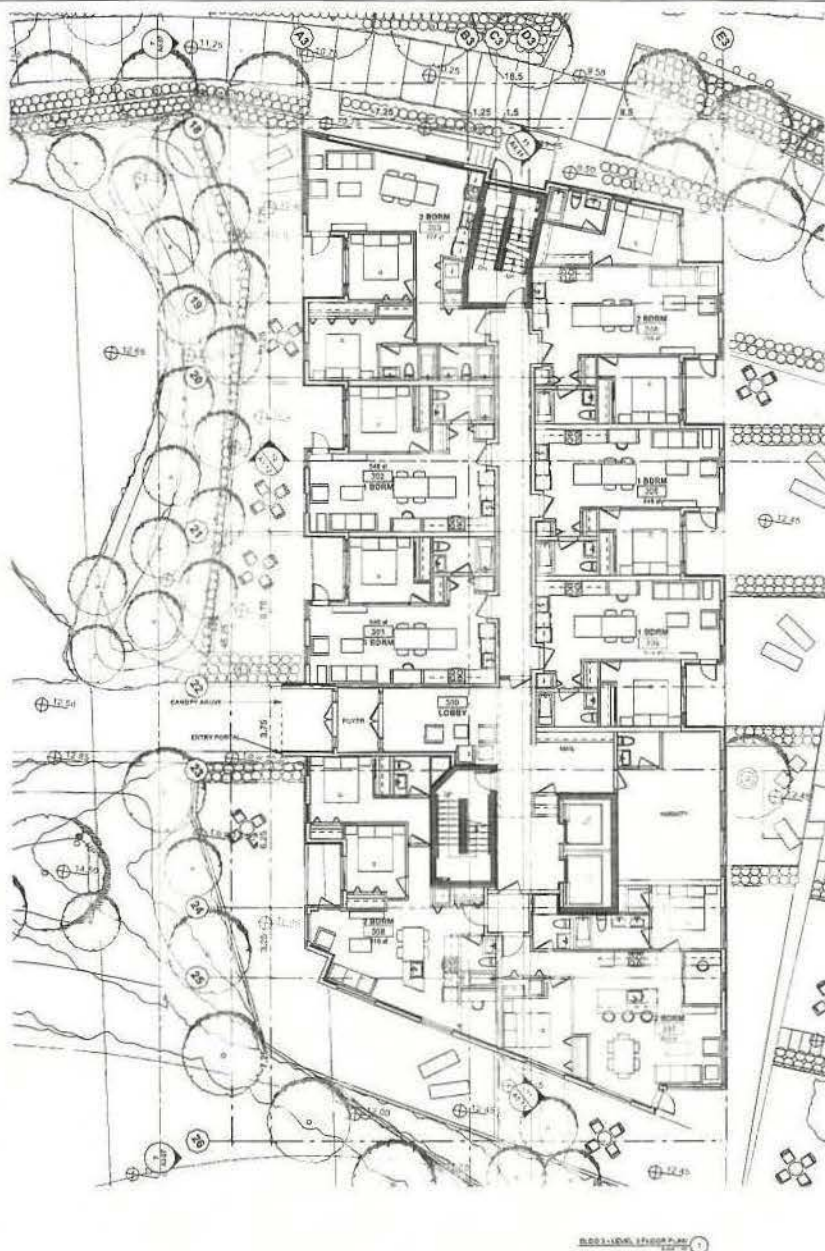
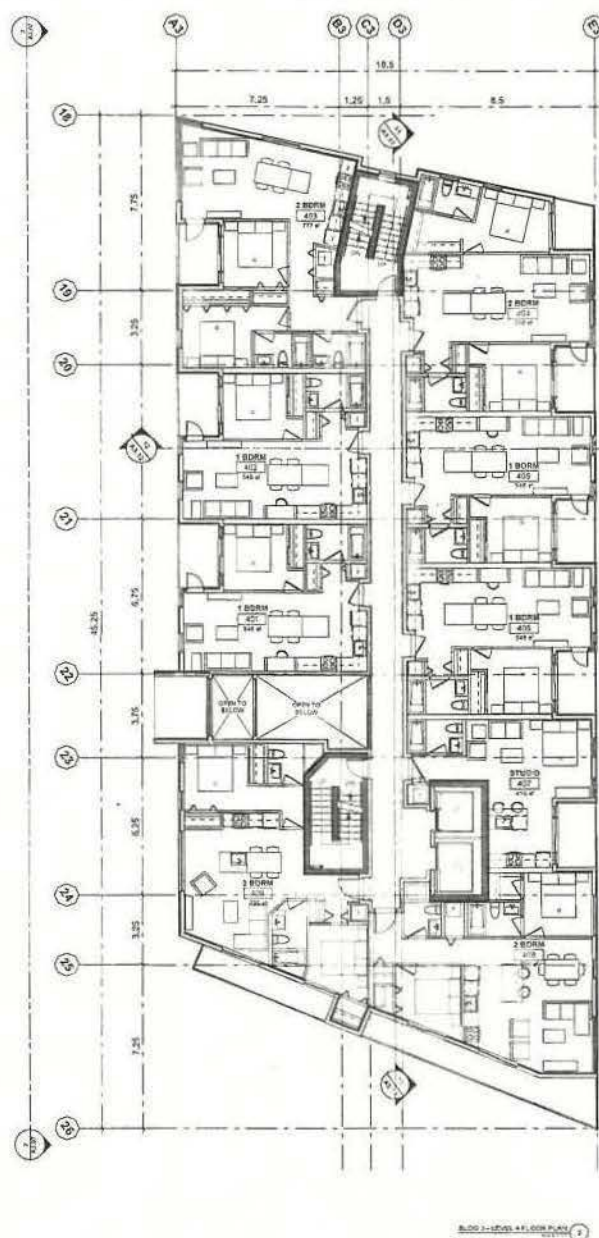
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BLDG 3 - LEVEL 3 & 4
FLOOR PLANS

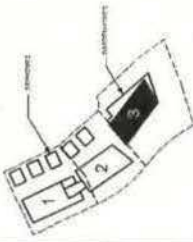
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PLOT DATE: 15/06/15

CHECKED: MC

A2.31



DIALOG



REVISIONS

- A. 24 APRIL DEVELOPMENT PERMIT
- B. 14 APRIL DEVELOPMENT PERMIT REVISIONS
- C. 07 APRIL DEVELOPMENT PERMIT REVISIONS

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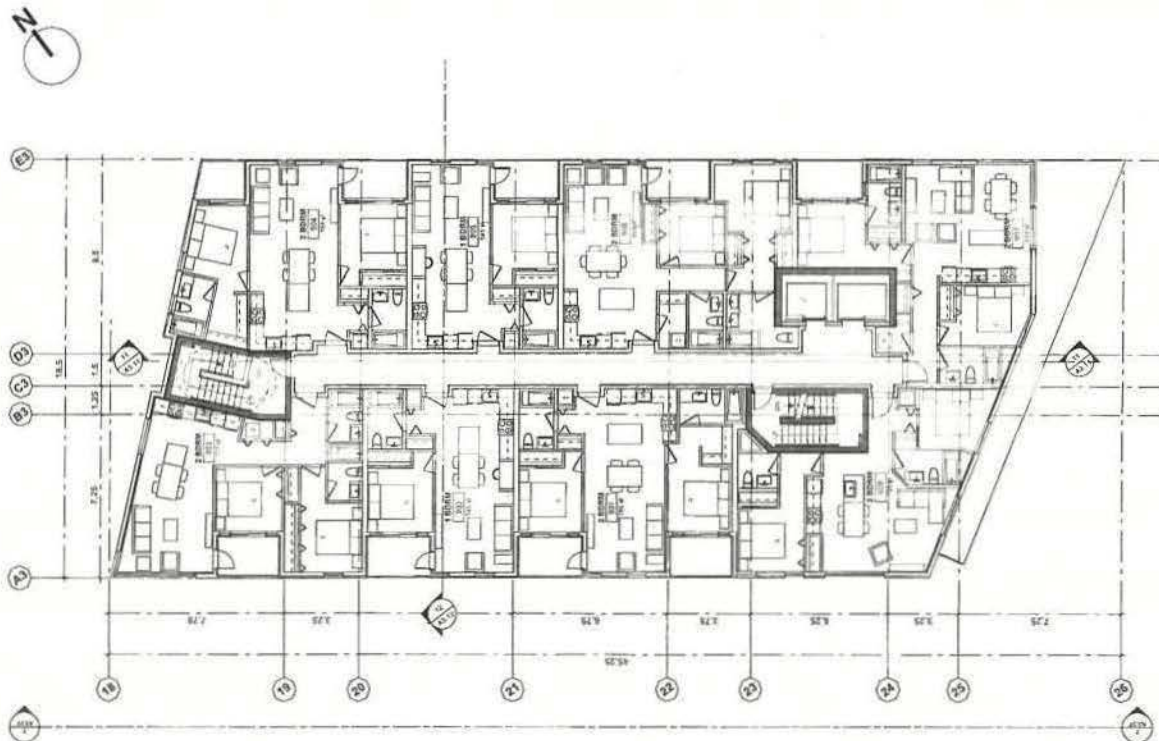
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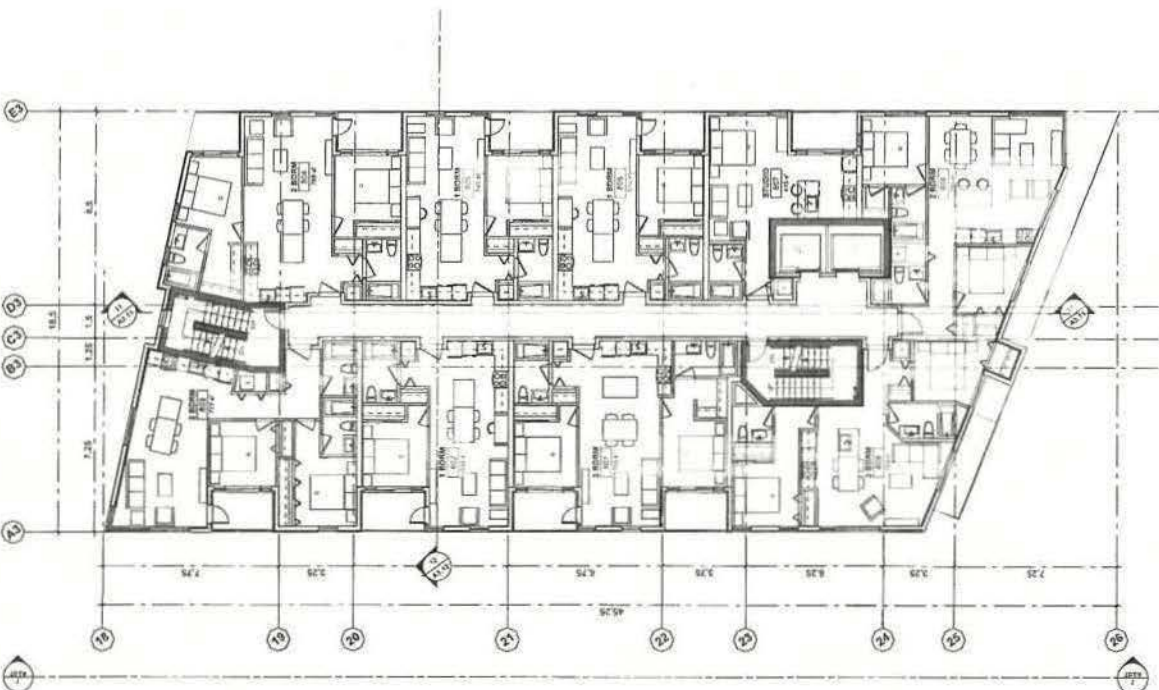
BLDG 3 - LEVEL 8 & 9
FLOOR PLANS

DRAWN: ARI/ST
CHECKED: MC
DATE: 03/03/16

A2.33

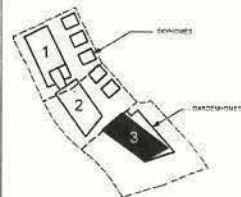


BLDG 3 - LEVEL 8 & 9 FLOOR PLAN



BLDG 3 - LEVEL 8 & 9 FLOOR PLAN

DIALOG



ISSUED FOR

- A 28 JANU'S DEVELOPMENT PERMIT
- B 14 AUGU'S DEVELOPMENT PERMIT REVISIONS
- C 09 DEC'S DEVELOPMENT PERMIT REVISIONS

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SEAL

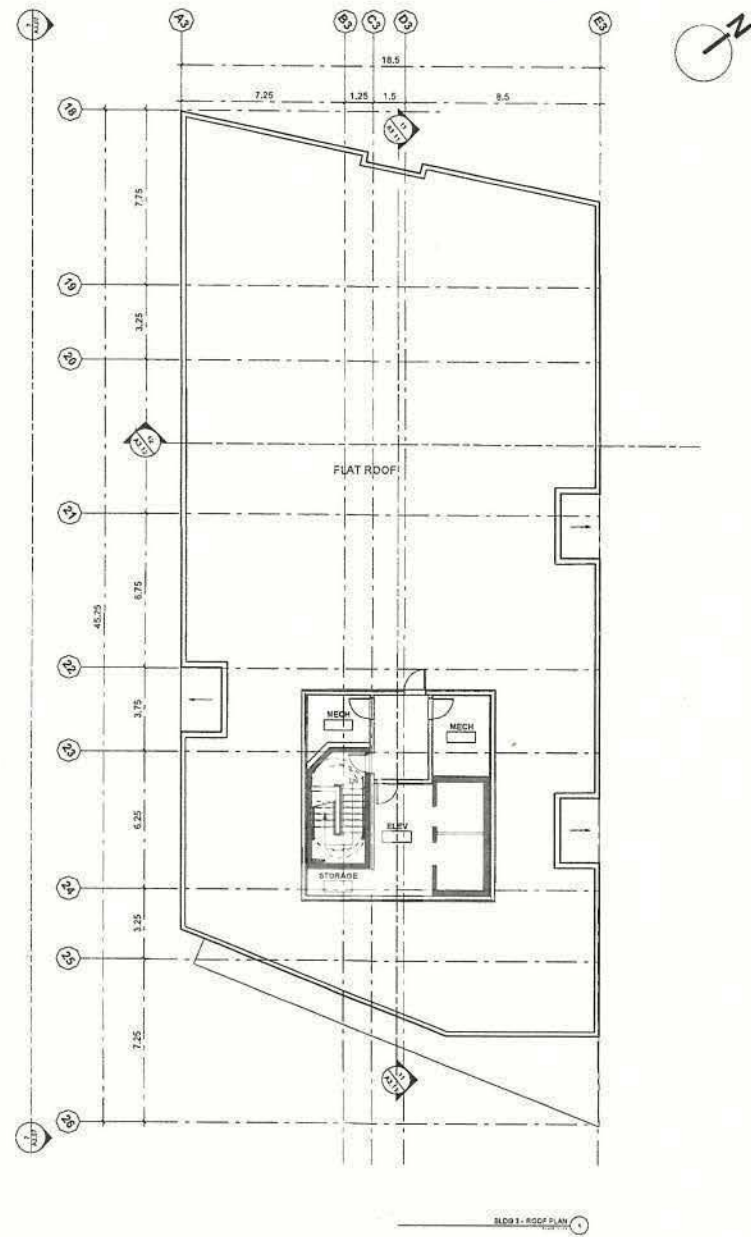
RAILYARDS, LOT H & J

VICTORIA, BC

BLDG 3 - ROOF PLAN

DRAWN: AD/DT
 CHECKED: MC
 DATE: 10/03/16

A2.34





A3.00

WEST ELEVATION

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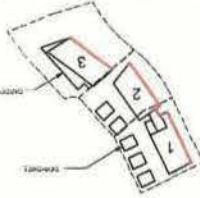
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Year	Number of cases	Rate per 100,000
1995	1,000	1.0
1996	1,200	1.2
1997	1,400	1.4
1998	1,600	1.6
1999	1,800	1.8
2000	2,000	2.0
2001	2,200	2.2
2002	2,400	2.4
2003	2,600	2.6
2004	2,800	2.8
2005	3,000	3.0
2006	3,200	3.2
2007	3,400	3.4
2008	3,600	3.6
2009	3,800	3.8
2010	4,000	4.0
2011	4,200	4.2
2012	4,400	4.4
2013	4,600	4.6
2014	4,800	4.8
2015	5,000	5.0
2016	5,200	5.2
2017	5,400	5.4
2018	5,600	5.6
2019	5,800	5.8
2020	6,000	6.0

NO. 03954



DIALOG

A	28 JAN15	DEVELOPMENT PERMIT
B	14 AUG15	DEVELOPMENT PERMIT REVISIONS
C	05 DEC 15	DEVELOPMENT PERMIT REVISIONS

본 연구는 2009년 12월 1일부터 2010년 11월 30일까지 서울 시내의 10개 대학에서 실시된 것으로, 총 1,000명(남자 500명, 여자 500명)의 대학생이 참여하였다. 연구 대상자의 평균 연령은 20.5세(표준편차 0.8)로, 학년별 분포는 1학년 25%, 2학년 25%, 3학년 25%, 4학년 25%였다. 연구 대상자의 평균 학점평균(GPA)은 3.2(표준편차 0.3)로, 학점별 분포는 3.0 이하 15%, 3.1~3.5 45%, 3.6~4.0 40%였다. 연구 대상자의 평균 학업성취도(학업성취도 = 학점평균 × 4)는 12.8(표준편차 1.2)로, 학업성취도별 분포는 12 이하 15%, 12.5~13.5 45%, 14~16 40%였다. 연구 대상자의 평균 학업성취도(학업성취도 = 학점평균 × 4)는 12.8(표준편차 1.2)로, 학업성취도별 분포는 12 이하 15%, 12.5~13.5 45%, 14~16 40%였다.

THESE RESULTS ARE IN ACCORD WITH THE FINDINGS OF OTHER STUDIES THAT HAVE SHOWN THAT THE USE OF A SINGLE-STEP PROCESS IS MORE EFFECTIVE THAN A TWO-STEP PROCESS IN IMPROVING STUDENT PERFORMANCE.

[illegible][illegible]

RAILYARDS, LOT H & J

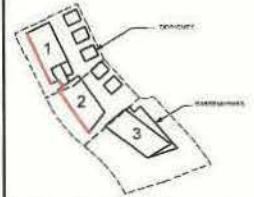
EAST ELEVATION

PLANT CONTROL 10-2-4

CHECKED MC

A3.01

Supervisors should be trained to:



ISSUED FOR:

- A: 28 JANUARY DEVELOPMENT PERMIT
- B: 14 AUGUST DEVELOPMENT PERMIT REVISIONS
- C: 09 DECEMBER DEVELOPMENT PERMIT REVISIONS

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 100-1000 100-1000

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEVATION

BLDG 1 & 2

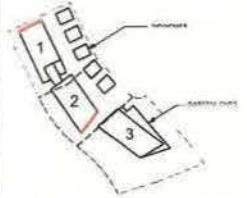
DRAWN BY: [Name] CHECKED BY: [Name]

A3.02

DATE: 10/03/2016



DIALOG



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- B 14 AUGU'15 DEVELOPMENT PERMIT REVISIONS
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VICTORIA, BC

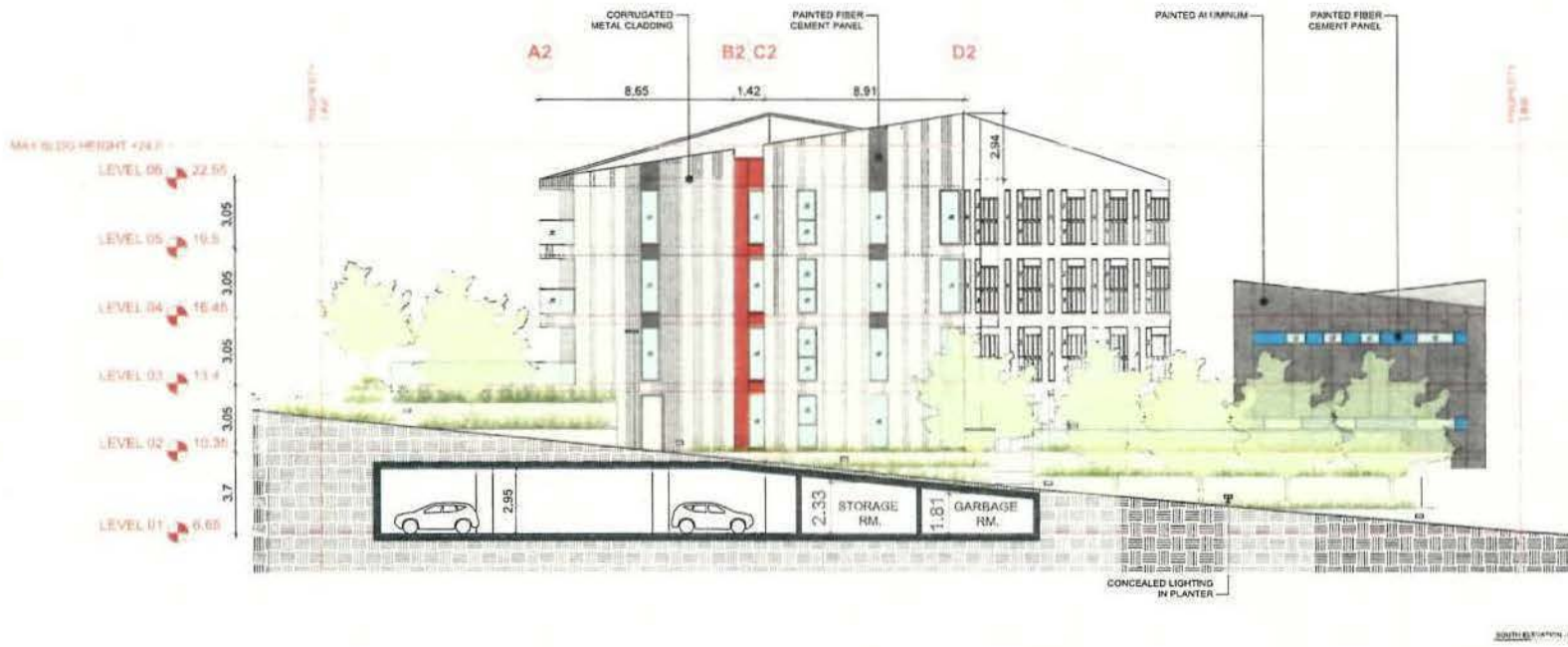
NORTH & SOUTH ELEVATION

BLDG 1 & 2

DRAWN: AG
PLOT DATE: 10-2-4
CHECKED: MC

A3.03

ISSUED FOR: 2015-10-20





DIALOG

ISSUED FOR:

- A 28.00% DEVELOPMENT PERMIT
- B 14.00% DEVELOPMENT PERMIT REVISIONS
- C 09.00% DEVELOPMENT PERMIT REVISIONS

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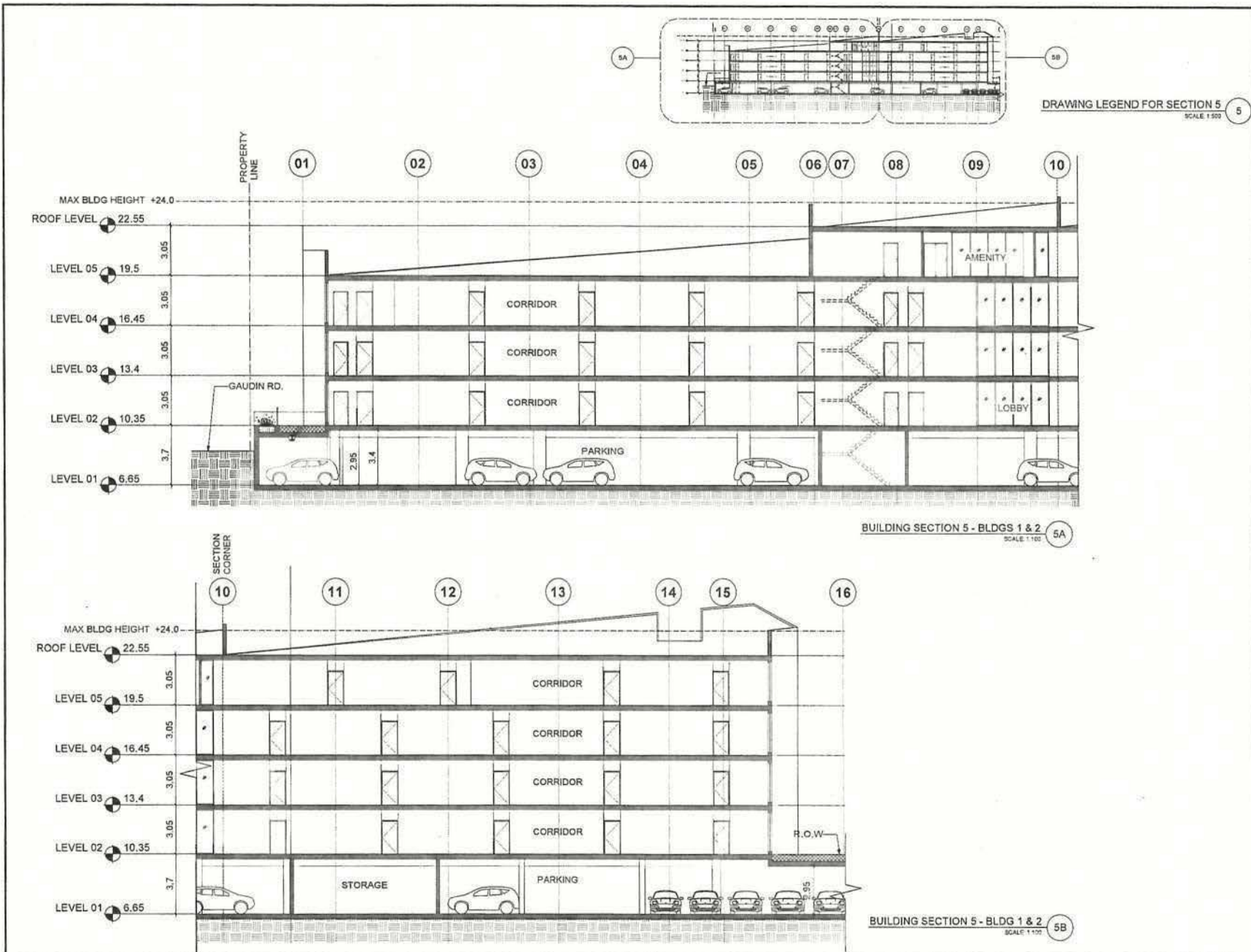
CONSULTANT'S RESPONSIBILITY

ARCHITECT & PRIME CONSULTANT:

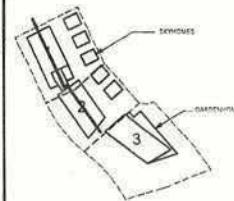
OWNER:

GAUOIN RD.

A3.04



DIALOG



ISSUED FOR

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- B 14 AUGUST 'DEVELOPMENT' PERMIT REVISIONS
- C 09 DECEMBER 'DEVELOPMENT' PERMIT REVISION

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VICTORIA, BC

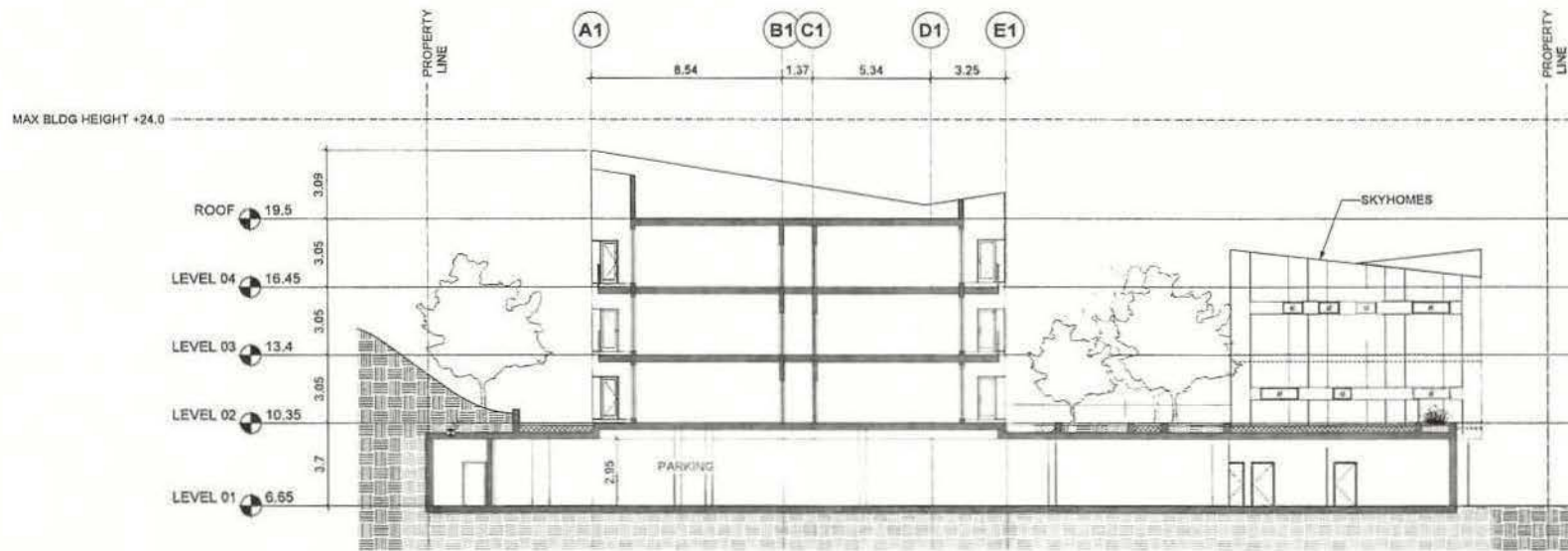
BUILDING SECTION

BLDG 1 & 2

DRAWN BY: JAD PLOT DATE: 10/03/16 CHECKED BY: JAD

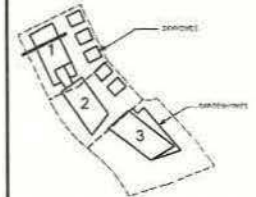
A3.05

RAILYARDS, LOT H & J, 2016/10/03



BUILDING SECTION 6 - BLDG 1
SCALE 1/8" = 1'-0"

DIALOG



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A. 15 APRIL: DEVELOPMENT PERMIT
B. 14 AUGUST: DEVELOPMENT PERMIT REVISION
C. 09 DECEMBER: DEVELOPMENT PERMIT REVISION

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RAILYARDS, LOT H & J

VICTORIA BC

BUILDING SECTION

BLDG 1

DESIGNED BY: DATE: 15/04/16 CHECKED BY:

A3.06

BLDG SECTION_030416.dwg

A 24 JAN15 DEVELOPMENT PERMIT
B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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RESEARCH

RAILYARDS, LOT H & J

VICTORIA INC.

WEST ELEVATION

BLDG 3

DRAWN AG
PLOT DATE 12/29/85

CHECKED MC

A3.07

Figure 2 shows the effect of the initial concentration of the monomer on the polymerization of *l*-lysine. The polymerization rate increased with increasing initial concentration of the monomer. The polymerization rate was almost linearly proportional to the initial concentration of the monomer. The polymerization rate was almost linearly proportional to the initial concentration of the monomer.



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- C. 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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VICTORIA, BC

NORTH ELEVATION

BLDG 3

DRAWN: JPS
 PLANT DATE: 12/01/15
 CHECKED: MC

A3.08

RAILYARDS, LOT H & J



A. 14 DAYS. DEVELOPMENT PERMIT
B. 14 DAYS. DEVELOPMENT PERMIT REVIEW
C. 60 DAYS. DEVELOPMENT PERMIT REVIEW

[illegible]

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RAILYARDS, LOT H & J

VICTORIA BC

EAST ELEVATION

BLOG 3

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FLAT DATE 12/29/15

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A3.09

DATE RECEIVED: 08/27/2019

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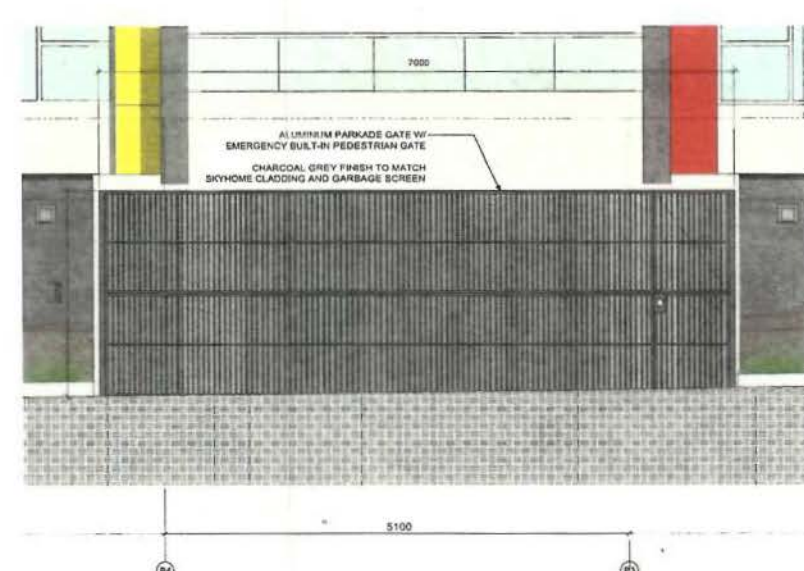
RAILYARDS LOT H & J

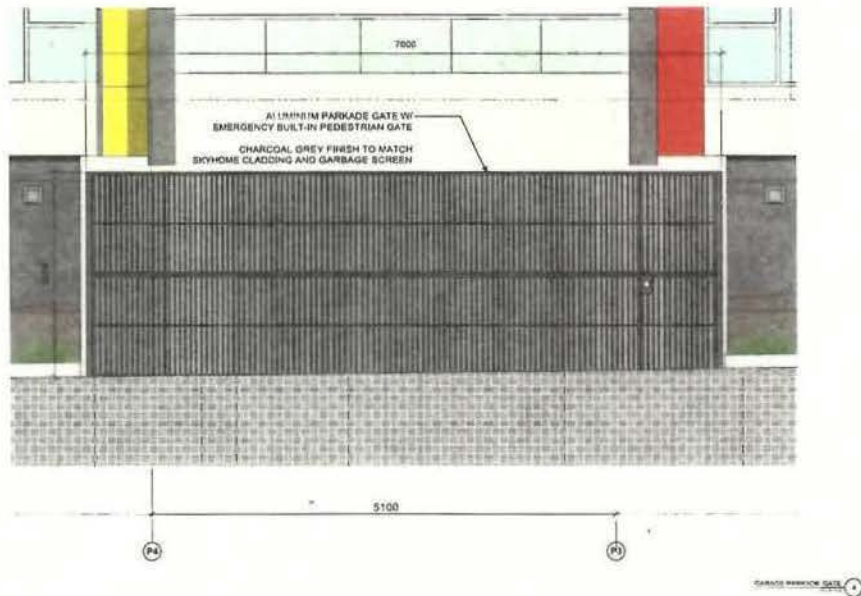
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**GARBAGE SCREEN
& GARAGE DOOR DETAIL**

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DATE: 16-2-4 CHECKED BY: [Name]

A3.16





A3.16

A 28 JAN 15 DEVELOPMENT PERMIT
B 14 AUG 15 DEVELOPMENT PERMIT REVISION
C 09 DEC 15 DEVELOPMENT PERMIT REVISION

METHOD

THE PROBLEMS OF CONTRACTS BETWEEN BUYERS AND SELLERS ARE ANALYZED IN THE CONTEXT OF THE FOLLOWING ASSUMPTIONS:

ALL CONTRACTS ARE ENFORCEABLE UNDER CONTRACT LAW WITHOUT VARYING CONDITIONS.

BUYERS CAN BE IDENTIFIED AND CONTRACTS CAN BE ENFORCED.

REPORTING PROBLEMS AND CONTRACTS TO THE COURT IS FREE FOR ALL PARTIES BEFORE COMMENCING THE SUIT.

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RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

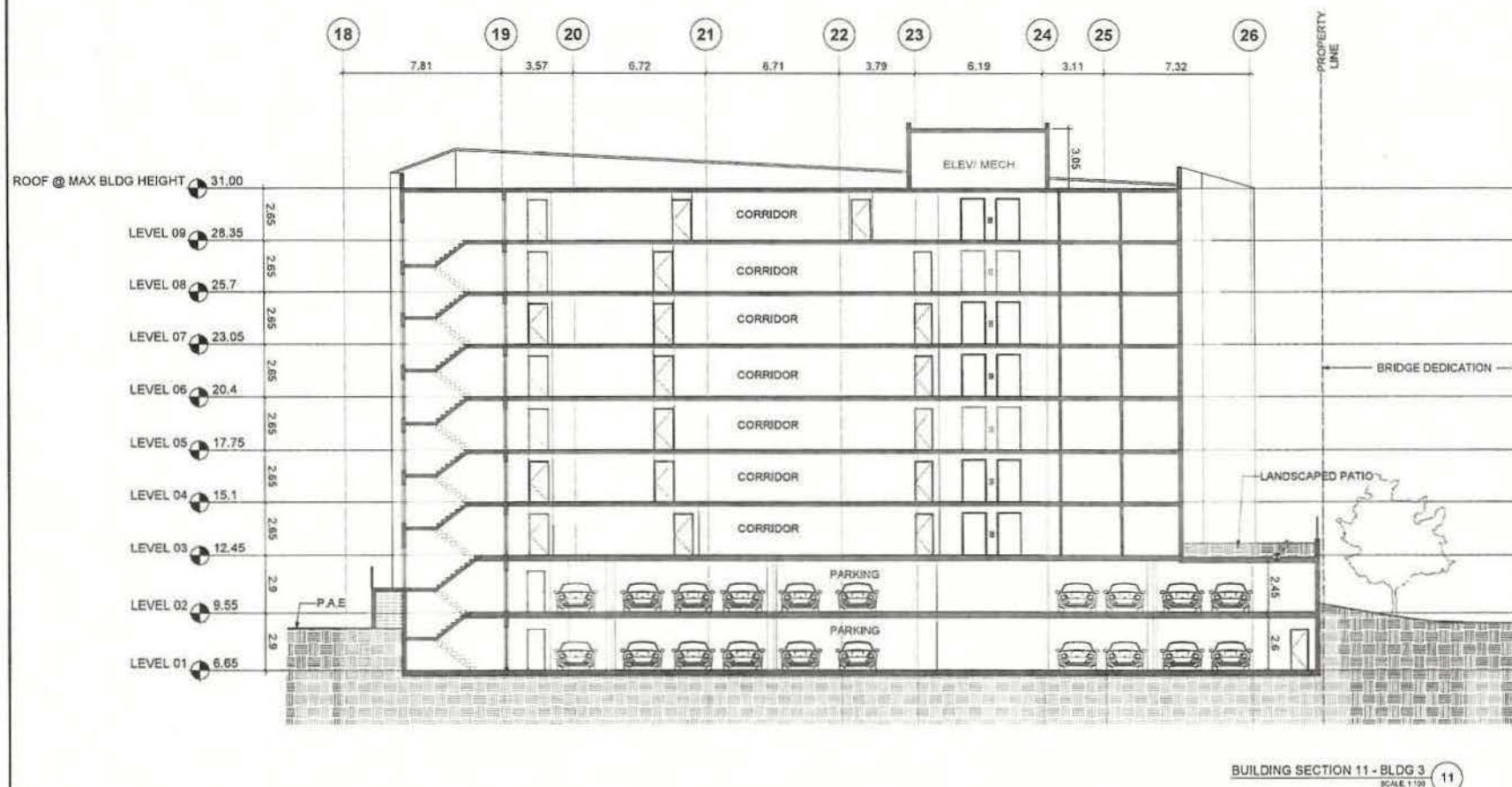
BLDG 3

DRAWN: AG
PLOT DATE: 12/8/16

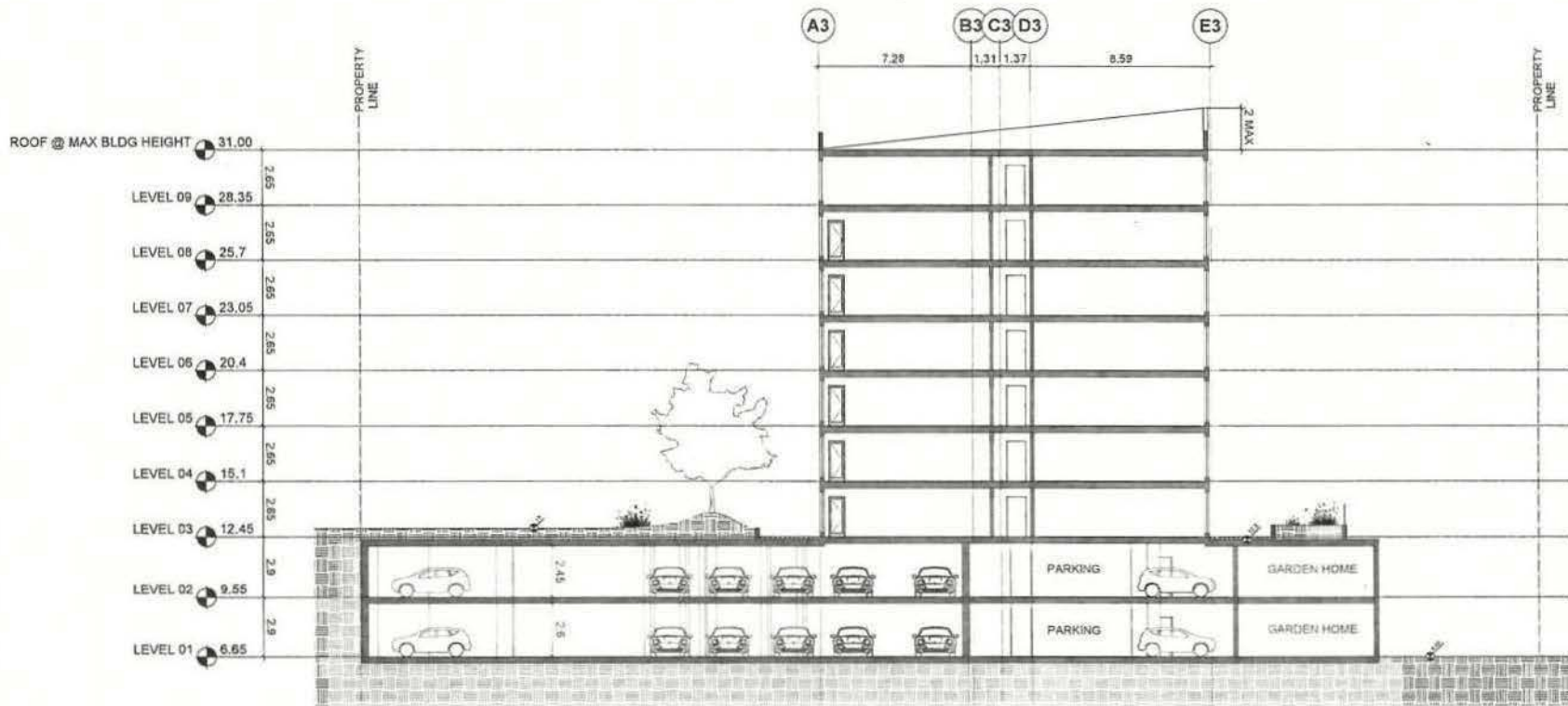
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A3.11

Suppose that \mathbf{A} is a $n \times n$ matrix and \mathbf{B} is a $n \times n$ matrix. Then $\mathbf{A} + \mathbf{B}$ is a $n \times n$ matrix.



BUILDING SECTION 11 - BLDG 3



BUILDING SECTION 12 - BLDG 3

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FOR INFORMATION BEFORE COMMISSIONER WITH THE CORE

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VICTORIA, BC

BUILDING SECTION

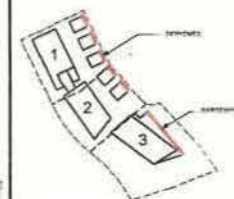
BLDG 3

CHAMP-AG
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A3.12

DIALOG



ISSUED FOR

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DEAL

RAILYARDS, LOT H & J

VICTORIA CITY COUNCIL

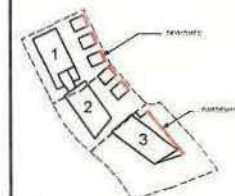
EAST ELEVATIONS - GARDEN HOMES & SKY HOMES

DRAWN BY: J. H. 12/01/15 CHECKED BY: J. H. 12/01/15

A3.13

2015/01/15 12/01/15





ISSUED FOR:

- A. DE JANTS DEVELOPMENT PERMIT
- B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
- C. DI DEC 19 DEVELOPMENT PERMIT REVISIONS

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 Email: info@skyhomes.ca

OWNER:
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 Email: info@skyhomes.ca

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC
 WEST ELEV. - SKY HOMES
 SOUTH ELEV. - PHASE 1

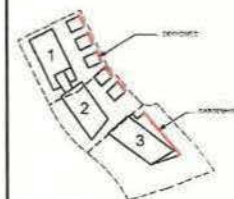
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 PLOT DATE: 12/01/15
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A3.14

SKY HOMES



DIALOG



ISSUED FOR

- A 28 JAN 15 DEVELOPMENT PERMIT
- B 14 AUG 15 DEVELOPMENT PERMIT REDUCED
- C 09 DEC 15 DEVELOPMENT PERMIT REDUCED

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RAILYARDS, LOT H & J

VICTORIA BC

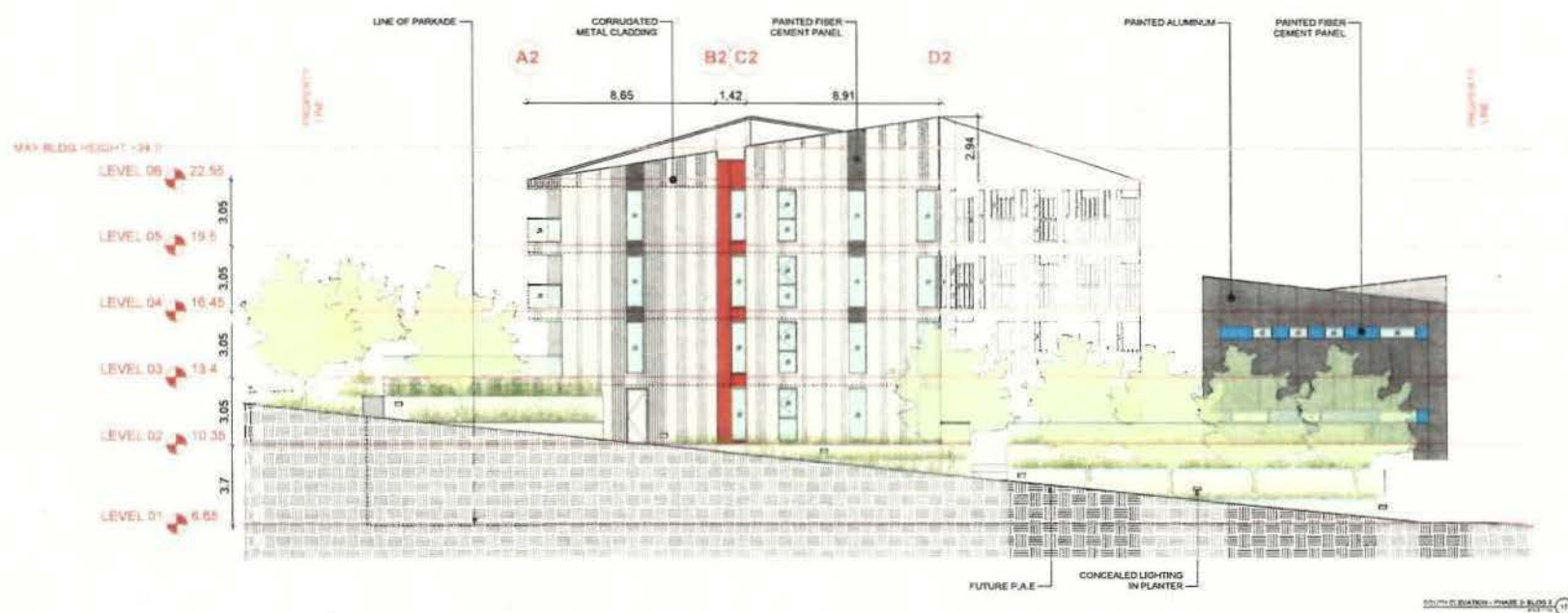
SOUTH ELEVATION - PHASE 2

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 DATE 15/01/15

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RAILYARDS, LOT H & J, PHASE 2



A	28 JAN15	DEVELOPMENT PERMIT
B	14 AUG15	DEVELOPMENT PERMIT REVISIONS
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www.dialogbc.com

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151 HERALD STREET
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Tel: (250) 360-4000

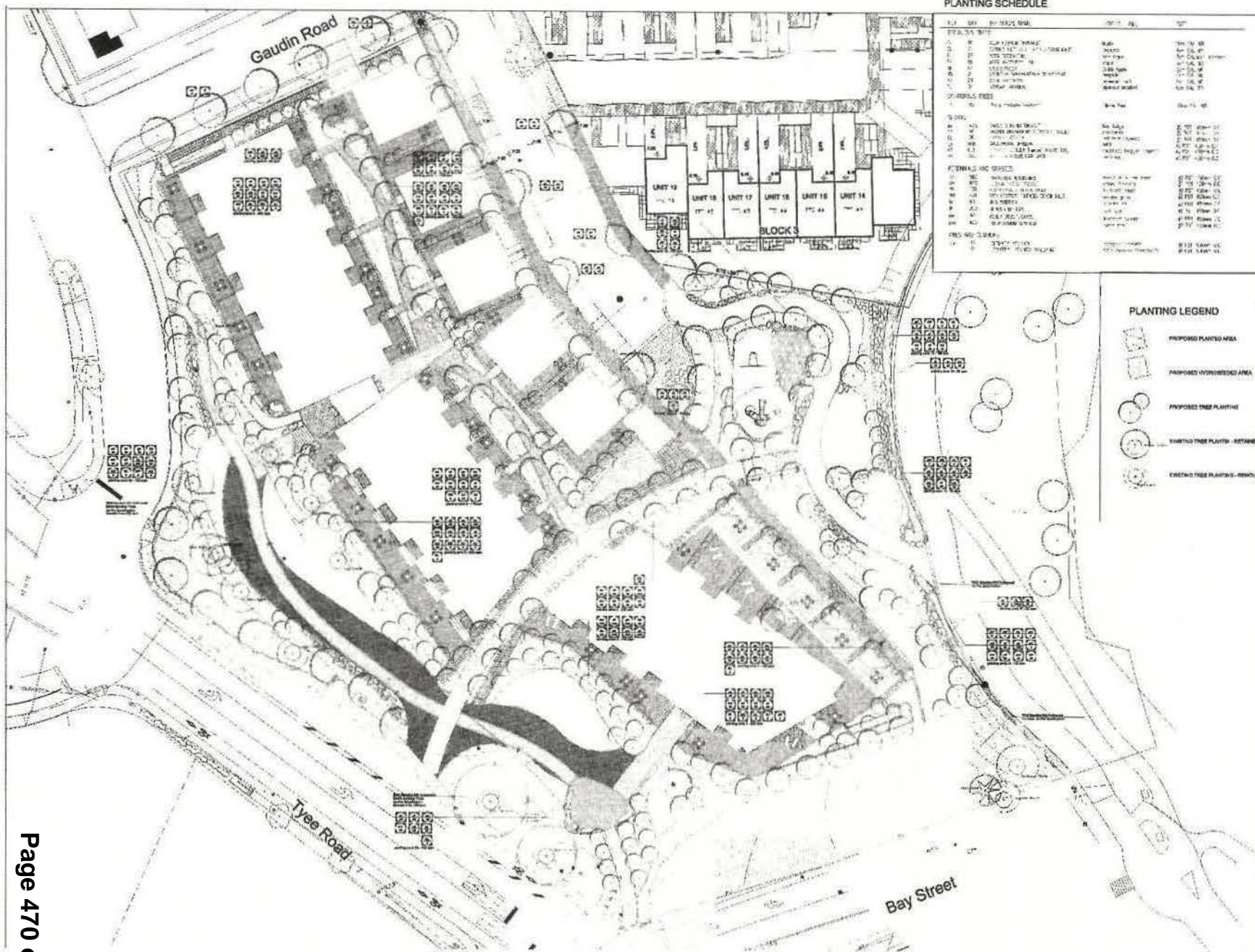
RAILYARDS, LOT. H&J

LANDSCAPE LAYOUT PLAN

DRAWN: S. Drom
PLOT DATE: 12/9/72

CHECKED:

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PLANTING SCHEDULE

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PLANTING LEGEND

- PROPOSED PLANTED AREA
- PROPOSED UNPLANTED AREA
- PROPOSED TREE PLANTING
- EXISTING TREE PLANTING - RETAINED
- EXISTING TREE PLANTING - REMOVED

DIALOG

ISSUED FOR:
 A. 28 JANUARY DEVELOPMENT PERMIT
 B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
 C. 08 DECEMBER DEVELOPMENT PERMIT REVISIONS

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 100 HENRY ST. #100
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REAL

RAILYARDS, LOT H&J

LANDSCAPE_PLANTING_PLAN

DRAWN BY: D. D. DATE: 10/03/16 CHECKED:

L0.03

ISSUED FOR

A. 28 JAN/15 DEVELOPMENT PERMIT

B. 24 JUL/15 DEVELOPMENT PERMIT REVISION

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504 HUNTER STREET
CHICAGO, ILL. 60610
Tel. 312.329.4444

RAILYARDS, LOT H & J

TREE PRESERVATION PLAN

THRAIN
PLOT DATE 8/4/88

L0.04

TREE PRESERVATION PLAN 1
 SCALE: 1"=20'

DIALOG



- REVISIONS**
- 1. 28 JAN 16 DEVELOPMENT PERMIT
 - 2. 14 APR 16 DEVELOPMENT PERMIT REVISIONS
 - 3. 28 SEP 16 DEVELOPMENT PERMIT REVISIONS

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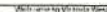
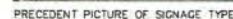
RAILYARDS, LOT H&J

LANDSCAPE_LIGHTING_PLAN

DESIGN: S. BROWN
 CHECKED: J. BROWN

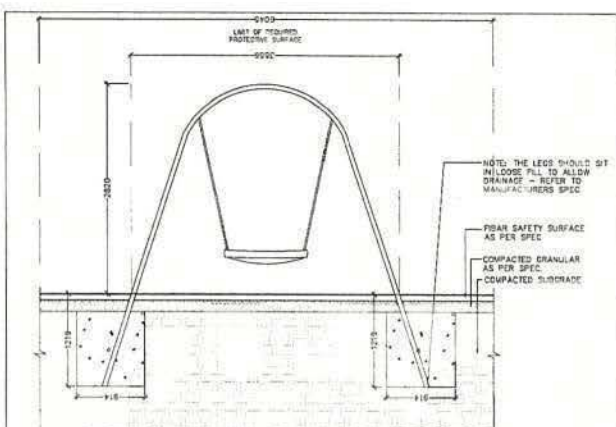
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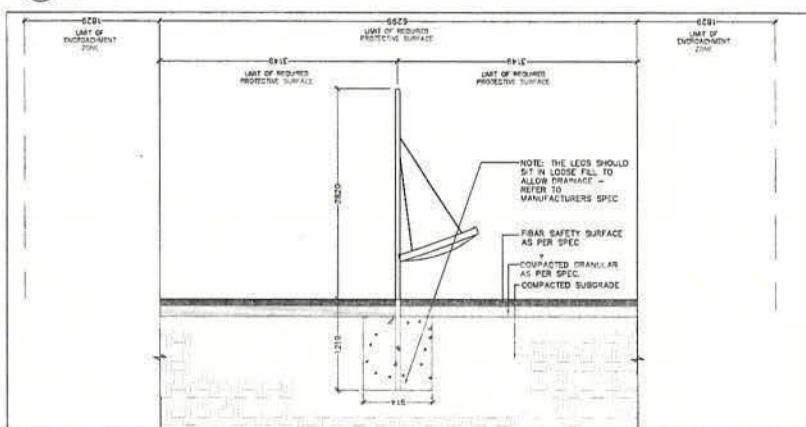


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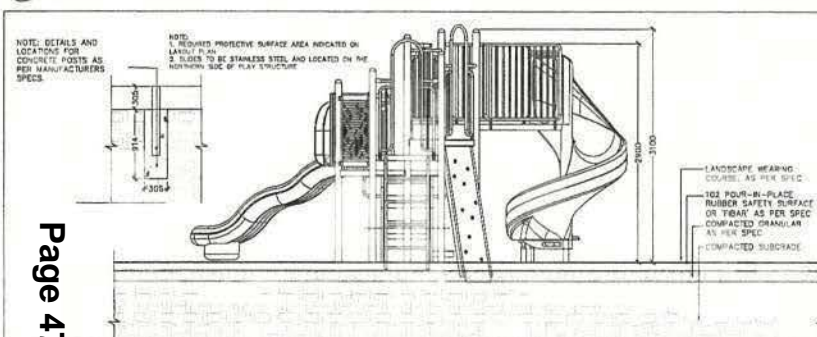
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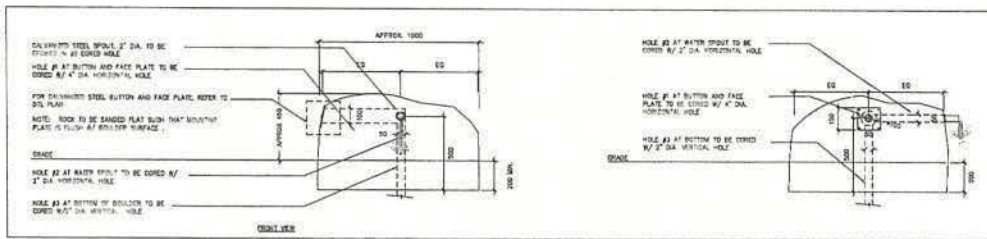
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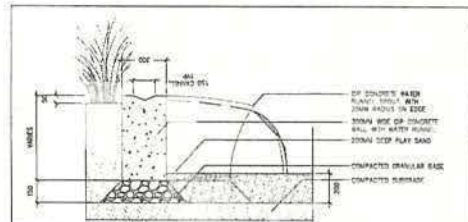
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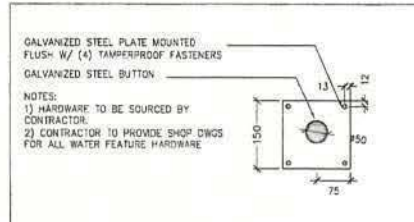
3 Slide and climbing structure - side profile
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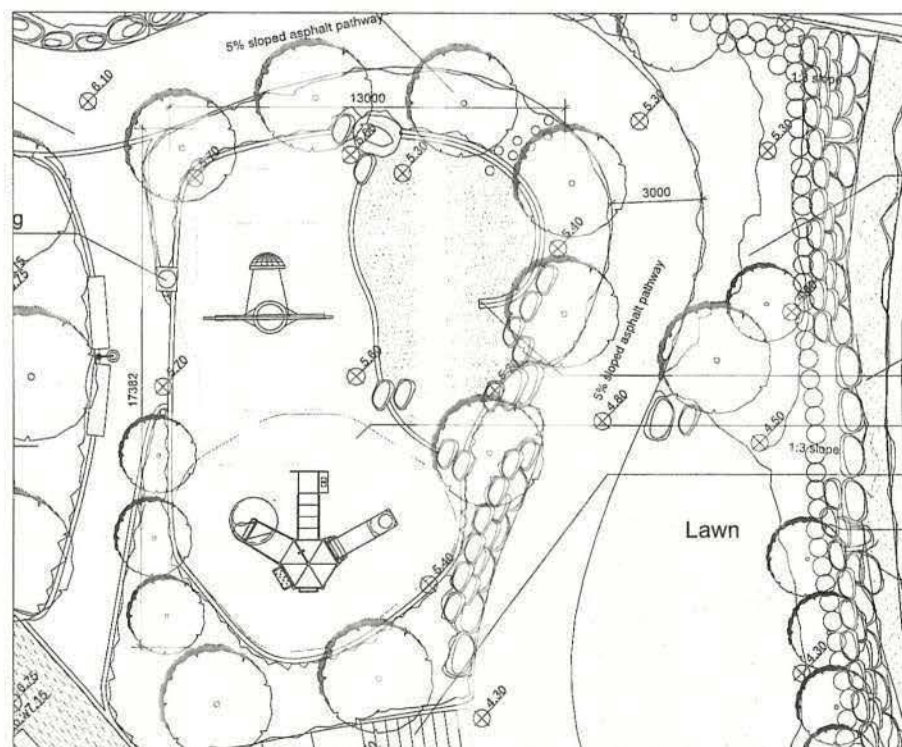
4 Button activated water source to runnel
1:15



5 CIP concrete runnel on top of curb-wall
1:15



6 Galvanized Steel button and face plate
1:5



7 Blow-up Plan of Tots Play Area
1:75

ISSUED FOR
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C. 08 DECEMBER DEVELOPMENT PERMIT REVISIONS

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TOM RAY ARCHITECTS & ASSOCIATES
SUPERVISOR: PLANNING AND
DESIGN: LANDSCAPE ARCHITECT
400-411-1111
100-111-1111
100-111-1111
100-111-1111

OWNER:
LIVERPOOL CITY COUNCIL
100-111-1111
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SEAL

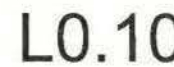
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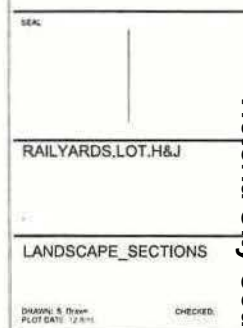
LANDSCAPE DETAILS

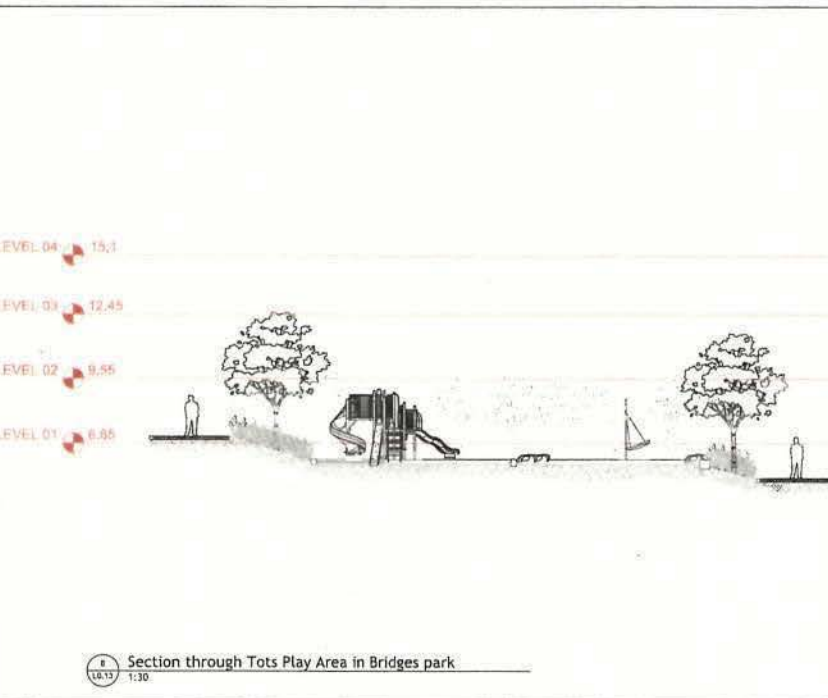
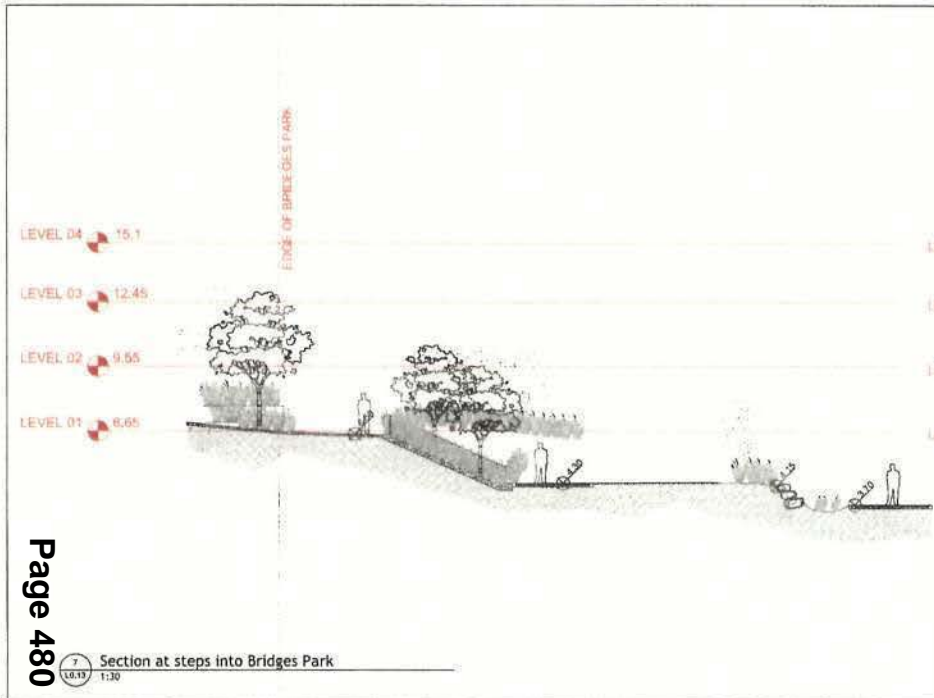
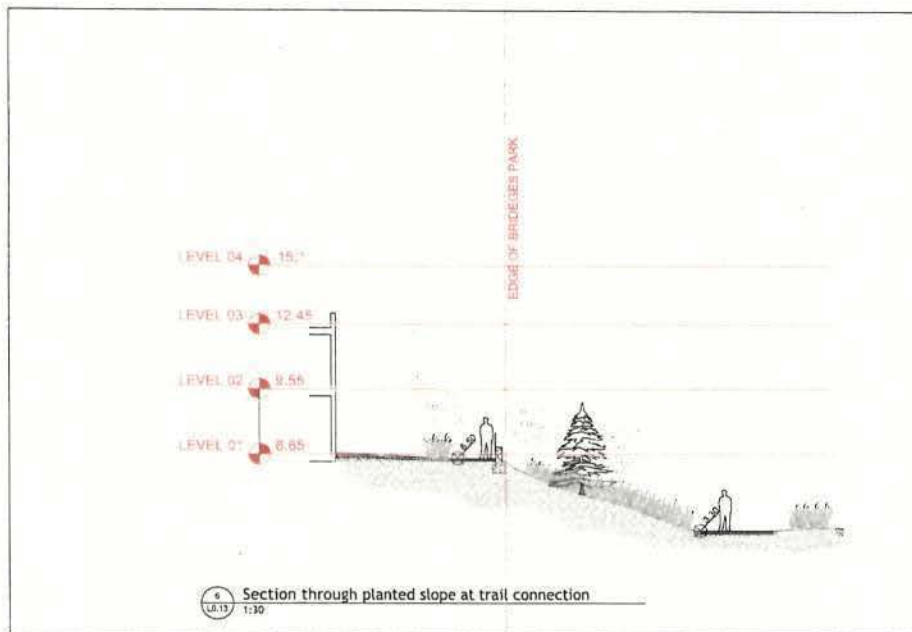
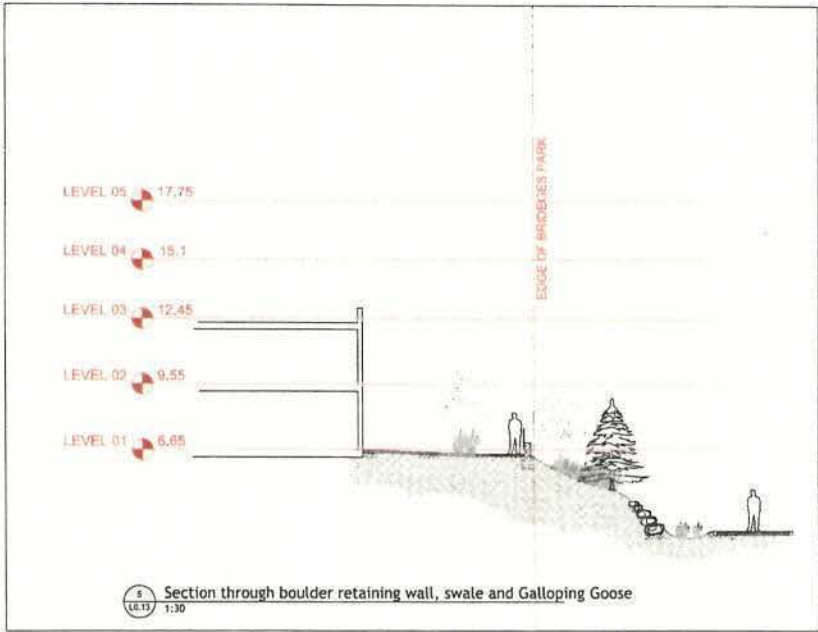
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ISSUED FOR
A. 27 JAN 16 DEVELOPMENT PERMIT
B. 14 AUG 16 DEVELOPMENT PERMIT REVISIONS
C. 09 DEC 16 DEVELOPMENT PERMIT REVISIONS

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OWNER
CITY OF DENVER
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DENVER, CO 80202
TEL: 303.733.1111

SEA

RAILYARDS, LOT H&J

LANDSCAPE_SECTIONS

DRAWN: S. DRAKE
PLOT DATE: 12/9/15

CHECKED:

L0.13

To: Council **Date:** March 3, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Update Report for Rezoning Application No. 00485 for 2330 Richmond Road

Page 481 of 603



Committee of the Whole Update Report

For the Meeting of March 3, 2016

To: Committee of the Whole **Date:** February 22, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Update Report for Rezoning Application No. 00485 for 2330 Richmond Road

EXECUTIVE SUMMARY

The purpose of this report is to update Council on the outcome of the meeting between the rezoning applicant for the above-noted property and the owner of the neighbouring property at 2328 Richmond Road. This meeting occurred in response to direction from Council, which was made after the Application was presented to the Planning and Land Use Committee on January 28th, 2016 (report attached). The Council motion was "That Council postpone the Rezoning Application for two weeks for further discussion."

The meeting took place on February 11, 2016, at City Hall and included City staff, both property owners and both owners also had an advisor in attendance.

General topics of discussion included:

- the history of the properties
- the planning applications that have been made for both properties
- the potential for redevelopment within the immediate area
- the neighbourhood feedback as discussed at the CALUC meetings.

Specific topics of discussion relating to a possible joint redevelopment of the properties included:

- the various ownership options
- the potential for increased density and number of units on a larger property
- the timing of the development approvals.

The conclusions of the meeting can be summarized as follows:

- The applicant wishes to continue with the current Application due to the complexity of a larger project and the time and effort already invested in the current proposal.
- The applicant was willing to consider the potential of an easement through the proposed access area to provide an alternate access to the rear of 2328 Richmond. Both parties would continue their discussions on this matter and would be subject to terms agreeable to both parties.

- In order to facilitate this potential easement, the City would consider the site planning and the landscaping requirements in the review of the Development Permit Application for this property.

CONCLUSION

At this time there is no change to the proposal and the original report can proceed as presented to Committee of the Whole.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



Attachment

- Planning and Land Use Committee Report, dated January 14, 2016.



Planning and Land Use Committee Report

For the Meeting of January 28, 2016

To: Planning and Land Use Committee **Date:** January 14, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00485 for 2330 Richmond Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, 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 condition is met:

- Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 2330 Richmond Road. The proposal is to rezone the land from the R1-B Zone, Single Family Dwelling District, to a site specific zone. The proposal is to increase the density and allow a seven-unit multiple dwelling at this location.

The following points were considered in assessing this Application:

- The proposal is in keeping with the *Official Community Plan (OCP)* policies related to the Traditional Residential Urban Place designation in terms of use, density and building form. As this is a Rezoning Application only, the focus of the analysis is on the use and density. While the proposal does not exceed the maximum density

envisioned by the OCP, the potential building mass could create compromises for parking, siting and the transition to the lower density neighbouring properties.

- It is recommended that rather than entrenching more permissive siting and parking regulations in a new zone, they be applied for by the applicant as potential variances in conjunction with a future development permit application.
- Development of this parcel alone limits the development options for the parcel to the south, which has been the subject of a previous Rezoning Application and a more comprehensive redevelopment of this strategic corner would be precluded.

BACKGROUND

Description of Proposal

This Rezoning Application is to construct a seven-unit three-storey multi-family residential development.

A future Development Permit would be reviewed for consistency with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (Development Permit Area 16).

Affordable Housing Impacts

The applicant proposes the creation of new residential units which would increase the overall supply of housing in the area.

Sustainability Features

The applicant has suggested there would be a number of sustainability features which would be reviewed in association with a future Development Permit Application for this property.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- bike racks and bike storage in compliance with Schedule C.

Public Realm Improvements

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

Land Use Context

The Royal Jubilee Hospital is directly across from the subject parcel. In 2014, the former CNIB building on the northwest corner of Bay Street and Richmond Road was rezoned to permit additional commercial uses (day care, offices, restaurants and retail).

The west side of Richmond Road, between Bay Street and Denman Street, is generally comprised of single family dwellings, with the exception of 1794-1798 Denman Street, which is a three unit development.

Further south along Richmond Road, there is a transition to multiple dwelling units and office use.

Existing Site Development and Development Potential

A single family dwelling, constructed in 1918, currently occupies the property. The property is in the R1-B Zone, Single Family Dwelling District, and would allow the construction of a dwelling unit with a secondary suite, with a combined total floor area of 300 m².

Data Table

The following data table compares the proposal with the R3-A2 Zone, Low Profile Multiple Dwelling District. An asterisk is used to identify where the proposal is less stringent than the R3-A2 Zone. Although there are deficiencies noted in relation to the comparative zone, a new zone would be created that would be used as a new standard zone for multiple dwelling units within the Traditional Residential Urban Place Designation. If the proposed new zone follows the same planning principles and regulations as the Traditional Residential Attached Dwelling District, the proposal would be deficient in two main areas: the site area requirements and setbacks. With respect to this parcel, the intent is to use this new zone standard along with the provisions of a Development Permit with Variances to the zone when regulations unrelated to use and/or density cannot be met.

Zoning Criteria	Proposal	Zone Standard R3-A2	Proposed New Zone (subject to further refinement)
Site area (m ²) - minimum	584*	920	920
Number of units - maximum	7	n/a	Based on minimum floor area per unit
Density (Floor Space Ratio) - maximum	1:1	1:1	1:1
Total floor area (m ²) - maximum	584	584	Based on FSR
Height (m) - maximum	10.31	10.7	10.5
Storeys - maximum	3	3	3
Site coverage % - maximum	50.4*	33.3	50
Open site space % - minimum	34	30	30
Setbacks (m) - minimum			
Front - Bay Street	3.04*	7.5	6
Rear - South	3.32* building 2.71* balcony	9 m below 7 m in height 10.5 m above 7 m in height	4
Side - West	5.12*	5.16	4
Side – Flanking Street (Richmond)	3.97*	5.16	6

Zoning Criteria	Proposal	Zone Standard R3-A2	Proposed New Zone (subject to further refinement)
Parking - minimum	7*	10	Schedule C
Visitor parking (minimum) included in the overall units	0*	1	1
Parking setback from street	0.76*	1	1
Parking screening from street	0*	1.0 (berm)	1
Bicycle spaces (minimum) – Class 1	7	7	Schedule C
Bicycle spaces (minimum) – Class 2	6	6	Schedule C
Accessory building rear setback (m) - minimum	0*	0.6	Schedule F
Separation space between an accessory building and main building (m) - minimum	1.64*	2.4	Schedule F

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the North Jubilee CALUC at a Community Meeting held on April 29, 2015. Two letters have been submitted in response to this Application (dated June 2, 2015 and August 20, 2015) and are attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012*, designates the area as Traditional Residential. As Richmond Road is classified as an arterial from Bay Street to Fort Street, the anticipated built-form for residential uses ranges from ground-oriented to multi-unit buildings up to three storeys, including both attached residential and apartment building forms. The corresponding density is up to approximately 1:1 FSR. The proposal aims to achieve the maximum density of 1:1 FSR and as a result on a lot of this size, the site planning is compromised with minimal setbacks for the building, a large building mass (second and third storey of the building is cantilevered over a portion of the parking lot) and there is a lack of private outdoor space. The relatively large building mass does not fit well with the immediate context of the lower-density housing (both on Richmond Road and Bay Street). However, the proposal is also adjacent to the Patient Care Centre across Richmond Road, the CNIB building across Bay Street and is not far from other apartments further along Richmond Road.

The *Official Community Plan* also envisions free-standing commercial or mixed use at the intersection of major roads. However, due to the access challenges associated with this property, a residential development is preferable over a commercial or mixed-use development. The proposed zone will limit the permitted uses to residential only.

Land Assembly

In Section 6, Land Development and Management, the OCP encourages the logical assembly of development sites that enable the best realization of permitted development potential for the area (Policy 6.8). A significant concern is the orderly redevelopment of properties along Richmond Road. When the application for the neighbouring property at 2328 Richmond Road was before Council, it was noted that the consolidation of 2330 and 2328 Richmond Road was highly encouraged to create a more comprehensive approach to site planning, access and parking. However, any redevelopment of each parcel on its own would hinder a more comprehensive approach to planning for this strategic corner. The applicant addresses this issue in the attached letter.

Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* (1996) identifies the subject property as being in a category for maintaining the current zoning.

Parking Variance

The Jubilee neighbourhood is sensitive to the parking demands generated by the Royal Jubilee Hospital. As a result, staff strongly encourage applicants to meet the parking demand for developments on-site in this neighbourhood. The *Jubilee Neighbourhood Plan* contains the following objective related to parking: ensure new residential developments provide sufficient parking to meet their needs.

The required parking for a seven-unit multiple dwelling residential development would be 10 stalls at a parking ratio of 1.4 stalls per unit (Schedule C requirement). Generally, a parking ratio of one stall per unit is acceptable for one-bedroom units. No visitor parking is provided and on-street parking on this block of Richmond Road is not available due to transit and bike lanes. However, given the relatively small shortfall and the fact that the site is well served by transit, staff recommend that the requested variance is supportable.

Sewage Attenuation

The City's sanitary sewer system may not, at present, be sufficient to accommodate the increased flow rates. Due to the proposed increase in density, the sewage flow rate produced by the new development may be greater than the existing flow rate allowable under the current zoning conditions. The applicant has been asked to provide calculations from a qualified engineer that establish a peak flow rate generated by the proposed development. If it is determined that some form of mitigation measures are necessary to attenuate sewage, a Section 219 Covenant registered on the title of the property will be required prior to a Public Hearing.

CONCLUSIONS

The seven-unit residential building represents a building form and unit type that would add to the diversity of housing within the City of Victoria and the proposed density is anticipated within the OCP Traditional Residential designation. However, by building to this density on a 584m² lot, siting and transition issues might be created. Ultimately, as the Richmond Road and Bay Street corridors redevelop, this type of housing form and density is envisioned by the *Official Community Plan*, however, the *Official Community Plan* also encourages the logical assembly

of development sites that enable the best realization of permitted development potential for the area. However, given the property's proximity to the Royal Jubilee Hospital, the commercial uses across Bay Street, its location at the intersection of two arterial roads and that potential issues related to site constraints will be further reviewed and require additional Council approvals through the Development Permit process, staff recommend for Council's consideration that the proposal advance to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00485 for the property located at 2330 Richmond Road.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

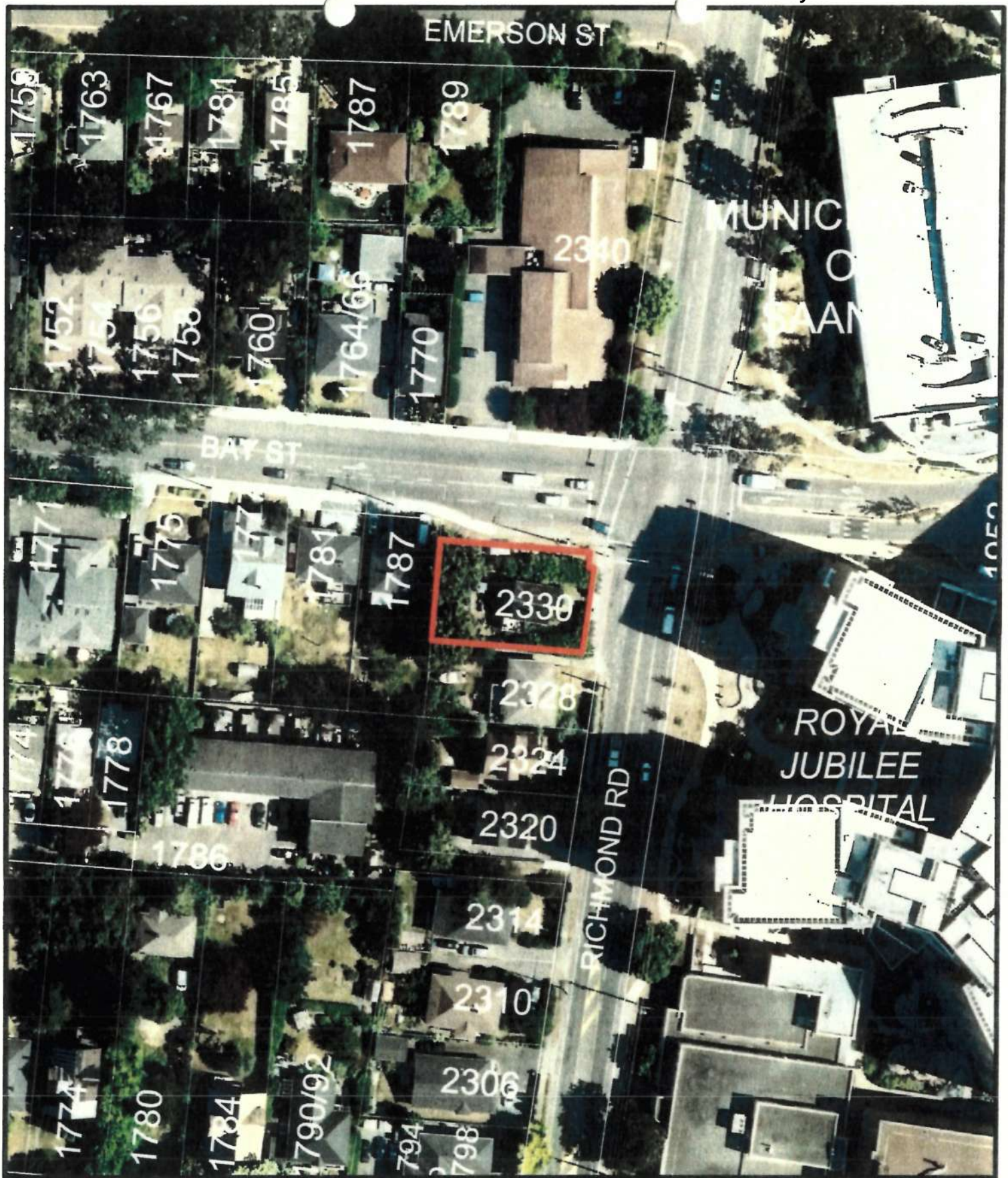
Report accepted and recommended by the City Manager:



Date: Jan. 19, 2016

List of Attachments

- Subject maps
- Submission drawings dated September 15, 2015
- Letter from the applicant dated September 15, 2015
- Letters from the North Jubilee Neighbourhood Association dated June 2, 2015, and August 20, 2015
- Letters from residents.



2330 Richmond Avenue
Rezoning #00485
Bylaw #



EMERSON ST

MUNICIPALITY
OF
SAANICH

2340

BAY ST

2330

2328

2324

2320

2314

2310

2306

RICHMOND RD

ROYAL
JUBILEE
HOSPITAL

2330 Richmond Avenue

Rezoning #00485

Bylaw #



EMERSON ST

MUNICIPALITY
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RICHMOND RD

ROYAL
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HOSPITAL

2330 Richmond Avenue

Rezoning #00485

Bylaw #



Lot A, Plan VIP72013, Section 76, Victoria District.

Proposed Site Plan of 2330 RICHMOND ROAD

SITE AREA

584.37 m²

CURRENT ZONING

R1-B

MUNICIPALITY

Victoria

PROPOSED ZONING

SITE SPECIFIC

PID No.

024-959-758

REZONING PROJECT INFORMATION TABLE

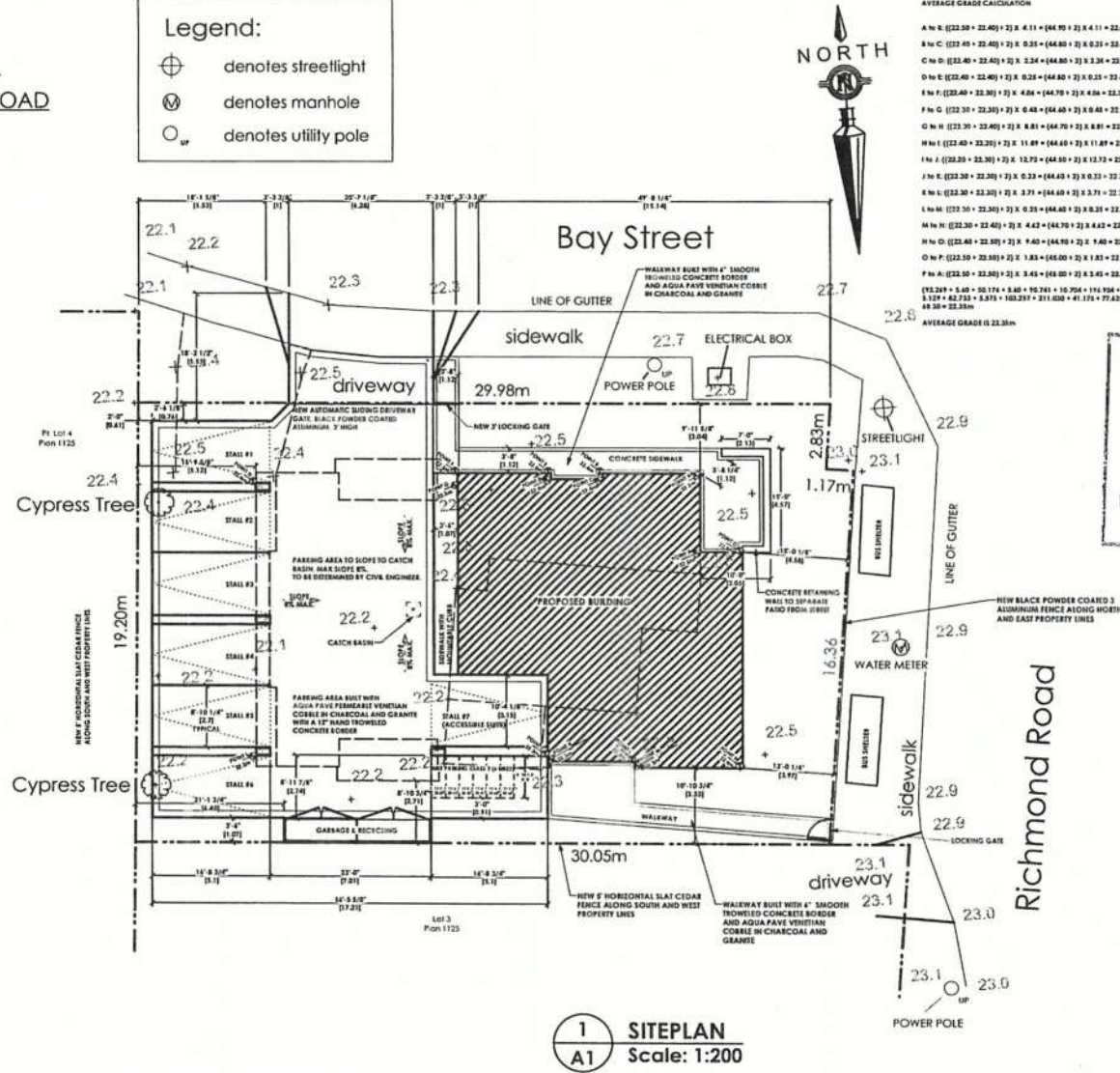
POINT (EXISTING)	81.8
PROPOSED (NEW)	100.0
SITE AREA (sq m)	584.37 sq m
TOTAL FLOOR AREA (sq m)	583.64 sq m
COMMERCIAL FLOOR AREA (sq m)	76.6
FLOOR SPACE RATIO	1.0 : 1.0
USE COVERAGE %	30.25 %
OPEN SPACE %	34.50 %
HEIGHT OF BUILDING (m)	19.31 m
NUMBER OF STOREYS	2
BUILDING SETBACKS	(m)
FRONT - BAY STREET (NORTH)	3.04 m
REAR (SOUTH)	3.30 m
REAR (WEST) - BALCONY	3.17 m
SIDE (WEST)	1.12 m
USE OR BUILDING (NORTH) (BAY STREET)	3.97 m
COMBINED SIDE YARDS	3.09 m
PARKING	
PARKING STALLS (NUMBER) ON SITE	7
CLASS 1 BICYCLE PARKING (SECURE STORAGE)	1
CLASS 2 BICYCLE PARKING (UNSECURED STORAGE)	6
PARKING SETBACK FROM PROPERTY LINE	0.76 m
PARKING SETBACK FROM STREET	2' HIGH FENCE & LANDSCAPING
SEVERITY OF PARKING SLOPE	6% MAX.
SEVERITY OF PARKING MATERIAL	PERMEABLE PAVING
RESIDENTIAL USE DETAILS	
TOTAL NUMBER OF UNITS	2
UNIT TYPE	1 BED 1 BATH, 2 BED 1 BATH
GROUND COVER (sq m)	47.58 sq m
RESIDENTIAL UNIT FLOOR AREA (sq m)	412.64 sq m
TOTAL RESIDENTIAL FLOOR AREA (sq m)	412.64 sq m

PROPOSED FLOOR AREAS	SEE AREA COVERAGE
GROUND FLOOR	134.97 sq m
1ST FLOOR	238.29 sq m
2ND FLOOR	210.38 sq m
TOTAL FLOOR AREA	583.64 sq m
RESIDENTIAL FLOOR AREA FOR UNITS	
101	47.58 sq m
102	47.58 sq m
201	47.58 sq m
202	47.58 sq m
TOTAL	189.72 sq m

ACCESSORY BUILDING (GARAGE/BICYCLING)	SEE AREA COVERAGE
LOCATION	REAR YARD
COMMERCIAL FLOOR AREA	4.80 sq m
REAR SETBACK	3.37 sq m
REAR SETBACK	0.56 m
REAR SETBACK	4.40 sq m
SEPARATION BETWEEN ACCESSORY & PRINCIPAL	3.74 sq m
REAR YARD SETBACK	3.71 m

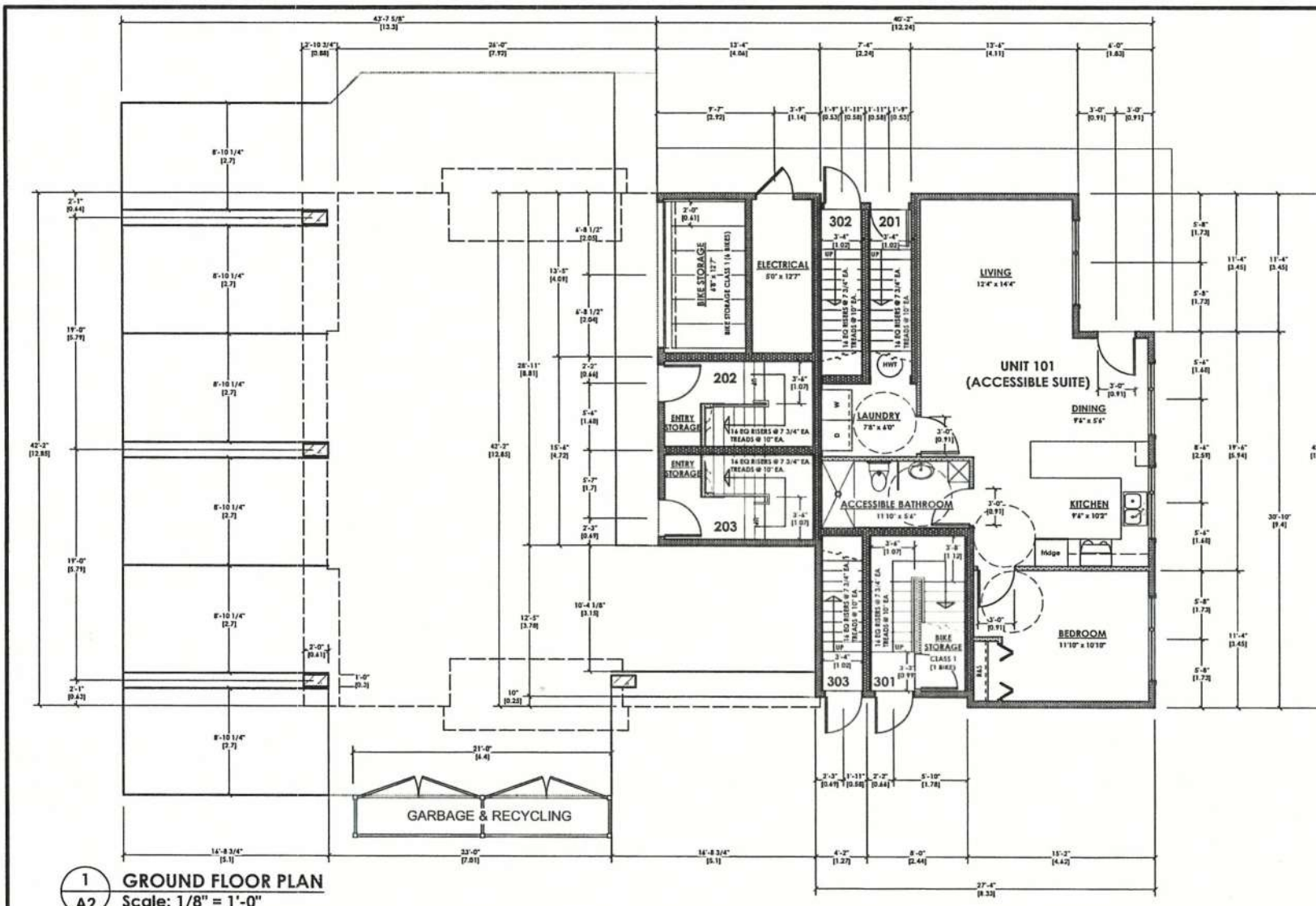
Legend:

- ⊕ denotes streetlight
- ⊙ denotes manhole
- denotes utility pole



AVERAGE GRADE CALCULATION

A to B: (22.50 + 22.40) ÷ 2 = 22.45	B to C: (22.40 + 22.30) ÷ 2 = 22.35	C to D: (22.30 + 22.20) ÷ 2 = 22.25	D to E: (22.20 + 22.10) ÷ 2 = 22.15
E to F: (22.10 + 22.00) ÷ 2 = 22.05	F to G: (22.00 + 21.90) ÷ 2 = 21.95	G to H: (21.90 + 21.80) ÷ 2 = 21.85	H to I: (21.80 + 21.70) ÷ 2 = 21.75
I to J: (21.70 + 21.60) ÷ 2 = 21.65	J to K: (21.60 + 21.50) ÷ 2 = 21.55	K to L: (21.50 + 21.40) ÷ 2 = 21.45	L to M: (21.40 + 21.30) ÷ 2 = 21.35
M to N: (21.30 + 21.20) ÷ 2 = 21.25	N to O: (21.20 + 21.10) ÷ 2 = 21.15	O to P: (21.10 + 21.00) ÷ 2 = 21.05	P to Q: (21.00 + 20.90) ÷ 2 = 20.95
Q to R: (20.90 + 20.80) ÷ 2 = 20.85	R to S: (20.80 + 20.70) ÷ 2 = 20.75	S to T: (20.70 + 20.60) ÷ 2 = 20.65	T to U: (20.60 + 20.50) ÷ 2 = 20.55
U to V: (20.50 + 20.40) ÷ 2 = 20.45	V to W: (20.40 + 20.30) ÷ 2 = 20.35	W to X: (20.30 + 20.20) ÷ 2 = 20.25	X to Y: (20.20 + 20.10) ÷ 2 = 20.15
Y to Z: (20.10 + 20.00) ÷ 2 = 20.05	Z to AA: (20.00 + 19.90) ÷ 2 = 19.95	AA to AB: (19.90 + 19.80) ÷ 2 = 19.85	AB to AC: (19.80 + 19.70) ÷ 2 = 19.75
AC to AD: (19.70 + 19.60) ÷ 2 = 19.65	AD to AE: (19.60 + 19.50) ÷ 2 = 19.55	AE to AF: (19.50 + 19.40) ÷ 2 = 19.45	AF to AG: (19.40 + 19.30) ÷ 2 = 19.35
AG to AH: (19.30 + 19.20) ÷ 2 = 19.25	AH to AI: (19.20 + 19.10) ÷ 2 = 19.15	AI to AJ: (19.10 + 19.00) ÷ 2 = 19.05	AJ to AK: (19.00 + 18.90) ÷ 2 = 18.95
AK to AL: (18.90 + 18.80) ÷ 2 = 18.85	AL to AM: (18.80 + 18.70) ÷ 2 = 18.75	AM to AN: (18.70 + 18.60) ÷ 2 = 18.65	AN to AO: (18.60 + 18.50) ÷ 2 = 18.55
AO to AP: (18.50 + 18.40) ÷ 2 = 18.45	AP to AQ: (18.40 + 18.30) ÷ 2 = 18.35	AQ to AR: (18.30 + 18.20) ÷ 2 = 18.25	AR to AS: (18.20 + 18.10) ÷ 2 = 18.15
AS to AT: (18.10 + 18.00) ÷ 2 = 18.05	AT to AU: (18.00 + 17.90) ÷ 2 = 17.95	AU to AV: (17.90 + 17.80) ÷ 2 = 17.85	AV to AW: (17.80 + 17.70) ÷ 2 = 17.75
AW to AX: (17.70 + 17.60) ÷ 2 = 17.65	AX to AY: (17.60 + 17.50) ÷ 2 = 17.55	AY to AZ: (17.50 + 17.40) ÷ 2 = 17.45	AZ to BA: (17.40 + 17.30) ÷ 2 = 17.35
BA to BB: (17.30 + 17.20) ÷ 2 = 17.25	BB to BC: (17.20 + 17.10) ÷ 2 = 17.15	BC to BD: (17.10 + 17.00) ÷ 2 = 17.05	BD to BE: (17.00 + 16.90) ÷ 2 = 16.95
BE to BF: (16.90 + 16.80) ÷ 2 = 16.85	BF to BG: (16.80 + 16.70) ÷ 2 = 16.75	BG to BH: (16.70 + 16.60) ÷ 2 = 16.65	BH to BI: (16.60 + 16.50) ÷ 2 = 16.55
BI to BJ: (16.50 + 16.40) ÷ 2 = 16.45	BJ to BK: (16.40 + 16.30) ÷ 2 = 16.35	BK to BL: (16.30 + 16.20) ÷ 2 = 16.25	BL to BM: (16.20 + 16.10) ÷ 2 = 16.15
BM to BN: (16.10 + 16.00) ÷ 2 = 16.05	BN to BO: (16.00 + 15.90) ÷ 2 = 15.95	BO to BP: (15.90 + 15.80) ÷ 2 = 15.85	BP to BQ: (15.80 + 15.70) ÷ 2 = 15.75
BQ to BR: (15.70 + 15.60) ÷ 2 = 15.65	BR to BS: (15.60 + 15.50) ÷ 2 = 15.55	BS to BT: (15.50 + 15.40) ÷ 2 = 15.45	BT to BU: (15.40 + 15.30) ÷ 2 = 15.35
BU to BV: (15.30 + 15.20) ÷ 2 = 15.25	BV to BW: (15.20 + 15.10) ÷ 2 = 15.15	BW to BX: (15.10 + 15.00) ÷ 2 = 15.05	BX to BY: (15.00 + 14.90) ÷ 2 = 14.95
BY to BZ: (14.90 + 14.80) ÷ 2 = 14.85	BZ to CA: (14.80 + 14.70) ÷ 2 = 14.75	CA to CB: (14.70 + 14.60) ÷ 2 = 14.65	CB to CC: (14.60 + 14.50) ÷ 2 = 14.55
CC to CD: (14.50 + 14.40) ÷ 2 = 14.45	CD to CE: (14.40 + 14.30) ÷ 2 = 14.35	CE to CF: (14.30 + 14.20) ÷ 2 = 14.25	CF to CG: (14.20 + 14.10) ÷ 2 = 14.15
CG to CH: (14.10 + 14.00) ÷ 2 = 14.05	CH to CI: (14.00 + 13.90) ÷ 2 = 13.95	CI to CJ: (13.90 + 13.80) ÷ 2 = 13.85	CJ to CK: (13.80 + 13.70) ÷ 2 = 13.75
CK to CL: (13.70 + 13.60) ÷ 2 = 13.65	CL to CM: (13.60 + 13.50) ÷ 2 = 13.55	CM to CN: (13.50 + 13.40) ÷ 2 = 13.45	CN to CO: (13.40 + 13.30) ÷ 2 = 13.35
CO to CP: (13.30 + 13.20) ÷ 2 = 13.25	CP to CQ: (13.20 + 13.10) ÷ 2 = 13.15	CQ to CR: (13.10 + 13.00) ÷ 2 = 13.05	CR to CS: (13.00 + 12.90) ÷ 2 = 12.95
CS to CT: (12.90 + 12.80) ÷ 2 = 12.85	CT to CU: (12.80 + 12.70) ÷ 2 = 12.75	CU to CV: (12.70 + 12.60) ÷ 2 = 12.65	CV to CW: (12.60 + 12.50) ÷ 2 = 12.55
CW to CX: (12.50 + 12.40) ÷ 2 = 12.45	CX to CY: (12.40 + 12.30) ÷ 2 = 12.35	CY to CZ: (12.30 + 12.20) ÷ 2 = 12.25	CZ to DA: (12.20 + 12.10) ÷ 2 = 12.15
DA to DB: (12.10 + 12.00) ÷ 2 = 12.05	DB to DC: (12.00 + 11.90) ÷ 2 = 11.95	DC to DD: (11.90 + 11.80) ÷ 2 = 11.85	DD to DE: (11.80 + 11.70) ÷ 2 = 11.75
DE to DF: (11.70 + 11.60) ÷ 2 = 11.65	DF to DG: (11.60 + 11.50) ÷ 2 = 11.55	DG to DH: (11.50 + 11.40) ÷ 2 = 11.45	DH to DI: (11.40 + 11.30) ÷ 2 = 11.35
DI to DJ: (11.30 + 11.20) ÷ 2 = 11.25	DJ to DK: (11.20 + 11.10) ÷ 2 = 11.15	DK to DL: (11.10 + 11.00) ÷ 2 = 11.05	DL to DM: (11.00 + 10.90) ÷ 2 = 10.95
DM to DN: (10.90 + 10.80) ÷ 2 = 10.85	DN to DO: (10.80 + 10.70) ÷ 2 = 10.75	DO to DP: (10.70 + 10.60) ÷ 2 = 10.65	DP to DQ: (10.60 + 10.50) ÷ 2 = 10.55
DQ to DR: (10.50 + 10.40) ÷ 2 = 10.45	DR to DS: (10.40 + 10.30) ÷ 2 = 10.35	DS to DT: (10.30 + 10.20) ÷ 2 = 10.25	DT to DU: (10.20 + 10.10) ÷ 2 = 10.15
DU to DV: (10.10 + 10.00) ÷ 2 = 10.05	DV to DW: (10.00 + 9.90) ÷ 2 = 9.95	DW to DX: (9.90 + 9.80) ÷ 2 = 9.85	DX to DY: (9.80 + 9.70) ÷ 2 = 9.75
DY to DZ: (9.70 + 9.60) ÷ 2 = 9.65	DZ to EA: (9.60 + 9.50) ÷ 2 = 9.55	EA to EB: (9.50 + 9.40) ÷ 2 = 9.45	EB to EC: (9.40 + 9.30) ÷ 2 = 9.35
EC to ED: (9.30 + 9.20) ÷ 2 = 9.25	ED to EE: (9.20 + 9.10) ÷ 2 = 9.15	EE to EF: (9.10 + 9.00) ÷ 2 = 9.05	EF to EG: (9.00 + 8.90) ÷ 2 = 8.95
EG to EH: (8.90 + 8.80) ÷ 2 = 8.85	EH to EI: (8.80 + 8.70) ÷ 2 = 8.75	EI to EJ: (8.70 + 8.60) ÷ 2 = 8.65	EJ to EK: (8.60 + 8.50) ÷ 2 = 8.55
EK to EL: (8.50 + 8.40) ÷ 2 = 8.45	EL to EM: (8.40 + 8.30) ÷ 2 = 8.35	EM to EN: (8.30 + 8.20) ÷ 2 = 8.25	EN to EO: (8.20 + 8.10) ÷ 2 = 8.15
EO to EP: (8.10 + 8.00) ÷ 2 = 8.05	EP to EQ: (8.00 + 7.90) ÷ 2 = 7.95	EQ to ER: (7.90 + 7.80) ÷ 2 = 7.85	ER to ES: (7.80 + 7.70) ÷ 2 = 7.75
ES to ET: (7.70 + 7.60) ÷ 2 = 7.65	ET to EU: (7.60 + 7.50) ÷ 2 = 7.55	EU to EV: (7.50 + 7.40) ÷ 2 = 7.45	EV to EW: (7.40 + 7.30) ÷ 2 = 7.35
EW to EX: (7.30 + 7.20) ÷ 2 = 7.25	EX to EY: (7.20 + 7.10) ÷ 2 = 7.15	EY to EZ: (7.10 + 7.00) ÷ 2 = 7.05	EZ to FA: (7.00 + 6.90) ÷ 2 = 6.95
FA to FB: (6.90 + 6.80) ÷ 2 = 6.85	FB to FC: (6.80 + 6.70) ÷ 2 = 6.75	FC to FD: (6.70 + 6.60) ÷ 2 = 6.65	FD to FE: (6.60 + 6.50) ÷ 2 = 6.55
FE to FF: (6.50 + 6.40) ÷ 2 = 6.45	FF to FG: (6.40 + 6.30) ÷ 2 = 6.35	FG to FH: (6.30 + 6.20) ÷ 2 = 6.25	FH to FI: (6.20 + 6.10) ÷ 2 = 6.15
FI to FJ: (6.10 + 6.00) ÷ 2 = 6.05	FJ to FK: (6.00 + 5.90) ÷ 2 = 5.95	FK to FL: (5.90 + 5.80) ÷ 2 = 5.85	FL to FM: (5.80 + 5.70) ÷ 2 = 5.75
FM to FN: (5.70 + 5.60) ÷ 2 = 5.65	FN to FO: (5.60 + 5.50) ÷ 2 = 5.55	FO to FP: (5.50 + 5.40) ÷ 2 = 5.45	FP to FQ: (5.40 + 5.30) ÷ 2 = 5.35
FQ to FR: (5.30 + 5.20) ÷ 2 = 5.25	FR to FS: (5.20 + 5.10) ÷ 2 = 5.15	FS to FT: (5.10 + 5.00) ÷ 2 = 5.05	FT to FU: (5.00 + 4.90) ÷ 2 = 4.95
FU to FV: (4.90 + 4.80) ÷ 2 = 4.85	FV to FW: (4.80 + 4.70) ÷ 2 = 4.75	FW to FX: (4.70 + 4.60) ÷ 2 = 4.65	FX to FY: (4.60 + 4.50) ÷ 2 = 4.55
FY to FZ: (4.50 + 4.40) ÷ 2 = 4.45	FZ to GA: (4.40 + 4.30) ÷ 2 = 4.35	GA to GB: (4.30 + 4.20) ÷ 2 = 4.25	GB to GC: (4.20 + 4.10) ÷ 2 = 4.15
GC to GD: (4.10 + 4.00) ÷ 2 = 4.05	GD to GE: (4.00 + 3.90) ÷ 2 = 3.95	GE to GF: (3.90 + 3.80) ÷ 2 = 3.85	GF to GH: (3.80 + 3.70) ÷ 2 = 3.75
GH to GI: (3.70 + 3.60) ÷ 2 = 3.65	GI to GJ: (3.60 + 3.50) ÷ 2 = 3.55	GJ to GK: (3.50 + 3.40) ÷ 2 = 3.45	GK to GL: (3.40 + 3.30) ÷ 2 = 3.35
GL to GM: (3.30 + 3.20) ÷ 2 = 3.25	GM to GN: (3.20 + 3.10) ÷ 2 = 3.15	GN to GO: (3.10 + 3.00) ÷ 2 = 3.05	GO to GP: (3.00 + 2.90) ÷ 2 = 2.95
GP to GQ: (2.90 + 2.80) ÷ 2 = 2.85	GQ to GR: (2.80 + 2.70) ÷ 2 = 2.75	GR to GS: (2.70 + 2.60) ÷ 2 = 2.65	GS to GT: (2.60 + 2.50) ÷ 2 = 2.55
GT to GU: (2.50 + 2.40) ÷ 2 = 2.45	GU to GV: (2.40 + 2.30) ÷ 2 = 2.35	GV to GW: (2.30 + 2.20) ÷ 2 = 2.25	GW to GX: (2.20 + 2.10) ÷ 2 = 2.15
GX to GY: (2.10 + 2.00) ÷ 2 = 2.05	GY to GZ: (2.00 + 1.90) ÷ 2 = 1.95	GZ to HA: (1.90 + 1.80) ÷ 2 = 1.85	HA to HB: (1.80 + 1.70) ÷ 2 = 1.75
HB to HC: (1.70 + 1.60) ÷ 2 = 1.65	HC to HD: (1.60 + 1.50) ÷ 2 = 1.55	HD to HE: (1.50 + 1.40) ÷ 2 = 1.45	HE to HF: (1.40 + 1.30) ÷ 2 = 1.35
HF to HG: (1.30 + 1.20) ÷ 2 = 1.25	HG to HH: (1.20 + 1.10) ÷ 2 = 1.15	HH to HI: (1.10 + 1.00) ÷ 2 = 1.05	HI to HJ: (1.00 + 0.90) ÷ 2 = 0.95
HJ to HK: (0.90 + 0.80) ÷ 2 = 0.85	HK to HL: (0.80 + 0.70) ÷ 2 = 0.75	HL to HM: (0.70 + 0.60) ÷ 2 = 0.65	HM to HN: (0.60 + 0.50) ÷ 2 = 0.55
HN to HO: (0.50 + 0.40) ÷ 2 = 0.45	HO to HP: (0.40 + 0.30) ÷ 2 = 0.35	HP to HQ: (0.30 + 0.20) ÷ 2 = 0.25	HQ to HR: (0.20 + 0.10) ÷ 2 = 0.15
HR to HS: (0.10 + 0.00) ÷ 2 = 0.05	HS to HT: (0.00 + 0.00) ÷ 2 = 0.00	HT to HU: (0.00 + 0.00) ÷ 2 = 0.00	HU to HV: (0.00 + 0.00) ÷ 2 = 0.00
HV to HW: (0.00 + 0.00) ÷ 2 = 0.00	HW to HX: (0.00 + 0.00) ÷ 2 = 0.00	HX to HY: (0.00 + 0.00) ÷ 2 = 0.00	HY to HZ: (0.00 + 0.00) ÷ 2 = 0.00
HZ to IA: (0.00 + 0.00) ÷ 2 = 0.00	IA to IB: (0.00 + 0.00) ÷ 2 = 0.00	IB to IC: (0.00 + 0.00) ÷ 2 = 0.00	IC to ID: (0.00 + 0.00) ÷ 2 = 0.00
ID to IE: (0.00 + 0.00) ÷ 2 = 0.00	IE to IF: (0.00 + 0.00) ÷ 2 = 0.00	IF to IG: (0.00 + 0.00) ÷ 2 = 0.00	IG to IH: (0.00 + 0.00) ÷ 2 = 0.00
IH to II: (0.00 + 0.00) ÷ 2 = 0.00	II to IJ: (0.00 + 0.00) ÷ 2 = 0.00	IJ to IK: (0.00 + 0.00) ÷ 2 = 0.00	IK to IL: (0.00 + 0.00) ÷ 2 = 0.00
IL to IM: (0.00 + 0.00) ÷ 2 = 0.00	IM to IN: (0.00 + 0.00) ÷ 2 = 0.00	IN to IO: (0.00 + 0.00) ÷ 2 = 0.00	IO to IP: (0.00 + 0.00) ÷ 2 = 0.00
IP to IQ: (0.00 + 0.00) ÷ 2 = 0.00	IQ to IR: (0.00 + 0.00) ÷ 2 = 0.00	IR to IS: (0.00 + 0.00) ÷ 2 = 0.00	IS to IT: (0.00 + 0.00) ÷ 2 = 0.00
IT to IU: (0.00 + 0.00) ÷ 2 = 0.00	IU to IV: (0.00 + 0.00) ÷ 2 = 0.00	IV to IW: (0.00 + 0.00) ÷ 2 = 0.00	IW to IX: (0.00 + 0.00) ÷ 2 = 0.00
IX to IY: (0.00 + 0.00) ÷ 2 = 0.00	IY to IZ: (0.00 + 0.00) ÷ 2 = 0.00	IZ to JA: (0.00 + 0.00) ÷ 2 = 0.00	JA to JB: (0.00 + 0.00) ÷ 2 = 0.00
JB to JC: (0.00 + 0.00) ÷ 2 = 0.00	JC to JD: (0.00 + 0.00) ÷ 2 = 0.00	JD to JE: (0.00 + 0.00) ÷ 2 = 0.00	JE to JF: (0.00 + 0.00) ÷ 2 = 0.00
JF to JG: (0.00 + 0.00) ÷ 2 = 0.00	JG to JH: (0.00 + 0.00) ÷ 2 = 0.00	JH to JI: (0.00 + 0.00) ÷ 2 = 0.00	JI to JJ: (0.00 + 0.00) ÷ 2 = 0.00
JJ to JK: (0.00 + 0.00) ÷ 2 = 0.00	JK to JL: (0.00 + 0.00) ÷ 2 = 0.00	JL to JM: (0.00 + 0.00) ÷ 2 = 0.00	JM to JN: (0.00 + 0.00) ÷ 2 = 0.00
JN to JO: (0.00 + 0.00) ÷ 2 = 0.00	JO to JP: (0.00 + 0.00) ÷ 2 = 0.00	JP to JQ: (0.00 + 0.00) ÷ 2 = 0.00	JQ to JR: (0.00 + 0.00) ÷ 2 = 0.00
JR to JS: (0.00 + 0.00) ÷ 2 = 0.00	JS to JT: (0.00 + 0.00) ÷ 2 = 0.00	JT to JU: (0.00 + 0.00) ÷ 2 = 0.00	JU to JV: (0.00 + 0.00) ÷ 2 = 0.00
JV to JW: (0.00 + 0.00) ÷ 2 = 0.00	JW to JX: (0.00 + 0.00) ÷ 2 = 0.00	JX to JY: (0.00 + 0.00) ÷ 2 = 0.00	JY to JZ: (0.00 + 0.00) ÷ 2 = 0.00
JZ to KA: (0.00 + 0.00) ÷ 2 = 0.00	KA to KB: (0.00 + 0.00) ÷ 2 = 0.00	KB to KC: (0.00 + 0.00) ÷ 2 = 0.00	KC to KD: (0.00 + 0.00) ÷ 2 = 0.00
KD to KE: (0.00 + 0.00) ÷ 2 = 0.00	KE to KF: (0.00 + 0.00) ÷ 2 = 0.00	KF to KG: (0.00 + 0.00) ÷ 2 = 0.00	KG to KH: (0.00 + 0.00) ÷ 2 = 0.00
KH to KI: (0.00 + 0.00) ÷ 2 = 0.00	KI to KJ: (0.00 + 0.00) ÷ 2 = 0.00	KJ to KL: (0.00 + 0.00) ÷ 2 = 0.00	KL to KM: (0.00 + 0.00) ÷ 2 = 0.00
KM to KN: (0.00 + 0.00) ÷ 2 = 0.00	KN to KO: (0.00 + 0.00) ÷ 2 = 0.00	KO to KP: (0.00 + 0.00) ÷ 2 = 0.00	KP to KQ: (0.00 + 0.00) ÷ 2 = 0.00
KQ to KR: (0.00 + 0.00) ÷ 2 = 0.00	KR to KS: (0.00 + 0.00) ÷ 2 = 0.00	KS to KT: (0.00 + 0.00) ÷ 2 = 0.00	KT to KU: (0.00 + 0.00) ÷ 2 = 0.00
KU to KV: (0.00 + 0.00) ÷ 2 = 0.00	KV to KW: (0.00 + 0.00) ÷ 2 = 0.00	KW to KX: (0.00 + 0.00) ÷ 2 = 0.00	KX to KY: (0.00 + 0.00) ÷ 2 = 0.00
KY to KZ: (0.00 + 0.00) ÷ 2 = 0.00	KZ to LA: (0.00 + 0.00) ÷ 2 = 0.00	LA to LB: (0.00 + 0.00) ÷ 2 = 0.00	LB to LC: (0.00 + 0.00) ÷ 2 = 0.00
LC to LD: (0.00 + 0.00) ÷ 2 = 0.00	LD to LE: (0.00 + 0.00) ÷ 2 = 0.00	LE to LF: (0.00 + 0.00) ÷ 2 = 0.00	LF to LG: (0.00 + 0.00) ÷ 2 = 0.00
LG to LH: (0.00 + 0.00) ÷ 2 = 0.00	LH to LI: (0.00 + 0.00) ÷ 2 = 0.00	LI to LJ: (0.00 + 0.00) ÷ 2 = 0.00	LJ to LK: (0.00 + 0.00) ÷ 2 = 0.00
LK to LL: (0.00 + 0.00) ÷ 2 = 0.00	LL to LM: (0.00 + 0.00) ÷ 2 = 0.00	LM to LN: (0.00 + 0.00) ÷ 2 = 0.00	LN to LO: (0.00 + 0.00) ÷ 2 = 0.00
LO to LP: (0.00 + 0.00) ÷ 2 = 0.00	LP to LQ: (0.00 + 0.00) ÷ 2 = 0.00	LQ to LR: (0.00 + 0.00) ÷ 2 = 0.00	LR to LS: (0.00 + 0.00) ÷ 2 = 0.00
LS to LT: (0.00 + 0.00) ÷ 2 = 0.00	LT to LU: (0.00 + 0.00) ÷ 2 = 0.00	LU to LV: (0.00 + 0.00) ÷ 2 = 0.00	LV to LW: (0.00 + 0.00) ÷ 2 = 0.00
LW to LX: (0.00 + 0.00) ÷ 2 = 0.00	LX to LY: (0.00 + 0.00) ÷ 2 = 0.00	LY to LZ: (0.00 + 0.00) ÷ 2 = 0.00	LZ to MA: (0.00 + 0.00) ÷ 2 = 0.00
MA to MB: (0.00 + 0.00) ÷ 2 = 0.00	MB to MC: (0.00 + 0.00) ÷ 2 = 0.00	MC to MD: (0.00 + 0.00) ÷ 2 = 0.00	MD to ME: (0.00 + 0.00) ÷ 2 = 0.00
ME to MF: (0.00 + 0.00) ÷ 2 = 0.00	MF to MG: (0.00 + 0.00) ÷ 2 = 0.00	MG to MH: (0.00 + 0.00) ÷ 2 = 0.00	MH to MI: (0.00 + 0.00) ÷ 2 = 0.00
MI to MJ: (0.00 + 0.00) ÷ 2 = 0.00	MJ to MK: (0.00 + 0.00) ÷ 2 = 0.00	MK to ML: (0.00 + 0.00) ÷ 2 = 0.00	ML to MM: (0.00 + 0.00) ÷ 2 = 0.00
MM to MN: (0.00 + 0.00) ÷ 2 = 0.00	MN to MO: (0.00 + 0.00) ÷ 2 = 0.00	MO to MP: (0.00 + 0.00) ÷ 2 = 0.00	MP to MQ: (0.00 + 0.00) ÷ 2 = 0.00
MQ to MR: (0.00 + 0.00) ÷ 2 = 0.00	MR to MS: (0.00 + 0.00) ÷ 2 = 0.00	MS to MT: (0.00 + 0.00) ÷ 2 = 0.00	MT to MU: (0.00 + 0.00) ÷ 2 = 0.00
MU to MV: (0.00 + 0.00) ÷ 2 = 0.00	MV to MW: (0.00 + 0.00) ÷ 2 = 0.00	MW to MX: (0.00 + 0.00) ÷ 2 = 0.00	MX to MY: (0.00 + 0.00) ÷ 2 = 0.00
MY to MZ: (0.00 + 0.00) ÷ 2 = 0.00	MZ to NA: (0.00 + 0.00) ÷ 2 = 0.00	NA to NB: (0.00 + 0.00) ÷ 2 = 0.00	NB to NC: (0.00 + 0.00) ÷ 2 = 0.00
NC to ND: (0.00 + 0.00) ÷ 2 = 0.00	ND to NE: (0.00 + 0.00) ÷ 2 = 0.00	NE to NF: (0.00 + 0.00) ÷ 2 = 0.00	NF to NG: (0.00 + 0.00) ÷ 2 = 0.00
NG to NH: (0.00 + 0.00) ÷ 2 = 0.00	NH to NI: (0.00 + 0.00) ÷ 2 = 0.00	NI to NJ: (0.00 + 0.00) ÷ 2 = 0.00	NJ to NK: (0.00 + 0.00) ÷ 2 = 0.00
NK to NL: (0.00 + 0.00) ÷ 2 = 0.00	NL to NM: (0.00 + 0.00) ÷ 2 = 0.00	NM to NO: (0.00 + 0.00) ÷ 2 = 0	



1 GROUND FLOOR PLAN
A2 Scale: 1/8" = 1'-0"

2330 RICHMOND ROAD PROPOSED REZONING

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site or failure to report discrepancies. Refer to General notes included on plan.

Note: S.C.S. is to verify placement and siting of all structures on lot. General Contractor to work in conjunction with S.C.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any encroachment of any lot with regard to siting or placement of structures on lot. Unchecked Engineer to review plan before construction, and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and contribute all engineering requirements with municipal building departments prior to starting work.

Soils Manufacturer to review plans to verify soil design where any soil issues are shown, and to correct building designer to address conditions as necessary.

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VICTORIA, B.C.

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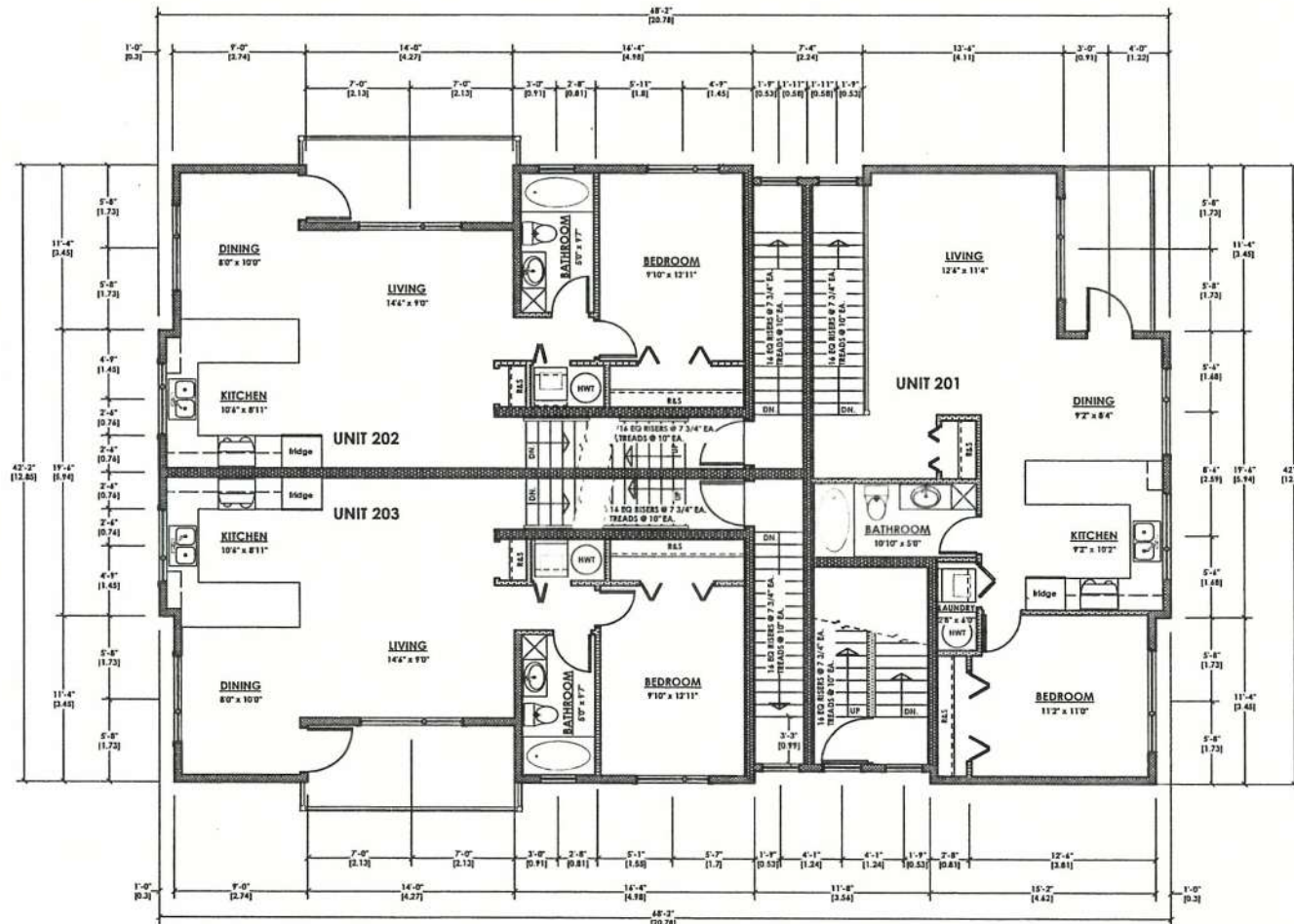


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DATE: 14/9/15



1 SECOND FLOOR PLAN
A3 Scale: 1/8" = 1'-0"

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement of building and all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not responsible for any errors made by plan or site or failure to report discrepancies. Refer to General notes included on plan.

Note: A.C.I. 3.08 to verify placement and setting of all structures and/or General Contractor to work in conjunction with B.C. 1.5 to ensure proper placement of structures on site prior to building work. Building Designer not responsible for any encroachments of any kind with respect to siting or placement of structures and/or Structural Engineer to review plan (where required) and verify structure is as shown. It is the responsibility of the owner or contractor to verify and coordinate all engineering requirements with municipal building departments prior to starting work.

Trust Manufacturer to review plans to verify and design where any roof trusses are shown, and to contact building designer to advise if trussing is not necessary.

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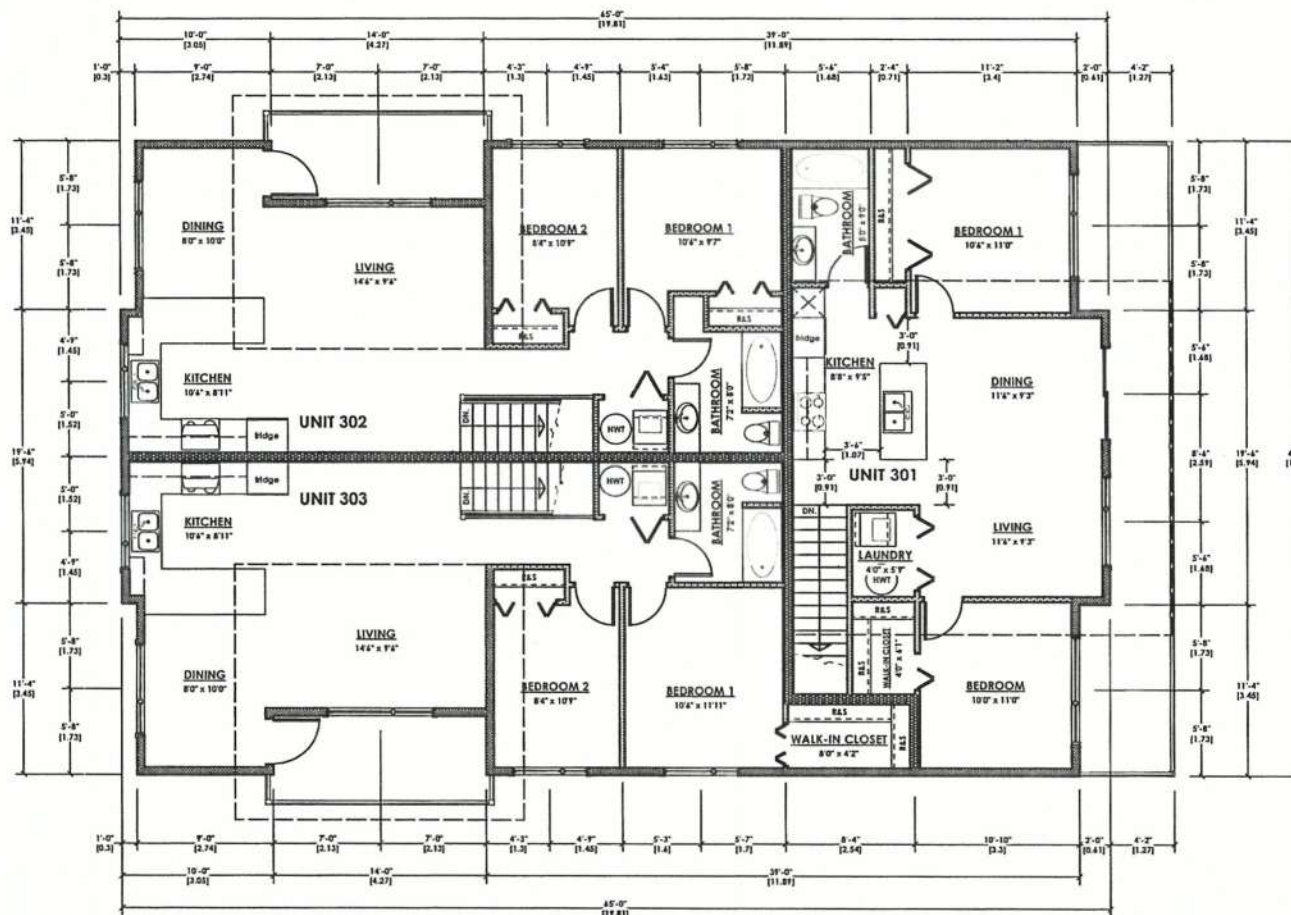
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1 THIRD FLOOR PLAN
A4 Scale: 1/8" = 1'-0"

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan or site or failure to report discrepancies later in General notes included on plan.

Note: S.C.L. 1 to verify placement and siting of all structures and General Contractor to work in conjunction with S.C.L. 1 to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any environmental or any kind with regard to siting or placement of structures on lot. Structural Engineer to review plan (where required) and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and coordinate all engineering requirements with municipal building department prior to starting work.

Not Manufacturer to review plans to verify and design where any roof lines are shown, and to coordinate building design to advise if revisions are necessary.

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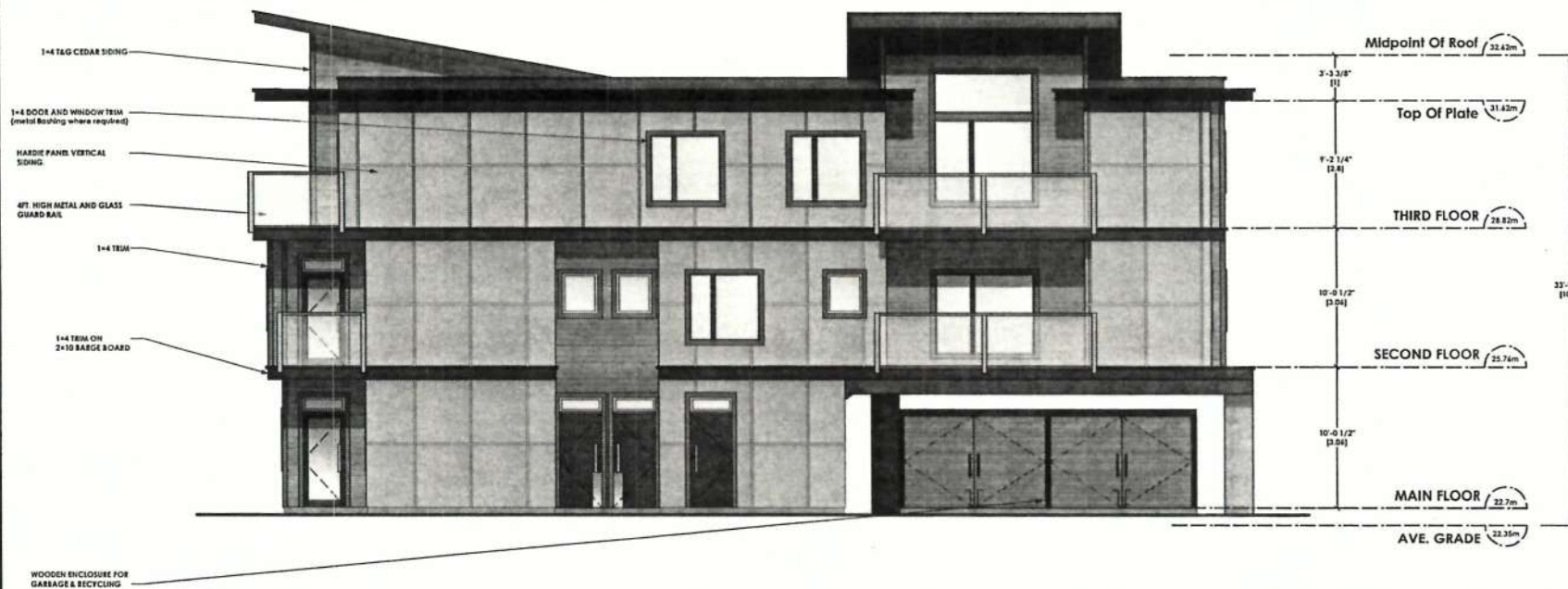
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2330 RICHMOND ROAD
PROPOSED REZONING

8100
OUTER AVENUE
VICTORIA, B.C.
V8N 0A2
PH: 250.382.7374
FAX: 250.382.7344



1 NORTH ELEVATION (BAY ST. SIDE)
A5 Scale: 1/8" = 1'-0"

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site or failure to report discrepancies. Refer to General notes included on plans.

Owner & C.C. to verify placement and siting of all structures on lot. General Contractor to work in conjunction with S.C.L.S. to ensure proper placement of structures on site prior to siting work. Building Designer not responsible for any encroachments of any kind with regard to siting or placement of structures on lot. Structural Engineer to review plans before required, and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

Soils Manufacturer to review plans to verify soil design where soil borings are shown and to contact building designer to advise if revisions are necessary.

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6108 821
ATREE AVENUE
VICTORIA, B.C.
V8S 0A2
PH: 250.382.7374
FAX: 250.382.7314

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Note: B.C.L.S. to verify placement and siting of all structures on lot. General Contractor to work in conjunction with B.C.L.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any misinterpretation of any kind with regard to siting or placement of structures on lot. Building Designer to review plan before construction and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and consultation of engineering requirements with municipal building department prior to starting work.

Tree Manufacturer to review plans to verify not design where any trees are shown, and to confirm building designer to advise if necessary.

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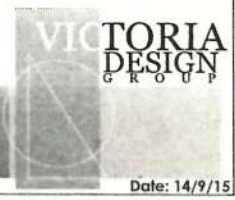
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1 EAST ELEVATION (RICHMOND RD. SIDE)
A6 Scale: 1/8" = 1'-0"

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#103 881
4177 E AVENUE
VICTORIA, B.C.
V8B 6A4
TEL: 250.362.7324
FAX: 250.362.7324



1 SOUTH ELEVATION
A7 Scale: 1/8" = 1'-0"

General Contractor and/or Owner to verify and promptly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site or failure to report discrepancies. Refer to General notes included on plan.

Note: B.C.L.S. to verify placement and sizing of all structures on lot. General Contractor to work in conjunction with B.C.L.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any over-encroachment of any kind with regard to siting or placement of structures on lot. Structural Engineer to review plan (where required) and identify structure as designed. See also the responsibility of the owner as a contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where any coefficients are shown, and to consult building designer to advise if revisions are necessary.

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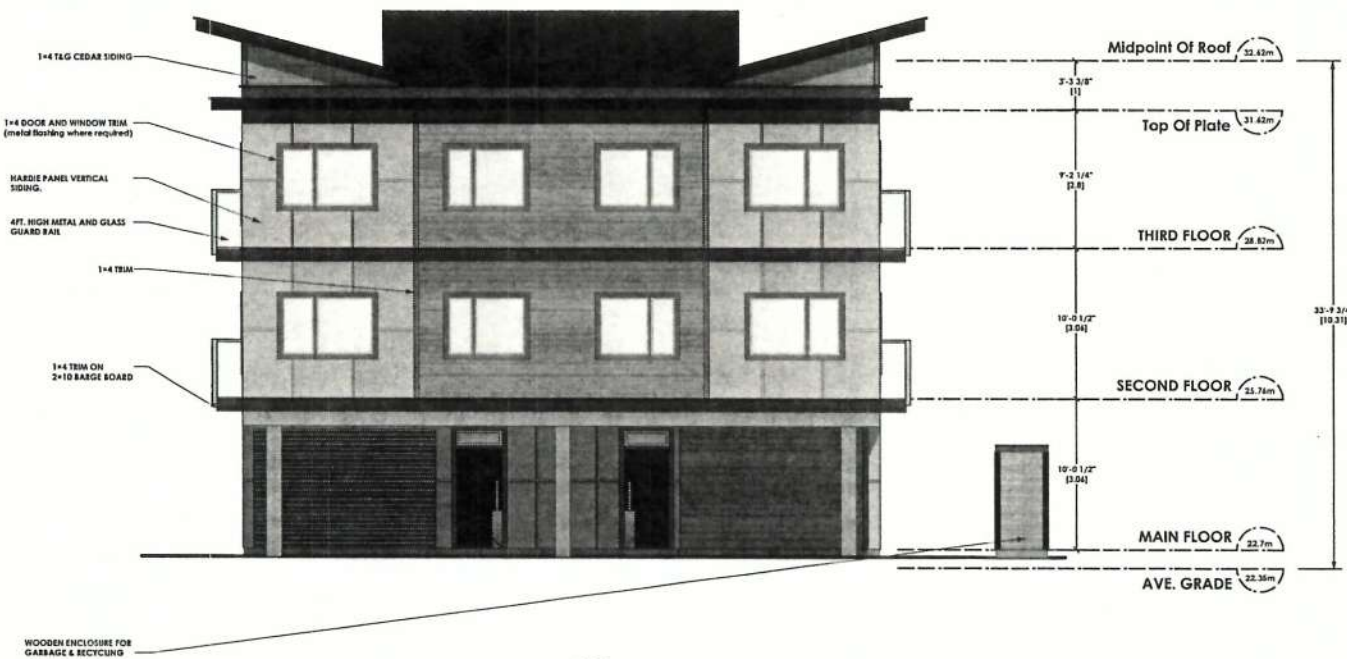
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1 WEST ELEVATION
A8 Scale: 1/8" = 1'-0"

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Note: S.C.I.1. To verify placement and siting of all structures on lot General Contractor to work in conjunction with S.C.I.1. To ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any encroachments of any kind with respect to siting or placement of structures on lot. Structural Engineer to review plans (where required) and specify structure as designed and construct. It is the responsibility of the owner or contractor to verify and coordinate all engineering requirements with municipal building departments prior to starting work.

Trust Manufacturer to review plans to verify roof design where any roof trusses are shown, and to report building designer to advise if revisions are necessary.

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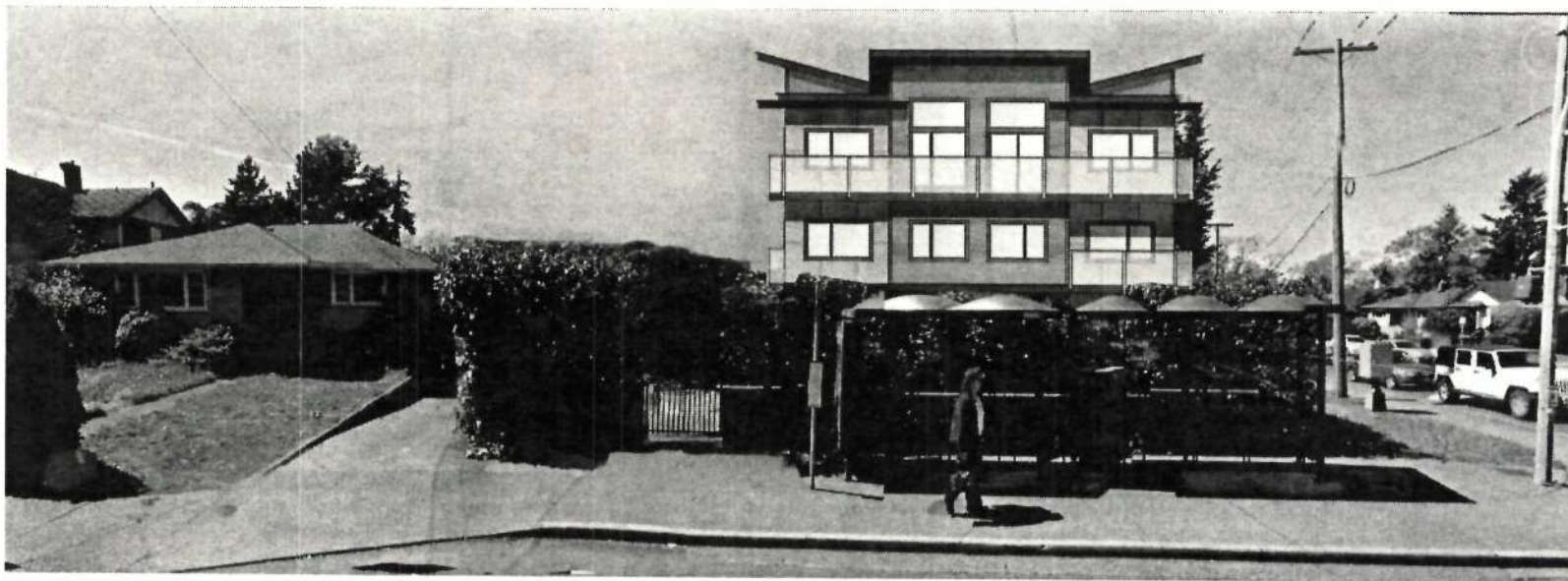
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1 RICHMOND STREETSCAPE
A9 APPROXIMATION (NOT TO SCALE)

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Note: B.C.L.S. to verify placement and string of all structures on lot. General Contractor to work in conjunction with B.C.L.S. to ensure proper placement of structures on the plan to the lot. Building Designer not responsible for any encroachments of any kind with regard to string or placement of structures on lot.

Structural Engineer to review plan (where required) and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and coordinate all engineering requirements with municipal building departments prior to starting work.

Mass Manufacturer to review plans to verify roof design where any rooflines are shown and to contact building designer to advise if revisions are necessary.

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9 of 11

scale
AS NOTED

drawn by
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VICTORIA
DESIGN
GROUP

Date: 14/9/15

2330 RICHMOND ROAD
PROPOSED REZONING

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Victoria City Council - 10 Mar 2016



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Received
City of Victoria

SEP 15 2015

Planning & Development Department
Development Services Division

proposed
rezoning
2330 RICHMOND
ROAD
VICTORIA, B.C.

drawing #
7500

sheet #
10 of 11

scale
AS NOTED
drawn by
NS

VICTORIA
DESIGN
GROUP

Date: 14/9/15

1 BAY ST. STREETSCAPE FOR 2330 RICHMOND
A10 APPROXIMATION (NOT TO SCALE)

2330 RICHMOND ROAD

PROPOSED REZONING

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8103 851
ATREE AVENUE
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V8B 0A6

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FAX: 250.382.7314

ND ROAD VICTORIA BC

Victoria City Council - 10 Mar 2016



1 SITEPLAN OVERLAY FOR 2330 RICHMOND
A11 APPROXIMATION (NOT TO SCALE)

2330 RICHMOND ROAD PROPOSED REZONING

General Contractor and/or Owner to verify and promptly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site or failure to report discrepancies. Refer to General notes included on plan.

Note: S.C.I.S. to verify placement and siting of all structures and/or General Contractor to work in conjunction with S.C.I.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any encroachments of any kind with regard to siting or placement of structures on lot. Building Designer to review plan before submitted and specify structure as deemed necessary. It is the responsibility of the owner or architect to verify and communicate all engineering requirements with municipal building departments prior to starting work.

Consent

This plan and design is covered by copyright law and may not be reproduced, copied or used in any form where or as part without the express written permission of Victoria Design Group, and may only be used to construct this particular dwelling on the specific lot indicated in the title block below.

Received
City of Victoria
SEP 15 2015
Planning & Development Department
Development Services Division

proposed
rezoning
2330 RICHMOND
ROAD
VICTORIA, B.C.

drawing #
7500

sheet #
11 of 11

scale
AS NOTED
drawn by
NS

VICTORIA
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GROUP
Date: 14/9/15

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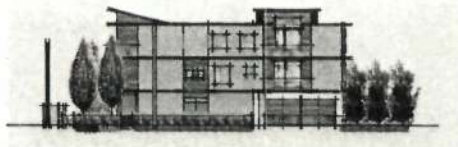
ND ROAD VICTORIA B.C.

PROPOSED REZONING: 2330 RIC 7500

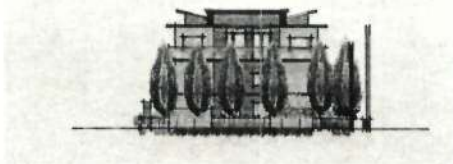
Victoria City Council - 10 Mar 2016



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



CONSTRUCTION NOTES

-CONFIRM TO CHECK ALL DIMENSIONS -1:10 SPECTS OF THIS DRAWING
-1:10 DIMENSIONS -1:10 -1:10 PRIOR TO CONSTRUCTION
-1:10 CHANGES OF DESIGN ARE THE RESPONSIBILITY OF THE OWNER
-1:10 DIMENSIONS TO COMPLY WITH MUNICIPAL BY-LAWS

GREENSPACE DESIGNS sustainable landscape design

PROJECT TITLE

PROPOSED LANDSCAPE PLAN for
ORLANDO RESIDENCE
2370 RICHMOND ROAD

PAGE TITLE

VIEW: PAGE 1 OF 3

DATE

JUN 23 2015

SCALE

NOT TO SCALE

A technical architectural drawing of a building section, likely a garage or workshop, showing various dimensions and structural components. The drawing includes a main rectangular structure with a sloped roof and an attached smaller section.

- Main Structure Dimensions:**
 - Overall width: 8'-0"
 - Roof slope: 15'-0"
 - Left wall height: 7'-0"
- Attached Section Dimensions:**
 - Width: 6'-0"
 - Height: 7'-0"
 - Base width: 1'-0"
 - Label: "1" PIECES" at the base.
- Structural Details:**
 - Reinforcement bars are shown within the walls and floor slabs.
 - Labels indicate specific materials and construction methods: "CONCRETE BUILDING WALL DETAIL SECTION - TOP OF FOUNDATION".
 - Another label points to a vertical element: "SC-LE: 1 1/2\" = 1'0\"".

Planning & Development Department
Development Services Division

== SCALE ==
1cm = 10"

CONTRACTOR TO CHECK ALL DIMENSIONS AND ASPECTS OF THIS DRAWING
AND MAKE A COPY AGREE PRIOR TO CONSTRUCTION
ALL CHANGES OR DEVIATIONS ARE THE RESPONSIBILITY OF THE OWNER
ALL ADOPT TO COMPLY WITH MUNICIPAL BYLAWS

PLANT LIST

SHRUBSGP-SSS-110-FEPI-15

C4	23	#3	C-L411-GPOSTIS-CUTIFLOP-'I' APL FOEPSTEP	I-PL FOEPSTEP FE-THEP REED GP-SS
CE	2*	#1	C-PE-TEST-CE4-'HIDI-I' SUHSEP	PP-IPIE PIPE SEDGE
FG	20	#1	FESTUC4-GL-UC4-'ELH-H' BLUE'	ELH-H BLUE FESCUE
PI1	23	#2	POL-STICHU11-HURITU11	SAOPD FEPI1
SS	14	#1	SCHC4-CH.PIU1 SCOP.PIU1 'THE BLUES'	THE BLUES LITTLE BLUESTE1

Planning & Development Department
Development Services Division

▣ PROJECT TITLE ▣

PROPOSED LANDSCAPE PLAN for
ORGANO BELUSIC
2350 RICHMOND ROAD

== PAGE TITLE ==

PLANTING PLAN PAGE 3 OF 3

DATE

JUL 23 2015

|| SCALE ||

$$1.8 = 1.0$$

CONSTRUCTION NOTES

- CONTINUED TO CHECK - ALL DRILLING IS - ID - SPECTS OF THIS DP - ARING
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- ALL A OP TO COMPLY WITH THE DRILLING - 1144 E A

Oriano and Doris Belusic

September 15, 2015



Dear Mayor and Council,

Re: 2330 Richmond Road (SW corner Bay and Richmond)

Proposal summary:

We propose and request a zoning change from R1B single family to site-specific zoning, to build a 3-floor, 7-unit strata complex, including a ground-floor accessible unit. Each unit will have its own ground-floor private entrance and a balcony or patio. Two rezoning signs are posted at the property as per instructions.

The proposed land use falls within the Official Community Plan.

Why the site warrants rezoning:

~We strongly feel this corner location is more suited today to a metropolitan-style, multi-unit residential use, rather than the currently-zoned single family use. This area has changed dramatically over the years.

~The volume of traffic, with its associated noise levels, render traditional single family outdoor use as undesirable.

~A busy 2-shelter bus stop strip extends the length of the property along Richmond Rd.

~The property measures 6,287 sq. ft., (584 m²). (Please note: The City of Victoria and the previous owner did a land swap – the City received the strip along Richmond Rd. to accommodate the 2-shelter bus stop, and in exchange the property received a strip of land along Bay St. which lies outside the present fencing.)

~The newly-built Royal Jubilee Hospital tower is located directly across Richmond Rd. from the property. All those floors of windows reduce privacy to the yard. The other 2 corners are non-residential, with a hospital parkade and the CNIB building.

~Since the relocation of the psychiatric unit from the Eric Martin Pavilion to the new patient care tower, a problematic situation has arisen specifically for our property. Patients often linger along the Richmond bus stop area flanking our property and get into confrontations, frequently needing police and/or hospital security attention. (Our tenant asked us to install a lockable gate to the Richmond entrance to keep the undesirable activity off the property.) This ongoing situation is known to neighbours, police and hospital security.

~The recently created dedicated right-turn lane on Bay St. will make right-in/ right-out vehicle access easier than before.

How the City and area will benefit with this proposal:

We believe the proposed project will complement and improve conditions existing in the immediate and surrounding area by:

~There will be an improved streetscape.

~The existing under 600 sq. ft., one-bedroom house in extremely poor structural condition will be replaced by 7 quality condominium-style strata living units, which will provide desirable accommodation, close to large employers, many convenient amenities and excellent public transit.

~There will be 7 (class 1) exterior-accessed indoor secure bicycle storage rooms to encourage cycling by residents, so encouraging cycling and possibly reducing vehicle traffic.

~There will be an accessible ground-floor unit, ideal for seniors or persons with a disability.

~The proposed multi-family complex will result in more eyes and ears around this corner location, which should improve the security situation of the area.

~The professional green landscape plan features low-profile fencing, taller trees, set-back hedging which will contribute to beautify the area and improve security (crime prevention through environmental design). The parking area will be landscaped with aesthetic, environmentally-friendly permeable pavers and we plan to install a sliding locking gate and down-lit lighting for security. (A landscape estimate and payment will be provided upon Building permit application.)

~We plan to pre-plumb and pre-wire the complex for future green solar upgrades.

~The building's top floor is recessed back from Richmond to reduce visual building mass.

~Neither the property to the south nor to the west will be negatively impacted by shadowing, and there will be no balconies facing west.

~We plan to use pre-fabricated wall systems to expedite the build and minimize community disruption during construction. This project requires no blasting.

~We plan to use better-than-average exterior and interior wall insulation and sound abatement windows to decrease both exterior and interior noise and to improve energy efficiency which will benefit the building's residents at this noisy location.

~The 2 cypress trees currently on the property are approved by the City to be removed. They have already been a significant problem. We learned that these trees have an aggressive root system and are best removed to prevent significant damage to both our proposed complex as well as to the immediate neighbours. We will replace the trees with newly planted trees on the property in a more than 2:1 ratio for screening and beautification.

Addressing Schedule C: Why we feel 7 parking stalls are sufficient for this proposed 7-unit building and will not negatively impact the neighborhood:

This project will have 7 parking stalls instead of the standard amount of 10. The shortfall in parking will be satisfied by:

- ~Given the property's location and proximity to excellent public transit, a car may not be a necessity or all that desirable. The property is ideally suited for someone who may choose a carless lifestyle. Major bus routes are literally right outside the door (#14, #8, #10) and three others are a block or a few away (#27/28, #11, #22). Uvic, Camosun College, Hillside Mall, Dockyard, downtown, etc., are all directly serviced by buses caught just outside the building's doors. Expensive parking fees can be avoided.
- ~The property is directly across Richmond Rd. from the major employers of Royal Jubilee Hospital, VIHA, BC Cancer Agency, as well as close to many amenities, such as pharmacies, medical offices, restaurants, grocery shopping, Arthritis Centre, CNIB, Silver Threads, etc.
- ~The building provides 7 (class 1) outside-accessed indoor secure bicycle storage rooms, which promote cycling, further diminishing the need for vehicles, plus there is a (class 2) guest outdoor rack for 6 bicycles.
- ~There is room for off-road parking for drop off/ pick up and there is a garbage/recycling area.
- ~The ground-floor unit is accessible and may be used by someone with a disability or a senior or someone who cannot drive or may choose not to own a vehicle.
- ~Vehicle access to the property is made easier by the recently created right-turn lane – right in/ right out on Bay St. Since many cars heading east on Bay at Richmond either turn left or go straight through into the hospital grounds, the right-turn lane is often open to use.

Our finances do not enable us to purchase the property to the south. Less than a year ago, we contacted the owner of the property to the south who was working on a project proposal, but he was not interested in a joint venture. Since then we've proposed our own plans for development, spending significant time and money on this 7-plex design and the building application process.

Our parking stall setback from the Bay St. city boulevard presently is .76 meter. The requirement is 1 meter. We feel that since our parking area is located where the Bay St. right turn lane starts to taper and the width of the boulevard at that point is 5.5m in width, that this variance request may be a reasonable relaxation.

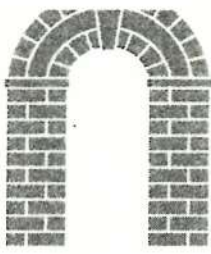
Examples of close-by similar projects:

1540 Belcher Ave. (9-plex)
1615 Bay St. (11-plex)
2116 Richmond Rd. (5-plex)

Please see our accompanying revised bubble plans with a description list.
Thank you for your consideration of this proposal and for your time.

Sincerely,

Oriano and Doris Belusic



North Jubilee
Neighbourhood
Association

Victoria City Council - 10 Mar 2016

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

June 2, 2015

Mayor Lisa Helps and City Councillors

1 Centennial Square

Victoria, B.C., V8W1P6

Re: Proposed Rezoning...2330 Richmond Road

Dear Mayor Helps and City Councillors:

The North Jubilee Neighbourhood Association Land Use Committee hosted a CALUC meeting in connection with the proposed rezoning for 2330 Richmond Road on Wednesday, April 29, 2015. Twenty persons attended this meeting including the applicant and his wife and the project designer. The applicant gave an extended verbal talk on the proposal and also had three-page information sheets on hand for distribution. Also available were a limited number of eleven-page, 8 1/2x11 plans including site plan, ground floor plan, second and third floor plans, north, east, west and south elevations, Richmond Road streetscape, Bay Street Streetscape and site plan overlay. Following the applicant's talk, the designer presented the working drawings.

There were questions in connection with the construction phase, as 7 units are being proposed for a single family lot and it is located at an extremely busy intersection. Would parking spaces would be leased for construction workers due to restricted parking in the area? Would there be any blasting? The answer was "no". By-laws for construction hours would be followed.

The next door neighbour on the West side questioned a loss of privacy, but was advised that there will not be any balconies on this side and the parking area lights will be recessed and pointing down.

The units will be Strata title-owned condos and the applicant may sell two or three and rent out the remainder and possibly use the ground floor unit as an office. He advised that there would be a property manager.

Guest parking was discussed, as it will be a problem in this resident only street parking neighbourhood. Seven parking stalls are available plus seven bicycle storage areas on the site. Residents will only be able to access the site through a right turn only from Bay Street and the egress will necessitate a right turn only also. This access and egress from the site will be difficult at certain times of the day due to the volume of traffic using Bay Street and the heavily used right turn lane from Bay to Richmond.

2.

The parking area is shown as asphalt paving and it was questioned if permeable paving could be used or any other environmentally friendly alternative due to the site being contained in the Bowker Creek Watershed. The designer advised that infiltration chambers will be used.

The landscaping plan was not available at the CALUC meeting, but the Association was advised that it would be available at a later date.

The applicant was very forthcoming in his replies to questions and provided detailed information as hand-outs. Due to the location of this site at the corner of Richmond and Bay, there were not any serious concerns voiced re the proposed density in general.

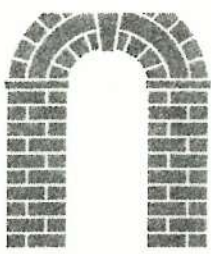
Yours truly,

A handwritten signature in black ink, appearing to read "Jean Johnson". The signature is fluid and cursive, with a large initial "J" and a trailing flourish.

Jean Johnson, NJNA Land Use Chair

On behalf of Pat May, Janice Stewart, Heather Fox (Wilma Peters and Sheena Bellingham were absent)

Cc: Lucina Baryluk, Senior Process Planner



North Jubilee
Neighbourhood
Association

Victoria City Council - 10 Mar 2016

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

August 20, 2015

Mayor Lisa Helps and City Councillors

1 Centennial Square

Victoria, B.C., V8W1P6

Re: Proposed Rezoning Application #00485 for 2330 Richmond Road

Dear Mayor Helps and City Councillors:

Further to North Jubilee Neighbourhood Association's June 2, 2015 letter to you in reference to this rezoning, the NJNA Land Use Committee has further comments to be considered in reply to the July 8, 2015 letter from the Sustainable Planning and Community Development Department.

The site plan indicates an asphalt parking area with concrete sidewalks. The developer's letter submitted with the Rezoning Application lists permeable pavers for the parking area. However, the landscape plan indicates walkway built with 6" smooth troweled concrete border and Aqua Pure Venetian Cobble with the parking area consisting of the same permeable material. Our LUC wishes to confirm that permeable materials will be used.

A concrete retaining wall will separate the patio from street view. From the plans this patio will be located at the corner of Bay Street and Richmond Road and will be screened by shrubs. Is concrete being used for sound abatement? Could a green wall be created and/or more natural materials used?

Landscape plan fencing is shown as black powder coated 3 ft. aluminum. Site plan indicates a height of 5ft. Which height will be used?

The landscaping plan indicates grasses and ferns on West and North side of property. Could taller shrubs and or trees be used to screen the family home on the North side? There are two cypress trees shown on the site plan, West Side...will these be protected during construction? If not, could taller trees also be used for screening?

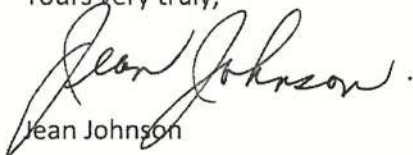
The right turn lane from Bay Street to Richmond Road is currently heavily traveled and the planned R turn in and R turn out from the driveway entrance for this proposed project will add to the congestion "Rolling" stops often occur at this corner and hospital pedestrian use also adds to the complexity.

The proposed height of this project has also been questioned with the comment that the style is not in keeping with our area and will be dated in a matter of years.

2.

We would appreciate your further advice in connection with this proposed application.

Yours very truly,

A handwritten signature in black ink, appearing to read "Jean Johnson". The signature is fluid and cursive, with a large initial "J".

Jean Johnson

NJNA Land Use Chair

Cc: Lucina Baryluk, Senior Process Planner

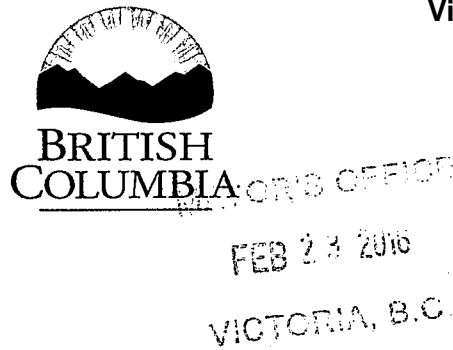
Hello Mayor and Councillors,

As a resident of North Jubilee, I would like to submit a few comments regarding the proposed 2330 Richmond Road rezoning application:

1. Visually, the building's size overwhelms neighboring housing
2. The contemporary nature of this design is a more natural fit with a newer area - does not suit the age and style of its neighbors
4. Mature trees could help soften the look from the street, dampen noise to tenants/owners, and provide privacy between this proposal and neighboring housing
5. Increased likelihood of vehicle and bicycle congestion at this corner due to the turn into the parking lot

I do not believe that this proposal is a good fit for North Jubilee.

Respectfully,
Sheena Bellingham



Reference: 218800

FEB 18 2016

Her Worship Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, British Columbia
V8W 1P6

Dear Mayor Helps:

Thank you for your letter to Honourable Christy Clark, Premier of British Columbia, regarding trophy hunting in British Columbia. As this issue falls under the purview of the Ministry of Forests, Lands and Natural Resource Operations, I have been asked to provide you with a response.

In your letter you request a prohibition on "trophy or sport hunting" within the province. It is important to note that the term "trophy or sport hunting" is subjective and carries different meaning to different hunters. For many hunters their most cherished trophy is their first harvested deer, for others it may be a specimen that carries desirable attributes, for example, an elk with large antlers or a sheep with full curl horns. Hunting can be a physically demanding activity that requires patience, agility, knowledge, and endurance. The prime examples of this are sheep hunters that spend significant time and resources accessing and exploring rugged terrain in pursuit of their quarry. However, this concept is not limited to sheep hunters, the same principles can be applied to the hunting of any species, and many hunters do feel that hunting is a sport. The concept of prohibiting "trophy or sport hunting" is difficult to quantify as most hunts inherently have a component of trophy or sport included. Without knowing your specific concerns with trophy or sport hunting it is not possible to provide a more detailed response.

One common interpretation of trophy or sport hunting implies that there is no sustenance component to the hunting activity. Current regulations under the *Wildlife Act* require that the edible portions (four quarters and the loins) of most harvested big game species must be retrieved. However, this requirement does not apply to grizzly bears or cougar, provided the hunter removes the hide of the harvested animal. It is assumed that by "trophy or sport" hunting you are referring to the hunting of species where there is no requirement to remove edible portions; the hunt is for the sole purpose of obtaining wildlife parts other than meat.

Page 1 of 2

Wildlife management in British Columbia incorporates a variety of objectives that reflect the interests of British Columbians, including ecological roles, conservation goals, recovery efforts in areas where grizzly bear populations are threatened, First Nations rights for food, social and ceremonial purposes, tourism and hunting. Hunting opportunities are only provided where such activities are biologically sustainable. Under no circumstances does the British Columbia government allow hunting that threatens the conservation of any species.

Wildlife viewing and tourism are recognized as important economic and social components of British Columbia's resource-based industries. Hunting and wildlife viewing are not mutually exclusive. The ministry manages game animals foremost for conservation and secondly with consideration for both wildlife viewing and hunting opportunities.

For more information on grizzly bear management in British Columbia, please visit the *Grizzly Bear Hunting Frequently Asked Questions* document, written in 2010, available online at: http://www.env.gov.bc.ca/fw/wildlife/management-issues/docs/grizzly_bear_faq.pdf

Thank you again for writing to express your concerns.

Yours truly,



Tom Ethier
Assistant Deputy Minister

pc: Honourable Christy Clark, Premier of British Columbia
Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource
Operations

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 3, 2016

For the Council Meeting of March 10, 2016, the Committee recommends the following:

1. Concerns Raised by the Applicant Regarding the Density Bonus Land Lift Analysis and Amenity Contribution for 605-629 Speed Avenue and 606-618 Frances Avenue

That Council postpone consideration, until the report on bonus density is considered by Council.

That Council reconfirm its motion of October 29, 2015, that endorses the recommendations in the density bonus community amenity contribution analysis dated September 13, 2013, and that the monetary contribution due to a density bonus be split equally between the Victoria Housing Fund and neighbourhood amenities within the Burnside-Gorge neighbourhood.

2. Rezoning Application No. 00485 for 2330 Richmond Road

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, 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 condition is met:

- Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.
- Staff obtain information from applicant and provide a recommendation to the protection of a certain number of units for rental housing, for a specified time period.

3. Development Permit Application No. 000457 for 66 & 68 Songhees Road

That Council authorize the issuance of Development Permit Application No. 000457 for 66 and 68 Songhees Road, in accordance with:

1. Plans date stamped January 28, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

4. Development Variance Permit Application No. 00168 for 360 Bay Street

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 Application No. 00168 for 360 Bay Street, in accordance with:

1. Plans date stamped January 7, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule "C", Section 16.C.12 reduce parking requirement from 10 to 7 parking stalls to accommodate an additional 15 seats in a bakery/restaurant to a total of 25 seats
3. The provision of bicycle parking to meet Schedule "C" requirements.
4. The Development Permit lapsing two years from the date of this resolution."

5. **Province of British Columbia – Licensed First Responder Naloxone Program**

That Council receive this report on the inclusion and delivery of Naloxone injection as a role of first responders administered through the First Responder program of the Victoria Fire Department and British Columbia Emergency Health Services (BCEHS).

6. **2015 External Audit Plan**

That Council receive this report dated February 24th, 2016 for information.

7. **Advocacy for B.C. Natural Lands Acquisition Fund**

That the Mayor, on behalf of Council, write to the Provincial Minister of Environment Mary Polak, copying the Premier, expressing the City of Victoria's support for the creation of a BC Natural Lands Acquisition Fund, to provide a stable financial mechanism for the Provincial government to partner with land owners, local governments and community organizations for the conservation of natural areas for biodiversity, recreation and economic development.

8. **Neighbourhood Integration of Regional Health Facilities at 955 Hillside Avenue and 950 Kings Road**

THAT Council direct staff to work with the Capital Regional Hospital District (CRHD), Island Health, the Downtown Blanshard Advisory Committee, the Hillside-Quadra Neighbourhood Action Committee, and neighbourhood residents to support effective neighbourhood integration of health facilities at 955 Hillside Avenue and 950 Kings Road, with particular reference to: preservation of greenspace; highway access for 955 Hillside Avenue; opportunities for neighbourhood use; and opportunities for alignment of CRHD-led precinct planning for 950 Kings Road with City-led local area planning for the Hillside-Quadra neighbourhood, as well as long-term planning relating to the BC Housing property at Evergreen Terrace, adjacent to the CRHD properties.

AND THAT staff report back to Council on how Development Cost Charges relating to 955 Hillside Avenue can support effective integration of this health facility into the neighbourhood, including opportunities for the provision of neighbourhood amenities.

9. **Conference Attendance Request - Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting and Convention**

That Council approves the attendance of Councillor Jeremy Loveday at the 2016 AVICC AGM and Convention.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 10, 2016

For the Council Meeting of March 10, 2016, the Committee recommends the following:

1. Basic Income Guarantee

That the City of Victoria endorse a national conversation on a Basic Income Guarantee for all Canadians; and

That the Mayor, on behalf Council, write to Prime Minister Trudeau and Premier Clark, and to the federal and provincial Ministers of Health, Social Development, Children and Family Services, and Justice, urging the provincial and federal governments to work together to consider, investigate, and develop a Basic Income Guarantee for all Canadians; and

That this resolution be forwarded to other municipal and regional governments in British Columbia with the request that they consider indicating their support for this initiative; and

That this resolution be forwarded to the Association of Vancouver Island and Coastal Communities, the Union of BC Municipalities and the Federation of Canadian Municipalities, with the request that they include proposing a Basic Income Guarantee in their respective engagements with the provincial and federal governments.

2. Amendment to the Heritage Revitalization Agreement dated July 24, 2014, for 151 Oswego Street

That Council instruct staff to amend Schedule A of the Heritage Revitalization Agreement (HRA) to allow double glazing for all new windows for 151 Oswego Street subject to the owner providing a letter of consent to amend the HRA.

That the amendment advance concurrently with the amendment approved by Council on April 30, 2015, to amend the HRA to accommodate changes to the east addition in accordance with:

1. Plans date stamped February 11, 2015.
2. Letters of engagement from the Registered Professionals, dated November 30, 2014, and January 5, 2015, respectively.

3. Ship Point Design Competition

That Council:

1. Endorse a 'design competition' to fulfil the 2016 strategic plan action to identify a pilot or 'pop-up' placemaking project to undertake in 2016; and
2. Approve the use of \$45,000 from Downtown Core Area Public Realm Improvement Reserve Fund.
3. That the jury committee include the Downtown Resident's Association.

4. Resource Implications of Outdoor Sheltering

That Council:

1. Direct staff to provide a summary report on City resources devoted to outdoor sheltering in the past 12 months, including the location, frequency and nature of service calls where available, and the number of employees, hours, and estimated total costs associated with these service calls;

2. Request that the Victoria Police Department provide a summary report on VicPD resources devoted to outdoor sheltering in the past 12 months, including the location, frequency and nature of service calls where available, including numbers of officers and duration of service calls, while respecting the need for confidentiality in criminal investigations.
3. Request that the Province provide a summary of its actual and anticipated costs and service calls relating to sheltering adjacent to the Victoria Courthouse in the previous 12 months.
4. That the City staff report include available data on changes in available shelter spaces in the preceding 12 months.

5. Sewage Treatment

That Council:

1. Request that the CRD meet with the Fairfield Gonzales CALUC and present a concept drawing of an underground plant at Clover Point and engage the Community with regard to their concerns and desires specific to this concept.
2. THEN the CRD report back to Council and also present a concept plan for an underground plant to Council.
3. That Council's consideration of any approval in principle of expansion of existing waste-water facilities at Clover Point would be based on conditions including, but not limited to:
 - (1) That staff work through the Local Area Planning process to engage residents of Fairfield, Gonzales and other Victoria neighbourhoods to identify neighbourhood amenities and community amenities that would be provided to ensure the most effective integration of this project into the neighbourhood and city;
 - (2) The surface of the entire footprint of the proposed site being restored upon completion as publicly accessible parkland, with the final elevation of the parkland not to exceed the current elevation of the roadway at Dallas Road;
 - (3) The provision of a neighbourhood amenity and community amenity package to the satisfaction of the City of Victoria; and
 - (4) Mitigation of construction impacts, including: provision for potential continuous waterfront public access around the perimeter of Clover Point from Dallas Road Park in the west to Ross Bay in the east; aesthetic features including artistically adorned hoarding; negotiation of permissible working hours; and provision around access, egress and transport to the site.
4. All of the above is subject to land use approval by Council.



**Council Member Report
For the Council Meeting of March 10, 2016**

To: Council

Date: March 3, 2016

From: Councillors Young and Isitt

Subject: Neighbourhood Input on Douglas Street Southbound Bus Lane Implementation

Background:

On February 25, 2016, Victoria City Council approved a motion endorsing in principle street widening of Douglas Street between Hillside Avenue and Tolmie Avenue for a south-bound bus priority lane, "subject to further community engagement and detailed design improvements that aim to minimize impacts and improve the overall public realm and design improvements and reflect objectives of the local area planning process."

Residents of the Burnside-Gorge neighbourhood have expressed concern relating to the retention of trees and opportunities for new pedestrian crossings.

It is therefore recommended that Council provide additional direction to staff and BC Transit to supplement the motion of February 25, 2016, with a view toward identifying design improvements that meet the aspirations and concerns of residents of the neighbourhood to the greatest extent possible.

Recommendation:

THAT Council provide additional direction to supplement the motion of February 25, 2016 regarding the BC Transit Southbound Bus Lane proposal on Douglas Street, requesting that staff and BC Transit convene a design workshop with Burnside-Gorge residents and other members of the public to explore opportunities for: (1) the retention of trees and greenspace; (2) provision for replacement trees or greenspace; (3) new pedestrian crossings along Douglas Street between Hillside Avenue and Tolmie Avenue; and (4) application of "complete streets" principles as part of this infrastructure project.

Respectfully submitted,

A large, stylized blue ink signature of Councillor Geoff Young.

Councillor Geoff Young

A stylized blue ink signature of Councillor Ben Isitt.

Councillor Ben Isitt



**Council Member Report
For the Council Meeting of March 10, 2016**

To: Council

Date: March 4, 2016

From: Councillors Isitt and Loveday

Subject: Advocacy for Reinstatement of BC Bus Pass Benefit

Background:

The Provincial budget tabled on February 16, 2016 increased income-assistance payments for people with disabilities by \$77 per month, but removed the benefit of a subsidized BC Bus Pass or Special Transportation Subsidy for recipients, resulting in a net increase of between \$11 and \$25 per month for people with disabilities who rely on public transit. Prior to this budget, the income-assistance payment for people with disabilities in British Columbia was frozen for nine years, translating into a substantial reduction in real purchasing power in light of ongoing increases in the cost of living.

The City of Victoria's Strategic Plan identifies Objective #6, Promote Social Inclusion and Community Wellness, including the ongoing action of advocacy to ensure residents have the income and supports they need to live with dignity and participate in the local economy.

It is therefore recommended that the Mayor write to the Province of British Columbia requesting reinstatement of the BC Bus Pass benefit and Special Transportation Subsidy for people with disabilities.

Recommendation:

That Council request that the Mayor, on behalf of Council, write to the Minister of Social Development and Social Innovation, copying the Premier, requesting that the BC Bus Pass benefit and Special Transportation Subsidy for people with disabilities be reinstated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Ben Isitt

A handwritten signature in blue ink, appearing to read "Jeremy Loveday".

Councillor Jeremy Loveday



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 15, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Bylaw Amendments Related to Development Permit Exemptions and Delegation – Update

RECOMMENDATION

That Council:

1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).
2. Consider consultation 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 amendments.
3. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).
4. Refer Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), for consideration at a Public Hearing.
5. Allow an opportunity for public comment regarding Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, concurrent with the Public Hearing for OCP Amendment Bylaw No. 20.
6. After the Public Hearing consider adopting Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), and Bylaw No. 16-028 Land Use Procedures Bylaw, 2016.

LEGISLATIVE AUTHORITY

In accordance with Section 472 of the *Local Government Act*, Council may adopt one or more official community plans. During the development or amendment of an official community plan, Council must provide opportunities for consultation as set out in Section 475 of the *Local Government Act*. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

In accordance with Section 460 of the *Local Government Act*, if a local government has adopted an official community plan or a zoning bylaw it must define procedures under which an owner may apply for an amendment to the plan or obtain a permit under Part 14 of the *Local Government Act*.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward, for Council's consideration, an Official Community Plan (OCP) Amendment Bylaw as well as amendments to the Land Use Procedures Bylaw, as directed by Council's motion from November 26, 2015 (Attachment 1). Additionally, the proposed bylaws advance a number of other amendments intended to clarify and simplify the language and to ensure accuracy and thoroughness.

The Official Community Plan Amendment Bylaw (Attachment 2) serves to:

1. Exempt the construction, placement or alteration of a building or structure that has a total floor area no greater than 9.2m² (100ft²) from requiring development permits in the following areas:
 - a. DPA 4: Town Centres
 - b. DPA 5: Large Urban Villages
 - c. DPA 6A: Small Urban Villages
 - d. DPA 7A: Corridors
 - e. DPA 10A: Rock Bay
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct
 - h. DPA 15A: Intensive Residential Small Lot
 - i. DPA 15B: Intensive Residential Panhandle Lot
 - j. DPA 15D: Intensive Residential Duplex
 - k. DPA 16: General Form and Character.
2. Exempt changes to existing landscaping, other than landscaping identified in a development permit for the property from requiring development permits in the following areas:
 - a. DPA 5: Large Urban Villages
 - b. DPA 6A: Small Urban Villages
 - c. DPA 7A: Corridors
 - d. DPA 10A: Rock Bay
 - e. DPA 11: James Bay and Outer Harbour
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct.
3. Clarify the language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

The Land Use Procedures Bylaw Amendment (Attachment 3) serves to:

1. Delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
 - a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage;
 - b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential

- iii. DPA 4: Town Centres
- iv. DPA 5: Large Urban Villages
- v. DPA 6A: Small Urban Villages
- vi. DPA 6B (HC): Small Urban Villages Heritage
- vii. DPA 7A: Corridors
- viii. DPA 7B (HC): Corridors Heritage
- ix. DPA 10A: Rock Bay
- x. DPA 10B (HC): Rock Bay Heritage
- xi. DPA 11: James Bay and Outer Harbour
- xii. DPA 12 (HC): Legislative Precinct
- xiii. DPA 13: Core Songhees
- xiv. DPA 14: Cathedral Hill Precinct;
- c. Accessory Buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
- d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
- e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
- f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes;
- g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes;
- h. Replacement of exterior materials on existing buildings;
- i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years;
- j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.

2. Simplify and clarify language in the Land Use Procedures Bylaw to:

- a. update references to be consistent with the *Official Community Plan, 2012*;
- b. clarify the sign bylaw variance process;
- c. set a time limit for cancelling applications which are inactive;
- d. clarify fee schedules;
- e. clarify notification requirements for Heritage Revitalization Agreements;
- f. introduce new procedures for Rezoning Application site sign requirements.

3. Update the Land Use Procedures Bylaw to:

- a. reflect the current numbering of the *Local Government Act*;
- b. incorporate changes to enable Temporary Use Permits to be processed as intended by the *Local Government Act*;
- c. include recent changes to City governance practices.

PURPOSE

The purpose of this report is to bring forward an Official Community Plan (OCP) Amendment Bylaw as well as a Land Use Procedures Amendment Bylaw for Council's consideration, as directed by Council's motion from November 26, 2015. The proposed OCP Amendment Bylaw will exempt the need for development permits for buildings and structures with a floor area no greater than 9.2m² as well as for the replacement of existing landscaping where the landscaping does not form part of an approved development permit. The Land Use Procedures Bylaw Amendment will delegate authority to staff to review and potentially approve a number of minor changes to buildings and landscaping as well as to approve small additions in some Development Permit Areas and Heritage Conservation Areas as noted above. Delegated authority would not extend to any circumstances where variances are required and would not expand the current limited role that staff have in relation to reviewing and approving minor changes and improvements to buildings that are on the City's Heritage Register including those that are designated.

BACKGROUND

The proposed OCP Amendment Bylaw (Attachment 2) and Land Use Procedures Bylaw Amendment (Attachment 3) have both been prepared based on a Council motion from November 26, 2015 (Attachment 1). As directed by Council on November 14, 2013 (minutes included as Attachment 4), the proposed Land Use Procedures Bylaw Amendment also includes amendments related to:

- updating references to be consistent with the *Official Community Plan, 2012*;
- clarifying sign bylaw variance process;
- setting a time limit for cancelling applications which are inactive;
- clarifying fee schedules;
- clarifying notification requirements for Heritage Revitalization Agreements;
- introducing new procedures for Rezoning Application site sign requirements

The delay in advancing these amendments was in part due to competing priorities and partially because it was more efficient to roll-in the Council's direction related to changes needed to establish a degree of delegated authority.

Finally, the proposed Land Use Procedures Bylaw Amendments also advances, for Council's consideration, changes to the City's method of processing Temporary Use Permits. The City's practice to date has been to treat temporary commercial and industrial permits like rezoning applications which is not particularly efficient, is not the normal process used by other municipalities and is not consistent with the *Local Government Act*.

ISSUES & ANALYSIS

The following sections detail a number of updates and changes that have been included in the proposed bylaws, recommended for Council's consideration, in order to advance bylaws which will be as thorough and accurate in their approach, as possible.

Official Community Plan Amendment

Omission of DPA 7A in Council Motion

Staff have noted a minor typographical error from the related Council minutes from November 26, 2015 related to the proposed development permit exemption for buildings and structures not greater than 9.2m². However, the staff report from November 26, 2015, that was presented to Planning and Land Use Committee and Council identified both DPA 10A: Rock Bay as well as DPA 7A: Corridors. Therefore, although the Council motion did not reference DPA 7A: Corridors, the proposed OCP Amendment Bylaw does include DPA 7A: Corridors.

Development Permit Requirements for Landscaping Changes in DPA 15A, DPA 15B, DPA 15D and Landscaping in DPAs 15A, 15B, 15C, 15D, 15 E and DPA 16.

The intent of the original Council motion and staff report from November 26, 2015, included exempting changes to existing landscaping within various development permit areas including DPA 15A, DPA 15B, DPA 15D and DPA 16. However, through further review, staff confirmed that the provisions contained in Section 489 of the *Local Government Act* do not require a development permit for the alteration of land (landscaping) within Development Permit Areas 15A, 15B, 15C, 15D and 16, after the initial construction and landscaping associated with a Development Permit is complete. Therefore, these Development Permit Areas have not been identified within the attached OCP Amendment Bylaw, because they are in essence already exempt.

Updated Numbering and Language Clarity

The proposed OCP Amendment Bylaw also includes updated references to specific sections of the *Local Government Act* which were recently renumbered. These reference updates have been restricted to the Overview section of Appendix A until a more comprehensive update of the OCP is completed. The OCP Amendment Bylaw also includes minor amendments to the language contained within the Overview section of Appendix A to improve clarity and interpretation of when a development permit is required. The suggested changes to the existing language do not alter the overall intent or scope of the existing language.

Land Use Procedures Bylaw

Updated Numbering and Language Clarity

The proposed Land Use Procedures Amendment Bylaw includes updated references to specific sections of the *Local Government Act* which were recently renumbered. It also simplifies and clarifies language to make the Bylaw more user-friendly, without changing the intent of the original content; this work is consistent with the direction provided by Council on November 14, 2013.

Governance Changes

A number of changes have been incorporated into the proposed Land Use Procedures Amendment Bylaw in order to reflect recent changes to the City's governance structure and to allow for maximum flexibility to incorporate future changes. Recommended changes include items like changing references to specific Committees of Council (Planning and Land Use Committee) to a more general term and to clarify the distinction between a public hearing (rezoning applications) and an opportunity for comment at a meeting of Council (variance applications).

Clarification Regarding Extent of Delegation for Heritage Registered and Designated Properties

The proposed amendments to the Land Use Procedures Bylaw have been drafted to not expand the current scope of staff authority that is in place to review and approve minor changes and improvements to heritage registered and designated buildings; however, the table included as an appendix to the August 27, 2015 Planning and Land Use Committee Report (attached) indicates that no delegated authority at all, was recommended for these types of properties. If there was absolutely no delegated authority for these situations, there would be an increase of approximately 20 to 30 reports and applications per year, needing to be considered by Council. It is recommended that the current approach remain as is, where any additions (of any size) to heritage buildings would be referred to Council; however, staff would continue to review and potentially approve items such as landscaping and replacement of exterior materials when consistent with approved guidelines. New areas of delegated authority in relation to heritage properties would be limited to a one time renewal of previously approved Heritage Alteration Permits where there has been no change to the proposal, regulations or policy and temporary trailers associated with the construction and marketing of projects.

Temporary Use Permits

After legal review and advice, it was determined that temporary commercial and industrial use permits should follow the process of a permit (versus a rezoning) which will make processing quicker, less costly for applicants and will make better use of Council and staff time. Additionally, it provides Council with a more expedient method to "try out" uses on a temporary basis and is consistent with recommendations and feedback received at the Development Summit. The OCP designates the entire City as appropriate for Temporary Use Permits which is a necessary precondition for Council to consider Temporary Use Permits. The process used to date has been the same as a rezoning application; however, by processing as a rezoning the processing requirements and length of time is increased as compared to the processing of a permit. There has only been one Temporary Use Permit since the adoption of the OCP in 2012, which may in part be due to the onerous nature of the process. The processing time and cost will be shorter for the applicant, and there is still an opportunity for public comment prior to Council's consideration of these types of permits.

OPTIONS & IMPACTS

1. Provide first and second reading to the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw Amendment and refer to a Public Hearing for further consideration **(Recommended)**.

This option would continue to support Council's previous direction from November 26, 2015, and will allow Council to receive additional feedback through a Public Hearing prior to Council's consideration and decision.

2. Maintain Status Quo

If Council does not advance the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw to a Public Hearing, the limitations of the current system will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegations help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

Impacts to 2015 - 2018 Financial Plan

There are no additional financial resources required to prepare the proposed OCP Amendment Bylaw or Land Use Procedure Bylaw Amendment.

Official Community Plan (OCP), 2012 - Consistency Statement

The proposed development permit exemptions and delegations are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

CONCLUSIONS

The proposed development permit exemptions and delegations are a positive initiative that will support the streamlining of the development approval process and reduce the overall volume of development applications. The proposed changes are also consistent with the previous Council direction from November 26, 2015, and in direct support of the City's *Strategic Plan* and the *Development Summit Action Plan*.

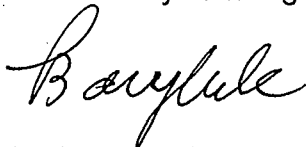
Respectfully submitted,



Robert Batallas
Senior Planner
Community Planning Division

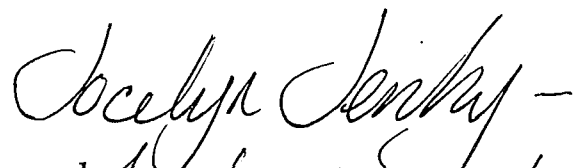


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Lucina Baryluk,
Senior Process Planner
Development Services Division

Report accepted and recommended by the City Manager:


Date: March 4, 2016

List of Attachments

- Attachment 1: Council Motion – November 26, 2015
- Attachment 2: Proposed OCP Amendment Bylaw (Bylaw 16-027)
- Attachment 3: Proposed Land Use Procedures Bylaw, 2016 (Bylaw 16-028)
- Attachment 4: Council Motion – November 14, 2013.
- Attachment 5: November 16, 2015 and August 27, 2015 Planning and Land Use Committee Reports

REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – November 26, 2015

1. Delegated Authority and Exemptions for Development Permits:

It was moved by Councillor Alto, seconded by Councillor Lucas,:

1. Prepare an Official Community Plan (OCP) Amendment Bylaw:

- a. To exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 10A: Rock Bay
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - b. To exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - c. To clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.
- #### **2. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:**
- a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage.
 - b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages

- vi. DPA 6B (HC): Small Urban Villages Heritage
- vii. DPA 7A: Corridors
- viii. DPA 7B (HC): Corridors Heritage
- ix. DPA 10A: Rock Bay
- x. DPA 10B (HC): Rock Bay Heritage
- xi. DPA 11: James Bay and Outer Harbour
- xii. DPA 12 (HC): Legislative Precinct
- xiii. DPA 13: Core Songhees
- xiv. DPA 14: Cathedral Hill Precinct
- c. Accessory Building in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex
- d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District.
- e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs.
- f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes.
- g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes.
- h. Replacement of exterior materials on existing buildings.
- i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years.
- j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
- k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
- l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
- 3. Develop and implement a process to monitor and evaluate the effectiveness and impacts of the proposed delegation authority and report to Council at six months and one year on the effectiveness of the system. After one year, that Council will consider an annual review.

Carried Unanimously

Council meeting
November 26, 2015

NO. 16-027

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Official Community Plan to exempt certain types of development, in certain areas of the City, from the requirement to obtain a development permit.

Under its statutory powers, including Sections 471 to 475 and 488 to 491 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. 20)".
2. Bylaw No. 12-013, Official Community Plan Bylaw, 2012, is amended in Schedule A by making the following changes to Appendix A, "Development Permit Areas and Heritage Conservation Areas":
 - a) In "Overview", subsections 1(b)(i) and (ii) are deleted and replaced with the following:
 - (i) the provisions of each of those designated areas shall apply, and
 - (ii) an exemption relating to one designated area only relieves the requirement for a permit under that designation, not under other designations applicable to the land;
 - b) In "Overview", Subsection 2(a) is deleted and replaced with the following:

"(a) Development Permit Areas: In accordance with Section 488(4) of the Local Government Act, a Development Permit is not required in any designated Development Permit Areas under any of the following conditions:";
 - c) In "Overview", Subsection 2(b) is deleted and replaced with the following:

"(b) HCAs: In accordance with section 614(3)(a) of the Local Government Act, a heritage alteration permit is not required in any designated heritage conservation areas under any of the following conditions:";
 - d) In "DPA 4: Town Centres", the following subsection is added as a specific exemption, immediately after subsection 2(b)(ii):

"(iii) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, that does not exceed 9.2m²."

and the existing text in subsection 2(b) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.
 - e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- f) In "DPA 6A: Small Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- g) In "DPA 7A: Corridors", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- h) In "DPA 10A: Rock Bay", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- i) In "DPA 11: James Bay and Outer Harbour", the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (2):

"(3) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- j) In "DPA 13: Core Songhees", the following subsections are inserted as specific exemptions immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²;

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property; or"

and the existing subsection 2(b)(i) (3) is renumbered subsection 2(b)(i) (5).

- k) In "DPA 14: Cathedral Hill Precinct" the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- l) In "DPA 15A: Intensive Residential – Small Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (3):

"(4) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- m) In "DPA 15B: Intensive Residential – Panhandle Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (5):

"(6) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- n) In “DPA 15D: Intensive Residential – Duplex” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (6):

“(7) he construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- o) In “DPA 16: General Form and Character” the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (4):

“(5) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

READ A FIRST TIME the _____ day of _____ 2016.

READ A SECOND TIME the _____ day of _____ 2016.

Public Hearing held on the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____ 2016.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-028

Attachment 3

LAND USE PROCEDURES BYLAW**A BYLAW OF THE CITY OF VICTORIA**

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a land use contract or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. Title
2. Repeal
3. Severability
4. Definitions
5. Applications Subject to this Bylaw

PART 2 – APPLICATIONS

6. Pre-Application Community Meeting Requirements
7. Notification Distance
8. Waiving a Community Meeting
9. Applications Forms

10. Application Requirements
11. Evidence of Participation in a Community Meeting
12. Declared value of buildable floor area
13. Declared value of construction
14. Receipt of Applications
15. Incomplete applications
16. Notification of incomplete applications
17. Application referral
18. Application review summary
19. Council referral
20. Application Fee
21. Refund
22. Refund of administration fee
23. Cancellation of Applications
24. Reapplication – cancelled file
25. Application Sign Posting Requirements – permits
26. Application Sign Posting Requirements – other applications
27. Public hearing
28. Right to waive a public hearing
29. Opportunity for public comment
30. Notice of public hearing
31. Notice of opportunity for public comment
32. Notice requirements for temporary use permits or development variance permit
33. Reapplications

PART 3 – DELEGATION AND RECONSIDERATION

34. Types of Permits
35. Referral
36. Referral consideration
37. Council reconsideration
38. Time limit for reconsideration

- 39. Notice of reconsideration
- 40. Representation to Council
- 41. Council's authority

SCHEDULES

- Schedule A Application Fees
- Schedule B Procedures for Sign Posting– Permits
- Schedule C Procedures for Sign Posting – Other Applications
- Schedule D Delegated Approvals

PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

- 3. If any Section, subsection, sentence clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

- 4. In this bylaw,
 - "**ADP**" means
the City's Advisory Design Panel
 - "**CALUC**" means
Community Association Land Use Committee
 - "**Committee**" means
a select or standing committee of Council
 - "**Community Meeting**" means
a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

“development permit” or “DP” means

a permit authorized by Section 490 of the *Local Government Act*

“development variance permit” or “DVP” means

a permit authorized by Section 489 of the *Local Government Act*

“Director” means

the City's Director of Sustainable Planning and Community Development Department

“HAPL” means

the City's Heritage Advisory Panel;

“heritage alteration permit” means

a permit authorized by Section 617 of the *Local Government Act*

“heritage revitalization agreement” means

an agreement authorized by Section 610 of the *Local Government Act*

“Official Community Plan” or “OCP” means

the City's Official Community Plan Bylaw, 2012

“public comment” means

members of the public addressing Council, other than at a public hearing, regarding the subject matter of a decision Council proposes to make

“public hearing” means

a public hearing that is required to be held under the *Local Government Act* before Council adopts a bylaw

“TRG” means

the Technical Review Group composed of City of Victoria staff

“zoning bylaw” means

the City's Zoning Regulation Bylaw

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
 - (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract;
 - (d) a temporary commercial or industrial use permit;

- (e) a heritage revitalization agreement;
- (f) a development variance permit;
- (g) a development permit;
- (h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application community meeting requirements

- 6. Before submitting an application to initiate changes to the OCP or the zoning bylaw the applicant must:
 - (a) pay to the City the community meeting notification fee as calculated in accordance with Schedule A of this Bylaw; and,
 - (b) arrange and participate in a Community Meeting.

Notification Distance

- 7. The City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within:
 - (a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 26 of this Bylaw;
 - (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
 - (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving a Community Meeting

- 8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:
 - (a) in writing by the CALUC in the area in which the proposed development is located;
 - (b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;
 - (c) by Council.

Application Forms

- 9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
 - (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Declared value of buildable floor area

12. An application for an amendment to the zoning bylaw, or for a heritage revitalization agreement or amendment, must include a declaration of the value of the buildable floor area permitted under the amendment or agreement, as certified by a qualified professional.

Declared value of construction

13. An application for a development permit or a heritage alteration permit must include a declaration of the value of construction proposed under the permit, as certified by a qualified professional.

Receipt of applications

14. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

15. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

16. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

17. When processing an application, the Director may refer the application to other agencies or associations, the TRG, or other staff members.

Application Review Summary

18. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 17.

Council Referral

19. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

20. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for the community meeting;
 - (b) the base application fee;
 - (c) the large project fee;
 - (d) the administration fee; and
 - (e) the resubmission fee.

Refund

21. An applicant who has paid the base application fee, or the large project fee, or both, is entitled to:
 - (a) a 90% refund if the application is formally withdrawn prior to the review of the application by the TRG;
 - (b) a 75% refund if the application is withdrawn or cancelled after the TRG review but prior to being placed on an agenda for a Committee of Council.

Refund of administration fee

22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing, the waiver of a public hearing, or an opportunity for public comment in relation to the application.

Cancellation of Applications

23. If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

Reapplication - cancelled file

24. An applicant wishing to reopen a closed file must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 33 of this Bylaw does not apply.

Application Sign Posting Requirements - Permits

25. A person who submits an application for any of the following must post signage in compliance with Schedule B of this Bylaw:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances
 - (d) a temporary commercial or industrial use permit.

Application Sign Posting Requirements – Other applications

26. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan Bylaw* amendment;
 - (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Public hearing

27. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw;
 - (b) amend the OCP;
 - (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Right to waive a public hearing

28. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consisted with the OCP.

Opportunity for public comment

29. Council may provide an opportunity for public comment before passing a resolution to issue:
- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;
 - (b) a development permit with variances;

- (c) a heritage alteration permit with variances; or,
- (d) a temporary commercial or industrial use permit.

Notice of public hearing

30. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 m:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw.

Notice of opportunity for public comment

31. If Council proposes to provide an opportunity for public comment, the City will mail or otherwise deliver notice of the opportunity to the owners and occupiers of all parcels that are the subject of, or that are adjacent to the parcels that are the subject of, the permit in relation to which Council proposes to make a decision.

Notice requirements for temporary use permits or development variance permit

32. For clarity, nothing in this bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the City's obligation, under Section 494 or Section 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a temporary use permit or a development variance permit.

Reapplications

33. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

34. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out column C.

Referral

35. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

36. If the Director refers an application as contemplated in Section 35 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Director, the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

READ A FIRST TIME on the day of 2016.

READ A SECOND TIME on the day of 2016.

READ A THIRD TIME on the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria
Bylaw No. 16-028**

Schedule A

APPLICATION FEES

1 Pre-application fee

The pre-application fee, for giving notice of a Community Meeting, is:

- (1) \$400.00 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$800 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 Base application fee

- (1) The base application fee for the following applications is \$1400:
 - (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan* amendment;
 - (c) an application to amend a land use contract, if the if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
- (2) For applications that would enable the creation of new small lots as defined in the OCP, the base application fee is applicable to each potential new small lot.
- (3) The base application fee for Development Permits and Heritage Alteration Permits with or without variances is outlined in the following table plus \$250 for each variance that is requested or proposed in the application, based on the declared value of the construction that is contemplated in the application, as follows:

Declared Value of Construction:	Base Application Fee
Less than \$25,000	\$200
\$25,000 to \$2,000,000	\$500

- (4) The base application fee for a Development Variance Permit is \$500, plus \$250 for each variance that is requested or proposed in the application.

- (5) The base application fee for a Development Permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.
- (6) The base application fee for a permit which the Director is authorized to issue is \$200.
- (7) There is no application fee for a heritage alteration permit without variances for single family dwellings or duplexes.

3 Administration Fee

- (1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is \$1200.00.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is \$200.00.

4 Large Project Fee

- (1) The Large Project Fee for applications to amend the zoning bylaw or amend or enter into a heritage revitalization agreement applies if the value of the total buildable floor area permitted under the proposed amendment or agreement exceeds \$2 million.
- (2) The value of the total buildable floor area shall be calculated as follows:
 - (a) The site area used in the calculation of the Large Project Fee includes all lots subject to the application.
 - (b) For the purpose of calculating the Large Project Fee, the maximum floor space ratio or building floor area is used that is possible under the *Zoning Regulation Bylaw Amendment* or Heritage Revitalization Agreement bylaw (as the case may be), not the amount of floor area proposed by the application.

Step 1 – Calculation of Value of Buildable Floor Area						
Site area (m ²)	X	Maximum FSR	X	Cost per m ²	=	Value of buildable floor area

Step 2 - Calculation of Large Project Fee						
Value of buildable floor area (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (3) The Large Project Fee for an application to amend the zoning bylaw or amend or enter into a heritage revitalization agreement shall be calculated as follows:
- (4) The Large Project Fee for a development permit or a heritage alteration permit application applies if the value of the construction value under the proposed amendment or agreement exceeds \$2 million.

- (5) The construction value shall be calculated as follows:

Step 1 – Calculation of Construction Value of Building				
Total floor area including basement (m ²)	X	Cost per m ²	=	Construction value of building

- (6) The Large Project Fee for a development permit or a heritage alteration permit application shall be calculated as follows:

Step 2 - Calculation of Large Project Fee						
Construction value of building (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (7) If an application subject to the Large Project Fee under both section 4(1) and 4(4) of this Schedule, the Large Project Fee will only be assessed once for the application.

5 Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.
- (2) If revised plans are a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

**City of Victoria
Bylaw No. 16-028**

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. For the following applications, a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) Development variance permit;
 - (b) Development permit with variances;
 - (c) Heritage alteration permit with variances;
 - (d) Temporary commercial or industrial use permit.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. For the following applications a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) rezoning;
 - (b) application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (c) official community plan bylaw amendment;
 - (d) heritage revitalization agreement, if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
3. The applicant shall, at its sole expense:
 - (e) prepare the sign or signs in accordance with the specifications provided by the City;
 - (f) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (g) post additional meeting notices and additional signs if required by the City;
 - (h) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

A. Permit Types	B. DPAs and HCAs	C. Conditions
DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
HAP without variances for a single family dwelling or duplex	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas	The permit being renewed must be: <ul style="list-style-type: none"> o unexpired at the time of application; o unchanged from the original application; and o not subject to any new policies or regulations. Permit valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay	Permit is valid for two years from the date of issuance.

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential - Duplex	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions and floating structures that do not exceed 100 m ² in floor area	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	<p>The proposed guidelines must comply with applicable guidelines.</p> <p>Permit is valid for two years from the date of issuance.</p> <p>A landscape security may be required to ensure compliance with the approved plans.</p>
Temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas	<p>Temporary buildings and structures located on private property.</p> <p>Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.</p>
Temporary construction trailers and temporary residential unit sales trailers	All DP Areas	<p>Temporary construction trailers and temporary residential unit sales trailers located on private property.</p> <p>Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:</p> <ul style="list-style-type: none"> ○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or ○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or ○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.

Attachment 4

REPORTS OF THE COMMITTEE

Governance and Priorities Committee – November 7, 2013

Amendment to Land Use Procedures Bylaw to Update References to OCP and other minor changes

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council approve:

1. That the City Solicitor be instructed to prepare a consolidated version of the *Land Use Procedures Bylaw* incorporating the changes as proposed in this report and further minor changes for legal purposes as required.
2. That the City Solicitor be instructed to prepare an amendment to the *Sign Bylaw* to provide for an amendment by way of a Development Variance Permit specific to signs and associated fees.

Carried Unanimously

Council Minute
November 14, 2013



Planning and Land Use Committee Report

For the Meeting of September 10, 2015

To: Planning and Land Use Committee **Date:** August 27, 2015

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Delegated Authority and Exemptions for Development Permits

RECOMMENDATIONS

That Committee forward this report to Council for consideration and that Council direct staff to:

1. Prepare an Official Community Plan (OCP) amendment bylaw:
 - a. to exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 7A: Corridors
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

2. Undertake public consultation to receive feedback on the proposed Official Community Plan amendment bylaw and report back to Council with a summary of comments received prior to a Public Hearing.
3. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications when consistent with relevant policy:
 - a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
 - b. new buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages
 - vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct;
 - c. accessory buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
 - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
 - e. floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
 - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
 - g. renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes;
 - h. replacement of exterior materials on existing buildings;
 - i. temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to five years;
 - j. temporary construction trailers on private property;
 - k. temporary residential unit sales trailers on private property;
 - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
4. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority initiative and report to Council with an annual summary of findings and recommendations.

EXECUTIVE SUMMARY

The purpose of this report is to seek direction from Council to advance two key initiatives that are in direct support of the *City of Victoria Strategic Plan 2015-2018*, annual Development

Summit feedback, and the *Official Community Plan* (OCP) monitoring and evaluation program. The first initiative is to prepare an Official Community Plan amendment bylaw to exempt certain forms of 'minor' development (small scale buildings/structures and changes to existing landscaping) from requiring development permits within specific Development Permit Areas and associated with these proposed amendments, to provide improved language in the OCP so it is clear when a permit is and is not required. The minor forms of development that are proposed to be exempted from development permits typically have minimal impacts on the form and character of the surrounding area including the public realm and could be adequately reviewed through the *Zoning Regulation Bylaw* in combination with the proposed conditions described in Attachment 1.

The second initiative is to prepare an amendment to the *Land Use Procedures Bylaw* to provide staff with delegated authority to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with approved City policy. Both of these initiatives were identified through the Development Summits as a means to reduce the overall volume of development applications and a way to streamline the development application process.

The delegation approach would also help to streamline the review process for a number of relatively straight-forward development proposals, shortening timelines for applicants and reducing the number of applications that need to be processed through to a Council decision point. It is anticipated that processing times for delegated applications would be typically reduced from approximately three to four months down to two to four weeks. A number of informal review processes would also be regularized with the implementation of this approach, enhancing staff's ability to review and respond to development and business requirements related to needing temporary structures as well as building maintenance and upgrades. Staff also propose to monitor and evaluate the overall effectiveness and benefits of the delegated authority initiative and provide Council with an annual summary of outcomes and recommendations.

If Council endorses the proposed development permit exemptions, staff will report back to Council with an Official Community Plan amendment bylaw that will be subject to a Public Hearing process in accordance with the requirements of the *Local Government Act*. Similarly, if Council endorses the proposed delegation authority initiative, staff will report back to Council with a Land Use Procedures Bylaw amendment and a detailed outline of the administrative review process for the proposed delegated development permit and heritage alteration permit applications for Council's consideration.

PURPOSE

The purpose of this report is to provide Council with information, analysis and recommendations to support Council's consideration of exempting specific forms of minor development from requiring development permits and to establish a system of delegated authority to enable staff to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with established City policy. These initiatives have been identified as key outcomes from the annual Development Summits and also provide a means to streamline development applications in support of the *City of Victoria Strategic Plan 2015-2018* and the OCP monitoring and evaluation program.

BACKGROUND

Previous Council Consideration of Delegated Authority

Over the past three years, a series of reports and Council workshops have been advanced for Council's consideration which explored the possibility of delegating authority to staff to approve a range of DPs and HAPs. Copies of these Council reports and minutes are included in Attachments 4, 5 and 6 for reference. Council initially directed staff to explore the possibility of developing a delegated authority option that included delegating some types of variance applications to staff, which was reflected in Council's selection of Option #5 from the range of delegation options (below) that were presented to Council in 2012:

- Option # 1 - No Delegation
- Option # 2 - Maintain Status Quo
- Option # 3 - Delegation (No variances and Exemptions)
- Option # 4 - Delegation (No Variances)
- Option # 5 - Delegation (With Variances and Exemptions)
- Option # 6 - Full Delegation.

Upon receiving information on this approach on December 12, 2013, Council requested a more limited form of delegation and posed a number of questions related to how to ensure adequate community input and whether there was a way to forward applications to Council for a decision, particularly in instances when consultation was part of the existing process. A follow-up workshop was held on September 18, 2014, where staff brought forward a report focused on a more limited version of delegation, but still with variances and some exemptions; however, a final conclusion was not reached and a number of concerns continued to be expressed by Council related to a number of topics.

The approach being advanced for Council's consideration via this report strives to address these concerns by limiting the range of delegation to applications without variances. At the same time, this initiative along with the proposed DP exemptions described in this report, provide an opportunity to advance a number of key goals targeted at streamlining development application processing that are noted in the Strategic Plan and articulated at the 2014 and 2015 Development Summits, at which participants discussed the need to simplify and speed up the review process for routine applications while freeing up staff time to focus on more complex applications.

While this report presents a key opportunity to advance the current Development Summit outcomes it should be noted that staff will be consulting with the development industry and communities (CALUCs) for feedback on the proposed Development Summit Action Plan that is anticipated to be presented to Council in October 2015. Regardless, the proposed initiatives described in this report continue to be reinforced through the outcomes of the last Development Summit.

ISSUES AND ANALYSIS

1. Development Permit Exemptions

Volume of Development Permit Minor Applications

Staff have identified that over a 24 month period (July 31, 2013 - July 31, 2015) the City received a total of 125 development permit minor applications (DPM) of which six were for small scale buildings and structures and five were for changes to landscaping. While these types of

developments do not represent a significant portion of the applications received, they are appropriate candidates to exempt from requiring a DP to assist with reducing application volumes to improve City responsiveness to business, and allowing staff to redirect their energies to more complex applications.

Proposed Approach

The proposed development permit exemptions described in Attachment 1 are restricted to specific Development Permit Areas for certain types of development considered to be 'minor' in nature due to their limited size, scale, and impact. This includes the development of small scale buildings and structures that are less than 9.2m² (100ft²) as well as changes or replacement of existing landscaping when the landscaping is not associated with a previously-approved development permit. Currently, these types of minor developments are typically processed through a DPM which requires application fees and additional time from staff to review and process. However, based on past experience, staff have identified that these scenarios are primarily administrative processes that generally do not add value to the final result.

Affected Areas

Attachment 1 identifies the proposed development permit exemptions including the specific Development Permit Areas where they would apply. The proposed exemptions would not apply in Heritage Conservation Areas (HCA) or to properties identified on the *City of Victoria Heritage Register*.

Statutory Consultation

The *Local Government Act* requires a local government to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an OCP amendment. This consultation requirement is in addition to the Public Hearing requirement. The impact of the proposed OCP amendment is deemed to be limited as the proposed DP exemptions are minor in scale and are not deemed to alter the function or general design of the principal development. As a result, it is recommended that the appropriate consultation measures would include a newspaper notice of the proposed OCP amendment bylaw and a notice posted on the City's website inviting feedback and questions from the public and the opportunity to provide written or verbal comments to Council for their consideration. In addition, if Council directs staff to prepare an OCP amendment bylaw, staff will ensure that the proposed bylaw is communicated directly with the Community Association Land Use Committees as well as with the development industry. Staff will then report back to Council with a summary of the feedback in conjunction with the proposed OCP amendment bylaw.

2. Delegation Authority

Development Data

Council's direction to explore the development of a system of delegated authority was initiated with the adoption of the new OCP, when it was anticipated that the establishment of a new City-wide Development Permit Area (DPA 16,) would trigger additional applications which would be subject to the DP application process. The table below illustrates the increase in the number of applications that have been received over the past five years.

Application Volumes Related to Delegation Authority

Application Type	Old OCP, 1995		New OCP, 2012			Average Increase since July 29, 2012
	July 30, 2010 to July 29, 2011	July 30, 2011 to July 29, 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	July 30, 2014 to July 29, 2015	
DP	25	20	42	52	48	110%
HAP	16	13	20	16	14	15%
REZ	31	23	26	36	30	14%
Total	72	56	88	104	92	46%

Although it would appear that the increase in applications is related to the OCP, the increase cannot be wholly attributed to the introduction of DPA 16. After analyzing 24 months of recent development permit applications, only four applications are purely a result of the introduction of the new DPA 16. All the other development permit applications would have been triggered because of a variance requirement or because the property was located in a Development Permit Area that existed prior to the introduction of the new OCP.

Nonetheless, as illustrated in the table, there has been a sharp increase (110%) in the number of DP applications as well as a more modest increase in other application types which happens to coincide with the introduction of the new OCP. This may in part be due to renewed interest in developing in the City because of the new policies that were introduced with the OCP or because of the positive development cycle that the City has been experiencing over the past few years.

Despite only four applications being triggered because of DPA 16, there were 20 applications with some form of variance located in DPA 16 that required additional processes because of this new DPA. These additional processes included reviewing applications for compliance with design guidelines, collecting and administering landscape deposits, monitoring building progress and conducting inspections to ensure compliance with approved development permit plans. There would have also been the need for some applicants to submit and for staff to review and administer minor change applications related to these files when design changes were requested. These processes were not required under the previous OCP and represent an increased regulatory burden for applicants and staff. So although there has not been a significant increase in the number of applications that can be attributed to DPA 16, there has been an overall increase in processes associated with its creation and delegating some degree of authority for certain types of applications will help to alleviate pressure on resources and improve approval times for applicants.

Recommended Approach

The recommended approach being advanced for Council's consideration would significantly reduce timelines for applicants and would streamline and simplify the process of moving applications through to a decision point for the application types that are suggested for delegation to staff. The recommended delegation items are for the most part, small scale in nature and for the few potential larger scale delegation types such as new buildings in DPA 16: General Form and Character, DPA 10A: Rock Bay, DPA 10B (HC): Rock Bay Heritage, DPA 11: James Bay and Outer Harbour (limited to Fisherman's Wharf) have the benefit of established design guidelines that they can be assessed against. In all instances, staff would prepare a weekly list that identifies all DP and HAP applications received as well as those that have been approved. This list would be provided to Council for information as well as posted on the City of

Victoria website. As part of the review process, staff would also be able to refer applications to the Advisory Design Panel and Heritage Advisory Panel.

Recommended for Immediate Implementation

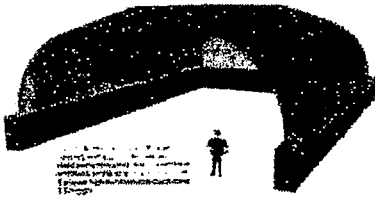
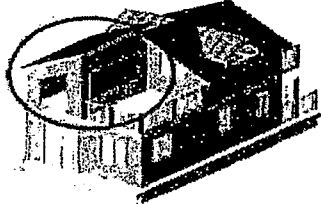

The approach being recommended for Council's consideration for immediate implementation is detailed in Attachment 2 of this report and is summarized below. This approach would delegate authority to staff to approve DP and HAP applications that do not include variances and that are consistent with zoning and relevant guidelines, within the following categories:

- all new buildings and building additions in DPA 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage
- new buildings and building additions that do not exceed 100 m² in floor area in:
 - DPA 2 (HC): Core Business
 - DPA 3 (HC): Core Mixed-Use Residential
 - DPA 4: Town Centres
 - DPA 5: Large Urban Villages
 - DPA 6A: Small Urban Villages
 - DPA 6B (HC): Small Urban Villages Heritage
 - DPA 7A: Corridors
 - DPA 7B (HC): Corridors Heritage
 - DPA 10A: Rock Bay
 - DPA 10B (HC): Rock Bay Heritage
 - DPA 11: James Bay and Outer Harbour
 - DPA 12 (HC): Legislative Precinct
 - DPA 13: Core Songhees
 - DPA 14: Cathedral Hill Precinct
- accessory buildings in:
 - DPA 15A: Intensive Residential Small Lot
 - DPA 15B: Intensive Residential Panhandle Lot
 - DPA 15D: Intensive Residential Duplex
- floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour in the FWM Zone, Fisherman's Wharf Marine District
- floating buildings, floating building additions and floating structures that do not exceed 100 m² in floor area
- renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes
- renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes
- replacement of exterior materials on existing buildings
- temporary buildings that do not exceed 100m² in floor area where their removal is secured by a legal agreement
- temporary construction trailers
- temporary residential unit sales trailers - where they comply with the *Zoning Regulation Bylaw*.

This approach would result in a significant time-savings for applicants. Presently, based on existing targets, applications that fall into any of these categories typically take three to four months to process through to a point where a decision is rendered by Council. Under the proposed approach, where a DP or HAP application is supportable and no revisions or additional information is required it could be processed in two to four weeks. Below are few

examples to highlight the types of development applications that could be processed within this time frame. Additional examples are further described in Attachment 3.

Examples

Development Type	Sample Image	Processing Time
New industrial building in DPA 16		2 weeks
Addition to a floating building in DPA 11		2 Weeks
Renewal of a previously approved DP		4 weeks

Referrals to Council

The development permit application types that are proposed for delegated authority would still be analyzed to ensure consistency with established guidelines and policies imbedded in the City's OCP. In cases where an applicant is unwilling or unable to meet the guidelines, applications would be referred to Council as per the normal process. In this way, staff would not be authorized to decline applications and an appeal process would not be needed to address refusals.

Additionally, there may be instances where an application fits the criteria to be delegated to staff; however, in the opinion of staff, it may be preferable to refer the application to Council for a decision. The recommendation being put forward for Council's consideration is to amend the *Land Use Procedures Bylaw* to allow for this degree of discretion to be exercised by the Director of Sustainable Planning and Community Development.

Community Consultation for Delegation Authority

Staff recommend for Council's consideration that further consultation on the recommended approach is not necessary. The rationale for this is that the approach does not include any applications that would have previously been referred to CALUCs nor required notice to neighbours or signage. Additionally, the range of considerations that come into play when reviewing these types of applications is limited to guidelines and policies referenced in the OCP.

which were developed with the benefit of community consultation. Finally, as noted earlier in this report, participants at the Development Summit, which included a range of stakeholders, identified the potential for granting some form of delegated authority to staff as a key strategy that could be used to reduce timelines and streamline processes.

Alignment with Local Area Planning

The City is currently in the process of undertaking a local area planning process for the Burnside neighbourhood including the Rock Bay area which is currently subject to DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage. During phase I of public engagement throughout April to June 2015, feedback was received from business representatives in Rock Bay and the employment lands north of Bay Street that regulatory barriers could be reduced to encourage business incubation in the area. Delegating approval authority to staff for buildings within DPA 10A and DPA 10B would assist with this. It is anticipated that the local area planning process may result in the establishment of new guidelines for the Rock Bay area that will be used to review and consider future development applications. Under the proposed Delegation Authority initiative, staff would review and consider any applicable development permit applications in these Development Permit Areas based on the current guidelines that are identified in the OCP until such time as they are updated to reflect the new local area plan. This approach helps to support an immediate streamlining and improvement with the development review process while also recognizing that revised or new guidelines may result through the current local area planning process. This same rationale and approach would also apply within other areas of Victoria where future local area planning is undertaken.

Alignment with Economic Development Initiatives

As described earlier in this report, the proposed DP exemption and delegated authority initiatives provide alignment with the *City of Victoria Strategic Plan 2015-2018*. This alignment also extends to Objective 5 which seeks to create prosperity through economic development. The ability to streamline development application processing and improvements to service delivery provides a key component to encouraging further investment and development within Victoria.

OPTIONS AND IMPACTS

1. Development Permit Exemptions

Option 1: Prepare OCP Amendment Bylaw (Recommended)

This option would implement a specific action identified in the Strategic Plan and the feedback received at the annual Development Summits. Council has the option to advance this initiative by directing staff to prepare an OCP amendment bylaw which will be subject to a Public Hearing in accordance with the requirements of the *Local Government Act*. This means that Council would still have the opportunity to consider the amendment bylaw in conjunction with any comments or concerns that are received from the public. Similarly, Council may also seek to refine or limit the proposed exemptions described in Attachment 1 prior to directing staff to prepare the OCP amendment bylaw. Staff have identified the proposed development permit exemptions as a way to facilitate a more streamlined and efficient process for developers and property owners to undertake minor developments. This initiative will also help to reduce the volume of development applications, resulting in the potential to allocate more staff time to review and process more significant or complex applications.

Option 2: Delegate Approval Authority to Staff for These Items

An exemption for buildings under 9.2m² (100ft²) in size and changes to existing landscaping means that there would be no design review of these items. Should Council feel that evaluation and guidance is necessary, these could be added to the list of delegation items to staff, which would still result in some streamlining, but to a lesser extent.

Option 3: Maintain Status Quo

If Council directs staff to not prepare the recommended OCP amendment bylaw, the limitations of the current OCP will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

2. Delegation Authority

Option 1: Implement the proposed approach to delegate authority including a system to monitor and evaluate the effectiveness and benefits of this approach. **(Recommended)**

After the initial work of staff drafting and Council considering the necessary bylaw amendments, a degree of Council and staff time associated with what are typically straight-forward applications would be freed up and could be allocated to focusing on other key priorities. Additionally, key actions identified in the City's Strategic Plan as well as through the Development Summit would be achieved and positive outcomes related to streamlining development applications as a way to advance economic development goals would be realized. This approach also provides a system to report to Council on an annual basis with a summary of the overall effectiveness and benefits of the delegated authority initiative including recommendations.

Option 2: Direct staff to discontinue work on this topic by deciding to not implement a system of delegated authority

Considerable staff and Council time has already been expended exploring topics related to delegated authority. Stopping exploration and consideration of this topic would also free up a small amount of staff and Council time, but would not advance actions identified in the Strategic Plan or at the Development Summits, nor would it advance goals of economic development associated with streamlining development application processes.

2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegation authority initiatives both help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

In addition, the recommended approach is also consistent with the Strategic Plan objective to "Strive for Excellence in Planning and Land Use," as it advances an opportunity for Council to

"make a decision with regard to whether we are going to delegate more decision-making authority to staff."

Impacts to 2015 - 2018 Financial Plan

There are no additional financial resources required to prepare the proposed OCP amendment bylaw. However, the proposed development permit exemptions may result in a minimal reduction of development permit fees as the DP exemption is only proposed for two types of minor development. The base fee for a development permit minor application is \$200 and during the 24-month period described earlier, the City received a total of 125 applications of which only 11 (8%) were for the types of minor development that are proposed for exemption. Therefore, it is estimated that the proposed exemption would have a minimal impact on the overall development permit fees that are collected each year.

Delegating approval authority of permits to staff would have no direct impact on the City's Financial Plan. However, the proposed delegated authority would result in fewer reports needing to be written by staff and processed through the Council review process each year. This would yield time and resource savings for applicants, Council and City staff including the ability to improve service levels by directing more staff time to review and process more complex development applications.

Official Community Plan (OCP), 2012 - Consistency Statement

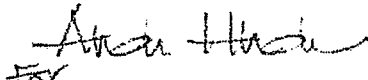
The proposed development permit exemptions are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

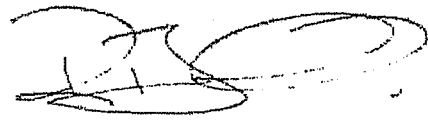
The proposed approach to delegated authority is consistent with the OCP and amendments to the OCP are not required. In particular, the recommended changes would support objectives identified in the Plan Administration section of the OCP which states, "That development is subject to additional oversight through tools available in legislation in designated areas of the city where more direction is required to address special conditions and plan goals and objectives." Additionally, it responds to a goal contained in the Adaptive Management section which is to "Incorporate knowledge accumulated through the adaptive management cycle into relevant plans, policies, management and operations in a coordinated and timely manner." The proposed approach to delegated authority still offers oversight in designated areas to ensure development proposals meet design guidelines where special conditions exist, while offering an adapted method that responds to the knowledge gained from monitoring and evaluating applications that have been received since the OCP was approved in 2012.


CONCLUSIONS

The proposed development permit exemptions and delegation authority are positive initiatives that will significantly streamline and expedite processes for applicants, Council and staff. The combined proposed changes would also result in fewer reports per year which would allow more staff time to be allocated to further improve service levels and processing times for more complex development applications. The proposed changes would also have the benefit of regularizing some informal practices that have been utilized to facilitate minor changes in development within Development Permit Areas as well as supporting economic development within the City of Victoria and advancing a number of goals that are articulated in the City's Strategic Plan and the recommendations flowing from the annual Development Summits.

Respectfully submitted,


for
Alison Meyer, Assistant Director
Development Services Division


Robert Batallas, Senior Planner
Community Planning Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:  Jason Johnson

Date: Sept 4/15

List of Attachments

- Attachment 1: Proposed Development Permit Exemptions
- Attachment 2: Development Permit Application Types Recommended for Delegated Authority
- Attachment 3: Sample Photos and Plans of Potential Development Permit Applications for Delegated Authority
- Attachment 4: Governance and Priorities Committee Report dated June 7, 2012 and Approved Council Minutes
- Attachment 5: Governance and Priorities Committee Report dated November 8, 2013 and Approved Council Minutes
- Attachment 6: Planning and Land Use Committee Report dated September 4, 2014 and Approved Council Minutes.



Planning and Land Use Committee Report

For the Meeting of November 26, 2015

To: Planning and Land Use Committee **Date:** November 16, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Delegated Authority and Exemptions for Development Permits

RECOMMENDATION

1. Prepare an Official Community Plan (OCP) Amendment Bylaw:

- a. to exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:

- i. DPA 4: Town Centres
- ii. DPA 5: Large Urban Villages
- iii. DPA 6A: Small Urban Villages
- iv. DPA 7A: Corridors
- v. DPA 10A: Rock Bay
- vi. DPA 13: Core Songhees
- vii. DPA 14: Cathedral Hill Precinct
- viii. DPA 15A: Intensive Residential Small Lot
- ix. DPA 15B: Intensive Residential Panhandle
- x. DPA 15D: Intensive Residential Duplex
- xi. DPA 16: General Form and Character;

- b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:

- i. DPA 5: Large Urban Villages
- ii. DPA 6A: Small Urban Villages
- iii. DPA 7A: Corridors
- iv. DPA 10A: Rock Bay
- v. DPA 11: James Bay and Outer Harbour
- vi. DPA 13: Core Songhees
- vii. DPA 14: Cathedral Hill Precinct
- viii. DPA 15A: Intensive Residential Small Lot
- ix. DPA 15B: Intensive Residential Panhandle Lot
- x. DPA 15D: Intensive Residential Duplex
- xi. DPA 16: General Form and Character;

- c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.
2. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
- a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
 - b. new buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages
 - vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct;
 - c. accessory buildings in:
 - i. DPA15A: Intensive Residential Small Lot
 - ii. DPA15B: Intensive Residential Panhandle Lot
 - iii. DPA15D: Intensive Residential Duplex;
 - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
 - e. floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
 - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
 - g. renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes;
 - h. replacement of exterior materials on existing buildings;
 - i. temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years;
 - j. temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
 - k. temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
 - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.

3. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority and report to Council at six months and one year on the effectiveness of the system.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council about the public input received on a proposed initiative to exempt certain forms of development from a development permit and to delegate approval authority to staff for certain types of developments. This initiative was originally considered by the Planning and Land Use Committee on September 10, 2015, at which time Council directed staff to seek public feedback on the proposed recommendations and report back. Staff consulted with the Heritage Advisory Panel, Advisory Design Panel, Community Association Land Use Committees (CALUCs) and the Urban Development Institute. A few comments were received and staff have proposed a limited number of changes to the original recommendations as described in this report. The proposed initiative does not alter or impact the requirements for community consultation on proposed developments as described in the *Land Use Procedures Bylaw*.

PURPOSE

The purpose of this report is to advise Council about the public input that has been received on the initiative to consider delegated authority and exemptions for certain types of development permits and to recommend next steps.

BACKGROUND

At the Council meeting of September 10, 2015:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council refer the Delegated Authority and Exemptions for Development Permits report to the Heritage Advisory Panel, Advisory Design Panel, Community Association Land Use Committees (CALUCs), and the Urban Development Institute, inviting comment on the report and recommendations by October 30th and that staff report back to Planning and Land Use Committee in November on input received and any proposed adjustments to the recommendations.

Carried Unanimously

Following this direction, staff referred this proposed initiative to the Community Association Land Use Committees (CALUC), the Heritage Advisory Panel, the Advisory Design Panel and the Urban Development Institute (UDI). At the close of the October 30, 2015, comment period, minutes were received by both Panels, the James Bay Neighbourhood Association, the Rockland Land Use Committee and the UDI. A compilation of all of the comments received is included as Attachment 1.

ISSUES & ANALYSIS

Staff have reviewed all comments that were received and propose a number of changes to the original recommendations as described below. In addition, staff have identified the rationale for those comments where no further change is proposed by staff. It should also be noted that the proposed delegated authority initiative does not alter the existing review process for Development Permit Applications. The only change is that, for a limited range of development permits without

variances, the final decision point will be shifted from Council to staff. All other development permits not identified in this report and those with variances will continue to require consideration by Council. This proposed initiative also retains the existing referral process with communities as described in the CALUC Terms of Reference, as well as referrals to the Advisory Design Panel and the Heritage Advisory Panel based on the existing Terms of Reference for these Council-appointed committees.

1. Proposed changes based on comments received (Delegated Authority)

a. Temporary Buildings and Structures (Time limitation)

- In consideration of comments from the Rockland Neighbourhood Association, it is proposed that the time limitation for temporary buildings and structures be reduced from five years to two years. A two year time limit aligns with the typical time limit for development permits and better supports the intent of these structures as being temporary.

b. Temporary Construction and Residential Sales Trailers on Private Property (Time limitation)

- In consideration of comments from the Rockland Neighbourhood Association, it is proposed that staff will continue to require a legal agreement (Covenant) to ensure the removal of temporary construction and temporary residential sales trailers from private property within six months of receiving an occupancy permit (project completion) or within six months of a building permit expiring. Additional conditions may also be included within the legal agreement based on the complexity of the project as identified through the Development Permit Application. It is also important to note that while the development permit is proposed to be delegated to staff, the Covenant will continue to require consideration and approval from Council.

c. Communication of Delegated Applications

- In consideration of comments from the Heritage Advisory Panel and the James Bay Neighbourhood Association, staff propose to provide Council with a monthly summary of all delegated development permits that have been received as well as approved. This summary may also identify those applications that have been referred to Council, Advisory Design Panel and Heritage Advisory Panel. These monthly summaries can also be made available to the general public through the City of Victoria website. In addition, the City of Victoria will continue to identify all active Rezoning Applications and Development Permit Applications through VicMap which is publicly accessible through the City of Victoria website. VicMap identifies the application type, permit number, municipal address, date received and a general description of each project/application.

2. Response to other comments

a. Referrals to Heritage Advisory Panel

The Heritage Advisory Panel has suggested that Council direct staff to seek guidance from the Panel on matters affecting the heritage values of the City regardless of the area and/or nature of the application.

- Staff do not recommend any changes to the recommendations described in this report, however as part of the administrative process, staff recommend that all development permit applications that involve buildings with potential heritage value as well as those immediately adjacent to a heritage property would be referred to the Heritage Advisory Panel for review and comments.

b. Creation of Statements of Significance for all Heritage Conservation Areas DPA (HC)

The Heritage Advisory Panel has suggested that Council direct staff to create Statements of Significance for all Heritage Conservation Areas to ensure that staff know what values are to be protected in these areas.

- Staff do not recommend any changes to the proposed recommendations as the comment provided does not have a direct impact on the proposed initiative. However, the development of Statements of Significance for historic areas or districts is specifically supported through policy in the OCP. Therefore, staff recommend that this initiative will be explored through the upcoming process to update the Sustainable Planning and Community Development work program.

c. Increase floor area for exempted small scale buildings and structure

The Advisory Design Panel has suggested that the maximum floor area for small-scale buildings and structures that are proposed to be exempted from a development permit be increased from 9.2m² (100 ft²) to 20m² (215 ft²).

- Staff do not recommend any changes as the proposed maximum floor area of 9.2m² is intended to accommodate smaller-scale and common structures such as garden or storage sheds which typically do not have an impact on the surrounding area. The proposed increase in floor area may, in fact, result in greater impacts on adjacent properties.

d. Concern for visual appearance of small scale buildings and structures from the Public Right-of-Way

The Advisory Design Panel has suggested small-scale buildings and structures that are visible from the public Right-of-Way should not be exempted from a development permit.

- Staff do not recommend any changes to the proposed conditions for exempted small-scale buildings and structures because they are subject to the *Zoning Regulation Bylaw* requirements for accessory buildings which do not permit accessory buildings in the front yard of a property. In addition, the proposed maximum 9.2m² floor area is also meant to ensure that these buildings and structures are small scale and limit their potential impact and visual presence from the public realm.

e. Concern for cumulative development of small scale buildings and structures

The Advisory Design Panel has suggested that any subsequent small-scale building or structure should not be exempted within five years of a previous small-scale building or structure being developed.

- Staff do not recommend any changes to the proposed conditions for exempted small-scale buildings and structures because they are subject to the *Zoning Regulation*

Bylaw which has specific regulations for the placement and development of accessory buildings. The *Zoning Regulation Bylaw* also restricts the overall area of a parcel that can be covered by buildings or structures.

f. Concern for delegated authority for new buildings, building additions and structures that do not exceed 100m² within DPA 7A: Corridors

The Rockland Neighbourhood Association has suggested that 100m² is too large. A more suitable reference might be 37m² (400 ft²) maximum total floor area of a garden suite. This would align with discussion on the future rezoning requirements on garden suites.

- Staff do not recommend any changes to the proposed conditions for delegated authority as the delegated authority will continue to ensure that all development permits are reviewed against the various design guidelines contained within the *Official Community Plan* for DPA 7A: Corridor.

g. Concern that the residents of James Bay will be denied the opportunity to review developments on most commercial/industrial lands.

The James Bay Neighbourhood Association has expressed concern that the proposed initiative will limit their ability to review development applications and provide comments.

- Staff do not recommend any changes to the proposed conditions for delegated authority as the proposed initiative will continue to respect and adhere to the referral process with the CALUCs as described in the *Land Use Procedures Bylaw*. In addition, the proposed delegated authority only applies to development permits without variances, which do not require consultation with communities. Any development permit with a variance or a Rezoning Application would continue to require community consultation as well as consideration by Council.

h. Concern that the proposed initiative will undermine the existing Memorandum of Understanding (MOU) between the James Bay Neighbourhood Association and the Greater Victoria Harbour Authority.

The James Bay Neighbourhood Association has expressed concern that the proposed initiative will undermine the terms and conditions of the MOU between the JBNA and the GVHA which was signed on October 3, 2013.

- The terms and conditions of the MOU remain unchanged and ensuring adherence to the MOU is a matter between the James Bay Neighbourhood Association and the Greater Victoria Harbour Authority. However, staff would continue to encourage the GVHA to consult with the JBNA as outlined in the MOU.

i. Concern over the delegated authority for new buildings, building additions, structures and equipment that are less than 100m² within in DPA 11: James Bay and Outer Harbour.

The James Bay Neighbourhood Association has expressed concern that the proposed delegated authority described above is not appropriate on water lots as these developments may have significant impacts on nearby residents and businesses.

- Staff do not recommend any changes to the proposed conditions for delegated authority as all development permits within DPA 11, will continue to be reviewed against the design guidelines that are specifically identified in the OCP for DPA 11: James Bay and Outer Harbour. The proposed delegated authority only applies to development permits without variances, which do not require consultation with the communities. In addition, all other development permits not identified in this report and any development permit with a variance or a Rezoning Application will continue to require consideration by Council.

3. Proposed Delegation Process

Should Council delegate authority to staff to approve the types of development permits and heritage alteration permits outlined in this report, the following administrative process would be followed:

a. Staff Review of Application

When an application for a Development Permit or Heritage Alteration Permit is received at the City, staff create the file and circulate the plans across departments for a technical review of zoning; off-street parking and impacts to public Rights-of-Way (Engineering); landscaping and impacts to street trees (Parks), and life-safety considerations (Fire Department and Building Inspection). While this is occurring, the file manager (Planner) evaluates the Application for consistency with planning policy and any design guidelines stipulated within the *Official Community Plan*. Staff undertaking these reviews then come together at a meeting of the "Technical Review Group" (TRG) to collectively discuss the Application, determine if referral to Council's advisory panels is recommended and identify any issues. A summary of this review is subsequently sent to the applicant clearly identifying any outstanding issues that need to be resolved prior to advisory panel reviews or prior to a decision being made.

b. Applicant Response to Outstanding Issues

This step may not be required if there are no issues with the Application in relation to the review of the initial submission. If issues are identified as part of the TRG process, the applicant would undertake revisions to address the issues and resubmit updated plans.

c. Staff Review of Revised Plans

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that the issues have been addressed.

d. Advisory Design Panel and Heritage Advisory Panel Reviews

Delegated development permits would be referred to the Advisory Design Panel, the Heritage Advisory Panel or a joint meeting of both Panels, depending on the nature of the proposal or the type of Development Permit Area or Heritage Conservation Area the property lies within. The following general guidance would be applied in determining referrals:

- New buildings, building additions, structures and equipment in excess of 100m² and located in Development Permit Area (DPA) 16: General Form and Character and DPA 10A: Rock Bay would be referred to the Advisory Design Panel.

- All new buildings, building additions, structures and equipment in excess of 100m² in DPA 10B (HC): Rock Bay Heritage would be referred to a joint meeting of the Advisory Design Panel and Heritage Advisory Panel.
- All development permit applications that involve buildings with potential heritage value as well as those immediately adjacent to a heritage property would be referred to the Heritage Advisory Panel for review and comments.

*Note: Heritage Alteration Permits for buildings with Heritage Designation or listed on the City's Heritage Register in this Heritage Conservation Area would not be delegated to staff and those would continue to be considered by the full Heritage Advisory Panel prior to Council consideration.

e. Applicant Design Revisions

If the advisory panels recommend design revisions, staff would work with the applicant to provide additional advice and guidance on how to address the Panel comments, and would review any design changes.

f. Staff Decision

When it is determined by staff that the application is acceptable and should be approved, a decision letter would be prepared, clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

If staff determines that the application cannot be supported, it would be referred to Council for a decision. The applicant would be advised of this and staff would prepare a report for consideration by Council's Planning and Land Use Committee.

g. Posting to City Website

City staff will maintain a monthly list of active and approved Development Permit Applications delegated to staff on the City's website. Staff also propose to provide a monthly summary of the delegated authority development permits to Council.

OPTIONS & IMPACTS

The options that were presented in the attached Planning and Land Use Committee report dated August 27, 2015, remain available to Council. These are summarized as follows, with more detailed rationale provided in the attached report:

1. Development Permit Exemptions:

- a. Option 1: Prepare an OCP amendment bylaw to permit the development permit exemptions outlined in this report and report back to Council in early 2016 (**recommended**).
- b. Option 2: Instead of exempting these items, delegate approval authority to staff to retain some design control.
- c. Option 3: Maintain status quo.

2. Development Permit Delegated Authority:

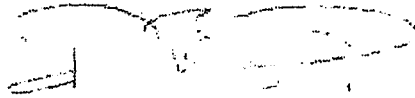
- a. Option 1: Prepare a Land Use Procedures amendment bylaw to delegate authority as outlined in this report and develop a system to monitor and evaluate the effectiveness and benefits of this approach and report back to Council in early 2016 (**recommended**).
- b. Option 2: Direct staff to discontinue work on this topic by deciding to not implement a system of delegated authority.

There are no additional impacts for consideration beyond those identified in the attached Planning and Land Use Committee report dated August 27, 2015. Please refer to the attached report which also identifies consistency with the *City of Victoria Strategic Plan, 2015-2018* and the *Official Community Plan*.


CONCLUSIONS

The proposed recommendations contained in this report reflect some of the public feedback received to date. These proposed development permit exemptions and delegation authority are positive initiatives that will streamline and expedite process for applicants, Council and staff. This initiative does not alter or impact the established community consultation requirements for development as described in the CALUC Terms of Reference.

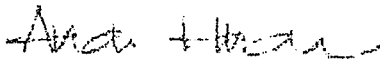
Respectfully submitted,



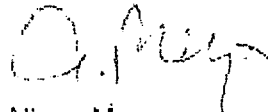
Robert Batallas, Senior Planner
Community Planning



Jonathan Tinney, Director
Sustainable Planning and Community Development



Andrea Hudson
Assistant Director, Community Planning



Alison Meyer
Assistant Director, Development Services

Report accepted and recommended by the City Manager:



Date: November 19, 2015

List of Attachments

- Attachment 1: Summary of Public Feedback
- Attachment 2: Council minutes dated September 10, 2015
- Attachment 3: Planning and Land Use Committee Report dated August 27, 2015.

NO. 16-027

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Official Community Plan to exempt certain types of development, in certain areas of the City, from the requirement to obtain a development permit.

Under its statutory powers, including Sections 471 to 475 and 488 to 491 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. 20)".
2. Bylaw No. 12-013, Official Community Plan Bylaw, 2012, is amended in Schedule A by making the following changes to Appendix A, "Development Permit Areas and Heritage Conservation Areas":
 - a) In "Overview", subsections 1(b)(i) and (ii) are deleted and replaced with the following:
 - (i) the provisions of each of those designated areas shall apply, and
 - (ii) an exemption relating to one designated area only relieves the requirement for a permit under that designation, not under other designations applicable to the land;
 - b) In "Overview", Subsection 2(a) is deleted and replaced with the following:

"(a) Development Permit Areas: In accordance with Section 488(4) of the Local Government Act, a Development Permit is not required in any designated Development Permit Areas under any of the following conditions:";
 - c) In "Overview", Subsection 2(b) is deleted and replaced with the following:

"(b) HCAs: In accordance with section 614(3)(a) of the Local Government Act, a heritage alteration permit is not required in any designated heritage conservation areas under any of the following conditions:";
 - d) In "DPA 4: Town Centres", the following subsection is added as a specific exemption, immediately after subsection 2(b)(ii):

"(iii) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, that does not exceed 9.2m²."

and the existing text in subsection 2(b) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.
 - e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

f) In “DPA 6A: Small Urban Villages”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

g) In “DPA 7A: Corridors”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

h) In “DPA 10A: Rock Bay”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

i) In “DPA 11: James Bay and Outer Harbour”, the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (2):

“(3) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- j) In “DPA 13: Core Songhees”, the following subsections are inserted as specific exemptions immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²;

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property; or”

and the existing subsection 2(b)(i) (3) is renumbered subsection 2(b)(i) (5).

- k) In “DPA 14: Cathedral Hill Precinct” the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- l) In “DPA 15A: Intensive Residential – Small Lot” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (3):

“(4) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- m) In “DPA 15B: Intensive Residential – Panhandle Lot” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (5):

“(6) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- n) In “DPA 15D: Intensive Residential – Duplex” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (6):

“(7) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- o) In “DPA 16: General Form and Character” the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (4):

“(5) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

AD A FIRST TIME the day of 2016.

READ A SECOND TIME the day of 2016.

Public Hearing held on the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-028

LAND USE PROCEDURES BYLAW

A BYLAW OF THE CITY OF VICTORIA

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a land use contract or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. Title
2. Repeal
3. Severability
4. Definitions
5. Applications Subject to this Bylaw

PART 2 – APPLICATIONS

6. Pre-Application Community Meeting Requirements
7. Notification Distance
8. Waiving a Community Meeting
9. Applications Forms

10. Application Requirements
11. Evidence of Participation in a Community Meeting
12. Declared value of buildable floor area
13. Declared value of construction
14. Receipt of Applications
15. Incomplete applications
16. Notification of incomplete applications
17. Application referral
18. Application review summary
19. Council referral
20. Application Fee
21. Refund
22. Refund of administration fee
23. Cancellation of Applications
24. Reapplication – cancelled file
25. Application Sign Posting Requirements – permits
26. Application Sign Posting Requirements – other applications
27. Public hearing
28. Right to waive a public hearing
29. Opportunity for public comment
30. Notice of public hearing
31. Notice of opportunity for public comment
32. Notice requirements for temporary use permits or development variance permit
33. Reapplications

PART 3 – DELEGATION AND RECONSIDERATION

34. Types of Permits
35. Referral
36. Referral consideration
37. Council reconsideration
38. Time limit for reconsideration

- 39. Notice of reconsideration
- 40. Representation to Council
- 41. Council's authority

SCHEDULES

- Schedule A Application Fees
- Schedule B Procedures for Sign Posting– Permits
- Schedule C Procedures for Sign Posting – Other Applications
- Schedule D Delegated Approvals

PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

- 3. If any Section, subsection, sentence clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

- 4. In this bylaw,
 - "**ADP**" means
the City's Advisory Design Panel
 - "**CALUC**" means
Community Association Land Use Committee
 - "**Committee**" means
a select or standing committee of Council
 - "**Community Meeting**" means
a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

“development permit” or “DP” means

a permit authorized by Section 490 of the *Local Government Act*

“development variance permit” or “DVP” means

a permit authorized by Section 489 of the *Local Government Act*

“Director” means

the City's Director of Sustainable Planning and Community Development Department

“HAPL” means

the City's Heritage Advisory Panel;

“heritage alteration permit” means

a permit authorized by Section 617 of the *Local Government Act*

“heritage revitalization agreement” means

an agreement authorized by Section 610 of the *Local Government Act*

“Official Community Plan” or “OCP” means

the City's Official Community Plan Bylaw, 2012

“public comment” means

members of the public addressing Council, other than at a public hearing, regarding the subject matter of a decision Council proposes to make

“public hearing” means

a public hearing that is required to be held under the *Local Government Act* before Council adopts a bylaw

“TRG” means

the Technical Review Group composed of City of Victoria staff

“zoning bylaw” means

the City's Zoning Regulation Bylaw

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
 - (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract;
 - (d) a temporary commercial or industrial use permit;

- (e) a heritage revitalization agreement;
- (f) a development variance permit;
- (g) a development permit;
- (h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application community meeting requirements

- 6. Before submitting an application to initiate changes to the OCP or the zoning bylaw the applicant must:
 - (a) pay to the City the community meeting notification fee as calculated in accordance with Schedule A of this Bylaw; and,
 - (b) arrange and participate in a Community Meeting.

Notification Distance

- 7. The City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within:
 - (a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 26 of this Bylaw;
 - (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
 - (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving a Community Meeting

- 8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:
 - (a) in writing by the CALUC in the area in which the proposed development is located;
 - (b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;
 - (c) by Council.

Application Forms

- 9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
 - (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Declared value of buildable floor area

12. An application for an amendment to the zoning bylaw, or for a heritage revitalization agreement or amendment, must include a declaration of the value of the buildable floor area permitted under the amendment or agreement, as certified by a qualified professional.

Declared value of construction

13. An application for a development permit or a heritage alteration permit must include a declaration of the value of construction proposed under the permit, as certified by a qualified professional.

Receipt of applications

14. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

15. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

16. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

17. When processing an application, the Director may refer the application to other agencies or associations, the TRG, or other staff members.

Application Review Summary

18. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 17.

Council Referral

19. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

20. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for the community meeting;
 - (b) the base application fee;
 - (c) the large project fee;
 - (d) the administration fee; and
 - (e) the resubmission fee.

Refund

21. An applicant who has paid the base application fee, or the large project fee, or both, is entitled to:
 - (a) a 90% refund if the application is formally withdrawn prior to the review of the application by the TRG;
 - (b) a 75% refund if the application is withdrawn or cancelled after the TRG review but prior to being placed on an agenda for a Committee of Council.

Refund of administration fee

22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing, the waiver of a public hearing, or an opportunity for public comment in relation to the application.

Cancellation of Applications

23. If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

Reapplication - cancelled file

24. An applicant wishing to reopen a closed file must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 33 of this Bylaw does not apply.

Application Sign Posting Requirements - Permits

25. A person who submits an application for any of the following must post signage in compliance with Schedule B of this Bylaw:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances
 - (d) a temporary commercial or industrial use permit.

Application Sign Posting Requirements – Other applications

26. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan Bylaw* amendment;
 - (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Public hearing

27. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw;
 - (b) amend the OCP;
 - (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Right to waive a public hearing

28. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consisted with the OCP.

Opportunity for public comment

29. Council may provide an opportunity for public comment before passing a resolution to issue:
- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;
 - (b) a development permit with variances;

- (c) a heritage alteration permit with variances; or,
- (d) a temporary commercial or industrial use permit.

Notice of public hearing

30. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 m:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw.

Notice of opportunity for public comment

31. If Council proposes to provide an opportunity for public comment, the City will mail or otherwise deliver notice of the opportunity to the owners and occupiers of all parcels that are the subject of, or that are adjacent to the parcels that are the subject of, the permit in relation to which Council proposes to make a decision.

Notice requirements for temporary use permits or development variance permit

32. For clarity, nothing in this bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the City's obligation, under Section 494 or Section 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a temporary use permit or a development variance permit.

Reapplications

33. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

34. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out column C.

Referral

35. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

36. If the Director refers an application as contemplated in Section 35 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Direction, the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

READ A FIRST TIME on the day of 2016.

READ A SECOND TIME on the day of 2016.

READ A THIRD TIME on the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria
Bylaw No. 16-028**

Schedule A

APPLICATION FEES

1 Pre-application fee

The pre-application fee, for giving notice of a Community Meeting, is:

- (1) \$400.00 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$800 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 Base application fee

- (1) The base application fee for the following applications is \$1400:
 - (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan* amendment;
 - (c) an application to amend a land use contract, if the if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
- (2) For applications that would enable the creation of new small lots as defined in the OCP, the base application fee is applicable to each potential new small lot.
- (3) The base application fee for Development Permits and Heritage Alteration Permits with or without variances is outlined in the following table plus \$250 for each variance that is requested or proposed in the application, based on the declared value of the construction that is contemplated in the application, as follows:

Declared Value of Construction:	Base Application Fee
Less than \$25,000	\$200
\$25,000 to \$2,000,000	\$500

- (4) The base application fee for a Development Variance Permit is \$500, plus \$250 for each variance that is requested or proposed in the application.

- (5) The base application fee for a Development Permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.
- (6) The base application fee for a permit which the Director is authorized to issue is \$200.
- (7) There is no application fee for a heritage alteration permit without variances for single family dwellings or duplexes.

3 Administration Fee

- (1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is \$1200.00.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is \$200.00.

4 Large Project Fee

- (1) The Large Project Fee for applications to amend the zoning bylaw or amend or enter into a heritage revitalization agreement applies if the value of the total buildable floor area permitted under the proposed amendment or agreement exceeds \$2 million.
- (2) The value of the total buildable floor area shall be calculated as follows:
 - (a) The site area used in the calculation of the Large Project Fee includes all lots subject to the application.
 - (b) For the purpose of calculating the Large Project Fee, the maximum floor space ratio or building floor area is used that is possible under the *Zoning Regulation Bylaw Amendment* or Heritage Revitalization Agreement bylaw (as the case may be), not the amount of floor area proposed by the application.

Step 1 – Calculation of Value of Buildable Floor Area						
Site area (m ²)	X	Maximum FSR	X	Cost per m ²	=	Value of buildable floor area

Step 2 - Calculation of Large Project Fee						
Value of buildable floor area (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (3) The Large Project Fee for an application to amend the zoning bylaw or amend or enter into a heritage revitalization agreement shall be calculated as follows:
- (4) The Large Project Fee for a development permit or a heritage alteration permit application applies if the value of the construction value under the proposed amendment or agreement exceeds \$2 million.

- (5) The construction value shall be calculated as follows:

Step 1 – Calculation of Construction Value of Building				
Total floor area including basement (m ²)	X	Cost per m ²	=	Construction value of building

- (6) The Large Project Fee for a development permit or a heritage alteration permit application shall be calculated as follows:

Step 2 - Calculation of Large Project Fee						
Construction value of building (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (7) If an application subject to the Large Project Fee under both section 4(1) and 4(4) of this Schedule, the Large Project Fee will only be assessed once for the application.

5 Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.
- (2) If revised plans are a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

**City of Victoria
Bylaw No. 16-028**

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. For the following applications, a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) Development variance permit;
 - (b) Development permit with variances;
 - (c) Heritage alteration permit with variances;
 - (d) Temporary commercial or industrial use permit.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. For the following applications a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) rezoning;
 - (b) application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (c) official community plan bylaw amendment;
 - (d) heritage revitalization agreement, if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
3. The applicant shall, at its sole expense:
 - (e) prepare the sign or signs in accordance with the specifications provided by the City;
 - (f) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (g) post additional meeting notices and additional signs if required by the City;
 - (h) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

A. Permit Types	B. DPAs and HCAs	C. Conditions
DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
HAP without variances for a single family dwelling or duplex	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas	The permit being renewed must be: <ul style="list-style-type: none"> ○ unexpired at the time of application; ○ unchanged from the original application; and ○ not subject to any new policies or regulations. Permit valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay	Permit is valid for two years from the date of issuance.

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential - Duplex	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions and floating structures that do not exceed 100 m ² in floor area	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	The proposed guidelines must comply with applicable guidelines. Permit is valid for two years from the date of issuance. A landscape security may be required to ensure compliance with the approved plans.
Temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas	Temporary buildings and structures located on private property. Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.
Temporary construction trailers and temporary residential unit sales trailers	All DP Areas	Temporary construction trailers and temporary residential unit sales trailers located on private property. Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame: <ul style="list-style-type: none"> ○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or ○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or ○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.

NO. 16-036

BOARD OF VARIANCE BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Board of Variance Bylaw to incorporate a fee of \$250 for submission of a Board of Variance application.

Under its statutory powers, including section 462(1)(d) of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the "Board of Variance Bylaw, Amendment Bylaw (No. 1)."
- 2 Bylaw No. 07-097, the Board of Variance Bylaw, is amended in section 11(1) by striking out "the application fee prescribed under Schedule A of the Land Use Procedures Bylaw" and substituting "an application fee of \$250.00."

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CORPORATE ADMINISTRATOR

MAYOR