



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, January 26, 2023

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

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

Pages

A.	CONVENE COUNCIL MEETING	
B.	APPROVAL OF AGENDA	
C.	READING OF MINUTES	
C.1	<u>Minutes from the meeting held January 5, 2023</u>	1
D.	PROCLAMATIONS	
D.1	<u>"Eating Disorders Awareness Week" - February 1st - February 7th, 2023</u>	8
D.2	<u>"Congenital Heart Disease Awareness Week" - February 7th - February 14th, 2023</u>	9
*D.3	<u>"International Holocaust Remembrance Day" - January 27th, 2023</u>	10
*D.4	<u>"Chamber of Commerce Week" - February 13th - 17th, 2023</u>	11
E.	PUBLIC AND STATUTORY HEARINGS	
F.	UNFINISHED BUSINESS	
G.	REPORTS OF COMMITTEE	
G.1	<u>Committee of the Whole</u>	
G.1.a	Report from the January 12, 2023 COTW Meeting	12
	<u><i>Link to the January 12, 2023 COTW Agenda</i></u>	
G.1.a.a	1952 Quadra Street: Application to Change a Liquor Primary Club License to a Liquor Primary License for the Victoria Curling Club (North Park)	
G.1.b	Report from the January 26, 2023 COTW Meeting	

H. NOTICE OF MOTIONS

I. BYLAWS

I.1 Bylaw for Missing Middle Housing Initiative: Report on Zoning Regulation Bylaw and Official Community Plan Bylaw Amendments and Policy Updates

13

Continuation of the deliberations on the Missing Middle Housing Initiative from September 8, 2022.

Report of the Public Hearing on Bylaws No. 22-044 and 22-045 (Missing Middle Housing Initiative)

Council is considering four bylaws:

1. *A bylaw to amend the Official Community Plan to support implementation of the Missing Middle Housing Initiative, including supporting three storeys within Traditional Residential areas and establishing a new development permit area (DPA 15F, Missing Middle Housing) to regulate the design of Missing Middle developments.*
2. *A bylaw to amend the Zoning Regulation Bylaw to permit houseplexes, corner townhouses, and heritage conserving infill housing forms*
3. *A bylaw to amend the Land Use Procedures Bylaw to delegate approval of Development Permit applications without variances to the Director of Sustainable Planning and Community Development.*
4. *A new Affordable Housing Standards Bylaw which would specify the qualifying incomes and maximum rent rates for below-market ownership and affordable rental housing.*

Council is also considering approval of an updated Tenant Assistance Policy to specify the tenant assistance provisions necessary to qualify for a partial development permit fee refund, as would be established by the Land Use Procedures Bylaw amendment.

I.1.a Consideration of Approval

32

- **Motion to give 3rd reading to:**
 - Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 42) No. 22-044
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045 (as amended on September 8, 2022)

- **Motion to adopt:**
 - Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 42) No. 22-044
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045
 - Land Use Procedures Amendment Bylaw (No. 17) 22-057
 - Affordable Housing Standards Bylaw 22-056
- **Motion to approve:**
 - Missing Middle Design Guidelines (2022)
 - Tenant Assistance Policy (July 2022)
- **Motion to rescind:**
 - Tenant Assistance Policy (February 2022)

J. CORRESPONDENCE

K. NEW BUSINESS

K.1 1535/1537 Despard Avenue: Update Report for Development Variance Permit Application No. 00263

106

This application is ready to proceed to an opportunity for public comment and proposes to subdivide the property located at 1535/1537 Despard Avenue, into two fee simple lots.

L. CLOSED MEETING

MOTION TO CLOSE THE JANUARY 26, 2023 COUNCIL MEETING TO THE PUBLIC

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

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

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

M. APPROVAL OF CLOSED AGENDA

N. READING OF CLOSED MINUTES

N.1 Minutes from the closed meeting held January 5, 2023

O. UNFINISHED BUSINESS

P. CORRESPONDENCE

Q. NEW BUSINESS

Q.1 Intergovernmental Relations - Community Charter Section 90(2)(b)

R. CONSIDERATION TO RISE & REPORT

S. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

January 5, 2023, 2:23 P.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

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

PRESENT: Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Loughton, Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Kim

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Executive Operations, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, J. O'Connor - Deputy Director of Finance, P. Bellefontaine - Director of Engineering & Public Works, D. Atkinson - Acting Fire Chief, S. Johnson - Director of Communications and Engagement, K. Moore - Head of Business & Community Relations, D. Atkinson - Acting Fire Chief, D. Newman - Assistant Director of Parks & Open Spaces, P. Rantucci - Director of Strategic Real Estate, B. Roder - Committee Secretary, S. Maichen - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Coleman

Seconded By Councillor Thompson

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the evening meeting held July 14, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the evening meeting held July 14, 2022 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held September 22, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held September 22, 2022 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the meeting held October 6, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held October 6, 2022 be adopted.

CARRIED UNANIMOUSLY

C.4 Minutes from the meeting held November 10, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held November 10, 2022 be adopted.

CARRIED UNANIMOUSLY

C.5 Minutes from the meeting held November 17, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held November 17, 2022 be adopted.

CARRIED UNANIMOUSLY

C.7 Minutes from the meeting held December 1, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held December 1, 2022 be adopted.

CARRIED UNANIMOUSLY

C.8 Minutes from the meeting held December 8, 2022

Moved By Councillor Gardiner

Seconded By Councillor Coleman

That the minutes from the meeting held December 8, 2022 be adopted.

CARRIED UNANIMOUSLY

C.6 Minutes from the meeting held November 24, 2022

Council noted a clarification in regards votes on a motion in a Committee of the Whole meeting and the subsequent votes upon ratification of the same Committee of the Whole resolution at a subsequent Council meeting

Moved By Councillor Coleman
Seconded By Councillor Gardiner

That the minutes from the meeting held November 24, 2022 be adopted as amended.

CARRIED UNANIMOUSLY

G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the January 5, 2023 COTW Meeting

G.1.a.a Council Member Motion: Canadian Capital Cities Organization Winter Meeting in Ottawa, from January 31 through February 2, 2023

Moved By Councillor Coleman
Seconded By Councillor Dell

That Council authorize the attendance and associated costs for Councillors Loughton and Gardiner to attend the Canadian Capital Cities Organization Winter Meeting to be held in Ottawa, Ontario, from January 31 through February 2, 2023 (travel to Ottawa January 30).

The approximate cost per person for attending is:

Conference Registration Fee \$00.00
Travel to/from Ottawa \$758.96
Possible luggage charge (2 x \$40) \$80.00
Taxis (Victoria x 2 and Ottawa x 2) \$120.00
Accommodation (3 nights) \$652.05
Food & Incidentals (2 dinners, 1lunch, 4bfast)
\$150.00
3 lunches and 1 dinner provided
Carbon footprint calculation \$150.00

Estimated total cost = \$1,911.01 per Councillor for an estimated total cost of \$3,822.02.

CARRIED UNANIMOUSLY

I. BYLAWS

I.1 Bylaw for Temporary Borrowing

Deputy City Manager/ Chief Financial Officer provided an overview regarding the temporary borrowing bylaw to allow the City to borrow money to meet cash flow demands before property taxes are collected in July.

Committee discussed the following:

- *History of the City's short-term borrowing*
- *Purpose for precautionary measures*
- *Bank interest rates*

Moved By Councillor Coleman

Seconded By Councillor Dell

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

1. Temporary Borrowing Bylaw, 2023 No. 23-008

CARRIED UNANIMOUSLY

I.2 Bylaws for 1114 and 1116 McClure Street: Rezoning Application No. 00772 and Development Permit with Variances Application No. 00185

Councillor Hammond declared a conflict of interest due to his neighbouring property and recused himself from the meeting at 2:30 p.m.

Moved By Councillor Dell

Seconded By Councillor Coleman

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1289) No. 23-014

CARRIED UNANIMOUSLY

Moved By Councillor Dell

Seconded By Councillor Coleman

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

1. Housing Agreement (1114 McClure) Bylaw (2023) No. 23-015

CARRIED UNANIMOUSLY

Councillor Hammond rejoined the meeting at 2:31 p.m.

L. CLOSED MEETING

Moved By Councillor Caradonna

Seconded By Councillor Dell

MOTION TO CLOSE THE JANUARY 5, 2023 COUNCIL MEETING TO THE PUBLIC
That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

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

- Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- Section 90(1)(c) labour relations or other employee relations; and
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

The daytime meeting of Council was closed to the public at 2:34 p.m.

M. APPROVAL OF CLOSED AGENDA

Moved By Councillor Thompson
Seconded By Councillor Coleman

That the closed agenda be approved.

CARRIED UNANIMOUSLY

N. READING OF CLOSED MINUTES

N.1 Minutes from the closed meeting held September 22, 2022

Moved By Mayor Alto
Seconded By Councillor Coleman

That the minutes from the closed meeting held September 22, 2022 be adopted.

CARRIED UNANIMOUSLY

N.2 Minutes from the closed meeting held October 6, 2022

Moved By Mayor Alto
Seconded By Councillor Coleman

That the minutes from the closed meeting held October 6, 2022 be adopted.

CARRIED UNANIMOUSLY

N.3 Minutes from the closed meeting held November 10, 2022

Moved By Councillor Coleman
Seconded By Councillor Dell

That the minutes from the closed meeting held November 10, 2022 be adopted.

CARRIED UNANIMOUSLY

N.4 Minutes from the closed meeting held November 17, 2022

Moved By Councillor Coleman
Seconded By Councillor Dell

That the minutes from the closed meeting held November 17, 2022 be adopted.

CARRIED UNANIMOUSLY

N.5 Minutes from the closed meeting held November 24, 2022

Moved By Councillor Coleman
Seconded By Councillor Dell

That the minutes from the closed meeting held November 24, 2022 be adopted.

CARRIED UNANIMOUSLY

N.6 Minutes from the closed meeting held December 1, 2022

Moved By Councillor Coleman
Seconded By Councillor Dell

That the minutes from the closed meeting held December 1, 2022 be adopted.

CARRIED UNANIMOUSLY

N.7 Minutes from the closed meeting held December 8, 2022

Moved By Councillor Coleman
Seconded By Councillor Dell

That the minutes from the closed meeting held December 8, 2022 be adopted.

CARRIED UNANIMOUSLY

Q. NEW BUSINESS

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

Council discussed a legal matter. The discussion was recorded and kept confidential.

Q.2 Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter. The discussion was recorded and kept confidential.

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

This item was deferred to the January 12, 2023 Closed meeting of Council.

S. ADJOURNMENT

Moved By Councillor Coleman

Seconded By Councillor Dell

That the Closed Council Meeting be adjourned at 4:13 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



CITY OF VICTORIA

PROCLAMATION

“EATING DISORDERS AWARENESS WEEK”

- WHEREAS** *Eating Disorders Awareness Week seeks to raise awareness of eating disorders, shed light on dangerous and pervasive myths, and promote prevention; and*
- WHEREAS** *the National Eating Disorders Awareness campaign launches annually in February with events and activities taking place throughout the year and is a national effort to raise awareness around prevention and early intervention of eating disorders as well as media literacy, resiliency, building healthy body image and self-esteem; and*
- WHEREAS** *the Vancouver Island Voices for Eating Disorders Society (VIVED) is a grassroots organization that, despite many members’ who struggle with lived experience, has pulled together people with eating disorders, their loved ones, friends and allies, and has been active in a number of activities, from public presentations, a petition to the provincial government, letter-writing campaigns, supportive activities such as rock painting in the park, and other advocacy efforts; and*
- WHEREAS** *the Victoria Peer Support Group for Adults, a VIVED program operated entirely by volunteers, has been filling a gap providing weekly peer support groups facilitated by volunteers for over seven years; and*
- WHEREAS** *eating disorders are psychiatric illnesses with higher mortality rates than any mental illness other than opioid addiction; and*
- WHEREAS** *it is critical that greater awareness be raised in this area to support additional and innovated services in the City of Victoria so more adults with eating disorders can access appropriate services in their own home community.*

NOW, THEREFORE *I do hereby proclaim the week of February 1st to February 7th, 2023, as “EATING DISORDERS AWARENESS WEEK” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA**, **CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 26th day of January, Two Thousand and Twenty-Three.*

MARIANNE ALTO
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Vancouver Island Voices
for Eating Disorders (VIVED)



CITY OF VICTORIA

PROCLAMATION

“CONGENITAL HEART DISEASE AWARENESS WEEK”

WHEREAS *Congenital Heart Disease (CHD) is the most common of all birth defects occurring in about one in every 100 births in Canada. Heart defects are present at birth and affect the structure of the heart and how blood flows throughout the heart and body; and*

WHEREAS *More than 50 percent of all children born with CHD will require at least one invasive surgery in their lifetime; and*

WHEREAS *Survival of children with CHD has greatly improved thanks to advances in medical technology, but for some, CHD means lifelong cardiac care; and*

WHEREAS *With more patients reaching adulthood continued efforts in fundraising and research is required to ensure access to ongoing care and support.*

NOW, THEREFORE *I do hereby proclaim the week of February 7th - 14th 2023, as “CONGENITAL HEART DISEASE AWARENESS WEEK” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 26th day of January, Two Thousand and Twenty-Three.*

MARIANNE ALTO
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Canadian Congenital Heart Alliance



CITY OF VICTORIA

PROCLAMATION

“INTERNATIONAL HOLOCAUST REMEMBRANCE DAY”

- WHEREAS** *This year, on International Holocaust Remembrance Day (IHRD), we commemorate the 78th Anniversary of the liberation of Auschwitz-Birkenau; and*
- WHEREAS** *January 27th is designated by the United Nations General Assembly as International Holocaust Remembrance Day; and*
- WHEREAS** *Since 2005, the UN and its member states have held commemoration ceremonies to mark the anniversary of the liberation of Auschwitz-Birkenau and to honour the victims and the survivors of the Holocaust; and*
- WHEREAS** *The purpose of International Holocaust Remembrance Day is to serve as a date of the official commemoration of the victims of the Nazi regime, and to promote Holocaust education throughout the world; and*
- WHEREAS** *We join with our Jewish community on an annual day to commemorate and honour the International Holocaust Remembrance Day.*

NOW, THEREFORE *I do hereby proclaim Friday of January 27th, 2023, as “INTERNATIONAL HOLOCAUST REMEMBRANCE DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 26th day of January, Two Thousand and Twenty-Three.*

MARIANNE ALTO
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Jewish Federation
Victoria and Vancouver Island



CITY OF VICTORIA

PROCLAMATION

“CHAMBER OF COMMERCE WEEK”

- WHEREAS** *Strong and vibrant businesses are a key driver of our region’s economic prosperity; and*
- WHEREAS** *Strong and vibrant businesses create good jobs and opportunities for residents of Victoria and support a great community; and*
- WHEREAS** *The Greater Victoria Chamber of Commerce is a business organization dedicated to strengthening businesses in Greater Victoria and helping our community thrive; and*
- WHEREAS** *Every year, members of the Greater Victoria Chamber of Commerce dedicate countless volunteer hours in service to our region’s businesses and community.*

NOW, THEREFORE *I do hereby proclaim the week of February 13th to February 17th, 2023, as
“CHAMBER OF COMMERCE WEEK” on the **HOMELANDS** of the Lekwungen speaking
SONGHEES AND ESQUIMALT PEOPLE in the **CITY OF VICTORIA, CAPITAL CITY** of
the **PROVINCE of BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 26th day of January, Two Thousand and Twenty-Three.*

MARIANNE ALTO
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Greater Victoria
Chamber Of Commerce

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JANUARY 12, 2023

For the Council meeting of January 26, 2023, the Committee recommends the following:

F. STAFF REPORTS

F.1 1952 Quadra Street: Application to Change a Liquor Primary Club License to a Liquor Primary License for the Victoria Curling Club (North Park)

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of the Victoria Curling Club, located at 1952 Quadra Street, to transition their liquor primary club licence to a liquor primary licence and retain the existing hours that are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday, and retain the existing occupant load of 181 people. Approval of the application is not expected to produce noise related impacts and the following comments are provided regarding the prescribed considerations:
 - a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
 - b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 868 owners and occupants, the City received three letters in response to the notification which included a letter from the North Park Neighbourhood Association (NPNA); all correspondence indicated support for the application.
 - c. Council recommends to the Province that the liquor primary licence be approved as recommended.



Council Report

For the Meeting of January 26, 2023

To: Council **Date:** January 19, 2023

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: **Report of the Public Hearing on Bylaws No. 22-044 and 22-045 (Missing Middle Housing Initiative)**

EXECUTIVE SUMMARY

The purpose of this report is to provide Council a report on the Public Hearing on bylaw amendments proposed through the *Missing Middle Housing Initiative* (MMHI). This report is provided pursuant to section 470(2) of the *Local Government Act* – it provides the information on the Public Hearing so that Council members who were not present at the Public Hearing may vote on the adoption of the bylaws considered at the Public Hearing: *Official Community Plan Bylaw, 2021, Amendment Bylaw (No. 42) No. 22-044* and *Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045*.

The MMHI is a policy project aimed at increasing the supply of missing middle housing: building forms that fall between traditional single-family homes and large condominium or apartment buildings. The OCP has included policy encouraging missing middle housing forms since adoption in 2012, and the City's strategic plan for 2018-2022 Council term provided more explicit direction to remove regulatory barriers to these housing forms. The MMHI resulted in policy and bylaw proposals presented to Council in late 2022. OCP and zoning amendment bylaws have been given two readings and a public hearing was held on August 4, September 1, and September 2, 2022. Council debated these bylaws on September 8, 2022 but had not voted on the third reading of these bylaws. A municipal election was held in October 2022 and Council composition has changed.

In accordance with the *Community Charter*, the provincial legislation governing municipalities, Council is a continuing body and is expressly allowed to complete any proceedings started but not completed before the change in its membership. The *Local Government Act*, legislation governing land-use regulation, provides that a Council member who was not present at the Public Hearing may still vote on the adoption of the bylaw if they receive a report of the public hearing.

This report does not contain any new information about MMHI and is intended solely to allow new Council members to become familiar with the information presented at the Public Hearing so that they can vote on the adoption of bylaws related to the MMHI. Given the volume of information for Council to review prior to considering this matter, the Manager of Executive Operations and City Communications sent an email to Council on December 14, 2022 (Attachment A) summarizing the Council process pertaining to the MMHI and providing all of the associated links so that Council would have sufficient time to view the materials and videos.

BACKGROUND

The *Missing Middle Housing Initiative* (MMHI) is aimed at increasing the supply of missing middle housing: building forms that fall between traditional single-family homes and large condominium or apartment buildings. MMHI forms include townhouses and houseplexes. The OCP has included policy encouraging missing middle housing forms since adoption in 2012, and the City's strategic plan for 2018-2022 Council term provided more explicit direction to remove regulatory barriers to these housing forms. The following subsections summarize of the evolution of the MMHI leading up to the public hearing:

November 21, 2019 – Project Initiation Report

This report to [Committee of the Whole on November 21, 2019](#) (item F.1) provided Council with a proposed approach to the MMHI and sought to confirm Council direction regarding the initiative.

Relevant motions passed by Council at the November 28, 2019 Council meeting:

That Council direct staff to:

1. *Establish zoning regulations, design guidelines and policy updates for missing middle housing forms city-wide;*
2. *Conduct engagement to provide opportunities for the community to help shape the missing middle regulatory framework;*
3. *Identify suitable locations for missing middle housing forms;*
4. *Report back with recommendations for City-initiated rezoning;*
5. *That a strong affordability lens be applied throughout this process for the creation and loss of both rental and strata units.*

July 29, 2021 – Phase 1 Summary and Emerging Directions

This report to [Committee of the Whole on July 29, 2021](#) (item F.1) summarized the results of phase one engagement, what was learned through technical analysis including the first phase of financial analysis, what directions were emerging for the menu of housing forms that could be enabled by zoning regulation changes, and key trade-offs proposed as the focal points for phase two community engagement.

Relevant motions passed by Council at the August 5, 2021 Council to Follow Committee of the Whole (COTW):

1. *That Council direct staff to:*

- a. *Undertake broad consultation regarding policy and regulatory and delegated process options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.*
- b. *Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:*
 - i. *Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.*

- ii. *Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.*
- iii. *Support up to 1.1:1 Floor Space Ratio (FSR).*
- c. *Consider consultation under section 475(2)(b) of the Local Government Act and direct staff to refer the Official Community Plan Amendment Bylaw to the Capital Regional District Board, School District 61, Township of Esquimalt, District of Saanich, the District of Oak Bay, the Songhees Nation, the Esquimalt Nation, Island Health, the Province of BC, and the Federal Government.*
- d. *Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation on the proposed amendments to the Official Community Plan 2012 in accordance with the consultation plan in Attachment A.*
- e. *Report back to Council with details of the feedback received, estimation of resource impacts, and seek instructions for drafting bylaw amendments.*
- f. *Continue to focus on finding innovative approaches to create new affordable rental and cooperative and ownership housing units.*

May 5, 2022 – Phase 2 Summary and Next Steps

This report to [Committee of the Whole on May 5, 2022](#) (item F.3) provided a summary of the results of phase two engagement, how the results and further analysis informed recommended policy as well as regulatory changes, and sought Council direction to prepare bylaw amendments.

Relevant motions passed by Council at the May 19, 2022 Council to Follow COTW:

That Council direct staff to include in the next review of Development Cost Charges the potential to incentivize missing middle housing.

Relevant motions passed by Council at the June 9, 2022 Council to Follow COTW:

1. That Council direct staff to:

a. Prepare bylaws to amend:

- i. *The Zoning Regulation Bylaw to permit houseplexes, corner townhouses, heritage conserving infill, and accessory uses, as described within this report.*
- ii. *The Zoning Regulation Bylaw to establish land dedication requirements to support mobility and urban forest objectives, as incentivised by the density bonus structure of proposed zoning for missing middle housing forms.*
- iii. *The Land Use Procedures Bylaw to delegate development permit approvals to staff for cases where proposed missing middle housing is permitted in zoning, development applications are consistent with the Missing Middle Design Guidelines, and no zoning variances are requested. Also, to establish delegated development permit application fees of \$5,000 for projects with 6 or fewer dwelling units, and \$8,000 for projects with 7 to 12 units.*
- iv. *The Land Use Procedure Bylaw to provide for a refund of \$5,000 of development permit application fee related to a missing middle project where*

the applicant submits and complies with a tenant assistance plan consistent with the Tenant Assistance Policy.

- b. Prepare an Affordable Housing Standards Bylaw to establish income limits for households qualified to purchase a Below Market Home Ownership unit and a definition of affordable rental housing.*
 - c. Bring forward the above-mentioned bylaws and the OCP Amendment Bylaw for first and second reading.*
 - d. Monitor the impact of any missing middle zoning changes against the achievement of objectives summarized in the Missing Middle Housing Policy, Including options for prioritizing new co-operative housing, non-profit housing and public housing in the eligibility requirements for increased zoning entitlements arising from the proposed Missing Middle amendments, loss of units that fall into the definition of affordable in the City of Victoria, number of displacements and number of tenant assistance policies and report back to Council with any recommended process, regulatory, and policy improvements in two years or earlier if significant unintended effects become more immediately apparent or market conditions change significantly.*
 - e. Monitor resourcing implications and report back to Council on any further resourcing implications as part the 2023 budget planning process. Report back sooner with resource implications if a high volume of applications is received.*
 - f. Amend the Tenant Assistance Policy to provide for appropriate measures to assist tenants displaced as a result of a missing middle project.*
- 2. That Council consider approval of the Missing Middle Housing Policy and the updated versions of the Burnside Neighbourhood Plan, Fairfield Neighbourhood Plan, Gonzales Neighbourhood Plan, James Bay Neighbourhood Plan, Jubilee Neighbourhood Plan, Oaklands Neighbourhood Plan, Rockland Neighbourhood Plan, and Victoria West Neighbourhood Plan at the same Council meeting at which the above bylaw amendments are considered.*
 - 3. That upon approval of the Missing Middle Housing Policy and updated versions of neighbourhood plans, Council rescinds the previous versions of said neighbourhood plans.*
 - 4. Revise the fee to \$10,000 for buildings of 6 units and less and \$13,000 for buildings of 7 units or more.*
 - 5. That Council direct staff to hold an information session for the public on July 12th give bylaw readings on July 14th and schedule a Public Hearing for Aug 4th and that Council authorize an expenditure of up to \$25,000 if necessary, from the 2022 contingency budget.*

July 14, 2022 – Bylaw Introduction

This report to [Council on July 14, 2022](#) (item H.1) introduced the *Zoning Regulation Amendment Bylaw 22-045*, the *Land Use Procedures Amendment Bylaw 22-057*, the *Affordable Housing Standards Bylaw 22-056*, and the *Official Community Plan Amendment Bylaw 22-044*, along with the Missing Middle Design Guidelines and recommended updates to the *Tenant Assistance Policy*.

Relevant motions passed by Council at the July 14, 2022 Council to Follow COTW:

That the following bylaw be given first and second readings:

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045*
- 2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 42) No. 22-044*

That Council direct staff to bring amendments to the July 14 evening Council meeting to limit the option of the cash in lieu contribution at section 2.3 schedule P to houseplexes.

Relevant motions passed by Council at the July 14, 2022 Council meeting:

That Bylaw No. 22-045, Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) be amended in schedule P by:

- a. Deleting section 2.3.a.ii.A;*
- b. Renumbering clauses B through F in section 2.3.a.ii as clauses A through E;*
- c. Deleting the period at the end of section 2.3.a.iii and replacing it with “; or”;*
- d. Inserting, immediately after section 2.3.a.iii, the following as the new clause iv:*
“iv. For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$107.64 per square metre of bonus density utilized for the development adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.”; and
- e. In section 2.3.b, deleting “a.ii.A” and replacing it with “a.iv”.*

That Council:

- 1. Consider the OCP Amendment Bylaw in conjunction with the City of Victoria 2018-2022 Financial Plan, the Capital Regional District Liquid Waste Management Plan, and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those plans to be consistent with the proposed bylaw.*
- 2. Refer the Zoning Regulation Amendment Bylaw and OCP Amendment Bylaw for consideration at a public hearing.*

That the following bylaw be given first, second, and third readings:

- 1. Land Use Procedures Bylaw, Amendment Bylaw (No. 17) No. 22-057*
- 2. Affordable Housing Standards Bylaw No. 22-056*

That Council:

- 1. At the same Council meeting at which the associated OCP Amendment Bylaw and Zoning Regulation Amendment Bylaw are considered for adoption, and after third reading but before fourth reading of said Bylaws, consider approval by resolution of:*
 - a. the Missing Middle Design Guidelines (2022), and*
 - b. the Missing Middle Housing Policy (2022), as well as the updated Burnside Neighbourhood Plan (2022), Fairfield Neighbourhood Plan (2022), Gonzales Neighbourhood Plan (2022), James Bay Neighbourhood Plan (2022), Jubilee Neighbourhood Plan (2022), Oaklands Neighbourhood Plan (2022), Rockland Neighbourhood Plan (2022), and the Victoria West Neighbourhood Plan (2022).*
 - c. the updated Tenant Assistance Policy (2022).*
- 2. Rescind the previous versions of the above-mentioned neighbourhood plans following approval of the respective 2022 versions.*

3. *Rescind the previous version of the Tenant Assistance Policy following approval of the respective 2022 version.*

Relevant motions passed by Council at the August 4, 2022 Council to Follow COTW:

That Council direct staff to report back as part of the two year review of the Missing Middle initiative if it proceeds on options for limiting the entitlement to build new single family homes on Missing Middle zoned parcels, including the potential for regulating maximum unit size and that Council direct staff to include an exploration of applying tenant assistant policy to single family homes.

Public Hearing and Next Steps

The MMHI involves a number of policy and bylaw proposals:

- a. OCP amendment bylaw, including new design guidelines specifically for missing middle built forms (Bylaw No. 22-044);
- b. Zoning amendment bylaw (Bylaw No. 22-045);
- c. Amendments to the *Land Use Procedure Bylaw*;
- d. Adoption of a new *Affordable Housing Standards Bylaw*; and
- e. Changes to the *Tenant Assistance Policy*.

The OCP and zoning amendment bylaws have been given two readings and a public hearing was held on August 4, September 1, and September 2, 2022. Council debated these bylaws on September 8, 2022 but had not voted on the third reading of these bylaws. Instead, Council referred the MMHI to the Committee of the Whole meeting in the last quarter of 2022 to consider the MMHI in light of anticipated provincial legislation:

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

The other two bylaws received three readings and, together with the changes to the policy, are ready for adoption should Council adopt the OCP and zoning amendment bylaws.

A municipal election was held in October 2022 and Council composition has changed as a result. However, because Council is a continuing body, the process initiated before the election continues and the MMHI project continues as an ongoing City initiative. In particular, the various bylaws that had been given introductory reading prior to the election remain “in progress”. This is addressed in the *Community Charter*:

Despite a change in its membership, the council of a municipality is a continuing body and may complete any proceedings started but not completed before the change.¹

Because the OCP and zoning amendment bylaws require a public hearing and that hearing was held before the election, there is an additional step required, given the change in composition of Council following the election, before they could be adopted. The *Local Government Act* expressly allows a Council member who was not present at the Public Hearing to still vote on the bylaw,

¹ *Community Charter*, S.B.C. 2003, c. 26, section 114(2)

provided they received a report of the public hearing from an officer or employee of the City:

- (2) A member of a council or board who
 - (a) is entitled to vote on a bylaw that was the subject of a public hearing, and
 - (b) was not present at the public hearingmay vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member in accordance with subsection (3).
- (3) The report referred to in subsection (2) must be given to the member by
 - (a) an officer or employee of the local government, or
 - (b) if applicable, the delegate who conducted the public hearing.²

This report does not contain any new information about MMHI and is intended solely to allow new Council members to become familiar with the information presented at the Public Hearing so that they can vote on the adoption of bylaws related to MMHI.

ISSUES AND ANALYSIS

The following is a report on the Public Hearing related to Bylaws No. 22-044 and 22-045 provided to Council in accordance with section 470 of the *Local Government Act*. Given the volume of information for Council to review prior to considering this matter, the Manager of Executive Operations and City Communications sent an email to Council on December 14, 2022 (Attachment A) summarizing the Council process pertaining to the MMHI and providing all of the associated links so that Council would have sufficient time to view the materials and videos.

The Public Hearing on Bylaws No. 22-044 and 22-045 began on August 4, resumed on September 1, and closed on September 2, 2022. Amongst those who spoke or provided video submissions that were summarized in respective meeting minutes, 76 spoke in support, while 73 expressed concern or opposition. However, the Public Hearing is only understood by thoroughly reviewing the materials and videos linked to in the following four sections.

1. August 4, 2022 – Public Hearing Began

The Public Hearing began at the [Council Meeting of August 4, 2022](#). The relevant portion of the recording begins at minute 7:34. The [meeting minutes](#) include a summary, beginning on page 2, of comments made by speakers at the Public Hearing.

As part of this meeting, Council received a presentation from staff summarizing the matters under consideration for the Public Hearing (see recording at min 10:10), as well as a [report](#) introducing the recommended updates to the *Tenant Assistance Policy* to align with the proposed partial development permit fee refund where tenant assistance is provided. This report also recommended the *Missing Middle Housing Policy* and associated updates to neighbourhood plans be considered at a separate meeting of Council following the conclusion of Council's consideration of the bylaw amendments.

At the end of the meeting, Council adjourned the Public Hearing to September 1, 2022 to hear more speakers.

Item F.1 on the August 4, 2022 Council agenda (linked above) includes the following attachments:

1. [July 14, 2022 CTFCOTW Report_Missing Middle Housing Initiative.pdf](#)

² *Local Government Act*, R.S.B.C. 2015, c. 1, section 470

2. [May 5, 2022 COTW Report_Missing Middle Housing Initiative.pdf](#)
3. [Report_Missing Middle Housing Initiative Bylaw Amendments and Policy Updates.pdf](#)
4. [Attachment A_Updated Tenant Assistance Policy.pdf](#)
5. [Attachment B_Blackline Official Community Plan.pdf](#)
6. [Correspondence_Letter from the Rockland Neighbourhood Association_Missing Middle Housing Initiative.pdf](#)
7. [Correspondence_Missing Middle Housing Initiative.pdf](#)
8. [Addendum_Additional Correspondence_Missing Middle Housing Initiative.pdf](#)
9. [Addendum_Letter from the James Bay Neighbourhood Association.pdf](#)
10. [Addendum_Additional Correspondence 2_Missing Middle Housing Initiative.pdf](#)
11. [Addendum_Additional Correspondence 3_Missing Middle Housing Initiative.pdf](#)
12. [Presentation_Missing Middle Housing.pdf](#)

Item F.1.a includes the following attachments:

1. [Bylaw No. 22-044.pdf](#)
2. [Bylaw No. 22-045.pdf](#)
3. [Bylaw No. 22-057.pdf](#)
4. [Bylaw No. 22-056.pdf](#)
5. [Missing Middle Design Guidelines \(2022\).pdf](#)
6. [Tenant Assistance Policy \(July 2022\).pdf](#)

2. September 1, 2022 – Public Hearing Resumed

Council resumed the Public Hearing at a [Special meeting of Council on September 1, 2022](#). After exhausting the speakers list, Council set aside time at the next meeting to view all pre-recorded video submissions before beginning deliberations on the bylaws. This was the only item on the agenda, so the entire recording is pertinent. The [meeting minutes](#) include a summary of comments made by speakers at the Public Hearing.

Additional to the materials included as part of August 4 agenda, the following new attachments were added to this agenda:

1. [Additional Correspondence 4_Missing Middle Housing Initiative.pdf](#)
2. [Addendum_Additional Correspondence 5_Missing Middle Housing Initiative.pdf](#)
3. [Addendum_Letter from the Fernwood Community Association_Missing Middle Housing Initiative.pdf](#)
4. [Addendum_Additional Correspondence 6_Missing Middle Housing Initiative.pdf](#)
5. [Addendum_Additional Correspondence 7_Missing Middle Housing Initiative.pdf](#)

3. September 2, 2022 – Public Hearing Closed and Council Deliberations Began

At the [Special meeting of Council on September 2, 2022](#) Council viewed all pre-recorded video submissions, closed the Public Hearing, asked questions of staff, began deliberations, and resolved to adjourn and resume deliberations on September 8, 2022. This was the only item on the agenda

so the entire recording is pertinent. The [meeting minutes](#) include a summary of comments made by video submissions to the Public Hearing. There were no new attachments added to this agenda.

4. September 8, 2022 – Council Deliberations Continued

At the [Council to Follow COTW meeting on September 8, 2022](#) (item E.1), Council resumed deliberations, asked clarifying questions of staff, and passed the motions copied below. The relevant portion of the recording begins at hour 1:08:15. There were no new attachments added to this agenda.

At this meeting, Council passed two motions arising, which related to heritage infill and the timeline for post-adoption briefing and review; two amendments to the still pending main motion of giving third reading to the zoning and OCP related bylaws (seen on page 12 of the [meeting minutes](#)); and ultimately passed the referral motion at the end of the list below:

That in the case of applications for sites with heritage value, but without heritage protections, staff be directed to work with applicants to first consider house conversion, or heritage infill, prior to considering a Missing Middle project that would require demolition.

That Council direct staff to come back to Council with a short briefing after 6 months and conduct a review after 18 months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

That Schedule 1 of Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045 section 2.3 (a) (iv) be amended by striking and replacing the following: For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$215.18 per square metre of bonus density utilized for the development, adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.

That Schedule 1 of Bylaw No. 22-045 (Zoning Regulation Bylaw, Amendment Bylaw (No. 1278)), Section 3.2 (Height) be amended by changing the height specified in sub-section (a) to 8.5 m and the height specified in sub-section (b) to 9.5 m.

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

CONCLUSION

The zoning amendment and Official Community Plan amendment bylaws associated with the MMHI have gone through a public hearing and have not yet been voted on by Council. This report, provided pursuant to section 470(2) of the *Local Government Act*, provides the information necessary so that Council members who were not present at the Public Hearing may vote on the adoption of the bylaws.

Respectfully submitted,

Malcolm MacLean
Senior Planner
Community Planning Division

Karen Hoes, Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager

List of Attachments

- Attachment A – Email to Council of December 14, 2022 from Manager of Executive Operations and City Communications

From: Colleen Mycroft <cmycroft@victoria.ca>
Sent: December 14, 2022 2:52 PM
To: Councillors <Councillors@victoria.ca>
Cc: Jocelyn Jenkyns <JJenkyns@victoria.ca>; Colleen Mycroft <cmycroft@victoria.ca>
Subject: FYI: Missing Middle Housing Initiative: Information Links
Importance: High

Good afternoon Council,

The purpose of this email is to provide Council with links to Council and Committee meetings at which the Missing Middle Housing Initiative (MMHI) was considered. No new information is included about the MMHI – the intent of this email is solely intended to allow new Council members to familiarize themselves with the information leading up to and presented at the public hearing.

The following subsections summarize of the evolution of the MMHI leading up to and including the public hearing:

November 21, 2019 – Project Initiation Report

This report to [Committee of the Whole on November 21, 2019](#) (item F.1) provided Council with a proposed approach to the MMHI and sought to confirm Council direction regarding the initiative.

Relevant motions passed by Council at the November 28, 2019 Council meeting:

That Council direct staff to:

- 1. Establish zoning regulations, design guidelines and policy updates for missing middle housing forms city-wide;*
- 2. Conduct engagement to provide opportunities for the community to help shape the missing middle regulatory framework;*
- 3. Identify suitable locations for missing middle housing forms;*
- 4. Report back with recommendations for City-initiated rezoning;*
- 5. That a strong affordability lens be applied throughout this process for the creation and loss of both rental and strata units.*

July 29, 2021 – Phase 1 Summary and Emerging Directions

This report to [Committee of the Whole on July 29, 2021](#) (item F.1) summarized the results of phase one engagement, what was learned through technical analysis including the first phase of financial analysis, what directions were emerging for the menu of housing forms that could be enabled by zoning regulation changes, and key trade-offs proposed as the focal points for phase two community engagement.

Relevant motions passed by Council at the August 5, 2021 Council to Follow Committee of the Whole (COTW):

1. *That Council direct staff to:*
 - a. *Undertake broad consultation regarding policy and regulatory and delegated process options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.*
 - b. *Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:*
 - i. *Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.*
 - ii. *Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.*
 - iii. *Support up to 1.1:1 Floor Space Ratio (FSR).*
 - c. *Consider consultation under section 475(2)(b) of the Local Government Act and direct staff to refer the Official Community Plan Amendment Bylaw to the Capital Regional District Board, School District 61, Township of Esquimalt, District of Saanich, the District of Oak Bay, the Songhees Nation, the Esquimalt Nation, Island Health, the Province of BC, and the Federal Government.*
 - d. *Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation on the proposed amendments to the Official Community Plan 2012 in accordance with the consultation plan in Attachment A.*
 - e. *Report back to Council with details of the feedback received, estimation of resource impacts, and seek instructions for drafting bylaw amendments.*
 - f. *Continue to focus on finding innovative approaches to create new affordable rental and cooperative and ownership housing units.*

May 5, 2022 – Phase 2 Summary and Next Steps

This report to [Committee of the Whole on May 5, 2022](#) (item F.3) provided a summary of the results of phase two engagement, how the results and further analysis informed recommended policy as well as regulatory changes, and sought Council direction to prepare bylaw amendments.

Relevant motions passed by Council at the May 19, 2022 Council to Follow COTW:

That Council direct staff to include in the next review of Development Cost Charges the potential to incentivize missing middle housing.

Relevant motions passed by Council at the June 9, 2022 Council to Follow COTW:

1. *That Council direct staff to:*

a. *Prepare bylaws to amend:*

- i. *The Zoning Regulation Bylaw to permit houseplexes, corner townhouses, heritage conserving infill, and accessory uses, as described within this report.*
- ii. *The Zoning Regulation Bylaw to establish land dedication requirements to support mobility and urban forest objectives, as incentivised by the density bonus structure of proposed zoning for missing middle housing forms.*
- iii. *The Land Use Procedures Bylaw to delegate development permit approvals to staff for cases where proposed missing middle housing is permitted in zoning, development applications are consistent with the Missing Middle Design Guidelines, and no zoning variances are requested. Also, to establish delegated development permit application fees of \$5,000 for projects with 6 or fewer dwelling units, and \$8,000 for projects with 7 to 12 units.*
 - iv. *The Land Use Procedure Bylaw to provide for a refund of \$5,000 of development permit application fee related to a missing middle project where the applicant submits and complies with a tenant assistance plan consistent with the Tenant Assistance Policy.*
- b. *Prepare an Affordable Housing Standards Bylaw to establish income limits for households qualified to purchase a Below Market Home Ownership unit and a definition of affordable rental housing.*
- c. *Bring forward the above-mentioned bylaws and the OCP Amendment Bylaw for first and second reading.*
- d. *Monitor the impact of any missing middle zoning changes against the achievement of objectives summarized in the Missing Middle Housing Policy, Including options for prioritizing new co-operative housing, non-profit housing and public housing in the eligibility requirements for increased zoning entitlements arising from the proposed Missing Middle amendments, loss of units that fall into the definition of affordable in the City of Victoria, number of displacements and number of tenant assistance policies and report back to Council with any recommended process, regulatory, and policy improvements in two years or earlier if significant unintended effects become more immediately apparent or market conditions change significantly.*

- e. *Monitor resourcing implications and report back to Council on any further resourcing implications as part the 2023 budget planning process. Report back sooner with resource implications if a high volume of applications is received.*
 - f. *Amend the Tenant Assistance Policy to provide for appropriate measures to assist tenants displaced as a result of a missing middle project.*
2. *That Council consider approval of the Missing Middle Housing Policy and the updated versions of the Burnside Neighbourhood Plan, Fairfield Neighbourhood Plan, Gonzales Neighbourhood Plan, James Bay Neighbourhood Plan, Jubilee Neighbourhood Plan, Oaklands Neighbourhood Plan, Rockland Neighbourhood Plan, and Victoria West Neighbourhood Plan at the same Council meeting at which the above bylaw amendments are considered.*
 3. *That upon approval of the Missing Middle Housing Policy and updated versions of neighbourhood plans, Council rescinds the previous versions of said neighbourhood plans.*
 4. *Revise the fee to \$10,000 for buildings of 6 units and less and \$13,000 for buildings of 7 units or more.*
 5. *That Council direct staff to hold an information session for the public on July 12th give bylaw readings on July 14th and schedule a Public Hearing for Aug 4th and that Council authorize an expenditure of up to \$25,000 if necessary, from the 2022 contingency budget.*

July 14, 2022 – Bylaw Introduction

This report to [Council on July 14, 2022](#) (item H.1) introduced the *Zoning Regulation Amendment Bylaw 22-045*, the *Land Use Procedures Amendment Bylaw 22-057*, the *Affordable Housing Standards Bylaw 22-056*, and the *Official Community Plan Amendment Bylaw 22-044*, along with the Missing Middle Design Guidelines and recommended updates to the *Tenant Assistance Policy*.

Relevant motions passed by Council at the July 14, 2022 Council to Follow COTW:

That the following bylaw be given first and second readings:

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045*
2. *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 42) No. 22-044*

That Council direct staff to bring amendments to the July 14 evening Council meeting to limit the option of the cash in lieu contribution at section 2.3 schedule P to houseplexes.

Relevant motions passed by Council at the July 14, 2022 Council meeting:

That Bylaw No. 22-045, Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) be amended in schedule P by:

- a. *Deleting section 2.3.a.ii.A;*
- b. *Renumbering clauses B through F in section 2.3.a.ii as clauses A through E;*
- c. *Deleting the period at the end of section 2.3.a.iii and replacing it with “; or”;*

- d. *Inserting, immediately after section 2.3.a.iii, the following as the new clause iv:*
- “iv. For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$107.64 per square metre of bonus density utilized for the development adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.”; and*
- e. *In section 2.3.b, deleting “a.ii.A” and replacing it with “a.iv”.*

That Council:

1. *Consider the OCP Amendment Bylaw in conjunction with the City of Victoria 2018-2022 Financial Plan, the Capital Regional District Liquid Waste Management Plan, and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those plans to be consistent with the proposed bylaw.*
2. *Refer the Zoning Regulation Amendment Bylaw and OCP Amendment Bylaw for consideration at a public hearing.*

That the following bylaw be given first, second, and third readings:

1. *Land Use Procedures Bylaw, Amendment Bylaw (No. 17) No. 22-057*
2. *Affordable Housing Standards Bylaw No. 22-056*

That Council:

1. *At the same Council meeting at which the associated OCP Amendment Bylaw and Zoning Regulation Amendment Bylaw are considered for adoption, and after third reading but before fourth reading of said Bylaws, consider approval by resolution of:*
 - a. *the Missing Middle Design Guidelines (2022), and*
 - b. *the Missing Middle Housing Policy (2022), as well as the updated Burnside Neighbourhood Plan (2022), Fairfield Neighbourhood Plan (2022), Gonzales Neighbourhood Plan (2022), James Bay Neighbourhood Plan (2022), Jubilee Neighbourhood Plan (2022), Oaklands Neighbourhood Plan (2022), Rockland Neighbourhood Plan (2022), and the Victoria West Neighbourhood Plan (2022).*
 - c. *the updated Tenant Assistance Policy (2022).*
2. *Rescind the previous versions of the above-mentioned neighbourhood plans following approval of the respective 2022 versions.*
3. *Rescind the previous version of the Tenant Assistance Policy following approval of the respective 2022 version.*

Relevant motions passed by Council at the August 4, 2022 Council to Follow COTW:

That Council direct staff to report back as part of the two year review of the Missing Middle

initiative if it proceeds on options for limiting the entitlement to build new single family homes on Missing Middle zoned parcels, including the potential for regulating maximum unit size and that Council direct staff to include an exploration of applying tenant assistant policy to single family homes.

Public Hearing

The MMHI involves a number of policy and bylaw proposals:

- a. OCP amendment bylaw, including new design guidelines specifically for missing middle built forms (Bylaw No. 22-044);
- b. Zoning amendment bylaw (Bylaw No. 22-045);
- c. Amendments to the *Land Use Procedure Bylaw*;
- d. Adoption of a new *Affordable Housing Standards Bylaw*; and
- e. Changes to the Tenant Assistance Policy.

The OCP and zoning amendment bylaws have been given two readings and a public hearing was held on August 4, September 1, and September 2, 2022. Council debated these bylaws on September 8, 2022 but had not voted on the third reading of these bylaws. The other two bylaws received three readings and, together with the changes to the policy, are ready for adoption should Council adopt the OCP and zoning amendment bylaws. Links are provided below.

August 4, 2022 – Public Hearing Began

The public hearing began at the [Council Meeting of August 4, 2022](#). The relevant portion of the recording begins at minute 7:34. The [meeting minutes](#) include a summary, beginning on page 2, of comments made by speakers at the public hearing.

As part of this meeting, Council received a presentation from staff summarizing the matters under consideration for the public hearing (see recording at min 10:10), as well as a [report](#) introducing the recommended updates to the Tenant Assistance Policy to align with the proposed partial development permit fee refund where tenant assistance is provided. This report also recommended the *Missing Middle Housing Policy* and associated updates to neighbourhood plans be considered at a separate meeting of Council following conclusion of Council's consideration of the bylaw amendments.

At the end of the meeting, Council adjourned the public hearing to September 1, 2022 to hear more speakers.

Item F.1 on the August 4, 2022 Council agenda (linked above) includes the following attachments:

1. [July 14, 2022 CTFOTW Report_Missing Middle Housing Initiative.pdf](#)
2. [May 5, 2022 COTW Report_Missing Middle Housing Initiative.pdf](#)
3. [Report_Missing Middle Housing Initiative Bylaw Amendments and Policy Updates.pdf](#)
4. [Attachment A_Updated Tenant Assistance Policy.pdf](#)

5. [Attachment B_Blackline Official Community Plan.pdf](#)
6. [Correspondence_Letter from the Rockland Neighbourhood Association_Missing Middle Housing Initiative.pdf](#)
7. [Correspondence_Missing Middle Housing Initiative.pdf](#)
8. [Addendum_Additional Correspondence_Missing Middle Housing Initiative.pdf](#)
9. [Addendum_Letter from the James Bay Neighbourhood Association.pdf](#)
10. [Addendum_Additional Correspondence 2_Missing Middle Housing Initiative.pdf](#)
11. [Addendum_Additional Correspondence 3_Missing Middle Housing Initiative.pdf](#)
12. [Presentation_Missing Middle Housing.pdf](#)

Item F.1.a includes the following attachments:

1. [Bylaw No. 22-044.pdf](#)
2. [Bylaw No. 22-045.pdf](#)
3. [Bylaw No. 22-057.pdf](#)
4. [Bylaw No. 22-056.pdf](#)
5. [Missing Middle Design Guidelines \(2022\).pdf](#)
6. [Tenant Assistance Policy \(July 2022\).pdf](#)

September 1, 2022 – Public Hearing Resumed

Council resumed the public hearing at a [Special meeting of Council on September 1, 2022](#). After exhausting the speakers list, Council set aside time at the next meeting to view all pre-recorded video submissions before beginning deliberations on the bylaws. This was the only item on the agenda, so the entire recording is pertinent. The [meeting minutes](#) include a summary of comments made by speakers at the public hearing.

Additional to the materials included as part of August 4 agenda, the following new attachments were added to this agenda:

1. [Additional Correspondence 4_Missing Middle Housing Initiative.pdf](#)
2. [Addendum_Additional Correspondence 5_Missing Middle Housing Initiative.pdf](#)
3. [Addendum_Letter from the Fernwood Community Association_Missing Middle Housing Initiative.pdf](#)
4. [Addendum_Additional Correspondence 6_Missing Middle Housing Initiative.pdf](#)
5. [Addendum_Additional Correspondence 7_Missing Middle Housing Initiative.pdf](#)

September 2, 2022 – Public Hearing Closed and Council Deliberations Began

At the [Special meeting of Council on September 2, 2022](#) Council viewed all pre-recorded video submissions, closed the public hearing, asked questions of staff, began deliberations, and resolved to adjourn and resume deliberations on September 8, 2022. This was the only item on the agenda so the entire recording is pertinent. The [meeting minutes](#) include a summary of comments made by video submissions to the public hearing. There were no new attachments added to this agenda.

September 8, 2022 – Council Deliberations Continued

At the [Council to Follow COTW meeting on September 8, 2022](#) (item E.1), Council resumed deliberations, asked clarifying questions of staff, and passed the motions copied below. The relevant portion of the recording begins at hour 1:08:15. There were no new attachments added to this agenda.

At this meeting, Council passed two motions arising, which related to heritage infill and the timeline for post-adoption briefing and review; two amendments to the still pending main motion of giving third reading to the zoning and OCP related bylaws (seen on page 12 of the [meeting minutes](#)); and ultimately passed the referral motion at the end of the list below:

That in the case of applications for sites with heritage value, but without heritage protections, staff be directed to work with applicants to first consider house conversion, or heritage infill, prior to considering a Missing Middle project that would require demolition.

That Council direct staff to come back to Council with a short briefing after 6 months and conduct a review after 18 months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$215.18 per square metre of bonus density utilized for the development, adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.

That Schedule 1 of Bylaw No. 22-045 (Zoning Regulation Bylaw, Amendment Bylaw (No. 1278)), Section 3.2 (Height) be amended by changing the height specified in sub-section (a) to 8.5 m and the height specified in sub-section (b) to 9.5 m.

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

Thank you
CM

Colleen Mycroft

Pronouns: she, her, hers

Manager of Executive Operations and City Communications
Mayor and City Manager Office
City of Victoria
1 Centennial Square, Victoria, BC V8W 1P6
T 250.896.5325



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

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to support the development of “missing middle housing” forms in Traditional Residential Urban Place Designations.

Contents

- 1 Title
- 2 Definition
- 3-7 Amendments
- 8 Commencement

Under its statutory powers, including Divisions 4 and 7 of Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 42)”.

Definition

- 2 “OCP Bylaw” means Bylaw No. 12-013, the Official Community Plan Bylaw, 2012.

Amendments

- 3 The OCP Bylaw is amended in Schedule A, Table of Contents, under the heading “List of Maps” by striking out the following:
 - (a) “Map 32A: Composite Map of Attached Residential Development Permit Areas”;
 - (b) “Map 73: DPA 15F: Intensive Residential - Attached Residential Development (Victoria West)”;
 - (c) “Map 74: DPA 15F: Intensive Residential - Attached Residential Development (Fairfield)”.
- 4 The OCP Bylaw is further amended in Schedule A, Section 6: Land Management and Development as follows:
 - (a) in section 6.1.5, by striking out “located along arterial and secondary arterial roads”;
 - (b) in Figure 8: Urban Place Guidelines, by striking out the entire row of the table pertaining to Traditional Residential Designation and replacing it with the row contained in Schedule 1 attached to this Bylaw; and

- (c) in section 6.21, by striking out “plan, permitting their increase only as this plan provides or following the completion of a new local area plan for the area, and the subsequent amendment of this plan to give it effect” and replacing it with “plan and related City policy”.
- 5 The OCP Bylaw is further amended in Schedule A, Section 13: Housing and Homelessness as follows:
 - (a) in section 13.34, by striking out “such as multi-unit developments, the creation of small residential lots, street-oriented fee simple row-houses and other housing forms”.
- 6 The OCP Bylaw is further amended in Schedule A, Appendix A: Development Permit Areas and Heritage Conservation Areas as follows:
 - (a) within the legend of Map 32, by striking out “See Map 32A for the following Intensive Residential Development Permit Areas: DPA 15F: Intensive Residential – Attached Residential Development”, and by inserting “DPA 15F: Missing Middle Housing” directly after “DPA 15E: Intensive Residential Garden Suites”;
 - (b) by repealing Map 32A: Composite Map of Attached Residential Development Permit Areas;
 - (c) within DPA 15C: Intensive Residential – Rockland, at section 2(c)(i), by inserting the following new subparagraph directly after subparagraph (8):
 - “(9) development for which a Development Permit is required, not exempt, and has been applied for under DPA 15F: Missing Middle Housing.”;
 - (d) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i)(6), by striking out “or”;
 - (e) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i), by renumbering subparagraph “(7)” as new subparagraph “(8)”;
 - (f) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i), by inserting the following new subparagraph (7) directly after subparagraph (6):
 - “(7) development for which a Development Permit is required, not exempt, and has been applied for under DPA 15F: Missing Middle Housing; or”;
 - (g) by repealing Map 73: DPA 15F: Intensive Residential - Attached Residential Development (Victoria West);
 - (h) by repealing Map 74: DPA 15F: Intensive Residential - Attached Residential Development (Fairfield);

- (i) by repealing the entire DPA 15F: Intensive Residential – Attached Residential Development and replacing it with the new DPA 15F: Missing Middle Housing, attached to this Bylaw in Schedule 2; and
- (j) within DPA 16: General Form and Character, at section 2(b)(i)(1)(B), by striking out “DPA 15F, Intensive Residential – Attached Residential Development”, and replacing it with:

“DPA 15F, Missing Middle Housing”.

- 7** The OCP Bylaw is further amended in Schedule A, Appendix B: Glossary of Terms, by inserting the following new definition immediately after the definition for “Mid-Rise Building”:

“Missing Middle Housing: Housing in which:

(a) buildings are used or designed as two or more self-contained dwelling units, not counting accessory dwelling units, with at least half of the units having direct access to the outside, at least two of which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection; or

(b) a single family dwelling is located on a lot with a building on the heritage register.”.

Commencement

- 8** This Bylaw comes into force 45 days after the date of adoption.

READ A FIRST TIME the	14th	day of	July	2022
READ A SECOND TIME the	14th	day of	July	2022
Public hearing held on	August 4th , September 1st and September 2nd			2022
READ A THIRD TIME the		day of		2023
ADOPTED on the		day of		2023

CITY CLERK

MAYOR

Schedule 1

<p>Traditional Residential</p>	<p>Missing middle housing and other ground-oriented buildings up to three storeys as supported by City policy.</p> <p>Multi-unit buildings up to three storeys as supported by City policy.</p>	<p>Houses with front and rear yards, with variable setbacks, oriented to face the street.</p> <p>Variable landscaping, boulevard, and street tree planting.</p> <p>Small apartments and retail stores as supported by City policy including local area plans.</p> <p>On-street parking, collective access to off-street parking, and individual driveways.</p>	<p>Residential, including missing middle housing, ground-oriented multi-unit, attached, duplex, and single detached dwelling buildings, as well as accessory residential, such as secondary suites, lock-off suites, and garden suites.</p> <p>Low-rise multi-unit residential and mixed-use along arterial and secondary arterial roads, and as identified in City policy including local area plans.</p> <p>Freestanding commercial at the intersection of major roads, and as identified in City policy including local area plans.</p> <p>Home occupations.</p>	<p>Total floor space ratios up to approximately 1.1:1.</p> <p>Additional density may be considered where appropriate in certain limited areas, as identified in City policy including local area plans.</p>
---------------------------------------	---	--	---	---

Schedule 2

DPA 15F: MISSING MIDDLE HOUSING

1. Pursuant to Section 488 (1) (a), (e), and (i) of the Local Government Act, the entire city is designated as Development Permit Area DPA 15F, Missing Middle Housing, for the following purposes:
 - (a) protection of the natural environment, its ecosystems and biological diversity,
 - (b) establishing objectives for the form and character of intensive residential development, and
 - (c) establishment of objectives to promote water conservation.
2. Application and Exemptions:
 - (a) In this area:

“Missing Middle Development” means construction of, addition to or alteration of a building, accessory structure or landscape on a lot which includes missing middle housing (housing in which:

 - (a) buildings are used or designed as two or more self-contained dwelling units, not counting accessory dwelling units, with at least half of the units having direct access to the outside, at least two of which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection; or
 - (b) a single family dwelling is located on a lot with a building on the heritage register.).
 - (b) Development Permits are required for Missing Middle Development in accordance with the Local Government Act, subject only to the General Exemptions identified in the “Overview” section of this Appendix and the following exemptions.
 - (c) Specific Exemptions for DPA 15F, Missing Middle Housing:
 - (i) A Development Permit is not required for:
 - (1) development that is not Missing Middle Development;
 - (2) residential single-family dwellings, including accessory dwelling units, and their accessory buildings and structures unless the single-family dwelling is located on a lot that also includes missing middle housing;
 - (3) house conversion;
 - (4) commercial or industrial development;
 - (5) alterations to landscaped areas which neither expand the extent of paved or impervious areas nor remove trees or shrubs which are shown in a previously approved Development Permit; and
 - (6) development of a property with an Urban Place Designation other than Traditional Residential.
3. The special conditions that justify this designation include:
 - (a) Victoria’s Traditional Residential areas are primarily characterized by low density dwellings.
 - (b) These neighbourhoods each have a unique sense of place, traditional scale, and character.
 - (c) Missing middle housing provides an opportunity to integrate other types of ground-oriented housing forms into neighbourhoods to provide more housing diversity.
 - (d) Victoria’s Traditional Residential areas play a vital role in the conservation of water, including the management and infiltration of rainwater.
 - (e) The city’s Traditional Residential areas play a critical role in hosting and facilitating the continued growth of much of the city’s urban forest, which is instrumental to the resilience and flourishing of Victoria’s ecosystems and biodiversity amidst a changing climate.
 - (f) These areas contain properties with heritage value, and these properties may be permitted to add infill housing or additions on the same property.
4. The objectives that justify this designation are:
 - (a) To accommodate 10% of Victoria’s anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services.
 - (b) To integrate more intensive residential development in the form of missing middle housing within Traditional Residential areas in a manner that respects the desirable characteristics of the natural and built environment in these areas.
 - (c) To accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a compatible scale and adaptive to the local contexts.
 - (d) To achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods.
 - (e) To integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for site planning and building designs that promote livability and provide sensitive transitions to adjacent developments.
 - (f) To promote water conservation, on-site rainwater management and infiltration, as well as minimize impact of

accommodating housing growth on the stormwater utility.

- (g) To facilitate the continued growth of the city's urban forest canopy cover through conservation and replacement of the green space that supports a healthy urban forest, with particular attention to the needs of large canopy trees.
- (h) To encourage the conservation of heritage value and guide the sensitive design of infill housing or additions on a property containing historic buildings or other heritage value.

5. Guidelines:

These Guidelines are to be considered and applied for Development Permits:

- › Missing Middle Design Guidelines (2022).
- › Advisory Design Guidelines for Buildings, Signs and Awnings (1981).

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1278)
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw to encourage the development of “missing middle” housing forms in specific single family dwelling zones and two family dwelling zones.

Contents

- 1 Title
- 2 Zoning Regulation Bylaw Amendments
- 3 Effective Date

Pursuant to its statutory powers, including sections 479(1)(c), 482, 523(2), 525 and 527 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1278)”.

Zoning Regulation Bylaw Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

- (a) by inserting the following new section 49 immediately after section 48:

“49. (1) Notwithstanding any other provision of this Bylaw, but subject to subsection (2), in addition to the uses expressly permitted in their zones, the uses authorized in Schedule “P” are, subject to the regulations in Schedule “P”, permitted on lots that have a Traditional Residential Urban Place Designation in the *Official Community Plan Bylaw, 2012* and are in any of the following zones:

- (a) R1-A Zone, Rockland Single Family Dwelling District;
 - (b) R1-B Zone, Single Family Dwelling District;
 - (c) R1-G Zone, Gonzales Single Family Dwelling District; and
 - (d) R-2 Zone, Two Family Dwelling District.

- (2) Subsection (1) does not apply to any lot that

- (a) contains a building or other structure that, prior to August 4, 2022, has been
 - (i) designated as heritage under section 611 of the *Local Government Act*; or
 - (ii) subject to a restrictive covenant to protect any heritage feature,

- (b) is located in one of the following heritage conservation areas:
 - (i) DPA 1 (HC): Core Historic;
 - (ii) DPA 2 (HC): Core Business;
 - (iii) DPA 3 (HC): Core Mixed-Use Residential;
 - (iv) DPA 6B (HC): Small Urban Villages Heritage;
 - (v) DPA 7B (HC): Corridors Heritage;
 - (vi) DPA 9 (HC): Inner Harbour;
 - (vii) DPA 10B (HC): Rock Bay Heritage;
 - (viii) DPA 12 (HC): Legislative Precinct;
 - (ix) HCA 1: Traditional Residential; or
 - (x) HCA 2: Robert Street Heritage Conservation Area,
 - (c) is a panhandle lot, or
 - (d) is a waterfront lot on the Gorge Waterway.
- (3) If a use authorized in Schedule “P” is also a permitted use under the applicable zone, then, subject to subsections (4) and (5), regulations in:
 - (a) Schedule “P” apply to the lot if a building is constructed on the lot for that use after August 4, 2022; and
 - (b) the respective zone applies to the lot in all other circumstances.
- (4) If the “heritage conserving infill” pursuant to Schedule “P” entails an addition to a heritage registered building, the entire structure must comply with Schedule “P”, rather than the respective zone or Schedule “G”.
- (5) If a building that is
 - (a) subject to Schedule “G”, and
 - (b) located on a lot to which Schedule “P” applies,
 is modified such that it is a “corner townhouse” or “houseplex” in accordance with Schedule “P”, then the entire structure must comply with Schedule “P”, rather than the respective zone or Schedule “G”.
- (6) For clarity for the purposes of subsection (3), an attached dwelling that is
 - (a) located on a lot to which Schedule “P” applies,
 - (b) constructed after August 4, 2022, and
 - (c) a “corner townhouse” or a “houseplex” as defined by Schedule “P”,
 is deemed to be a “corner townhouse” or a “houseplex”, as applicable.”;
- (b) in Schedule “B” – Table of Contents, the following is inserted, immediately after “Schedule O Maximum Floor Space Ratio for Affordable Housing Development”:

“Schedule P Missing Middle Regulations

Schedule Q Highway Dedication Amenity Requirements

Schedule R Legal Agreements”; and

- (c) immediately after Schedule O, the new Schedules P, Q, and R attached to this Bylaw as Schedules 1, 2, and 3 are added.

Effective Date

3 This Bylaw comes into force 45 days after the date of adoption.

READ A FIRST TIME the **14th** day of **July** 2022

READ A SECOND TIME the **14th** day of **July** 2022

Public hearing held on **August 4th , September 1st and September 2nd** 2022

AMENDED the **8th** day of **September** 2022

READ A THIRD TIME the day of 2023

ADOPTED on the day of 2023

CITY CLERK

MAYOR

SCHEDULE 1

SCHEDULE P – MISSING MIDDLE REGULATIONS

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this Schedule:

- a. “adaptable dwelling unit” means a dwelling unit constructed to comply with subsection 3.8.5 - Adaptable Dwelling Units - in the *British Columbia Building Code*.
- b. “affordable housing cooperative” means a housing development that is subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner:
 - i. the housing cooperative must:
 - A. be a housing cooperative pursuant to the *Cooperative Association Act*,
 - B. have purposes including the provision of affordable housing to low- or moderate- income households, and
 - C. have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions.
- c. “Affordable Standards Bylaw” means the Affordable Housing Standards Bylaw, No. 22-056.
- d. “affordable rental housing unit” means a dwelling unit for which rental tenure and the following are secured through an agreement:
 - i. if the agreement is with the City or the Capital Regional District, rent rates and household income limits no higher than those specified for median income affordability targets in the Affordable Standards Bylaw, in perpetuity, or
 - ii. if the agreement is with BC Housing or Canada Mortgage and Housing Corporation, rent rates and household income limits no higher than those specified for those organizations in the Affordable Standards Bylaw, for the greater of 60 years or the life of the building.
- e. “below-market homeownership unit” means a dwelling unit with a floor area, of all floor levels combined, of no less than 60 m² subject to a registered agreement with a non-profit organization, government agency or local government that ensures the dwelling unit will be sold at a minimum of 10% below fair market value to purchasers that meet specified below-market homeownership income limits in the Affordable Standards Bylaw.

- f. “car share organization” means an entity registered in British Columbia whose principal objective is to provide its members, for a fee, with a car-sharing service by which such members have self-serve access to a fleet of at least ten shared vehicles in Victoria that they may reserve for use on an hourly or other basis, but does not include rental vehicle organizations.
- g. “car share vehicle” means a four-wheeled automobile, van or pick-up truck that is managed by a car share organization, and used exclusively for the car share organization’s car-sharing service.
- h. “City lane” has the same meaning as under the *Streets and Traffic Bylaw*.
- i. “corner townhouse” means a building on a corner lot having no less than three self-contained dwelling units, each dwelling unit having direct access to the outside for ingress and egress.
- j. “heritage conserving infill” means:
 - i. one or more single family dwellings, duplexes, or houseplexes that are on a lot with a heritage registered building that is used for residential purposes, and
 - ii. an addition to a heritage registered building that results in a duplex, houseplex, or corner townhouse.
- k. “heritage registered building” means a building that is on the register of heritage properties pursuant to section 598 of the *Local Government Act*.
- l. “houseplex” means a building having no less than three and no more than six self-contained dwelling units, with at least half of the total dwelling units having direct access to the outside for ingress and egress, and does not include a corner townhouse.
- m. “one-way car share service” means a car share organization that allows its members to begin and end their rental periods at any lawful and authorized space within the operating area of the car share organization.
- n. “secondary dwelling unit” means a self-contained dwelling unit that:
 - i. considering all floors combined, has a floor area that is less than the floor area of the principal dwelling unit,
 - ii. has both direct access to the outside for ingress and egress, and internal access to the principal dwelling unit,
 - iii. together with the principal dwelling unit occupies a single parcel under the *Land Title Act*.
- o. “two-way car share service” means a car share organization that has fixed or dedicated parking spaces, and its members are required to begin and end each rental period at the same parking space.

- 1.2** Where there is a percentage or decimal calculation in section 2.1.b., 2.3.a.ii.B., 6.1, or 6.2 in this Schedule, if the product of the calculation results in any decimal value equal to or over 0.50, it shall be rounded up to the nearest integer, and all lower values are rounded down to the nearest integer.
- 1.3** For the purposes of this Schedule, where it is specified that “all dwelling units are secured as rental in perpetuity”, one dwelling unit may be excluded from this requirement and the unit may be owner occupied.
- 1.4** Notwithstanding the definitions contained in Schedule “A”:
- a. With respect to the definition of “area”, for the purposes of calculation of total floor area and floor space ratio, the area of any exterior hallway and exterior staircase shall be included within the area of the floor.
 - b. With respect to the definitions of “area” and “lot”, for the purposes of calculation of floor space ratio, where land that has been dedicated from a lot for public highway pursuant to section 2.3.a.i., such dedicated land shall be included within the area of the lot.
 - c. With respect to the definitions of “open site space” and “lot”, for the purposes of calculation of open site space, where land that has been dedicated from a lot for public highway pursuant to section 2.3.a.i., such dedicated land shall be included within the open site space of the lot.
 - d. Subsections b. and c. do not apply if the lot is not used for residential purposes or has been subdivided to create a new lot after the highway dedication pursuant to section 2.3.a.i.

2.0 GENERAL REGULATIONS

The following regulations apply to all uses in Schedule P:

2.1 Permitted Uses

- a. The following uses are permitted on the lots to which this Schedule applies:
 - i. heritage conserving infill
 - ii. secondary dwelling unit
 - iii. accessory building, subject to the regulations in Schedule “F”
 - iv. the uses created as a result of a house conversion, subject to the regulations in Schedule “G”
 - v. houseplex, provided that the conditions in subsection b. have been met
 - vi. corner townhouse, provided that the conditions in subsection b. have been met

- b. Notwithstanding subsection a., houseplex and corner townhouse are permitted only if the lot contains all of the following:
 - i. at least one adaptable dwelling unit that is not a secondary dwelling unit;
 - ii. at least one secondary dwelling unit, except where all dwelling units are secured as rental in perpetuity; and
 - iii. the greater of two dwelling units or 30% of the total dwelling units are three-bedroom dwelling units, at a minimum.

2.2 Number and Dimensions of Buildings and Uses

- a. Notwithstanding section 19 of the Bylaw, more than one building is permitted on a lot where any such building exceeding the limitation of one building per lot is a corner townhouse, houseplex or heritage conserving infill, subject to the regulations in this Schedule.
- b. No more than 12 dwelling units may be located on a lot with a corner townhouse.
- c. Basements are not permitted in corner townhouses, houseplexes or heritage conserving infill, with the exception of within heritage registered buildings.

2.3 Community Amenities

- a. As a condition of additional density pursuant to section 2.4, the following amenities must be provided as community amenities:
 - i. For additional density pursuant to section 2.4 e., f. or g., highway dedication in accordance with Schedule “Q” – Highway Dedication Amenity Requirements, unless exempted under that Schedule; and
 - ii. For additional density pursuant to section 2.4 e. or f., one or more of the following:
 - A. Provision of at least 10% of the total dwelling units in the development, with a minimum of one dwelling unit, as below-market homeownership units,
 - B. An agreement with the City so that all dwelling units are secured as rental in perpetuity in the development,
 - C. Provision of at least one affordable rental housing unit in the development,
 - D. For a development on a lot that contains a heritage registered building, heritage designation of that building in accordance with section 611 of the *Local Government Act* and a waiver of compensation for any reduction in the market value of the property, or
 - E. The development is an affordable housing cooperative; or

- iii. For additional density pursuant to section 2.4.g., heritage designation of the heritage registered building on the lot in accordance with section 611 of the *Local Government Act* and a waiver of compensation for any reduction in the market value of the property; or
 - iv. For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$215.18 per square metre of bonus density utilized for the development, adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.
- b. The amenity contribution pursuant to subsection a.iv. shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw No. 22-045 is adopted and each year thereafter, by adding to the base contribution an amount calculated by multiplying the base contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published twelve-month period.
- c. For the purposes of this section, "CPI" means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

2.4 Floor Area, Floor Space Ratio

- | | |
|--|--------------------|
| a. Floor <u>area</u> , of all floor levels combined, of any <u>dwelling unit</u> (minimum) | 33m ² |
| b. Floor <u>area</u> of all floors combined on a <u>lot</u> (maximum) | 1410m ² |
| c. For <u>houseplex</u> , floor <u>area</u> of any floor of the <u>houseplex</u> (maximum) | 235m ² |
| d. <u>Floor space ratio</u> where the amenities have not been provided pursuant to section 2.3.a. (maximum) | 0.5:1 |
| e. For <u>houseplex</u> , <u>floor space ratio</u> where the amenities have been provided pursuant to section 2.3.a. (maximum) | 1.0:1 |
| f. For <u>corner townhouse</u> , <u>floor space ratio</u> where the amenities have been provided pursuant to section 2.3.a. (maximum) | 1.1:1 |
| g. For <u>heritage conserving infill</u> , <u>floor space ratio</u> where the amenities have been provided pursuant to section 2.3.a. (maximum) | 1.1:1 |
| h. Up to 4m ² per <u>dwelling unit</u> dedicated for use as residential storage space shall be excluded from the calculation of floor <u>area</u> in subsections d. – g., provided it is: | |
| i. a contiguous partitioned space designed for the purpose of storage, and | |
| ii. located inside the <u>dwelling unit</u> and within 4m of its principal entrance | |

3.0 HOUSEPLEX REGULATIONS

The following regulations apply to houseplexes:

3.1 Location and Siting of Buildings and Uses

- | | | |
|-----|---|--------------------------|
| a. | <u>Lot width</u> for a <u>lot</u> with more than one <u>houseplex</u> (minimum) | 12m per <u>houseplex</u> |
| b. | <u>Lot width</u> for a <u>lot</u> with one <u>houseplex</u> (minimum) | |
| i. | where one parking space is required after the provision of any transportation demand management measures in accordance with section 6.1.e. | 12m |
| ii. | where more than one parking space is required after the provision of any transportation demand management measures in accordance with section 6.1.e. | 14m |
| c. | The entire <u>building</u> must be within 30m distance of a <u>street</u> , not including a <u>City lane</u> | |
| d. | Subsection c. does not apply to <u>outdoor features</u> , <u>porches</u> or <u>balconies</u> over 0.6m in height from both <u>natural grade</u> and <u>finished grade</u> | |

3.2 Height

- | | | |
|----|--|------|
| a. | <u>Building height</u> for a flat roof (maximum) | 8.5m |
| b. | <u>Building height</u> for any other roof type (maximum) | 9.5m |

3.3 Setbacks, Projections, Building Separation

- | | | |
|-----|--|--|
| a. | <u>Front yard setback</u> (minimum) | 6.1m |
| | Except for the following maximum projections into the <u>setback</u> : | |
| i. | <u>Porch</u> , ramps, and exterior lift devices needed to access an <u>adaptable dwelling unit</u> | 2m |
| ii. | Stairs | 4m |
| b. | <u>Setback</u> from any <u>street</u> other than a <u>City lane</u> where subsection a. does not apply (minimum) | 4m |
| | Except for the following maximum projections into the <u>setback</u> : | |
| i. | <u>Porch</u> , ramps, and stairs | 2m |
| c. | <u>Side yard setback</u> to which subsection b. does not apply (minimum) | the greater of 1.5m or 10% of <u>lot width</u> |

- d. Rear yard setback to which subsection b. does not apply (minimum) the greater of 10m or 25% of lot depth

Except for the following maximum projections into the setback:

- i. Exterior lift devices needed to access an adaptable dwelling unit 2m
- e. Eave projection into any setback (maximum) 0.75m
- f. Building separation (minimum) 5m

3.4 Site Coverage, Open Site Space

- a. Site coverage (maximum) 40%
- b. Open site space (minimum) 45%
- c. A single space
- i. that is landscaped and not paved,
- ii. that does not have above or below ground structures, and the greater of 35m² or 6.5% of lot area
- iii. all sides of which are at least 4.5m long (minimum area)

4.0 CORNER TOWNHOUSE REGULATIONS

The following regulations apply to corner townhouses:

4.1 Location and Siting of Buildings and Uses

- a. Lot width for a lot with a corner townhouse (minimum) 20m
- b. The entire building must be within 36 m distance of at least two streets, not including a City lane
- c. Where more than one building is on the lot, excluding an accessory building, all buildings must be within 20 m distance of a street, not including a City lane
- d. Subsections b. and c. do not apply to outdoor features, porches or balconies over 0.6 m in height from both natural grade and finished grade

4.2 Height

- a. Building height for a flat roof (maximum) 9.5m
- b. Building height for any other roof type (maximum) 10.5m

4.3 Setbacks, Projections, Building Separation

- | | | |
|-----|---|--|
| a. | <u>Setback</u> from any <u>street</u> other than a <u>City lane</u> (minimum) | 4m |
| | Except for the following maximum projections into the <u>setback</u> : | |
| i. | <u>Porch</u> , ramps, and stairs | 2m |
| b. | Any <u>setback</u> to which subsection a. does not apply (minimum): | |
| i. | Where the <u>building</u> elevation facing the <u>lot line</u> includes a window to a <u>habitable room</u> | 6m |
| ii. | In all other circumstances | the greater of 2m or 10% of <u>lot width</u> |
| c. | Eave projection into any <u>setback</u> (maximum) | 0.75m |
| d. | <u>Building</u> separation (minimum) | 5m |

4.4 Site Coverage, Open Site Space

- | | | |
|------|--|--|
| a. | <u>Site coverage</u> (maximum) | 40% |
| b. | <u>Open site space</u> (minimum) | 45% |
| c. | A single space | |
| i. | that is landscaped and not paved, | |
| ii. | that does not have above or below ground structures, and | the greater of 35m ² or 6.5% of <u>lot area</u> |
| iii. | all sides of which are at least 4.5m long (minimum area) | |

5.0 HERITAGE CONSERVING INFILL REGULATIONS

The following regulations apply to heritage conserving infill:

5.1 Location and Siting of Buildings and Uses

- | | |
|----|--|
| a. | <u>Heritage conserving infill</u> must not be located closer to any <u>street</u> , excluding a <u>City lane</u> , than the <u>heritage registered building</u> on the same <u>lot</u> |
|----|--|

5.2 Height

- | | | |
|----|--|---|
| a. | <u>Building height</u> for <u>heritage conserving infill</u> (maximum) | the greater of 7.6m or 80% of the height of the <u>heritage registered building</u> |
|----|--|---|

5.3 Setbacks, Projections

- | | | |
|----|--|--|
| a. | <u>Setback</u> from any <u>street</u> other than a <u>City lane</u> (minimum) | 4m |
| | Except for the following maximum projections into the <u>setback</u> : | |
| i. | <u>Porch</u> , ramps, and stairs | 2m |
| b. | <u>Side yard</u> and <u>rear yard setback</u> to which subsection a. does not apply (minimum) | 5m |
| c. | Notwithstanding subsection b., where there is more than one <u>side yard</u> to which subsection a. does not apply, each additional <u>side yard setback</u> (minimum) | the greater of 2m or 10% of <u>lot width</u> |
| d. | Eave projection into any <u>setback</u> (maximum) | 0.75m |

5.4 Site Coverage, Open Site Space

- | | | |
|----|----------------------------------|-----|
| a. | <u>Site coverage</u> (maximum) | 50% |
| b. | <u>Open site space</u> (minimum) | 30% |

6.0 VEHICLE PARKING AND BICYCLE PARKING REGULATIONS

The following regulations apply to all uses in Schedule P:

6.1 Vehicle Parking

- a. Vehicle parking must be provided in accordance with Schedule “C” except as otherwise specified in this section.
- b. For all uses permitted in this Schedule, notwithstanding the contents of Table 1 of Schedule “C”, 0.77 vehicle parking spaces are required per dwelling unit, unless transportation demand measures are provided in substitution for any parking space in accordance with subsection e.
- c. As an exception to subsections a. and b., no vehicle parking spaces are required for secondary dwelling units, affordable rental housing units, or visitor parking.
- d. Notwithstanding section 4.1 of Schedule “C”, a minimum of one of the vehicle parking spaces for the lot must be an accessible parking space or a van accessible parking space in accordance with the following:
 - i. where the required number of vehicle parking spaces on the lot is 5 or fewer, one accessible parking space is required, or
 - ii. where the required number of vehicle parking spaces on the lot is more than 5, one van accessible parking space is required.

- e. Except for the requirement for one accessible parking space or van accessible parking space, which is always required, the minimum number of vehicle parking spaces required on a lot can be reduced through the ongoing provision of transportation demand management measures in accordance with the ratios specified in Table 1, where provision of the measures in the “Transportation Demand Management measure” column results in the corresponding required parking space reduction in the “Reduction in Required Vehicle Parking Spaces” column.

Table 1

Row	Transportation Demand Management measure	Reduction in Required Vehicle Parking Spaces
i.	One membership to a <u>two-way car share service</u> and an initial \$100 usage credit for the <u>two-way car share service</u> for every <u>dwelling unit</u>	0.15 parking spaces per <u>dwelling unit</u>
ii.	a. One <u>car share vehicle</u> for a <u>two-way car share service</u> for the use of residents, b. One dedicated parking space on the <u>lot</u> secured through a Car Share Parking Space SRW on the terms provided in Schedule “R”, c. One membership to the <u>two-way car share service</u> for every <u>dwelling unit</u> , and d. An initial \$100 usage credit for the <u>two-way car share service</u> for every <u>dwelling unit</u>	0.57 parking spaces per <u>dwelling unit</u>
iii.	Where a <u>car share vehicle</u> is not provided: One parking space dedicated for future use by a <u>car share vehicle</u> (for a <u>two-way car share service</u> or a <u>one-way car share service</u>) on the <u>lot</u> secured through a Car Share Parking Space SRW on the terms provided in Schedule “R”	0.15 parking spaces per <u>dwelling unit</u> , up to a maximum of one car share vehicle parking space
iv.	Where all <u>dwelling units</u> are secured as rental in perpetuity: one BC Transit public transit pass through the EcoPASS program, or its successor in function for BC Transit, for a minimum five-year term for every <u>dwelling unit</u>	0.77 parking spaces per <u>dwelling unit</u> , up to a maximum of one transit pass for each <u>dwelling unit</u>

- f. For certainty, if any of the transportation demand measures provided pursuant to subsection e. is discontinued, with the exception of the BC Transit public transit pass which may be discontinued after a five-year term, the parking space reduction for that measure no longer applies and parking required in accordance with subsection b. must be provided.
- g. Notwithstanding section 2.2.11 of Schedule “C”, a maximum of two vehicle parking spaces may be provided in the front yard.

- h. Where two vehicle parking spaces are provided in the front yard, notwithstanding the minimum drive aisle width prescribed pursuant to section 2.2.5 of Schedule “C” or the driveway crossing minimum widths prescribed pursuant to section 6 of the *Highway Access Bylaw*, the driveway crossing width must be the maximum crossing width prescribed by the *Highway Access Bylaw* for that street classification and number of parking spaces.
- i. Notwithstanding section 2.3.3 of Schedule “C”, the requirements of sections 2.3.1 and 2.3.2 of Schedule “C” apply to all uses in this Schedule.

6.2 Bicycle Parking

- a. Bicycle parking must be provided in accordance with Schedule “C”, except as otherwise specified in this section.
- b. Notwithstanding the contents of Table 2 of Schedule “C”, two bicycle parking, long-term spaces are required per dwelling unit, subject to the following exceptions:
 - i. secondary dwelling units require one bicycle parking, long-term space per dwelling unit, and
 - ii. no bicycle parking is required for each dwelling unit that has access to a private garage.
- c. Notwithstanding section 3.1.3(a)(i) and Table 4 of Schedule “C”, a minimum of 15% of the required bicycle parking, long-term spaces must accommodate oversized bicycles by having:
 - i. a minimum stall width of 0.9m,
 - ii. where the angle of the rack is equal to or less than 45 degrees (in an aerial perspective, measured from the plane of the nearest wall of a building), a minimum stall depth of 2.4m, and
 - iii. where the angle of the rack is more than 45 degrees (in an aerial perspective, measured from the plane of the nearest wall of a building), a minimum stall depth of 1.8m.
- d. A minimum of 50% of the bicycle parking, long-term spaces must be equipped with electric bicycle charging stations, each of which is comprised of a 110 V wall outlet.
- e. Where the lot contains more than six dwelling units, a bicycle maintenance facility must be provided that meets the following requirements, in addition to the requirements specified in section 3.1.3 of Schedule “C”:
 - i. it must be located in a secure area containing all required bicycle parking, long-term spaces,

- ii. it must have minimum width of 0.9 m, minimum length of 2.4m, and a minimum height clearance in accordance with section 3.1.3(a)(iii) of Schedule "C", with an adjacent aisle with a minimum width of 1.2m, and
- iii. it must contain a ground or wall anchored bicycle repair stand, common bicycle maintenance tools, a bicycle pump, and a water faucet with functioning drainage.

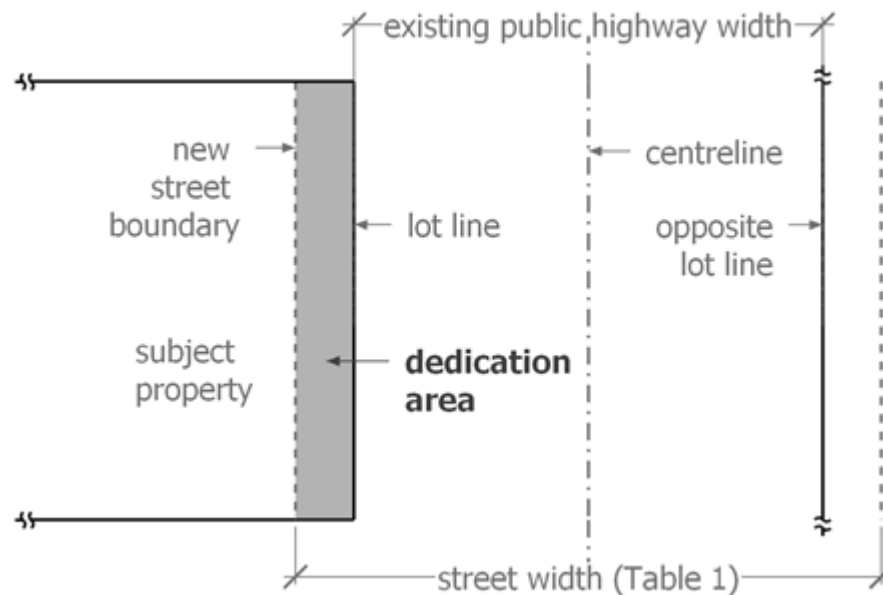
SCHEDULE 2

SCHEDULE Q – HIGHWAY DEDICATION AMENITY REQUIREMENTS

1. Definitions

In this Schedule:

- a. "Director" means the Director of Engineering and Public Works or that person's designated representative;
- b. "public highway width" means the distance measured across the street from the lot line to the opposite lot line common to the lot directly across the street and its abutting lots.



2. Requirements for Highway Dedication

- a. Subject to section 3, a highway dedication of a portion of the lot along the entire lot line abutting a street pursuant to section 107 of the *Land Title Act* is required in accordance with the following provisions:
 - i. If the public highway width of the abutting street is less than that identified in Table 1, the required dedication area shall be determined by taking 50% of the required street width pursuant to Table 1 and measuring that distance from the centre line of the public highway toward the lot line and into the lot, if applicable, along the length of the lot line abutting a street.
 - ii. Notwithstanding the contents of Table 1:

- A. if the lot line is on the western boundary of Shelbourne Street between Myrtle Avenue and Bay Street, and the public highway width is less than 27.12 metres, then the required dedication area shall be measured from a line parallel to and 27.12 metres from the easterly boundary of such public highway allowance;
- B. if the lot line is on Foul Bay Road between Oak Bay Avenue and Fort Street, then the required street width is 20.00 metres.
- iii. If the lot has more than one abutting street deficient in width pursuant to paragraph i., the required dedication area is to include all collective areas calculated in accordance with paragraph i.
- iv. For the purposes of Table 1, the street width requirement applicable to a lot is determined by the "Street Classification" of the abutting street, as established in Map 4 (Functional Street Classification) of the *Official Community Plan Bylaw, 2012* unless otherwise specified in Table 1, and any restrictions with respect to the street use contained within the "Street Use" column.

Table 1

Street Classification	Street Use	Street width (metres)
Arterial	All	30.00
Secondary Arterial	All	25.00
Collector & Secondary Collector	All	20.00
Local	Designated truck route pursuant to <i>Streets and Traffic Bylaw (No. 09-079)</i>	20.00
	Other	18.00
City Lane, as defined by the <i>Streets and Traffic Bylaw</i>	All	6.00

3. Exceptions and Variations to Requirement for Highway Dedication

- a. If the width of the highway dedication area does not exceed 0.25 metres in any location along the lot line, or the lot does not abut a street, then no highway dedication is required.
- b. Subsection c. applies if any of the following conditions exist with respect to the required dedication area:
 - i. terrain with a steep grade or rock outcrops in, or in immediate vicinity of, required dedication area,

- ii. retaining wall supporting existing roadway in, or in immediate vicinity of, required dedication area,
 - iii. existing tree not planted to the standards established in the Victoria Subdivision and Development Servicing Bylaw No. 12-042 (including, but not limited to, species, condition, planting standard) in, or in the immediate vicinity of, required dedication area,
 - iv. heritage designated building or rock wall in, or in the immediate vicinity of, required dedication area,
 - v. archaeological features in, or in immediate vicinity of, required dedication area,
 - vi. environmental conditions such as soil contamination in, or in the immediate vicinity of, required dedication area, or
 - vii. the segment of street abutting the required dedication area makes dedication impractical or undesirable, and space for mobility improvements (pedestrian, cycling, transit, and truck) and street trees is sufficient for City standards as established by bylaw.
- c. If, after conducting a risk and condition assessment of the required dedication area, the Director is satisfied that at least one of the conditions listed in subsection b. applies and that such condition cannot reasonably be remediated, then the Director may allow for a variation to the width of the required dedication area or determine that no highway dedication is required.
 - d. If, in the Director's opinion, it is necessary in order to determine whether any of the conditions listed in subsections b. i. – vii. apply, the Director may require a report prepared by a qualified professional, including but not limited to an environmental assessment, arborist report, or geotechnical report, that outlines the risk, conditions, and potential mitigation measures, to the satisfaction of the Director.

SCHEDULE R – LEGAL AGREEMENTS

1. Car Share Parking Space SRW

Statutory Right of Way (Car Share Parking Space) and Section 219 Covenant

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. Capitalized terms not otherwise or elsewhere defined in this Agreement will have the respective meanings ascribed to them in section 1.1;
- B. The Transferor (the “**Owner**”) is [insert name];
- C. The Transferee (the “**City**”) is the Corporation of the City of Victoria;
- D. The Owner 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:
INSERT LEGAL DESCRIPTION

(the “**Lands**”);

- E. The City wishes to be able to access, for itself and all members of the public, a car share parking space developed and maintained in perpetuity over the Lands;
- F. The Owner has agreed to grant a statutory right of way on the terms hereinafter set forth;
- G. It is necessary for the operation and maintenance of the City's undertaking of public access to a car share parking space for the enjoyment of the general public that a right of way be established in accordance with this document;
- H. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature may be granted in favour of the City and may include one or more of the following provisions:
 - i. in respect of the use of land or the use of a building on or to be erected on land;
 - ii. that land is to be built on in accordance with the covenant;
 - iii. that land is not to be used, built on or subdivided;
 - iv. that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in their natural or existing state.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual covenants and agreements contained in this agreement (the “**Agreement**”), and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Owner 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 DEFINITIONS

1.1 The terms defined in this Section 1.1 will have the following meanings for all purposes in this Agreement, except where specifically otherwise provided herein:

- (a) “**Parking Space**” means [insert number of parking spaces] parking space[s] situate on the Lands within the SRW Area, as shown outlined in bold black ink on the plan attached hereto as Schedule “B” reserved for the exclusive use of a Shared Vehicle;
- (b) “**Permitted Users**” means the members in good standing of the Shared Vehicle Organization whether or not said members reside on the Lands;
- (c) “**Shared Vehicle**” means a four-wheeled automobile, van or pick-up truck that is managed by a Shared Vehicle Organization;
- (d) “**Shared Vehicle Organization**” means a legal entity whose principal business objective is to provide its members, for a fee, with a car-sharing service by which such members have self-serve access to a fleet of shared vehicles which they may reserve for use on an hourly or other basis, but does not include rental vehicle organizations;
- (e) “**SRW Area**” means that portion of the Lands, shown in heavy outline on the Right of Way Plan prepared by [redacted] and filed in the Victoria Land Title Office under Plan No. [redacted] a reduced copy of which is attached hereto as Schedule “A”.

2.0 STATUTORY RIGHT OF WAY

2.1 Pursuant to section 218 of the *Land Title Act*, the Owner hereby grants, conveys, confirms and transfers, in perpetuity, to the City, its officers, employees, contractors, licensees and invitees, including the Permitted Users, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to enter, use, go, return, pass over and across the SRW Area, for the purposes described in section 2.2.

2.2 At any time, the City and its officers, employees, and contractors, and in respect of (a) and (b) below the City’s licensees and invitees including the Permitted Users, may enter the SRW Area:

- (a) to park and access a Shared Vehicle in the Parking Space designated for Shared Vehicles;
- (b) for access and egress as pedestrians and in a Shared Vehicle between the Parking Space and the adjacent City streets and lanes; and

- (c) to confirm compliance by the Owner with the terms and conditions of this Agreement,

all in accordance with this Agreement.

- 2.3 The rights granted in sections 2.1 and 2.2 over the SRW Area are subject to such reasonable rules and regulations as may from time to time be prescribed by the Owner, including those for the safety and security of the SRW Area, the Permitted Users, and other users of the Lands, provided that notwithstanding the right of the Owner to make reasonable rules and regulations from time to time, such rules and regulations will:

- (a) not permit the Owner or any other person to charge or permit to be charged, directly or indirectly, any fee whatsoever for the access to or use by the Permitted Users of the SRW Area, other than a charge included in strata fees payable by all strata lot owners in a strata corporation, if applicable, for maintaining the SRW Area; and
- (b) not in any way whatsoever limit the obligation of the Owner to make the Parking Space and all access to and egress from the Parking Space available to the Permitted Users at all times (7 days per week/24 hours per day) provided that the Owner may locate the Parking Space behind a security gate or other mechanism restricting access only if the Permitted Users are provided with a convenient means of access to the Parking Space at all times (7 days per week/24 hours per day).

3.0 SECTION 219 COVENANTS

- 3.1 Under section 219 of the *Land Title Act* there may be registered as annexed to any land a condition or covenant in favour of the City that the land, or any specified portion of it, is not to be built upon or is to be or is not to be used in a particular manner.

- 3.2 The Owner covenants, promises and agrees that, notwithstanding the uses permitted from time to time by the City's zoning bylaw, the Lands shall not be used except in strict accordance with this Agreement.

- 3.3 The Owner covenants:

- (a) except as expressly permitted under this Agreement, not to do anything or to permit any act or thing which in the opinion of the City in any way interferes with or damages or prevents access to or use of the SRW Area or is likely to cause harm to the SRW Area;
- (b) from time to time and at all times at the reasonable request and at the cost of the City 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 City of its rights under this Agreement; and
- (c) to permit the City to peaceably hold and enjoy the rights hereby granted.

4.0 SUBDIVISION

- 4.1 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, subject to section 4.2.
- 4.2 If the Lands, or any portion thereof, are subdivided by a strata plan, this Agreement will charge title to the strata lots and the common property comprising such strata plan and:
- (a) no part of the SRW Area will form part of or be located within any strata lot or part of any strata lot and all of the SRW Area will be contained within the common property established by the strata plan;
 - (b) the section 219 covenant and statutory right of way granted herein will be noted on the common property sheet;
 - (c) the strata corporation or the strata corporations so created will perform and observe the Owner's covenants in this Agreement, solely at the expense of the strata lot owners;
 - (d) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the strata plan; and
 - (e) any strata corporation so created will manage and maintain the SRW Area and the strata corporation may adopt and enforce reasonable rules and regulations concerning the safe use, maintenance and repair of the SRW Area, provided that such rules and regulations must not interfere with or prevent the reasonable use of the SRW Area by the Permitted Users.

5.0 GENERAL

- 5.1 The Owner and the City agree that though the Parking Space must be available for permanent use by a Shared Vehicle, it may be used for visitor parking, loading, or other temporary parking purposes until such time as the Shared Vehicle Organization is ready to assume permanent use of the Parking Space to house a Shared Vehicle.
- 5.2 Nothing in section 2.1 or 2.2 implies that the City has any obligation to the Owner or anyone else to exercise any of their respective rights under section 2.1 or 2.2.
- 5.3 No default, act, or failure to act by the City or its officers, employees, contractors, licensees or invitees under this Agreement will result or be deemed to result in the interruption, suspension or termination of this Agreement, and the Owner will refrain from seeking any judgment, order, declaration or injunction to that effect.
- 5.4 The Owner shall indemnify and save harmless the City from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the City incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:

- (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
- 5.5 The Owner hereby releases and forever discharges the City of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Owner can or may have against the City for any loss or damage or injury, including economic loss, that the Owner may sustain or suffer arising out of or connected with:
- (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
- 5.6 No part of the title in fee simple to the Lands of the Owner shall pass to or be vested in the City under or by virtue of this Agreement, and the Owner may fully use and enjoy all of the Lands of the Owner subject only to the rights and restrictions in this Agreement.
- 5.7 If the Owner defaults in observance or performance of its obligations hereunder, the City, after 10 days prior written notice to the Owner specifying the default and at any time in case of emergency, may (but is not obligated to) rectify the default, and the Owner shall pay to the City, on demand, its reasonable costs in connection with so rectifying.
- 5.8 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.
- 5.9 At the Owner's expense, the Owner shall 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 that have been specifically approved in writing by the City or have been granted in favour of the City.
- 5.10 The Owner acknowledges that (a) these Covenants are enforceable against the Owner and his successors in title, but (b) the Owner is not personally liable for breach of these Covenants where such liability arises by reason of an act or omission occurring after the Owner named herein or any future owner ceases to have a further interest in the Lands.
- 5.11 If at the date hereof the Owner is not the sole registered owner of the Lands of the Owner, this Agreement shall nevertheless bind the Owner 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.
- 5.12 If the Owner consists of more than one person, each such person will be jointly and severally liable to perform the Owner's obligations under this Agreement.
- 5.13 This Agreement is the entire agreement between the parties hereto regarding its subject.

- 5.14 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 Owner other than those contained in this Agreement.
- 5.15 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.
- 5.16 Whenever this Agreement creates a power or obligation of the City to make a decision or to exercise any contractual right or remedy, the City may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of fairness or the rules of natural justice, shall have any application.
- 5.17 Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City'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 Owner and the City.
- 5.18 The Owner agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 5.19 The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 5.20 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.
- 5.21 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.
- 5.22 This Agreement will be governed and construed according to the laws of the Province of British Columbia.
- 5.23 Time is of the essence of this Agreement.
- 5.24 This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

6.0 PRIORITY AGREEMENT

- 6.1 [REDACTED], as the registered holder of charges by way of [REDACTED] and [REDACTED] against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers * and *, respectively (the “**Existing Charges**”), for and in consideration of the sum of One Dollar (\$1.00) (the receipt whereof is hereby acknowledged), agrees with the Owner and the City that the within statutory right of way and section 219 covenant shall be an encumbrance upon the Lands in priority to the Existing Charges in the same manner and to the same effect as if they had been dated and registered prior to the Existing Charges.

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"
SRW Area

[insert plan]

SCHEDULE "B"
Location of Parking Space

[insert sketch plan]

END OF DOCUMENT

LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 17)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to:

- delegate additional development approvals to the Director of Sustainable Development and Community Planning in Development Permit Area 15F: Missing Middle Housing, and
- establish fees for such applications.

Under its statutory powers, including Part 14 of the *Local Government Act* and section 154 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1. This Bylaw may be cited as the “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 17)”.

Amendments

2. Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, is amended as follows:

- (a) the following new section is inserted immediately after section 21:

“21A. An applicant who has paid the base application fee pertaining to a proposed development in Development Permit Area 15F and complied with the applicable provisions of the City’s Tenant Assistance Policy and a Tenant Assistance Plan consistent with such Policy is entitled to a refund of \$5000 of that fee after the City has issued an occupancy permit for the development.”

3. The Land Use Procedures Bylaw is further amended as follows in Schedule A, Application Fees:

- (a) in section 2(5)(a)(iv), strike out “.” and replace with “,”;
 - (b) in section 2(5)(a), insert the following new subparagraphs immediately after subparagraph (iv):
 - “(v) Notwithstanding the previous subparagraphs (i) – (iv), the following fees apply for proposed developments in Development Permit Area 15F:
 - (A) Proposal for up to six dwelling units: \$12,000,
 - (B) Proposal for more than six dwelling units: \$15,000.”;

- (c) in section 2(5)(d), strike out the first word – “For” – and replace it with the following:

“With the exception of applications described in paragraph (5)(a)(v), for”;

- (d) in section 2(9)(b), strike out “.” and replace with “,”; and

- (e) insert the following new paragraphs immediately after section 2(9)(b):

“(c) Development Permit Area 15F for a proposal for up to six dwelling units is \$10,000;

(d) Development Permit Area 15F for a proposal for more than six dwelling units is \$13,000.”.

4. The Land Use Procedures Bylaw is further amended as follows in Schedule D, Delegated Approvals:

- (a) In row 7, strike out “DPA 15F: Intensive Residential – Attached Residential Development”;
- (b) In row 11, strike out “DPA 15F: Intensive Residential – Attached Residential Development” and replace it with “DPA 15F: Missing Middle Housing”; and
- (c) Insert the following row after row 20 in the table, under the Row #, and Columns A, B, and C respectively:

21	DPs for new buildings, building additions, structures, and equipment	DPA 15F: Missing Middle Housing	The proposed development complies with the applicable guidelines. Permit is valid for two years from the date of issuance.
----	--	---------------------------------	---

Effective Date

5. This Bylaw comes into force 45 days after the date of adoption.

READ A FIRST TIME the	14th	day of	July	2022
READ A SECOND TIME the	14th	day of	July	2022
READ A THIRD TIME the	14th	day of	July	2022
ADOPTED on the		day of		2023

CITY CLERK

MAYOR

AFFORDABLE HOUSING STANDARDS BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish affordability standards for rental and affordable home ownership housing in order to protect housing security for low to median income residents, and to apply these standards in housing agreements.

Contents

- 1 Title
- 2 Definitions
- 3 Below-Market Homeownership Units
- 4-5 Affordable Rental Units
- 6 Adjustments for CPI
- 7 Effective Date

Under its statutory powers, including sections 8(3)(g) and 63(f) of the *Community Charter* and section 483 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1. This Bylaw may be cited as the “AFFORDABLE HOUSING STANDARDS BYLAW”.

Definitions

- 2. In this Bylaw:
 - (a) “CPI” means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.
 - (b) “below-market homeownership unit” means a dwelling unit available for sale at less than market value pursuant to an arrangement with BC Housing or any other public entity.
 - (c) “income” means the total annual income before tax from all sources for every occupant of the dwelling unit, and includes non-taxable income.

Below-Market Homeownership Units

- 3. Subject to section 6, maximum income limits for below-market homeownership units are those provided in Table 1, for the corresponding type of development and number of bedrooms.

Table 1

Row	Type of Development	Number of Bedrooms in Dwelling Unit	Maximum Income Limit
1	BC Housing Affordable Homeownership Program	Less than 2	\$121,330
2	BC Housing Affordable Homeownership Program	2 or more	\$173,800
3	All other affordable homeownership programs	Less than 2	\$96,000
4	All other affordable homeownership programs	2 or more	\$155,000

Affordable Rental Units

4. Subject to section 6, maximum income limits and maximum rents for affordable rental units are those provided in Table 2, for the corresponding affordability target and type of dwelling unit.

Table 2

Row	Affordability Target	Maximum Income Limit	Maximum rent			
			Studio Dwelling Unit	1 Bedroom Dwelling Unit	2 Bedroom Dwelling Unit	3+ Bedroom Dwelling Unit
1	Very low income	\$19,998	\$375	\$425	\$575	\$700
2	Low income	\$34,999	\$500	\$650	\$850	\$1,000
3	Median income	\$54,999	\$875	\$1,050	\$1,300	\$1,750

5. Notwithstanding section 4, where the affordable rental units are provided in cooperation with BC Housing or the Canada Mortgage and Housing Corporation (CMHC), maximum income limits, if applicable, and maximum rents for affordable rental units are those provided in Table 3 for the corresponding organization and type of dwelling unit, subject to section 6.

Table 3

Row	Organization		Studio or 1 Bedroom Dwelling Unit	2 Bedroom Dwelling Unit	3 Bedroom Dwelling Unit	4+ Bedroom Dwelling Unit
1	BC Housing	Maximum Rent	\$1,187	\$1,525	\$1,975	\$2,112
2	BC Housing	Maximum Income Limit	\$47,500	\$61,000	\$79,000	\$84,500
3	CMHC	Maximum Rent	\$1,223	\$1,223	\$1,223	\$1,223

Adjustments for CPI

6. Commencing in the second calendar year following the year this Bylaw is adopted, the dollar amounts set out in Tables 1, 2, and 3 shall be adjusted annually on January 1 of each year by adding to the dollar amount specified in this Bylaw an amount calculated by multiplying the dollar amount as of the previous January 1 by the annual percentage increase in the CPI for the most recently published twelve-month period.

Effective Date

7. This Bylaw comes into force on adoption.

READ A FIRST TIME the **14th** day of **July** 2022

READ A SECOND TIME the **14th** day of **July** 2022

READ A THIRD TIME the **14th** day of **July** 2022

ADOPTED on the _____ day of _____ 2023

CITY CLERK

MAYOR



Missing Middle Design Guidelines

Publishing Information

Title: Missing Middle Design Guidelines
Prepared by: City of Victoria
Sustainable Planning and Community Development Department

Status: TBD

Printing Date: TBD

Contact details: The City of Victoria
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria, BC V8W 1P6
E: planning@victoria.ca
T: 250.361.0382

Cover photo credit: Stuart Howard Architects Inc.

Diagrams and photos used in this document are for illustrative purposes only.



Duplexes consist of two units, which may be organized side-by-side, front to back, or up-down. Depending on zoning, each unit may have a suite.



Houseplexes consist of multiple residences within a single structure, designed to be compatible with the surrounding neighbourhood and appearing similar in form to a large house.



Townhouses can be expressed in many forms. The ownership format may be stratified, rental, or fee simple. The photos above are examples of townhouses oriented to the street.



Stacked townhouses (above, left) allow for up-down units within a townhouse-style building. Each unit typically has its own access at grade, and ground-level units may provide accessible living. Some townhouse developments, where supported by zoning and city policy, may be organized in more than one row around a common courtyard (example above, right).

Missing Middle Design Guidelines

Purpose

The purpose of these guidelines is to encourage high quality design of “missing middle” housing forms to enhance neighbourliness, livability, social vitality and create a good fit while supporting a diversity of building forms and designs.

Application

Missing Middle housing forms include townhouses, houseplexes and duplexes and other housing forms where the majority of units have direct access to the outside.

These guidelines apply to corner townhouses, houseplexes and heritage conserving infill as permitted by zoning. They also guide other forms of missing middle housing envisioned in the Official Community Plan (OCP), Neighbourhood Plans and the Missing Middle Housing Policy.

These residential developments can be designed in different ways, in response to Victoria’s variety of block patterns, lot sizes, configurations, and topographies.

Structure

The guidelines are structured into two parts:

Part A consists of **General Guidelines** applicable to all types of missing middle housing forms, including those permitted by both zoning, and policy as envisioned in the OCP for Traditional Residential neighbourhoods.

Part B consists of **Typology Specific Guidelines** that are intended to supplement and be used in addition to the general guidelines in part 1.



Context and Analysis

Victoria's Traditional Residential areas contain a variety of housing types, including single-detached houses as well as a mix of houseplex and townhouse style developments. Some areas have distinctive styles, having been built during a specific period often before World War 2 (particularly during a building boom in the early part of the 1900s), while others reflect a post-World War 2 character. Many areas display a variety of styles as lots in-filled over the years, and houses range from simple 1-2 storey bungalows and ranchers to larger homes and mansions up to 3 storeys in height.

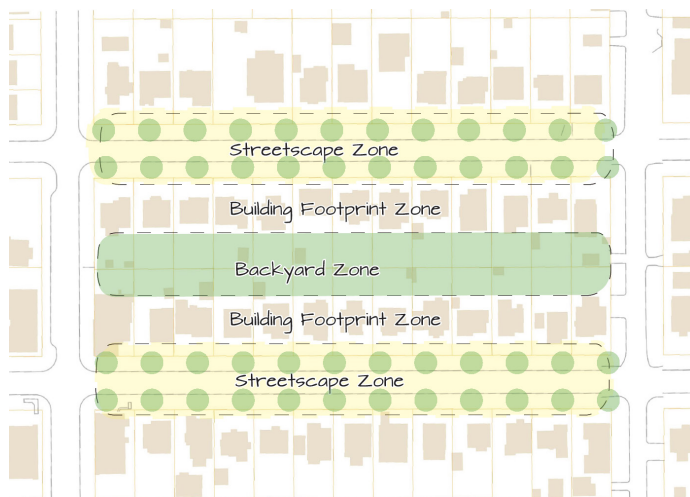
Victoria has embraced diversity within this context, with policies endorsing secondary suites, garden suites, the conversion of existing houses to multiple residences, and infill housing including townhouses and houseplexes. Many larger character houses have been successfully converted into multiple rental or strata residences. Victoria's Traditional Residential areas are generally characterized by buildings incorporating front entryways, porches, patios, primary windows and other design elements oriented towards the fronting public street.



Victoria's Traditional Residential areas contain a variety of housing type, from 1 storey ranchers, to 2 storey bungalows, to larger, 2-3 storey heritage homes, often mixed within a single block (diagram above, precedent photos below)



Victoria's Traditional Residential areas are also characterized by the presence of front and back yards, with tree-lined streets. An important proportion of Victoria's urban forest and tree canopy is found in Traditional Residential areas, both as street trees and on private property. These areas also display a diversity of topography which may include varied soil types and rock outcrops. Some fall within important ecosystems, such as Gary Oak meadow. Another common element of Victoria's Traditional Residential neighbourhoods is that most (though not all) lots lack laneways, unlike other cities of a similar age in North America.



Victoria's Traditional Residential areas are also characterized by the presence of front and back yards, with tree-lined streets, and a generally defined building footprint zone.

Neighbourhood Evolution and Missing Middle

The diversity of housing forms and design that have evolved over the past century provide an important foundation to inform continued neighbourhood transformation and evolution. Building on this foundation, the introduction of new Missing Middle housing forms are an important opportunity to advance established housing, sustainability and liveability goals.

Corner townhouses and houseplexes permitted within missing middle zoning allows for a height of up to 10.5 metres (approximately 3 storeys above grade), along with development densities and building envelopes to support housing goals and development viability.



Diagram showing Missing Middle housing forms integrated with existing housing stock within a block, reflecting a diversity of building heights and forms



Victoria examples of houseplexes (left and centre) and corner townhouse (right)

These design guidelines, together with the associated zoning, are premised on achieving opportunities and benefits, and mitigating impacts, associated with the introduction of Missing Middle housing forms. This includes: locating buildings and parking to maintain the existing pattern of green back yards; orienting buildings positively towards public streets to support social vitality; ensuring use of high quality materials and human scale design features to create visual interest along the street; minimizing overlook of adjacent homes; ensuring liveability through the provision of useable outdoor amenity spaces, and; providing sufficient planting area to support the urban forest.



Diagram showing Missing Middle housing forms integrated with existing housing stock along a street



Objectives

Site Planning: To site and orient buildings to maintain the pattern of landscaped front and back yards, that makes a positive contribution to the streetscape and that achieves a more compact and efficient residential building form while maintaining liveability.

Orientation and Interface: To ensure new development is oriented and designed to present a friendly face to the street, enhancing public streets, open spaces, street vitality, pedestrian activity, safety, and 'eyes on the street';

Accessible Design: To encourage a high standard of accessibility in site, building and landscape design to be more inclusive of all users.

Building Form and Design: To achieve energy efficient buildings of high architectural quality with human-scale proportions that are oriented towards and are compatible with the existing and planned future context. Human scale refers to the use of architectural features, details and site design elements that are human proportioned and clearly oriented towards pedestrian activity. Building articulation refers to the many street frontage design elements, both horizontal and vertical, that help create an interesting and welcoming streetscape.

Neighbourliness: To ensure a good fit with existing adjacent buildings to minimize impacts on neighbours, and contribute to an enhanced, varied, and evolving streetscape and neighbourhood context.

Parking, Servicing, and Access: To sensitively integrate parking, circulation and access to minimize impacts on public and private open spaces; to site and screen mechanical equipment and service areas to minimize impacts on neighbours and the public realm.

Materials: To use materials which are high quality, durable and weather gracefully.

Open Space Design: To enhance the quality of open space, support the urban forest, provide privacy where needed, emphasize unit entrances and pedestrian accesses, provide amenity space for residents, reduce storm water runoff, and to ensure that front and rear yards are not dominated by parking.



Part A: General Guidelines

1. Site Planning and Open Space Design

Objectives: To site and orient buildings to maintain the pattern of landscaped front and back yards, that makes a positive contribution to the streetscape and that achieves a more compact and efficient residential building form while maintaining liveability.

To enhance the quality of open space, support the urban forest, provide privacy where needed, emphasize unit entrances and pedestrian accesses, provide amenity space for residents, reduce storm water runoff, and to ensure that front and rear yards are not dominated by parking.

- 1.1. Residential buildings should be oriented towards adjacent public streets and open spaces with entryways clearly visible, and with direct access from the fronting street. Front yards and landscaped rear yards should both be provided in developments.
- 1.2. For properties that include significant natural features (e.g. significant trees, topography, rocky outcrops), buildings and landscape should be sited and designed to respond to natural topography and protect significant natural features wherever possible. Strategies to achieve this include but are not limited to alternative siting or clustering of buildings to avoid disturbance of natural features, and clustering of parking to reduce pavement on the site.
- 1.3. For some locations and lot sizes, providing the space needed for the main building and satisfying the zoning's required minimum open site space may limit the achievable surface parking spaces. Where zoning allows for the substitution of Transportation Demand Management measures in place of some required parking spaces, this approach is strongly encouraged. Where a variance to the zoning requirements is requested, the variance should focus on reducing the parking requirement, rather than reducing the required open site space.
- 1.4. For properties that include buildings of heritage value (Heritage Designated or listed on the City's Heritage Register) alternative siting of new buildings or additions may be considered as part of rezoning to facilitate heritage conservation. Where Heritage Conserving Infill is proposed as permitted under zoning, emphasis should be placed on maximizing landscaping within setbacks and other required open space areas.



Example of a mid-block houseplex sited and designed to maintain the pattern of green front and back yards and oriented positively to the street.



Example of corner townhouses with individual units accessed from and facing the sidewalk (above and below).



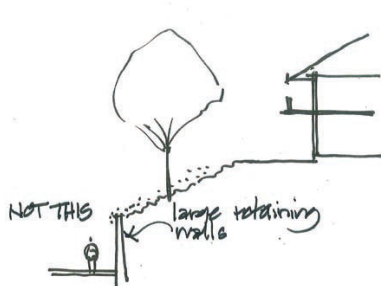
- 1.5. Consolidate open site space to maximize contiguous soil volumes that facilitate successful tree health and useable green space.
- 1.6. Unless in conjunction with the designation of a heritage building, subdivision is strongly discouraged - especially subdivision that results in panhandle lots. Keeping existing large lots intact helps facilitate more cohesive and efficient site design including the reduction of curb cuts needed to access off-street parking.

1.7. Landscaping and site design

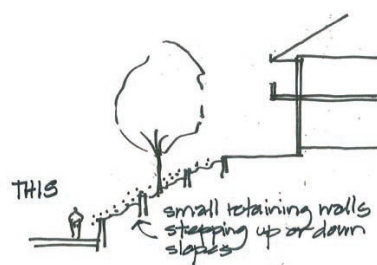
- 1.7.1. Landscape treatments including use of front patios, accented paving treatments, fence and gate details, and other approaches are encouraged to help call out a residential entry and add interest along the street and sidewalk.
- 1.7.2. Incorporate plantings integrated with entryways, patios, and pathways to create a green interface between buildings and streets.
- 1.7.3. Topographic conditions should be treated to minimize impacts on neighbouring development, for example by using terraced retaining walls of natural materials or by stepping a project to match the slope.
- 1.7.4. Development should avoid significant reworking of existing natural grade, and large retaining walls next to public spaces.
- 1.7.5. Where a building's ground floor is elevated above a pedestrian's eye level when on the sidewalk, landscaping should be used to help make the transition between grades. Some techniques for achieving this include incorporating terraces and low retaining walls with floral displays, ground cover or shrubs, and use of stone or brick masonry walls.
- 1.7.6. Landscape on sites with significant natural features (e.g. significant trees, topography, rocky outcrops) should be located and designed to be sympathetic to the natural landscape.
- 1.7.7. Landscape areas are encouraged to include a mixture of tree sizes and types



Example showing incorporation of landscape treatments that create a strong connection to and visual interest along the street (above and below)



Avoid large retaining walls and significant reworking of natural grade.



Transition sensitively between grades.



Example showing incorporation of terraces, planters, and stairways to sensitively transition the grade.

- 1.7.8. Locate large canopy trees along with associated contiguous planting areas and soil volumes in rear yards, and where possible front yards also.
- 1.7.9. Consider planting tree species and other landscape plants that will tolerate a degree of drought and will survive the summer water restrictions and dry conditions of southern Vancouver Island.
- 1.7.10. In considering tree placement in the front yard setback adjacent to street rights-of-way, consider tree sizes and spacing indicated by the City's specifications and policies for street trees.
- 1.7.11. Integrate landscaping to soften hardscape areas associated with vehicle circulation and parking. Driveway access and surface parking areas should incorporate a minimum 1 m landscape buffer along edges while maintaining site lines and enabling casual surveillance.
- 1.7.12. Design open site space so that it can not be used to park vehicles
- 1.7.13. Site design should integrate features to mitigate surface runoff of stormwater, with the goal of managing the first 32mm of rainwater within a 24 hour period. This may include a variety of treatments (e.g. permeable paving for driveways and parking areas, landscape features designed for rainwater management, cisterns or green roofs, and/or other approaches) which are consistent with approved engineering practices and the City's Rainwater Management standards for private property.
- 1.7.14. Non-glare lighting should be provided at residential unit entrances, along pedestrian paths and common areas to contribute to safety. Lighting strategies that mitigate undue spill-over for adjacent residential units are strongly encouraged.



Example showing integration of landscaping to soften entryways and parking areas



Example of lighting used to accentuate entryways

1.8. Bird Friendly Design

- 1.8.1. Avoid large areas of glazing and fly-through conditions such as glass bridges and walkways, outdoor railings, free-standing glass architectural elements and building corners where glass walls or windows are perpendicular or other conditions where birds can see through them to sky or habitat on the other side.
- 1.8.2. Use of mirrored glass and glass with high reflectivity is strongly discouraged and should be avoided.
- 1.8.3. Consider design treatments that increase the visibility of glass by integrating visual cues for birds to avoid, reduce and dampen glass reflection, and minimize light pollution.
- 1.8.4. Design corner windows, glass walkways, glass railings, and other similar features to reduce the appearance of clear passage to sky or vegetation, including through incorporation of visible markers
- 1.8.5. Consider landscape design that provides opportunities for food, shelter, and nesting sites
- 1.8.6. Maintain existing or create new bird habitat where possible, by, for example:
 - a. retaining existing and/or introducing new areas of large tree canopy and landscaping.
 - b. incorporation of storm water management infrastructure into landscaping to mimic hydrological systems

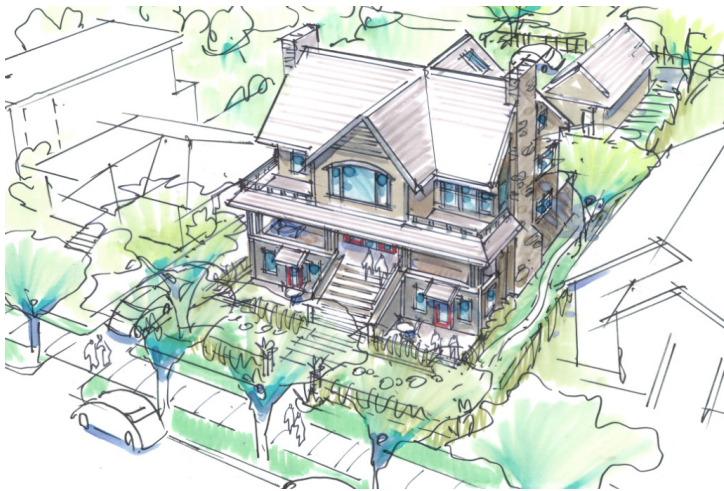
- c. Incorporating some areas within the landscape that minimizes direct disturbance from humans.
- d. Minimizing lawn areas

1.9. Provide Outdoor Amenity Space for Residential Units

- 1.9.1. Residential units, including suites, are strongly encouraged to have direct access to usable outdoor amenity space. This may include a combination of private and semiprivate spaces such as a patio, porch, balcony, deck, or similar feature of sufficient size and dimensions to be usable, attractive and comfortable. At a minimum, access to a shared yard or amenity space should be provided.
- 1.9.2. Consider factors such as privacy and access to sunlight in locating and designing amenity spaces.
- 1.9.3. Consider integrating opportunities for play in both soft and hardscaped design. This can include designing driveways and parking areas as play courts for children when not in use by vehicles.

2. Accessible Design

Objective: To encourage a high standard of accessibility in site, building and landscape design to be more inclusive of all users.



Example of a houseplex showing ground floor units with usable outdoor amenity spaces for each unit.



Example of upper-storey balcony designed with consideration for usable dimensions, access to sunlight, and balancing outward views with privacy concerns.

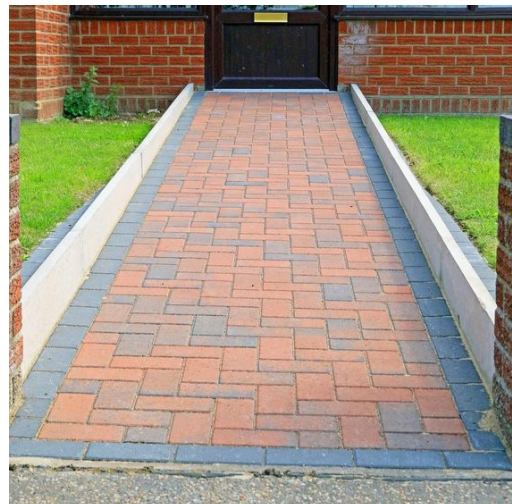
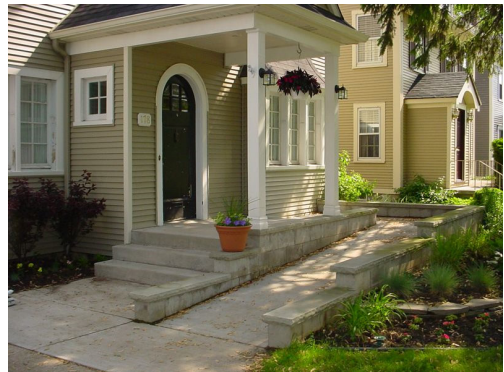


Examples (two photos above) of usable outdoor amenity space for ground level units, with screening for privacy and sufficient dimensions for usability.

- 2.1. Access ramps, exterior lifts and related elements should be visually integrated with the overall building design and site plan so as to not appear disjointed from the building façade.
- 2.2. Smooth routes should be provided. Vertical disruptions along pedestrian routes should be avoided for ease of use by people with wheeled mobility devices, strollers, and bicycles.
- 2.3. Ensure accessible paths of travel between public sidewalks and accessible dwelling units.
- 2.4. Exterior accessible paths of travel should:
 - 2.4.1. have a minimum clear width of 1.5 m, to allow room for mobility devices and service animals going both ways along a path.
 - 2.4.2. have a minimum head room clearances of 2.1 m, to ensure paths are free of obstacles overhead that white canes cannot detect.
 - 2.4.3. have firm, stable, and slip-resistant surfaces that canes, crutches, or the wheels of mobility devices will not sink into.
 - 2.4.4. be free of stairs or other barriers to mobility aids.
- 2.5. Smooth walking surfaces are preferred. Where interlocking pavers are used, they should be laid on a firm, well-compacted backing, be even, and with joints no greater than 6 mm wide.
- 2.6. Gratings or grills should generally be located to one side of accessible paths of travel.
- 2.7. Benches, bike racks, bins and other furnishings should be located to one side of accessible entryways and pathways, and maintain a minimum pathway clear zone of 1.5 m.
- 2.8. Accessible entrances should provide basic protection from the weather and include doors and vestibules that are useable autonomously by persons with varying abilities.
- 2.9. Entryways should be well-lit and clearly visible.
- 2.10. Landscaping and outdoor common spaces (e.g. areas for seating, gardening, etc.) should be accessible for people with varying levels of ability and mobility.



Examples showing accessible paths of travel to accessible entryways (above and below)

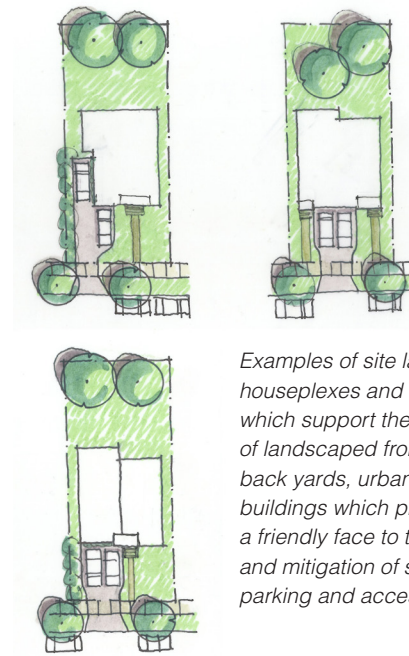


3. Parking, Access; and Servicing

Objectives: To sensitively integrate parking, circulation and access to minimize impacts on public and private open spaces.

To site and screen mechanical equipment and service areas to minimize impacts on neighbours and the public realm.

- 3.1. Vehicular access, circulation, garage doors and parking should not be the dominant aspect of developments and should be designed to minimize impacts on fronting streets and adjacent public and private open spaces. Design strategies should be employed to minimize the impact of accommodating vehicles on site, including the following:
 - 3.1.1. Integrate parking in a manner that provides substantial landscaped areas in rear yards;
 - 3.1.2. Locate and consolidate off-street parking areas to minimize extent of driveways and eliminate need for driveway access to individual units.
 - 3.1.3. Consider grouping driveway access points to minimize the number of driveway cuts and maximize space for landscaping and on-street parking;
 - 3.1.4. Location of driveway access should strive to preserve existing canopy trees or provide opportunities for new canopy trees within the boulevard by providing enough planting space.
 - 3.1.5. Front yard parking and access may be appropriate in some cases, for example for houseplexes, in order to avoid excessive pavement in rear yard areas. In these cases, attention to design is required to emphasize front entryways, pedestrian access, patios, porches, front yard landscape, and tree planting space, and ensure a pedestrian-friendly building façade.
 - 3.1.6. Minimize the impact of garage doors and vehicular entries by recessing them from the facade to emphasize residential unit entries and shield them from public view where possible.
 - 3.1.7. Incorporate landscaping within driveway areas to soften impacts of front yard parking and hardscape environment and emphasize unit entryways where they are located and accessed from a driveway;
 - 3.1.8. An accessible parking stall should be located adjacent to an accessible pathway to enable the pathway to also accommodate the required 1.5 m transfer space associated with an accessible parking stall and, as a result, reduce the amount of hard surface space;



Examples of site layouts for houseplexes and duplexes which support the pattern of landscaped front and back yards, urban forest, buildings which presents a friendly face to the street and mitigation of surface parking and access



Example showing accommodation of parking to minimize impacts on the public realm (above and below)



Example showing accommodation of a corner townhouse with rear-yard parking while still accommodating yard space for individual units along with required open site space and tree planting space



Examples showing use of landscape and materials to minimize impacts of front yard parking

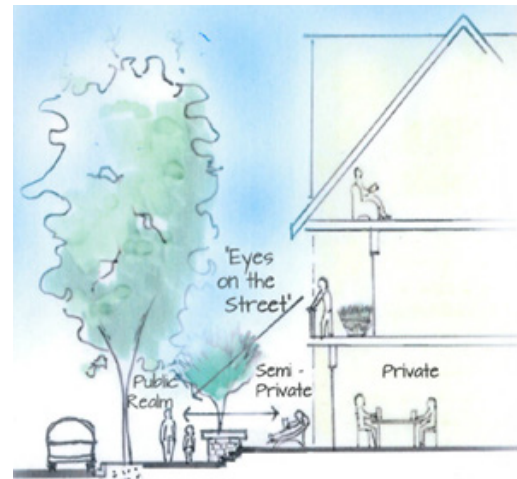
- 3.1.9. Where an accessible parking stall is provided adjacent to a pedestrian path, clearly delineate the accessible path of travel from the parking space, for example through the use of different paving materials, patterns or colour, or using a banding element between the pathway and parking stall;
- 3.1.10. Use high quality and, where appropriate, permeable paving materials for driveways;
- 3.1.11. Design driveways and parking areas to also function as multi-functional hard surface open areas, including play spaces for children;
- 3.1.12. Use attractive, high quality materials and consider incorporating glazing in garage doors where provided;
- 3.1.13. When a car share vehicle parking space is planned on the site, design the parking space to be clearly visible from the street, easily accessed by pedestrians, well lit in a way that does not spill light onto the street or adjacent properties, and ensures the vehicle can be driven forward from the entrance to the site into a parking space without turning the vehicle more than 90 degrees.
- 3.1.14. See Section 4, Open Space Design for additional design guidelines related to landscaping and screening.
- 3.2. Long term bicycle parking spaces should be consolidated within an enclosed area to which residents have shared access (not individually accessed bicycle storage lockers). To minimize impact to green, usable backyards, this bicycle parking area is encouraged to be connected or designed into the footprint of a main residential building.
- 3.3. Design open site space so that it can not be used to park vehicles.
- 3.4. Mechanical equipment, vents and service areas (e.g. for the collection of garbage or recycling) should be integrated with architectural treatment of the building, and screened with high quality, durable finishes compatible with building design.
- 3.5. Mechanical equipment, such as the outdoor components of heat pumps and air conditioners, vents and service areas should be located to minimize impacts on adjacent residential buildings by avoiding proximity to windows, doors and usable outdoor spaces.
- 3.6. Location and installation of gas and electrical meters and their utility cabinets, as well as other mechanical or service apparatus should be carefully integrated into building and site design. Gas and electrical metres and utility cabinets on building frontages should be screened.

4. Orientation and Interface - A Friendly Face to the Street

Objectives: To ensure new development is oriented and designed to present a friendly face to the street, enhancing public streets, open spaces, street vitality, pedestrian activity, safety, and 'eyes on the street'.

Residential buildings should be sited and oriented to overlook public streets, parks, walkways and on-site open spaces.

- 4.1. Buildings should maintain a street-fronting orientation, parallel to the street. In the case of a Heritage Conserving Infill building located in the rear yard, site lines from the fronting sidewalk to the front entryway are desired
- 4.2. Residential units facing streets should have entries oriented towards, and be clearly accessible and visible from, the fronting street.
- 4.3. Where some units do not front onto a public street, a clear, legible and welcoming pedestrian pathway from the public street should be established.
- 4.4. For developments that have interior-facing units, or side yard facing entryways, ensure unit entries are legible and emphasized through design features. This is important for welcoming visitors, for emergency responders and for consistency with Crime Prevention through Environmental Design (CPTED) principles. Strategies to achieve this include:
 - 4.4.1. Visible addressing to help visitors navigate to the entry. Where an entry is shared, include addressing at the shared entry.



Example of interface with street.



A 3 level houseplex with a welcoming and human scaled entryway



A 3 storey houseplex integrated positively within a neighbourhood streetscape

- 4.4.2. Defining features such as a roof overhang, patio or porch or other features to help identify the entry.
- 4.4.3. Provide low-glare outdoor lighting beside or above entry doors as well as walkways, to enhance security and to help identify the entrance.
- 4.4.4. Consider accessibility for entries to at grade or basement units.
- 4.4.5. If the entrance is immediately adjacent to a parking area, delineate the entrance with planters or other landscape features to provide visual relief and a clear separation from the parking area.
- 4.5. In cases where tuck under (under-building) parking is located at grade, provide a minimum 5 m depth of interior residential use for portions of the building facing the street or public open space.
- 4.6. Consider design strategies to delineate private front yard spaces, porches or patios from the public realm and create a semi-private transition zone, while maintaining visibility of unit entrances. Design strategies may include:



Where unit entries do not directly face the street, design features including pathways, gates, signage, lighting, and visibility make it clear where unit entries are located.

- 4.6.1. incorporating a semi elevated front entryway, patio or porch; and
- 4.6.2. where a semi-elevated front entryway, patio or porch is provided, ensure accessible access is still provided to buildings requiring an adaptable unit through the use of a ramp or person lift. Configuring the at-grade entrance of an adaptable unit at the rear of the building can facilitate the gradual ramping/grade-change needed to provide accessibility of the unit from the street.
- 4.6.3. where a grade level entryway is incorporated, delineate the semi-private entryway area through other means such as landscaping features, patios, low fencing, or planters.



A positive orientation to the street should be emphasized through building and landscape design

4.7. For buildings with exterior staircases on the front elevation, ensure the design of the staircase is high quality, makes a positive contribution to the streetscape, integrates with the architectural expression of the building, and is human scale. Strategies to achieve this include:

- 4.7.1. Using the site topography to help reduce the height of the staircase;
- 4.7.2. Designing the staircase to be less than one storey in height to support comfortable access and abilities;
- 4.7.3. Consider a split-stair design with landing(s) to mitigate the perceived height of the staircase and provide areas of respite;
- 4.7.4. Incorporating landscaping, trellis or plantings;
- 4.7.5. Connecting the staircase base with other site circulation.

4.8. The design and placement of buildings and landscape should establish a sensitive transition to adjacent parks, trails, open spaces, and natural areas, through, for example, incorporation of a landscaped edge; respecting the root zones of adjacent trees; and minimizing impacts on ecologically sensitive areas and natural features.

4.9. For new development adjacent to parks and larger public outdoor open spaces, design should clearly delineate private from public spaces, to avoid “privatizing” of public space.

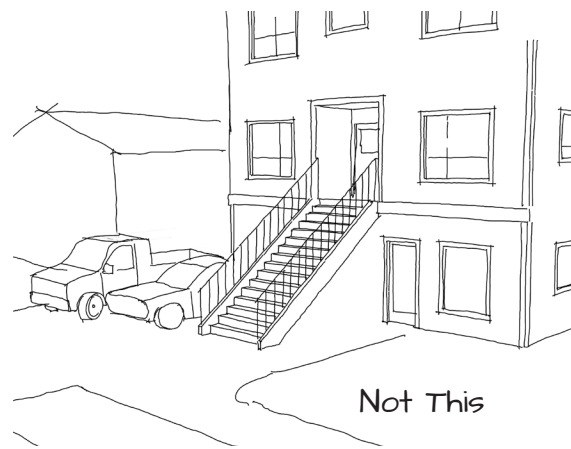


Stairways should be designed and scaled to support convenient and comfortable access while achieving an attractive and human scaled interface with the sidewalk (above and below)



This

Minimize the visual impacts of large stairways located facing the street by incorporating split stairway designs, landings, planters and landscaping, and through use of high quality materials



Not This

Large stair cases that do not achieve a positive relationship to the street should be avoided. Front yards devoid of landscaping are not permitted

5. Building Form, Features and Context

5.1. Building Form and Design

Objectives: To achieve energy efficient buildings of high architectural quality with human-scale proportions that are oriented towards and are compatible with the existing and planned future context. Human scale refers to the use of architectural features, details and site design elements that are human proportioned and clearly oriented towards pedestrian activity. Building articulation refers to the many street frontage design elements, both horizontal and vertical, that help create an interesting and welcoming streetscape.

5.1.1. Building design elements, details, and materials should create a well-proportioned and cohesive building design and exhibit an overall architectural concept.

5.1.2. Incorporate a range of architectural features and design details into building facades that are rich and varied in detail to create visual interest when approached by pedestrians. Examples of architectural features include:

- a. Roof forms, vertical and horizontal articulation
- b. bay windows and balconies
- c. fenestration pattern (proportions and placement of windows and entry ways)

5.1.3. For townhouse type development: modulation in facades and roof forms are encouraged to break up building mass, differentiate individual units within attached residential developments, and to provide architectural interest and variation along the street.

- a. Individual units should include distinct design elements while being compatible with neighbouring units as part of an overall architectural concept.
- b. Longer rows of townhouses (exceeding approximately 4 units) should generally be broken up.

5.1.4. Entrances should be located and designed to create building identity, to distinguish between individual units, and generally create visual interest for pedestrians. Well-considered use of



Development which exhibits a cohesive architectural expression, with variation in units, clear front entries, and architectural interest for pedestrians.



Consider articulating facades into a series of intervals to emphasize individual units and entryways, help break up the mass of larger buildings, and create visual interest along the street



Example of a townhouse stepped to respond to topography.

architectural detail and, where appropriate, landscape treatment, should be used to emphasize primary entrances, and to provide “punctuation” in the overall streetscape treatment.

- 5.1.5. Consider building designs and roof forms that minimize impacts on sunlight access to public and private outdoor spaces.
- 5.1.6. Consider integrating floor area into peaked roof forms to help mitigate scale and massing and to maximize sunlight access to openspaces.
- 5.1.7. Balconies should be designed as integral to the building. Overly enclosed balconies should be avoided, as these limit views and sunlight access. Balconies should be located and oriented towards front and rear yards, and not side yards
- 5.1.8. Building sidewalls should be designed to be attractive and interesting when viewed from the streets, sidewalks, and public open spaces through the use of a combination of materials, colours, textures, articulation, fenestration, and/or plant material.
- 5.1.9. Creative use of landscaping or other screening should be incorporated to reduce the perceived scale of development without compromising surveillance of public areas.



Historic traditional townhouses (above) demonstrate human scale architecture, relationship to the street, and a cohesive architectural expression. These same principles should guide the design of more modern developments which may be expressed in varied architectural styles (examples below).



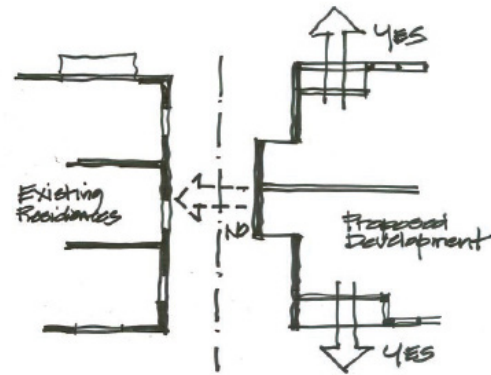
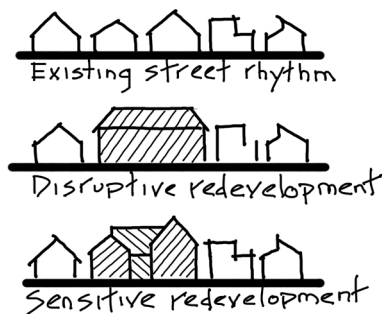
5.2. Neighbourliness

Objectives: To ensure a good fit with existing adjacent buildings to minimize impacts on neighbours, and contribute to an enhanced, varied, and evolving streetscape and neighbourhood context.

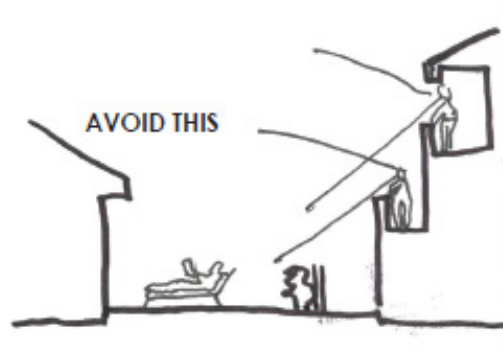
New buildings should be designed to minimize overlook into adjacent private yards. Strategies to achieve this include the following:

- Increased building setback.
- Stagger windows to not align with adjacent, facing windows.
- Pay particular attention to the design of windows facing shared side lot lines to mitigate privacy impacts by employing the design strategies noted in this section.
- Locate upper level windows, decks, and balconies to minimize overlook.
- Consider using skylights, translucent windows or clerestory windows to ensure access to natural light within units while minimizing overlook of adjacent side yards.
- Landscape screening.

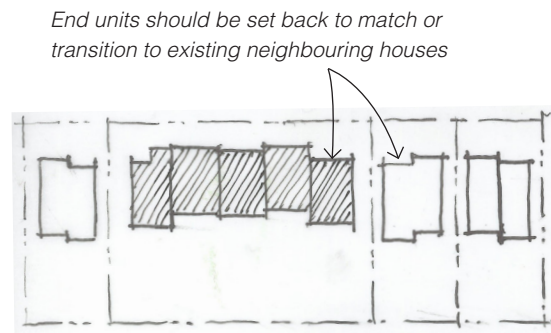
- 5.2.1. Site, orient and design buildings to minimize shadowing impacts on adjacent properties and public spaces.
- 5.2.2. On sites with a heritage building, design infill buildings to be subordinate to and maintain the visual prominence of the heritage building.
- 5.2.3. More intensive forms of housing development, such as mid-block townhouses and transitional missing middle housing, should consider transitioning in scale to adjacent residential buildings, where appropriate. Strategies to achieve this include the following:
 - Use building height and roof pitches to help transition in scale.
 - Modulate building façades to match or transition to the front yard set back of adjacent existing residential buildings.



Orientation and placement of windows, balconies and porches to respect privacy of adjacent development



Compatible forms with contrasting architectural styles add diversity, character and visual interest along a street.



5.3. Materials

Objective: To use materials which are high quality, durable and weather gracefully.

- 5.3.1. Consider variation in colours and materials between buildings along the street, while achieving a pleasing composition of cladding materials and colours within the building itself.
- 5.3.2. In general, new buildings should incorporate substantial, durable and natural materials into their facade to avoid a 'thin veneer' look and encourage graceful weathering of materials over time. Materials such as masonry, stone, natural wood, etc. are encouraged.



A diversity of materials and colours integrated with design features creates visual interest and identity along the street (above and below).



Part B: Typology Specific Guidelines

The following section provides additional guidance for specific residential typologies permitted under zoning or as envisioned in the OCP (and therefore requiring a re-zoning), to be used in conjunction with the General Guidelines in sections 1 - 5.

6. Corner Townhouses

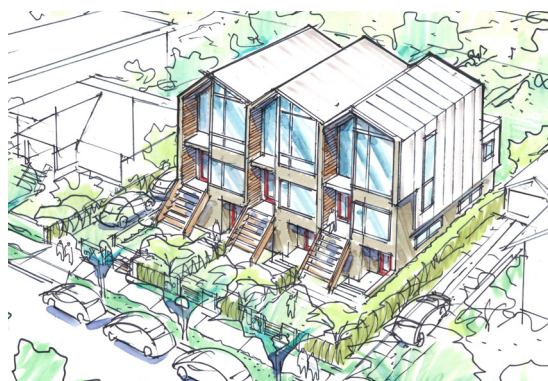
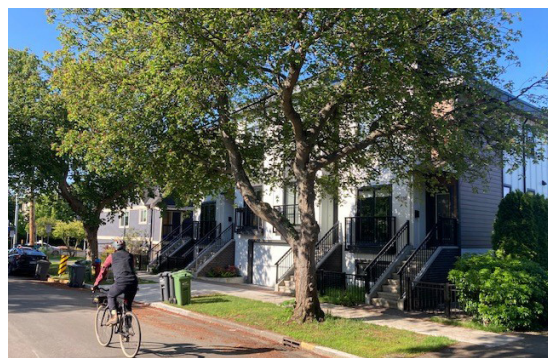
- 6.1. Site, orient and design corner town houses with principal façades and individual unit entries facing and accessed from both fronting streets



7. Mid block and double row townhouses

Overview: Some locations, as specified in applicable land use policies, may allow consideration for mid-block townhouses, or for developments sited in more than one building complex (i.e., more than one row). For these developments, the following should be achieved:

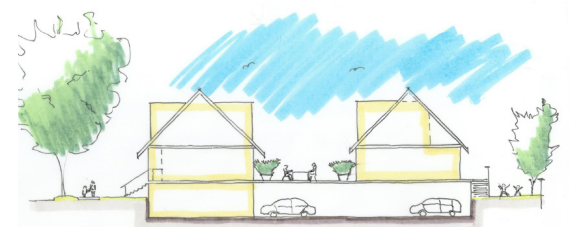
- 7.1. Townhouse forms of development should be sited and oriented with the longer face of the building parallel to the street. This is to maximize entries facing the street as well as access from the street, and to minimize visual impacts of driveways and parking on the public realm. “Galley-style” developments, where building complexes are sited perpendicular to streets with residential unit entries oriented internally or to adjacent property side-yards, are discouraged unless explicitly supported by a neighbourhood plan or other City policy.
- 7.2. Where development sited in more than one row (i.e., double row townhouses) is proposed as part of a re-zoning process, the following should be achieved:
 - 7.2.1. Site planning should ensure that dwelling units face the street;
 - 7.2.2. Units located in the interior of lots should be designed with adequate separation from other buildings and have access to open space;
 - a. a minimum 8 m building separation should be provided between two principal façades
 - b. a minimum 5 m building separation should be provided between a principal (front or rear) façade and an adjacent side façade.
 - 7.2.3. Vehicle access, parking and circulation should be integrated sensitively so it is not the dominant aspect of the development and integrates play features and other design elements that support flexible uses for driveways and parking areas. See Section 2. for further guidance.



- 7.2.4. Dwelling units located in the interior of a site should have rear yard and side yard setbacks sufficient to support landscaping and sensitive transitions to adjacent existing development and open spaces.
- 7.2.5. Sufficient building separation should be provided between buildings to maximize daylight and minimize shadowing and overlook. Consider increased setbacks on the north side of sites to reduce shadowing impacts on adjacent properties.
- 7.2.6. Buildings which do not front onto the public street should be sited to provide sufficient separation from shared property lines and adjacent development in order to reduce overlook and shading, protect privacy for residents and neighbours, and provide space for landscaping.
- 7.2.7. Consider lower height and massing of buildings located to the rear of a site, compared to the front, where this would mitigate impacts on neighbouring properties.
- 7.2.8. Where parking access courts are included in a development, these areas should be integrated into the overall development to create a welcoming space. Integrate landscape into these areas and provide features such as legible entries, windows or balconies to provide casual surveillance. Wherever possible, integrate one or more trees within or directly adjacent to a parking court or rear yard parking area, and consider landscaping areas associated with individual entries accessed from a parking court.
- 7.2.9. Consider varying garage and parking orientations to avoid drive aisles dominated entirely by garage doors. A mix of entries, patios, windows and landscape create a more livable and inviting space.



Double row townhouses should be oriented parallel to the street, and provide sufficient building separation and setbacks to ensure liveability for units within the development and on adjacent sites



Where parking is required, consider under-building parking to minimize impacts on open spaces



Example showing incorporation of landscaping to soften an interior drive aisle and emphasize entries

Entrances to individual units clearly visible and accessible from adjacent public street or open space

Ensure adequate building separation to enable natural daylight penetration (8 metres is desired)

Orient both rows facing the street

Incorporate green open space including landscaped rear and side yards

Create an attractive pedestrian environment through landscaping, quality pavement, surveillance from windows, balconies and unit entries that are legible and welcoming



Design driveways and parking access as flex-use shared spaces that can double as play areas for children

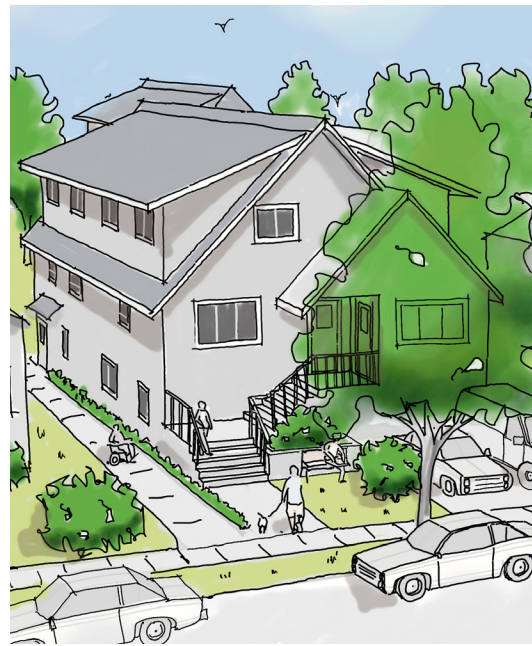
Ensure clear comfortable pedestrian access to rear units

8. Houseplexes

- 8.1. Houseplexes should be designed to make clear that the building comprises different units through, for example, incorporation of legible front entries with street address.
- 8.2. When more than one houseplex is located on a single lot, they shall not be sited in tandem (one in front of the other) but rather, shall be located side-by-side and oriented to front onto the facing street.
- 8.3. Maximize front yard landscaping incorporating shrubs and at least one small to medium canopy tree to soften front entry stair cases along with parking areas and access.

9. Heritage Conserving Infill

- 9.1. The design of new development located on the same lot as a heritage building should be complimentary to, yet subordinate to, contrasting with and clearly distinguishable from, the heritage building. Consider designing the infill building or addition to acknowledge design elements of the heritage building, including roof forms, building and window proportions, materials, entryway treatments, detailing and landscaping.
- 9.2. New buildings or additions to existing buildings should not detract from or obscure character defining elements of a heritage building.
- 9.3. Additions to heritage buildings should be sensitively integrated with the existing fabric to minimize the impact on character-defining elements.
- 9.4. Additions should be set back from the front façade of the heritage building.
- 9.5. Infill buildings located in rear yards should incorporate roof forms that minimize shadowing impacts and maximize sunlight access to gardening and outdoor spaces both on site and to adjacent properties. To help achieve this, consider peaked roofs incorporating floor area.
- 9.6. Windows into habitable rooms should not face a side or rear yard unless it is approximately 5 m setback from the side or rear yard property line.
- 9.7. Windows should be located to minimize overlook into adjacent properties. Consider using skylights, translucent windows or clerestory windows to ensure access to natural light within units while minimizing overlook of adjacent side yards.
- 9.8. Consider incorporating green open spaces and outdoor amenity spaces into rear and side yard setback areas.



Houseplex concept sketch showing integration of front entry stairs, parking, landscaping and accessible paths of travel to rear unit



Example of an infill building behind a heritage home incorporating both complimentary and contrasting design elements (above and below).



10. Additional Livability Guidelines for Suites

Some forms of housing may have suites (e.g. lock-off suites). In addition to the guidelines elsewhere, the following guidelines apply:

- 10.1. All units should be provided with windows of sufficient size and orientation to provide for sunlight and outward views.
- 10.2. Where a suite is located in a basement, smaller windows or light wells with obstructed views should not be the primary window orientation.
- 10.3. Avoid locating at-grade windows directly adjacent to parking spaces. Windows in these locations should generally contain landscape separation from the parking space.
- 10.4. Where topography and basement suite location do not allow for outward looking windows and entry, consider the creation of a sunken patio, generally located at the rear or side of a building (also see Section 4.2 of these guidelines regarding outdoor amenity space).
- 10.5. Exterior pathways and entries leading to basement-level or at-grade suites should be designed to be accessible wherever possible.
- 10.6. Taking advantage of grade changes on a site can help locate suites in a way which provides for access to sunlight, amenity space, and accessible entry.
- 10.7. Provide adequate storage space including bicycle storage for suites.

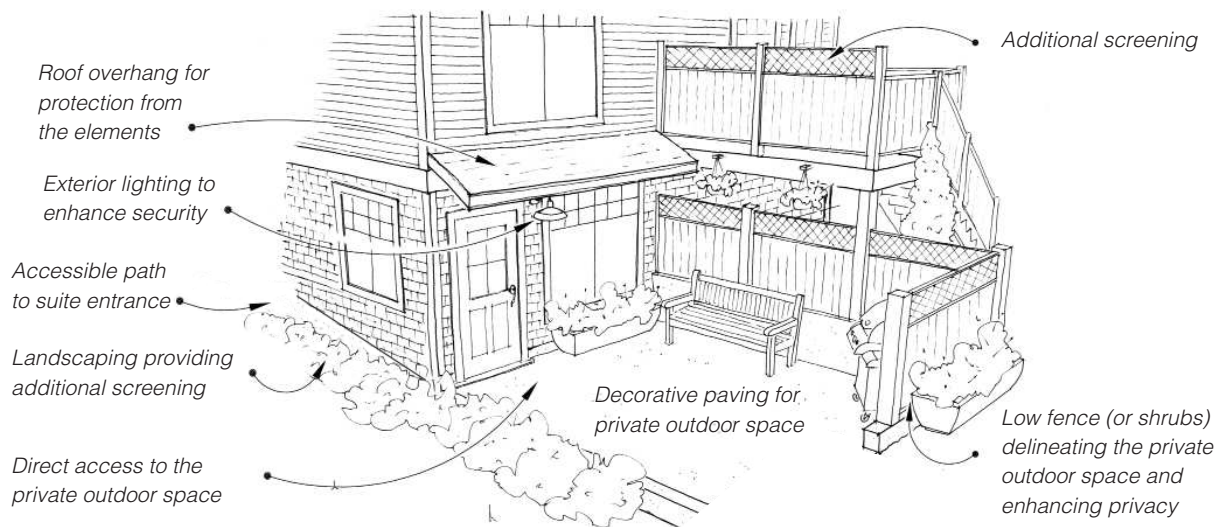


Illustration of strategies for effective design of usable outdoor amenity space for a suite.

11. Additional Guidance for properties adjacent to laneways

Some properties that are candidates for missing middle housing may be located adjacent to a laneway. While laneways are typically seen as service areas which access parking, they also provide a unique character to blocks where they are found. While few in number, many of Victoria's laneways are bordered by landscaping and serve as areas where pedestrians and slow car traffic mix. Laneways can provide opportunities for more flexible site planning, a welcoming frontage, casual surveillance and landscaping along the laneway.

11.1. Development of properties adjacent to a laneway should:

- 11.1.1. create a welcoming frontage through the inclusion of legible entries, gates or pathways, and fenestration oriented to the laneway
- 11.1.2. provide for casual surveillance of the laneway through the location of windows or balconies
- 11.1.3. include a modest setback from the laneway's edge to accommodate landscape or pedestrian areas between the edge of the lane (or parking) and the building
- 11.1.4. be sited to preserve mature trees and provide tree planting spaces which enhance the appearance of the laneway
- 11.1.5. provide low-glare, downward facing lighting at entries and to enhance a sense of safety
- 11.1.6. minimize stormwater runoff onto the laneway
- 11.2. Where laneways are provided, consider locating rear yard parking and access off of the lane to support more front yard landscaping while limiting the amount of space dedicated to parking in the rear yard.
- 11.3. Massing and location of windows, porches and decks should limit overlook and shadowing of adjacent back yards.
- 11.4. Green spaces should be provided to the centre of the lot as compatible with existing patterns.
- 11.5. Consider pedestrian safety in siting of gates and entries along the laneway by providing visibility for pedestrians and drivers.



Tenant Assistance Policy

Victoria Housing Strategy 2016 – 2025

1.0 Introduction

1.1 Victoria Renters

Renters account for a significant portion of the City of Victoria's population and are an important part of the City's social fabric.

Many of the renters live in older and lower-density rental stock, where over 80% of which were built in the 1960s and 1970s¹. With a proportionally high percentage of renters in the City, (61% of the total population)² this rental stock is a vital component of the City's overall supply of rental housing, with rental rates that are often lower than market average.

Renting also allows for median income households to live in Victoria. The median annual income of renters is \$44,165, significantly lower than that of homeowners (\$80,986)³.

1.2 Rental Housing Challenges

A healthy vacancy rate for a city is considered to be between three to five percent. With Victoria's growing population, high demand for rental housing, and low vacancy rate (1.0%)⁴, combined with limited increases in income and limited new supply of purpose-built rental housing in recent decades, the cost of housing for renters is not sustainable and continues to increase. Not only has the cost of renting increased but so too has cost of home ownership, creating even more challenges for many households to purchase a home. The impact of higher home ownership costs is that households that would have previously sought to buy a home are opting to rent, putting additional pressure on the rental market. While renters at every income level have experienced a dramatic increase in rents over the past number of years, the impact has been felt most acutely by those on fixed or low incomes and single person households, such as seniors, low-income families, single parents, and low wage workers.

The demolition and replacement of rental buildings results in the displacement of tenants, an issue that is exacerbated by significantly higher rents in new buildings. Lack of affordable housing, especially affordable rental stock, is a significant factor that contributes to relatively high levels of homelessness in the city, with significant social and economic costs and impacts. Any loss of rental stock and displacement of existing tenants, especially tenants with additional assistance needs, is a serious challenge.

¹ Market Rental Revitalization Report 2018

² Statistics Canada Census 2016

³ Statistics Canada Census 2016

⁴ CMHC Rental Market Report 2021

1.3 Policy Intent

The Tenant Assistance Policy has been developed to help mitigate the potential impacts of displacement on tenants by providing guidelines for developers and property owners to provide additional supports for tenants who are displaced as a result of major renovations or redevelopment.

2.0 Role of British Columbia Residential Tenancy Act

British Columbia's Residential Tenancy Act (RTA) regulates all tenancy agreements in residential units across the province. The Tenant Assistance Policy and Guidelines are intended to augment the RTA and address challenges unique to Victoria. While these Guidelines outline some of the requirements for tenant support included in the RTA, they are not a comprehensive nor complete guide. In some instances, the RTA outlines penalties for non-compliance for items both included in these guidelines and omitted. It is important that both landlords and tenants understand their rights and responsibilities under the RTA.

For more information on residential tenancy policy and guidelines, please refer to the Provincial Government's [Tenancy Policy Guidelines](#).

2.1 Notice to End Tenancies

The RTA sets out minimum notice that a landlord must give tenants to move out in case of renovations to or demolition of an existing building. A landlord may issue a *Notice to End Tenancy* only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

2.2 Renovations and Repairs

Under the RTA, renovations and repairs must be so extensive that they require the unit to be empty for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

2.3 Right of First Refusal

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

3.0 Policy Target

The application of the Tenant Assistance Policy are as follows:

- The Tenant Assistance Policy is applicable to rezoning applications to redevelop or demolish any building that will result in loss of existing residential rental units.
- This policy offers best practice guidelines that can also be used by all applicants who are seeking to renovate or redevelop existing residential rental units.
- This policy is intended to guide applicants and City staff as part of the application process, but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits.

3.1 Applicable Housing Types

The applicable housing types are as follows:

- *Market Rental Housing* – private rental housing with rent determined by the market
- *Non-Market or Social Housing* – housing that is rented at a price that is not set by market forces but set and controlled over time by some other means

For *missing middle* housing types, refer to section 6.0, *Tenant Assistance Plans for Missing Middle Housing Development*.

3.2 Eligible Tenants

Eligible Tenants are tenants who should be included in the Tenant Assistance Plan and includes all tenants who have resided in the building for one year or more at the time a rezoning application is submitted.

A tenant who has not resided in the property long enough to be an eligible tenant, including a tenant that moves into the property after the rezoning or development permit application is submitted to the City, is not required to be included in the Tenant Assistance Plan (but may be included at the applicant's discretion).

In cases where an eligible tenant moves out prior to receiving a Notice to End Tenancy from the landlord, they are still entitled to full financial compensation and the additional support they are eligible for under the Tenant Assistance Policy.

3.3 Developing a Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of First Refusal.

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

3.4 Communication with Tenants

Applicants should communicate their intention to renovate or redevelop with tenants prior to submitting any application to the City and continue to communicate throughout the process. The Tenant Assistance Plan should be developed with input from tenants, and once finalized, the full plan should be communicated to tenants. Communication with tenants could include:

- A written letter or email sent by the applicants to all tenants outlining the proposed project and expected timeline
- Providing a primary point of contact for tenants
- Providing the City's *Frequently Asked Questions (FAQ)* handout sheet
- Providing a *Request for Tenant Assistance Form* to tenants to identify tenant assistance needs
- Informing tenants about the City's Tenant Assistance webpage and the Residential Tenancy Branch webpage
- Ongoing communication regarding the process of the development and tenant assistance process at each stage of the process (prior, during, and at the conclusion of the project) in the form of a meeting, letter, email, etc.

4.0 Tenant Assistance Plan for Market Rental Housing Development

The guidelines in this section are intended to be used for renovation or redevelopment in Market Rental Housing developments, as defined in section 3.1 Applicable Housing Types.

4.1 Compensation

Compensation should be given to displaced tenants. Compensation may take the form of free rent, a lump sum payment, or a combination of both.

For market rental housing, compensation is recommended to be based on length of tenancy at either:

- (1) The higher of CMHC average rent for the City of Victoria (as identified in CMHC's Annual Rental Market Report, adjusted annually and identified in Table 1 – *Rental Compensation*⁵, below) or the tenant's existing rent; or
- (2) Free rent in a different building

Table 1 - Rental Compensation

CMHC Average Rent ⁶	Length of Tenancy
<ul style="list-style-type: none"> • Bachelor: \$1,024 • 1BR: \$1,205 • 2BR: \$1,580 • 3BR+: \$1,975 	<ul style="list-style-type: none"> • Up to 5 years: 3 months' rent • 5 to 9 years: 4 months' rent • 10-19 years: 5 months' rent • 20+ years: 6 months' rent

⁵ Table 1 is provided for reference only. Applicants should consult the latest CMHC Rental Market Report for appropriate rent rates.

⁶ CMHC Rental Market Report 2021

For tenants receiving government or rental assistance where program eligibility is based on taxable income, such as BC Housing's Rental Assistance Program (RAP), Shelter Aid for Elderly Renters (SAFER), Income Assistance, Disability Assistance, etc., compensation in the form of free rent in a different building is preferable.

4.2 Moving Expenses and Assistance

One of two options should be provided to displaced tenants, at the discretion of the landlord:

- (1) An insured moving company may be hired by the applicant, with all arrangements and costs covered within Greater Victoria; or
- (2) Flat rate compensation (based on unit size) provided to the tenant at the rate of:
 - \$750 for bachelor and one-bedroom households
 - \$1,000 for two-bedroom households
 - \$1,250 for three or more -bedroom households

When a tenant is exercising the Right of First Refusal (Section 4.4), moving expenses should be provided for both the move out and return to the building.

Tenants may request moving compensation different than that proposed by the Landlord per item 7.0: Tenants Requiring Additional Assistance.

4.3 Relocation Assistance

Tenant Relocation Coordinator

An experienced Tenant Relocation Coordinator should be hired or appointed by property owner or landlord to assist tenants with finding alternative rental housing options. A roster of local Tenant Relocation Coordinators can be found on the City's webpage.

Once in place, the Tenant Relocation Coordinator's contact information should be posted within the building in a conspicuous location, and they should be contactable at regular and consistent hours.

Alternate Housing Options

At least three housing options should be presented to the tenant(s). The units should be:

- Comparable in terms of size, location, and rent amount (unless otherwise agreed to by tenant)
- Located in the Capital Regional District, with at least one in the same neighbourhood (unless the tenant has indicated preference for another location)
- Rent at no more than the Canadian Mortgage and Housing Corporation (CMHC) average rents for the City of Victoria, or at a rate comparable to the tenant's current rate if current rent is higher than CMHC average
- Tailored to the tenant wherever possible (e.g., pet friendly, accessible, smoke-free, etc.)

4.4 Right of First Refusal

Tenants should be offered the Right of First Refusal, which is the right for the tenant being displaced to return to the building once renovations or redevelopment is complete. Returning tenants should be offered rents at 20% below starting market rents for the new units, with the following considerations:

- If a tenant's current rent is higher than the proposed 20% below market rent level, the right of first refusal can be offered at the tenant's current rental rate
- Tenants should be offered to be moved back to the building with moving expenses covered per Section 4.2

5.0 Tenant Assistance Plan for Non-Market Rental Housing Development

The guidelines in this section are intended to be used for renovation or redevelopment in Non-Market Rental Housing developments, as defined in section 3.1 Applicable Housing Types.

5.1 Compensation

Compensation should be given to displaced tenants. Compensation may take the form of free rent, lump sum payment, or a combination of both.

Compensation is recommended to be based on length of tenancy:

- Up to 5 years: 3 months' rent
- 5 to 9 years: 4 months' rent
- 10 to 19 years: 5 months' rent
- 20+ years: 6 months' rent

In the case that compensation in the form of a lump sum payment may affect the tenants' eligibility for housing, then compensation in free rent in a different building is preferred.

These guidelines may be flexible for non-market or social housing developments, where negotiating for reduced compensation for tenants may be possible (for example when tenants are relocated in comparable accommodation within an organization's existing portfolio of affordable housing).

5.2 Moving Expenses and Assistance

Refer to Section 4.2.

5.3 Relocation Assistance

Tenant Relocation Coordinator

An experienced Tenant Relocation Coordinator should be hired or appointed by the property owner or landlord to assist tenants with finding alternative rental housing options. A roster of Tenant Relocation Coordinators can be found on the City's webpage.

Once in place, the Tenant Relocation Coordinator's contact information should be posted within the building in a conspicuous location and they should be contactable at regular and consistent hours.

Alternate Housing Options

At least three housing options should be presented to the tenant(s), where securing housing for the tenant(s) is recommended. The alternate units should be:

- Comparable in unit size and type (unless otherwise agreed by the tenant)
- Located in the Capital Regional District, with at least one in the same municipality
- For tenants paying Rent-Geared-to-Income, rents are to be no higher than what the tenant is eligible for under the current subsidy program
- For all other tenants, rents are to be no more than the higher of either 30% of household gross income or the tenant's current rent at the time of development application
- Tailored to the tenant wherever possible (e.g., pet friendly, accessible, smoke-free, etc.)

Preference should be given at the tenant's discretion to (in priority sequence):

- Phased renovations or redevelopment where tenants can be relocated in stages to other properties on the site without ending tenancies
- A unit within the non-profit's existing portfolio
- A unit within another non-profit's portfolio
- Other forms of subsidized housing (e.g., a portable rental supplement)

5.4 Right of First Refusal

Tenants should be offered the Right of First Refusal, which is the right for the tenant being displaced to return to the building once renovations or redevelopment is complete.

- Applicants should provide all residents with the right of first refusal to return to the new development at rents described in section 5.4
- Tenants offered to move back to the building should have moving expenses covered at rates described in Section 4.3
- Projects proposing new social housing, or in instances where rental units are replaced with social housing, returning tenants must meet eligibility requirements for the new social housing units and any criteria described in a Council-approved Housing Agreement

6.0 Tenant Assistance Plan for Missing Middle Housing Development

The guidelines in this section are intended to provide direction to Missing Middle housing projects in the Traditional Residential Urban Place Designation.

6.1 Compensation

Compensation should be given to displaced tenants and may take the form of free rent, a lump sum payment, or a combination of both.

For tenants displaced by missing middle development projects, compensation is recommended to be either:

- (1) a. For market rental – One months' rent at the higher of CMHC average rent for the City of Victoria (as identified in CMHC's Annual Rental Market Report, adjusted annually and identified in Table 2 – *Rental Compensation*⁷, below) or the tenant's existing rent; or

- (1) b. For non-market rental - One months' rent; or
- (2) Free rent in a different building

Table 2 - Rental Compensation

CMHC Average Rent⁸

-
- Bachelor: \$1,024
 - 1BR: \$1,205
 - 2BR: \$1,580
 - 3BR+: \$1,975

For tenants receiving government or rental assistance where program eligibility is based on taxable income, such as BC Housing's Rental Assistance Program (RAP), Shelter Aid for Elderly Renters (SAFER), Income Assistance, Disability Assistance, etc., compensation in the form of free rent in a different building is preferable.

These guidelines may be flexible for non-market or social housing developments, where negotiating for reduced compensation for tenants may be possible (for example when tenants are relocated in comparable accommodation within an organization's existing portfolio of affordable housing).

6.2 Moving Expenses and Assistance

Refer to Section 4.2.

6.3 Combined Compensation

To satisfy this policy, a developer is required to provide combined total compensation under sections 6.1 and 6.2 up to a total value of \$4,000.

Any additional compensation to displaced tenants, above \$4,000 will be at the developer's discretion.

6.4 Relocation Assistance

While relocation assistance is not required as part of missing middle developments, the assistance in identification of alternative housing options for displaced tenants is considered best practice and should be undertaken whenever possible. See section 4.3 Alternate Housing Options for guidance.

6.5 Right of First Refusal

For missing middle housing developments, there are no Right of First Refusal requirements - which is the right for the tenant being displaced to return to the building once renovations or redevelopment is complete - beyond those included in the RTA.

⁵ Table 1 is provided for reference only. Applicants should consult the latest CMHC Rental Market Report for appropriate rent rates.

⁶ CMHC Rental Market Report 2021

7.0 Tenants Requiring Additional Assistance

This policy is particularly targeted towards tenants requiring additional assistance, for whom the impact of displacement may be more acute. Tenants requiring additional assistance may include (but not limited to):

- Long-term tenants who may be paying significantly below market-rent, and for whom entering the current market may present financial challenges
- Tenants with specific housing needs due to a disability (physical and/or mental health issues)
- Seniors, who may be long-term tenants and living on a fixed income
- Families with young children, who may have difficulty finding appropriate units
- Newcomers (recent immigrants and refugees)
- Households with very low (<\$19,999) to low (\$20,000 - \$34,999) income
- Self-reporting of additional assistance required by tenants (disclosure to the applicant on the reason for requiring assistance is NOT required)

The City may, at its discretion, request that additional financial compensation or support be provided to tenants requiring additional assistance. Additional supports could include:

- Providing additional compensation in the form of free rent, lump sum payments or a combination of both
- Hiring a Tenant Relocation Coordinator to assist individual tenants
- Providing professional movers (costs and arrangements covered) and additional funds for moving expenses
- Working with non-profit agencies to offer alternative accommodation
- Prioritizing rent-gear-to-income tenants for relocation assistance
- Continued support for housing search options above the relocation assistance requirements
- Identifying an alternative housing option that is within 10% of the tenant's current rent, if the tenant has a low income and is paying significantly lower than CMHC average rent for the area
- Offering right of first refusal rents at 20% below starting market rents for the new units
- For tenants in subsidized housing, right of first refusal units offered at existing rents in the new building

8.0 Vacant Units

Special requirements apply where the rental building is vacant at the time of a rezoning application as a consequence of:

- A vacant possession having been a condition of property purchase; or
- A Notice to Vacate issued without proper permits and necessary approvals in place.

In these cases, the rezoning application will need to be supplemented with additional information as requested by the City, which may include on request supporting documents and legal notices delivered to the tenants, so as to afford the City the ability to confirm and verify that the process by which the building was vacated was, to the best of their knowledge, carried out in compliance with this Policy and the RTA.

9.0 Procedure for Implementation, Documentation, and Final Report

Once the Tenant Assistance Plan has been approved by City staff and Council in a rezoning application, the applicant is responsible for communicating the plan to tenants, and for implementing the plan as

described in this policy.

Throughout implementation, landlords should keep good records of communication with tenants, including housing options provided and offers and acceptances of alternate housing provided, and be able to produce these records to the City on request.

A final Tenant Assistance Report should be submitted prior to the issuance of an occupancy permit. The City has developed a Final Tenant Assistance Report template that is available for applicant use. At minimum, the report should include:

- Names of tenants eligible for the Tenant Assistance Plan
- A summary of the financial compensation and assistance given to each tenant (e.g. moving costs, rent, etc.)
- Outcome of their search for accommodation
- Tenants who have exercised the right of first refusal

10.0 Freedom of Information and Protection of Privacy Act

This policy recognizes that for the Tenant Assistance Plan to operate effectively, tenants' personal information will need to be collected, used, and disclosed. Therefore, every tenant assistance plan will be administered in compliance with the following privacy requirements contained in the *Freedom of Information and Protection of Privacy Act*:

- Personal information can only be collected, used and disclosed for the purposes described in this policy
- Personal information must be protected at all times from unauthorized collection, use, access and disclosure
- Tenants must be made aware that providing their personal information is voluntary and non-disclosure does not prevent them from participating in the Tenant Assistance Plan
- Tenants have the right to know how their personal information is being used
- Tenants have the right to access their personal information and to request corrections of it where applicable
- Tenants will not be asked to provide any personal information that is not necessary to assist them under the Tenant Assistance Plan
- Tenants' personal information will not be retained longer than is necessary to assist them under the Tenant Assistance Plan
- Tenant Assistance Plans should not be forwarded to anyone, City staff or otherwise, not directly involved in the completion, participation in, or evaluation of the plan.



Council Report

For the Meeting of January 26, 2023

To: Council **Date:** January 12, 2023

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: Update Report for Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue

RECOMMENDATION

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

"That Council authorize the issuance of Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue, subject to confirmation of registration of legal agreements, in accordance with:

1. Plans date stamped June 24, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. 1535 Despard Avenue
 - i. reduce the lot width from 24m to 15.24m
 - ii. reduce the east side yard setback from 3.00m to 1.52m
 - b. 1537 Despard Avenue
 - i. Reduce the lot width from 24m to 15.24m
 - ii. Reduce the west side yard setback from 3.00m to 1.83m
3. The Development Permit lapsing two years from the date of this resolution."

UPDATE

This application to subdivide the property located at 1535/1537 Despard Avenue, into two fee simple lots, was considered at the Committee of the Whole meeting on May 19, 2022, with the following motion ratified on June 9, 2022:

"That Council refer the matter back to staff to work with the applicant to secure a covenant preventing further development of newly created fee simple lots."

The property currently contains two dwelling units connected by a pergola, which under "retired" regulations qualifies the building as a duplex (Committee of the Whole Report for the meeting held on May 19, 2022 is attached). If the property is subdivided, the two units would each be considered a single-family home under the *Zoning Regulation Bylaw*.

It should be noted that the approved building plans for both buildings include design features, such as partial kitchens, that could facilitate the addition of secondary suites if the property is subdivided. However, as per Council's motion, further development of the site would be prohibited.

The applicant has fulfilled the conditions from the Council motion and a legal agreement preventing further development, beyond the potential for secondary suites, has been prepared and executed. The recommendation provided for Council's consideration contains the appropriate language to advance this application to an opportunity for public comment.

Respectfully submitted,

Patrick Carroll
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Committee of the Whole Report for the meeting on May 19, 2022, dated May 5, 2022
- Attachment B: Committee of the Whole Minutes dated May 19, 2022
- Attachment C: Minutes from Daytime Council Meeting dated June 9, 2022
- Attachment D: Plans date stamped June 24, 2021
- Attachment E: Community Association Land Use Committee Comments dated January 6, 2023.



Committee of the Whole Report

For the Meeting of May 19, 2022

To: Committee of the Whole **Date:** May 5, 2022

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue

RECOMMENDATION

That Council decline Development Variance Permit Application No. 00263 for the property located at 1535/1537 Despard Avenue.

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 1535/1537 Despard Avenue. The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. Variances are required to reduce the lot width for each lot and to reduce the interior side yard setbacks between the two dwellings.

The following points were considered in assessing this application:

- The Official Community Plan contains a strategic direction for the Rockland Neighbourhood to preserve large lot character and although to the passer-by, the site would remain virtually unchanged, the proposal is not consistent with the goal of retaining larger lots.
- The proposal is inconsistent with the *Rockland Neighbourhood Plan* which encourages development of semi-attached or attached dwellings as a preferred alternative to subdivision of larger lots.
- Removal of the pergola connection between the dwellings would change the use from semi-attached dwellings to single-family dwellings. Under the existing R1-A Zone, Rockland Single Family Dwelling District, each lot could be developed with a single-family dwelling with either a secondary suite or garden suite.

- The proposed lot width and interior side yard setback variances would not impact neighbouring properties or the public realm; however, the subdivision would preclude future redevelopment of the site as semi-attached dwellings in accordance with the current R1-A Zoning.

Although the application is inconsistent with Council's approved policy, it is noted that there would be little visible difference from the street should the application be approved. In the event Council would like to consider approving this application, an alternate motion has been provided.

BACKGROUND

Description of Proposal

The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. The variances are related to reducing the width of each lot and the interior side yard setbacks between the two existing buildings. Specific details include:

- The semi-attached dwelling was constructed in 2010 in accordance with the R1-A Zone, Rockland Single Family Dwelling District regulations, which at the time allowed for a pergola, arbour or breezeway connection between dwelling units in a semi-attached or attached dwelling development.
- The R1-A Zone was amended in 2011 to remove reference to pergola, arbour and breezeway, and a common roof connection is now required with development of semi-attached or attached dwellings.
- According to the applicant's letter the request to subdivide the property is because the property presents and functions as two separate and distinct single-family dwellings and subdivision of the property and dissolution of the strata would simplify the insurance process and reduce associated costs.

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

Affordable Housing

The applicant is not proposing any new housing with this proposal; however, subdivision would facilitate the ability of each property to add a secondary suite or garden suite.

Sustainability

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

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Variance Permit Application.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Existing Site Development and Development Potential

The site is presently developed as a semi-attached dwelling. If subdivided, the dwellings would be considered single-family dwellings and the R1-A Zone would allow each lot to have a secondary suite or garden suite in addition to the existing dwellings.

Data Table

The following data table compares the proposal with the existing R1-A Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk indicates where the buildings are legal non-conforming.

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
Site area (m ²) – minimum	835.85	835.73	740.00
Number of units – maximum	1	1	Principal dwelling plus secondary suite or garden suite
Density (Floor Space Ratio) – maximum	0.33:1	0.33:1	N/A
Combined floor area (m ²) – maximum	405.22	396.97	N/A
Lot width (m) – minimum	15.24*	15.24*	24.00
Height (m) – maximum	10.42**	10.36**	7.6
Storeys – maximum	2.5	2.5	2.5
Site coverage (%) – maximum	24.28	24.09	40.00

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
Setbacks (m) – minimum			
Front	11.28	14.37	10.50
Rear	16.89	22.23	13.71 (25% of lot depth)
Side (east)	1.52*	3.11	3.00
Side (west)	3.05	1.83*	3.00
Parking – minimum	2	2	1 per lot

Relevant History

The existing semi-attached dwelling was constructed in 2010 under the R1-A Zone regulations which at the time permitted dwelling units within a semi-attached building to be attached by a pergola, arbour or breezeway. The R1-A Zone was amended in 2011 and now requires a common roof connection for semi-attached dwellings. The maximum height permitted in the Zone was also reduced from 11.0m to 7.6m.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 26, 2021 the application was referred for a 30-day comment period to the Rockland CALUC. A letter from the CALUC is attached to this report.

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

ANALYSIS

Rockland Neighbourhood Plan

The proposal to subdivide the property is inconsistent with the *Rockland Neighbourhood Plan* which encourages semi-attached and attached dwellings as a desirable alternative to subdivision. The Plan also encourages adherence to the R1-A subdivision regulations (i.e., minimum lot area and lot width). The intent of this policy is to ensure the area maintains its large lot character with setbacks that provide “breathing room” for existing houses, preserves views towards traditional houses and conserves other heritage features. While the proposal is inconsistent with this general policy of discouraging subdivision, development of the site has already occurred and the subdivision and requested variances for lot width and interior setbacks would not result in a noticeable change along Despard Avenue. However, subdivision would preclude future redevelopment of the lot as semi-attached dwellings that are consistent with the current R1-A Zoning regulations (e.g., share a common roof connection).

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

Regulatory Considerations

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

Given there are no proposed changes to the existing buildings other than the removal of a pergola connection, these variances would not have an impact on the adjacent properties or the public realm. However, once subdivided, a secondary suite or garden suite could be added to each lot in accordance with the R1-A Zoning regulations.

CONCLUSIONS

The proposal to subdivide the property located at 1535/1537 Despard Avenue to create two single family lots and associated lot width and setback variances is inconsistent with the *Rockland Neighbourhood Plan*, which encourages semi-attached or attached dwelling infill as an alternative to subdivision. Therefore, consistent with this policy, staff's recommendation is that the application be declined; however, an alternate motion that would advance the required variance to an opportunity for public comment is provided below should Council wish to consider approving the application.

ALTERNATE MOTION

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

"That Council authorize the issuance of Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue, in accordance with:

1. Plans date stamped June 24, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. 1535 Despard Avenue
 - i. reduce the lot width from 24m to 15.24m
 - ii. reduce the east side yard setback from 3.00m to 1.52m
 - b. 1537 Despard Avenue
 - i. Reduce the lot width from 24m to 15.24m
 - ii. Reduce the west side yard setback from 3.00m to 1.83m
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

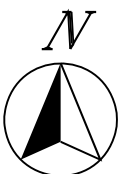
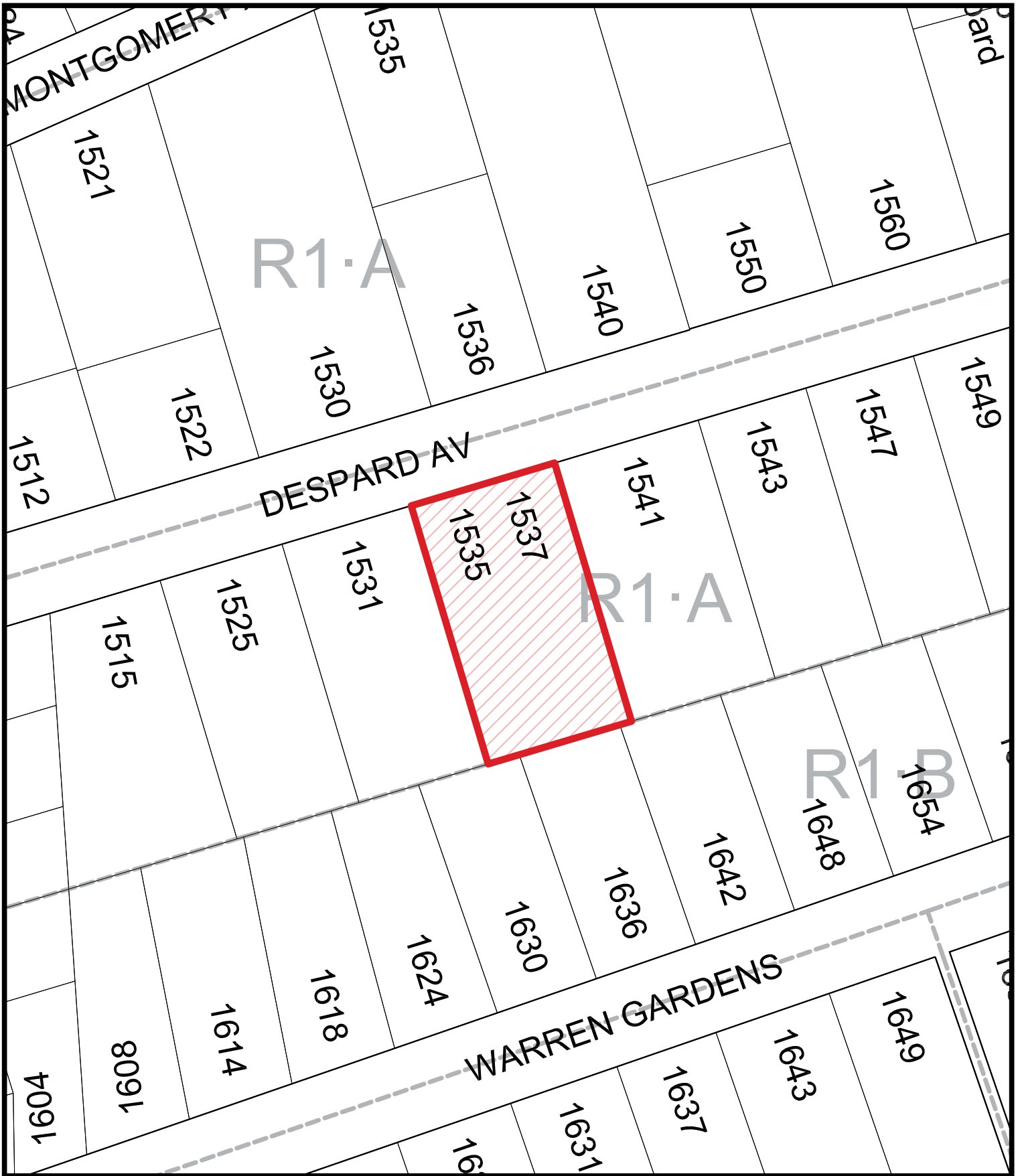
Alec Johnston
Senior Planner
Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

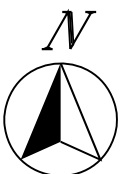
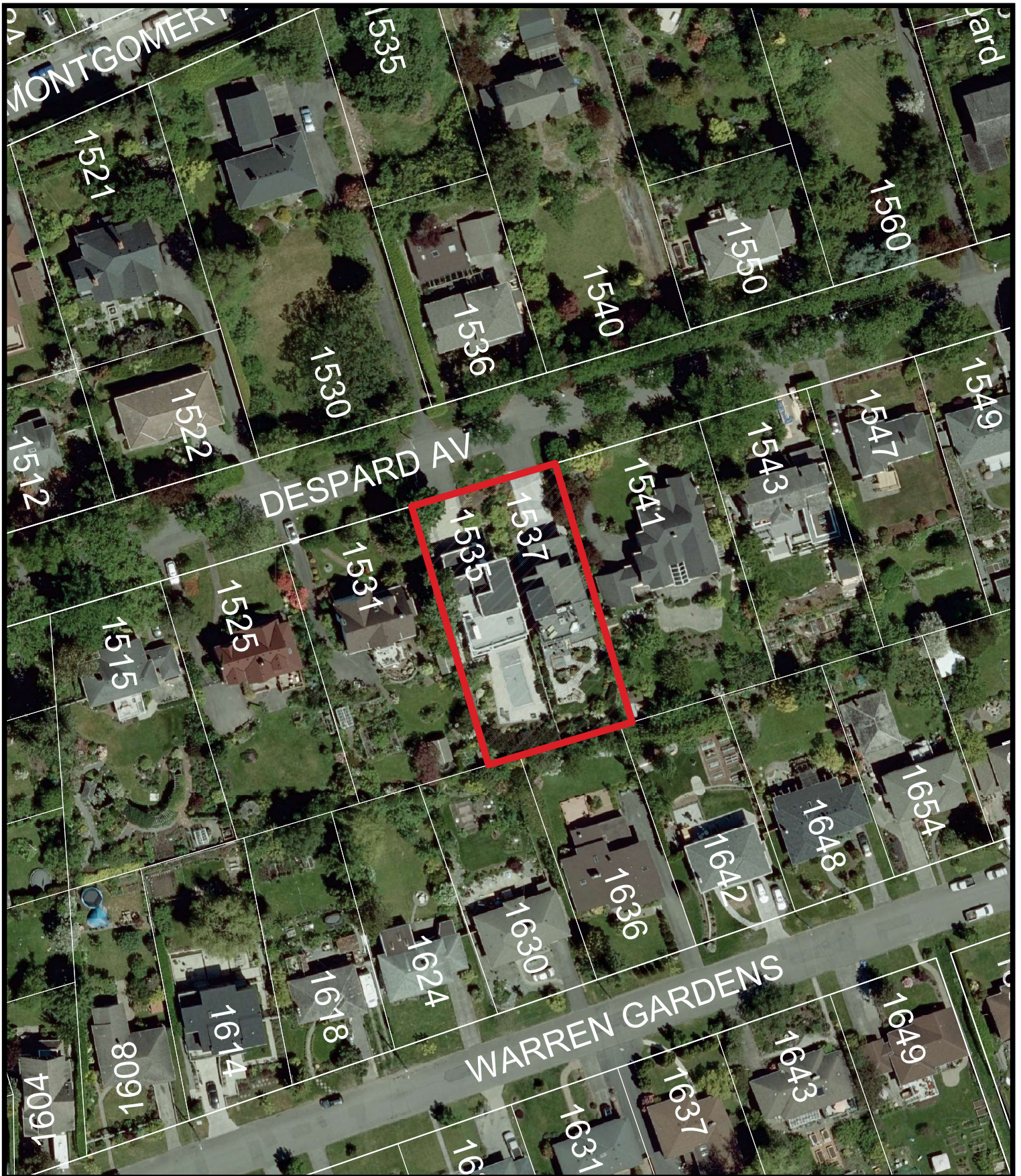
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 24, 2021
- Attachment D: Letter from Applicant to Mayor and Council submitted April 27, 2022
- Attachment E: Rockland Community Association Land Use Committee Comments submitted April 6, 2021
- Attachment F: Correspondence (Letters received from residents).



1535 & 1537 Despard Ave
Development Variance Permit No.00263





1535 & 1537 Despard Ave
Development Variance Permit No.00263



GENERAL NOTES

- ALL CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH MMCD AND THE CITY OF VICTORIA STANDARD SPECIFICATIONS AND DRAWINGS UNLESS OTHERWISE NOTED.
- WHEN A CONFLICT BETWEEN THE SPECIFICATIONS ARISES, THE MOST STRINGENT SHALL APPLY.
- OBTAIN A PERMIT TO CONSTRUCT WORKS ON A MUNICIPAL RIGHT OF WAY FROM THE CITY OF VICTORIA ENGINEERING DEPARTMENT 2 WORKING DAYS PRIOR TO THE START OF ANY CONSTRUCTION.
- OBTAIN A DEMO PERMIT PRIOR TO REMOVAL OF ANY NON-CONFORMING STRUCTURES.
- CONTACT BC HYDRO, TELUS, SHAW CABLE AND TERASEN GAS THROUGH BC 1 CALL AT 1 800 474 6886 A MINIMUM OF 72 HOURS IN ADVANCE OF ANY EXCAVATION ON THE SITE.
- EXPOSE ALL EXISTING SERVICES AT CONNECTION AND CROSSING POINTS 2 WORKING DAYS PRIOR STARTING CONSTRUCTION ON ANY SUCH SERVICES. ENSURE ENGINEER HAS CONFIRMED THE HORIZONTAL AND VERTICAL LOCATION.
- BED ALL PIPE USING CLASS 'B' BEDDING.
- WHERE A TRENCH IS UNDER OR WITHIN 1.0m OF THE EDGE OF A ROAD OR DRIVEWAY, USE PITRUN GRAVEL BACKFILL FROM THE TOP OF THE PIPE BEDDING TO THE TOP OF THE ROAD, PARKING OR DRIVEWAY SUBGRADE.
- DO NOT START ANY BACKFILL OPERATION UNTIL THE WORKS HAVE BEEN INSPECTED BY THE ENGINEER.
- AFTER CONSTRUCTION, RESTORE WORK AREAS AND ALL EXISTING FEATURES TO THEIR ORIGINAL CONDITION OR BETTER.
- MAINTAIN VEHICULAR AND PEDESTRIAN ACCESS ALONG DESPARD AVE DURING CONSTRUCTION.
- COMPACT TRENCH BACKFILL, ROAD BASE AND DRIVEWAY BASE TO 100% STANDARD PROCTOR DENSITY FOR THE TOP 300mm AND 95% MODIFIED STANDARD PROCTOR BELOW.
- ADJUST ALL PROPOSED AND EXISTING APPURTENANCES TO MEET THE FINAL DESIGN GRADES.
- ENSURE THAT ALL SERVICES TO THE EXISTING HOUSE REMAIN USABLE DURING CONSTRUCTION AND ARE CONNECTED TO ALL NEW SERVICES. ENSURE THESE SERVICES ARE INSPECTED BY THE CITY OF VICTORIA WORKS INSPECTOR.
- CONSTRUCT SEWER, DRAIN, WATER AND ROADS WITHIN PRIVATE PROPERTY IN ACCORDANCE WITH THE BC PLUMBING CODE AND NATIONAL BUILDING CODE. CONSTRUCTION SHALL BE INSPECTED AND APPROVED BY THE CITY OF VICTORIA INSPECTORS.

SEWER AND DRAIN

- SEWER AND DRAIN SERVICE CONNECTIONS TO BE 100Ø PVC DR28 AT A MINIMUM GRADE OF 2.0% COMPLETE WITH INSPECTION CHAMBERS. CATCH BASIN LEADS TO BE 150Ø PVC DR28 UNLESS OTHERWISE NOTED. IF CORNER IS LESS THAN 750mm, USE DUCTILE IRON PIPE.
- SEWER AND DRAIN PIPE UP TO AND INCLUDING 150mm DIAMETER TO BE PVC DR28 AND DR35 FOR 200mm DIAMETER AND OVER. PIPE TO BE C.S.A. APPROVED PVC.
- ① THE CITY OF VICTORIA SHALL INSTALL A NEW SEWER SERVICE C/W CLEANOUT AT THE PROPERTY LINE FOR LOT 4 AT DEVELOPER'S EXPENSE.
- ③ THE CITY OF VICTORIA SHALL INSTALL A NEW CLEANOUT AT THE PROPERTY LINE FOR LOT 4 AT DEVELOPER'S EXPENSE.

WATER

- ② THE CITY OF VICTORIA SHALL INSTALL TWO 25mm WATER CONNECTION TO THE PROPERTY LINE AT THE DEVELOPER'S EXPENSE. EXISTING WATER SERVICE TO BE REMOVED AT DEVELOPER'S EXPENSE.

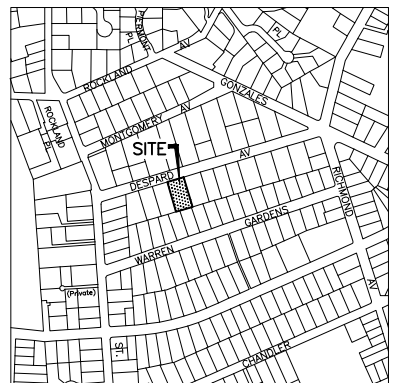
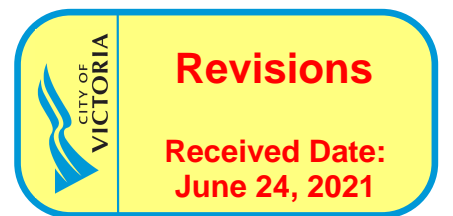
HYDRO, TELEPHONE, SHAW, AND GAS

- HYDRO, TELEPHONE, AND SHAW TO BE SERVICED OVERHEAD
- GAS SERVICE IS TO BE ABANDONED BY TERASEN AT THE GAS MAIN ON DESPARD.

LEGEND

- CONCRETE DRIVEWAY
- APPROXIMATE EXTEND OF ASPHALT
- AS RECORDED ELEVATION

WORKS AND SERVICES CHECK TABLE			
PLAN CHECKER	AUTHORIZED REPRESENTATIVE		DATE
	COMPANY NAME	SIGNATURE	
UTILITY	HYDRO ELECTRIC CO.	BC Hydro	Jan 20/10
	TELEPHONE CO.	TELUS	Jan 26/10
	GAS CO.	TERASEN GAS	Jan 21/10
	CABLE CO.	Shaw Cable	Jan 20/10
MUNICIPAL	FIBRE OPTIC CO.		
	UNDERGROUND SERVICES		
	TRAFFIC		
	HIGHWAYS		



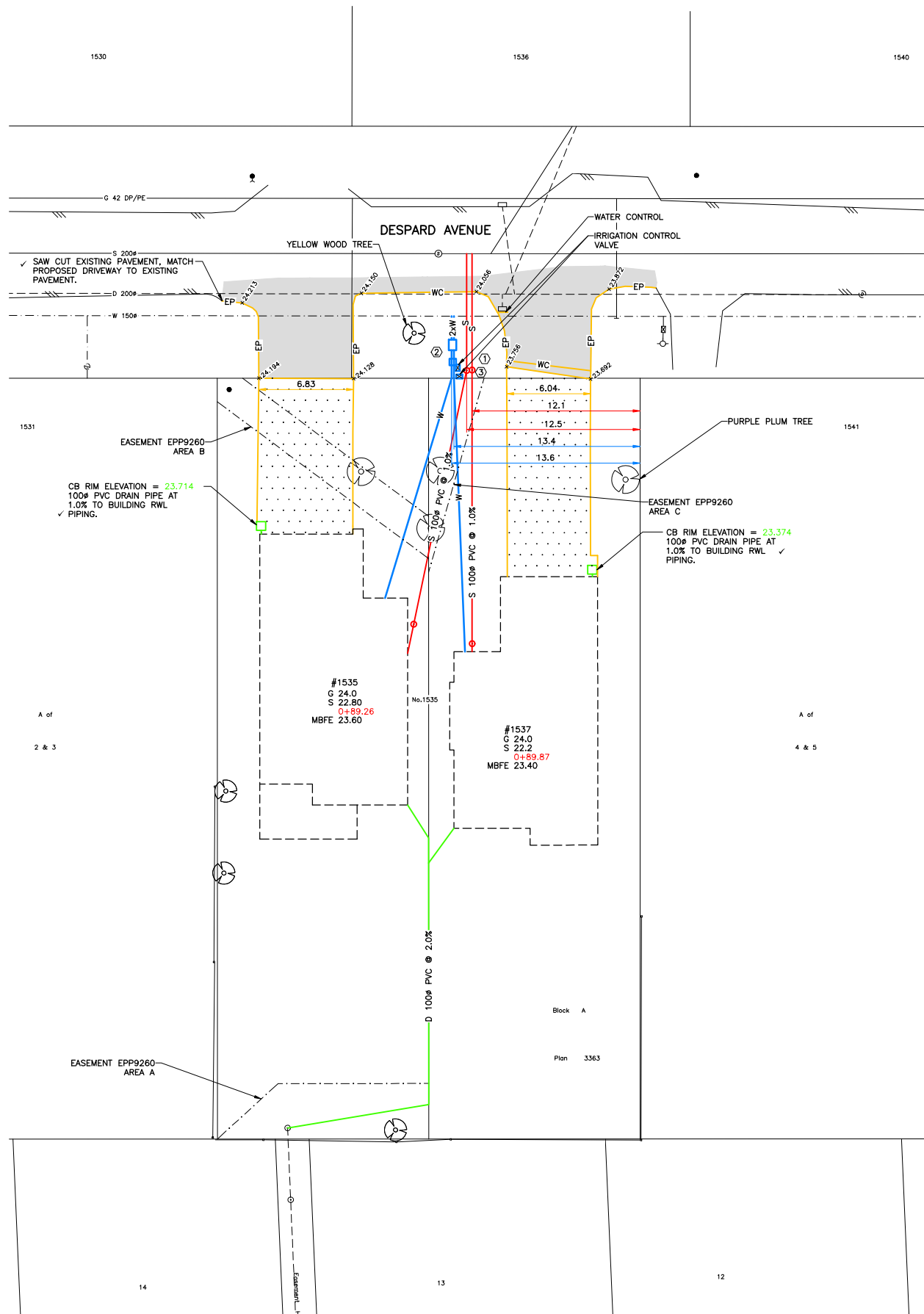
LOCATION PLAN

NTS
PROPOSED DEVELOPMENT OF LOT 4, BLOCK A, SECTION 68,
PLAN 3363, VICTORIA DISTRICT.



RECORD DRAWING

0 4 12m
1:200



LEGEND									
WATER	W	GAS	G	EXISTING U/G UTL.	MANHOLE	HYDRANT	MONUMENT	LOT PIN	
SEWER	S	CURB	C	PROPOSED U/G UTL.	CLEANOUT	VALVE			
DRAIN	D	SIDEWALK	S/W	LIGHT STANDARD	CATCHBASIN	METER	LEAD PLUG		
DITCH		EDGE PAVE.		POWER POLE	ROAD SIGN	REDUCER			
CULVERT		BUSHLINE		ANCHOR					
HEADWALL		TREE							

REVISIONS			
No.	DESCRIPTION	DATE	SIGN
1	RECORD DRAWING	21/05/19	Y

DESIGNED	MW
DRAWN	JS
CHECKED	PC
DATE	09/12/21
B.M.	303
ELEV.	25.304
SCALE	Horz. 1:200
	Vert. 1:50



WESTBROOK
Consulting Ltd.

#202 - 774 Goldstream Ave., Victoria, BC V9B 2X3
Telephone: 250-391-8592 Facsimile: 250-391-8593

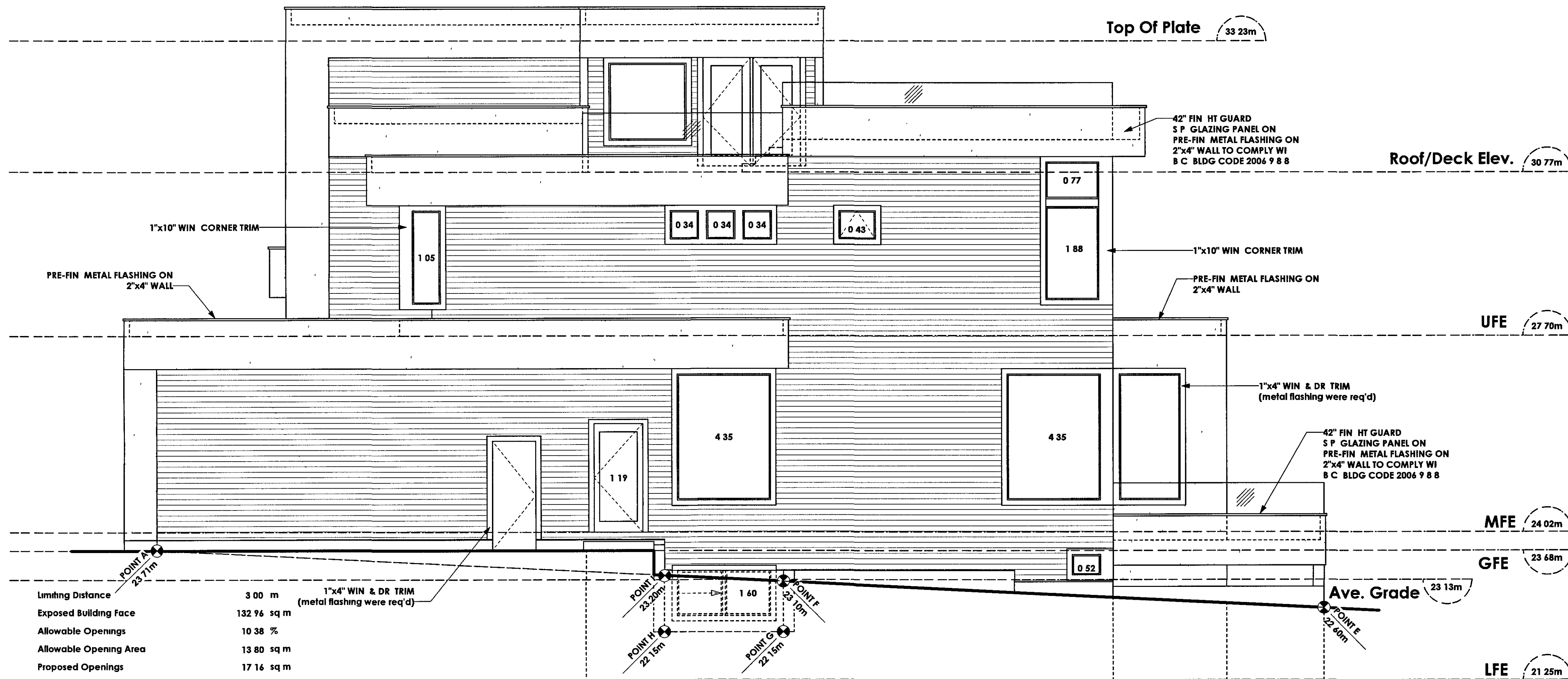
PROJECT	1535 & 1537 DESPARD AVE NORM EDEN AND KEVIN ALGAR
OFFSITE SERVICING PLAN	

WESTBROOK PROJECT No.	3663
GOVERNING AUTHORITY FILE No.	
SHEET	1 OF 1
WESTBROOK DRAWING No.	3663-01

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND SERVICES ON THIS DRAWING MAY NOT BE ACCURATE OR COMPLETE. THE ACTUAL HORIZONTAL AND VERTICAL LOCATIONS MUST BE CONFIRMED BY UTILITY COMPANIES AND THE CONTRACTOR PRIOR TO THE TO THE START OF ANY EXCAVATIONS

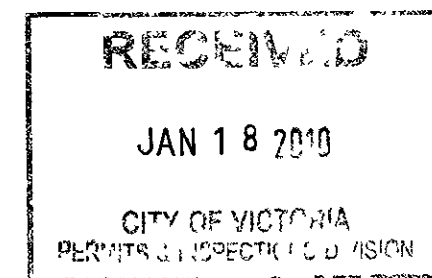


1 Front Elevation
 A2 Scale: 1/4" = 1'-0" AVE GRADE: ((23.43 + 23.43) ÷ 2) X 10.67 = (47.46) X 10.67 = 253.199



2 Right Side Elevation
 A2 Scale: 1/4" = 1'-0" AVE GRADE: ((22.60 + 23.10) ÷ 2) X 9.96 = (45.70 ÷ 2) X 9.96 = 22.85 X 10.16 = 232.156
 ((22.15 + 22.15) ÷ 2) X 4.64 = (44.30 ÷ 2) X 2.24 = 22.15 X 2.24 = 49.616
 ((23.20 + 23.71) ÷ 2) X 9.55 = (46.91 ÷ 2) X 9.55 = 23.46 X 9.55 = 224.04

Limiting Distance	3.00 m	1"x4" WIN & DR TRIM (metal flashing were req'd)
Exposed Building Face	132.96 sq m	
Allowable Openings	10.38 %	
Allowable Opening Area	13.80 sq m	
Proposed Openings	17.16 sq m	



PROFESSIONAL SEALS

Consultants

List of Drawings

S1	Siteplan
A1	Master Elevations, Trellis Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED

NO.	DATE	DESCRIPTION
01	10/30/09	95% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments, Rt Vents, Notes, Alarms
05	01/15/10	City Comments Siteplan
06	01/18/10	Page Numbering

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: 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 encroachments of 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 commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng. roof trusses are shown, and to contact building designer to advise if revisions are necessary.

© COPYRIGHT

This plan and design is covered by copyright law and may not be reproduced, copied or used in any form whole or in part without the express written permission of Victoria Design Limited, and may only be used to construct this particular dwelling on the specified lot indicated in the Title Block below.

VICTORIA DESIGN GROUP

203 - 501 JEFFERSON AVENUE VICTORIA, B.C. V8B 0A5
 PH 250-382-7374 FAX 250-382-7364
 WWW.VICTORIADESIGNGROUP.CA

6738

SHT. NO. A2 OF A11

DATE Nov 25, 2009

SCALE As Shown

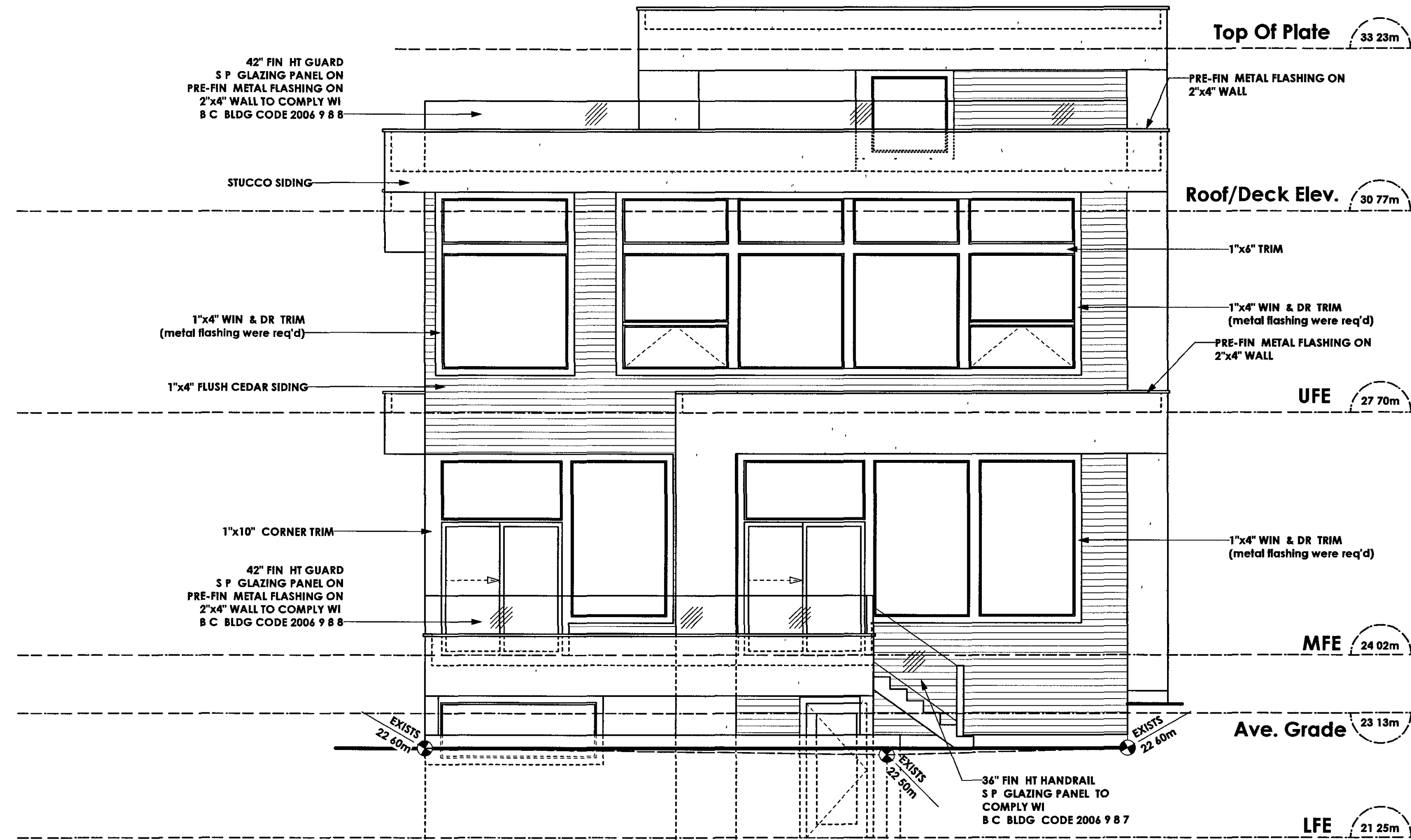
DRAWN M.D.K

REVIEWED BY

PROJECT

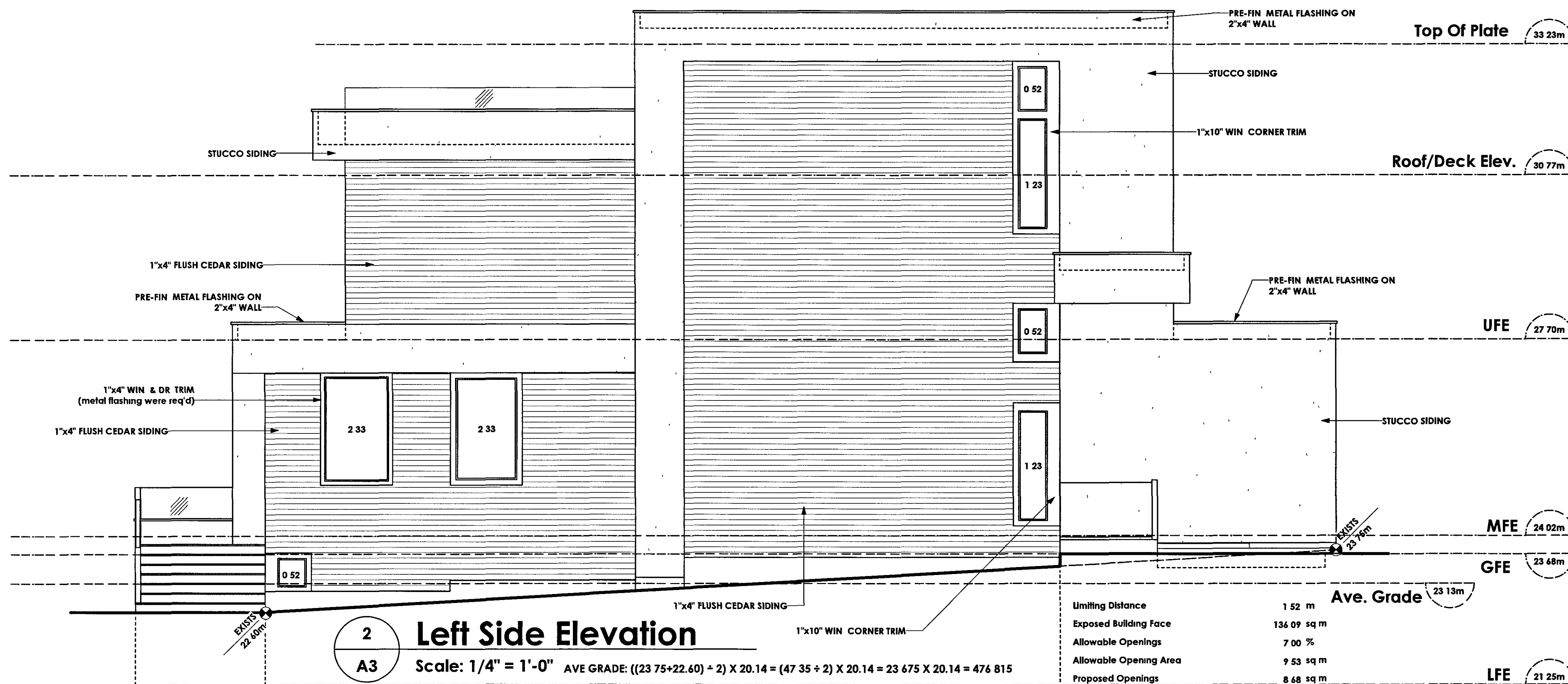
Proposed Residence Leonard Cole 1535 Despard Victoria B.C.

Date: 1/18/10 Time: 9:41.39 AM



1
A3
Rear Elevation
Scale: 1/4" = 1'-0"

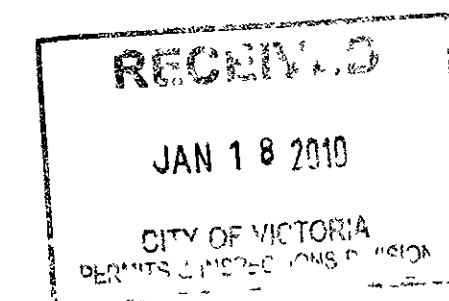
AVE. GRADE: $((22.60 + 22.50) \div 2) \times 10.67 = (45.10 \div 2) \times 10.67 = 22.55 \times 10.67 = 240.609$



2
A3
Left Side Elevation
Scale: 1/4" = 1'-0"

AVE. GRADE: $((23.75 + 22.60) \div 2) \times 20.14 = (47.35 \div 2) \times 20.14 = 23.675 \times 20.14 = 476.815$

Limiting Distance	1.52 m
Exposed Building Face	136.09 sq m
Allowable Openings	7.00 %
Allowable Opening Area	9.53 sq m
Proposed Openings	8.68 sq m



PROFESSIONAL SEALS

Consultants

List of Drawings

S1	Siteplan
A1	Master Elevations, Trellis Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED

NO.	DATE	DESCRIPTION
01	10/30/09	95% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments: Rt Vents, Notes, Alarms
05	01/15/10	City Comments: Siteplan
06	01/18/10	Page Numbering

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: B.C.L.S. to verify placement and stiling 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 encroachments of any kind with regard to stiling 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 commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng. roof trusses are shown and to contact building designer to advise if revisions are necessary.

© COPYRIGHT

This plan and design is covered by copyright law and may not be reproduced, copied or used in any form whole or in part without the express written permission of Victoria Design Limited and may only be used to construct this particular dwelling on the specified lot indicated in the Title Block below.

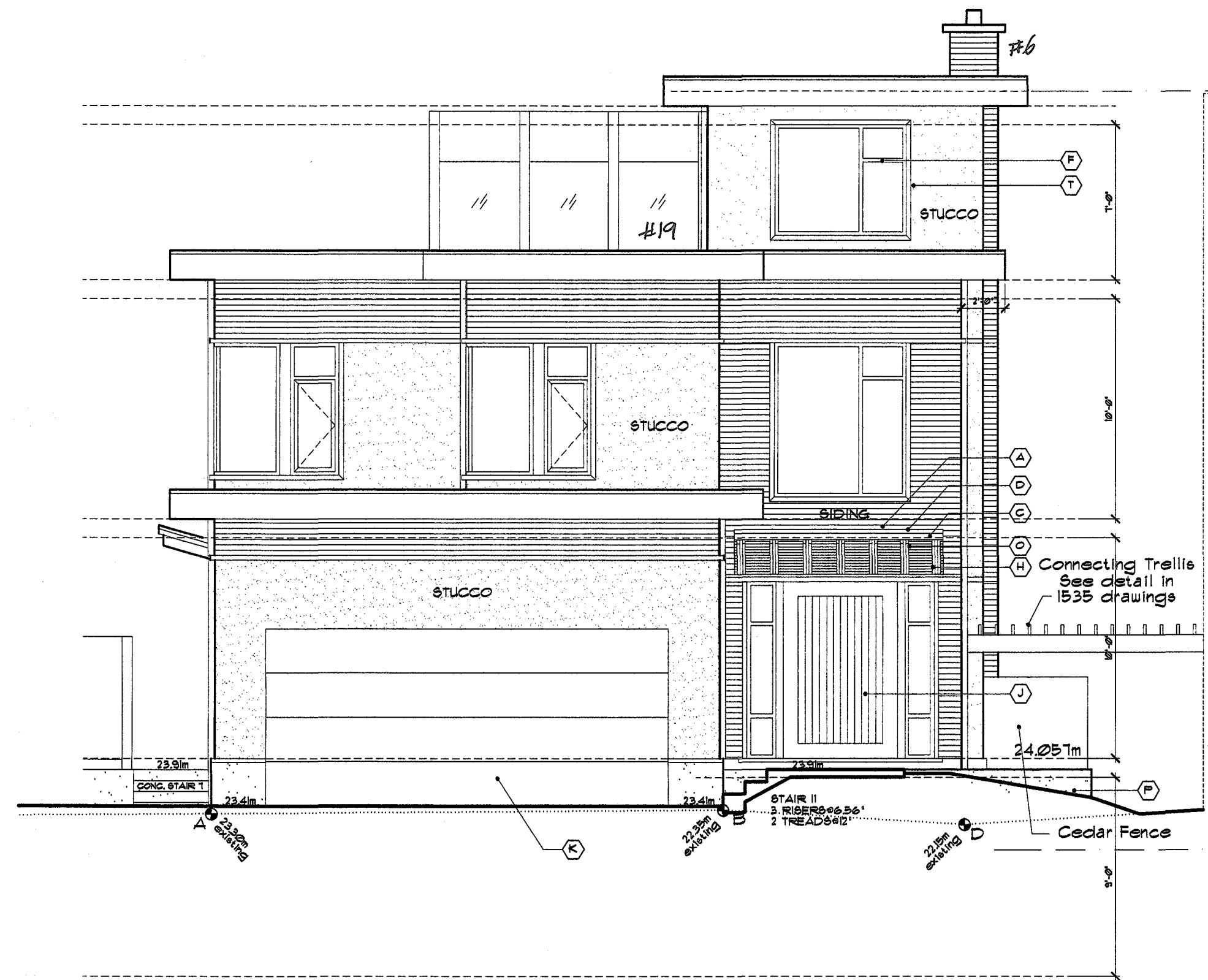
VICTORIA DESIGN GROUP
103 - 891
7700 AVENUE
VICTORIA, B.C.
V8N 0A6
PH: 250 382 7374
FAX: 250 382 7364
WWW.VICTORIADESIGNGROUP.CA

DRWG NO. 6738
SHT. NO. A3 OF A11
DATE Nov 25, 2009
SCALE As Shown
DRAWN M.D.K.
REVIEWED BY

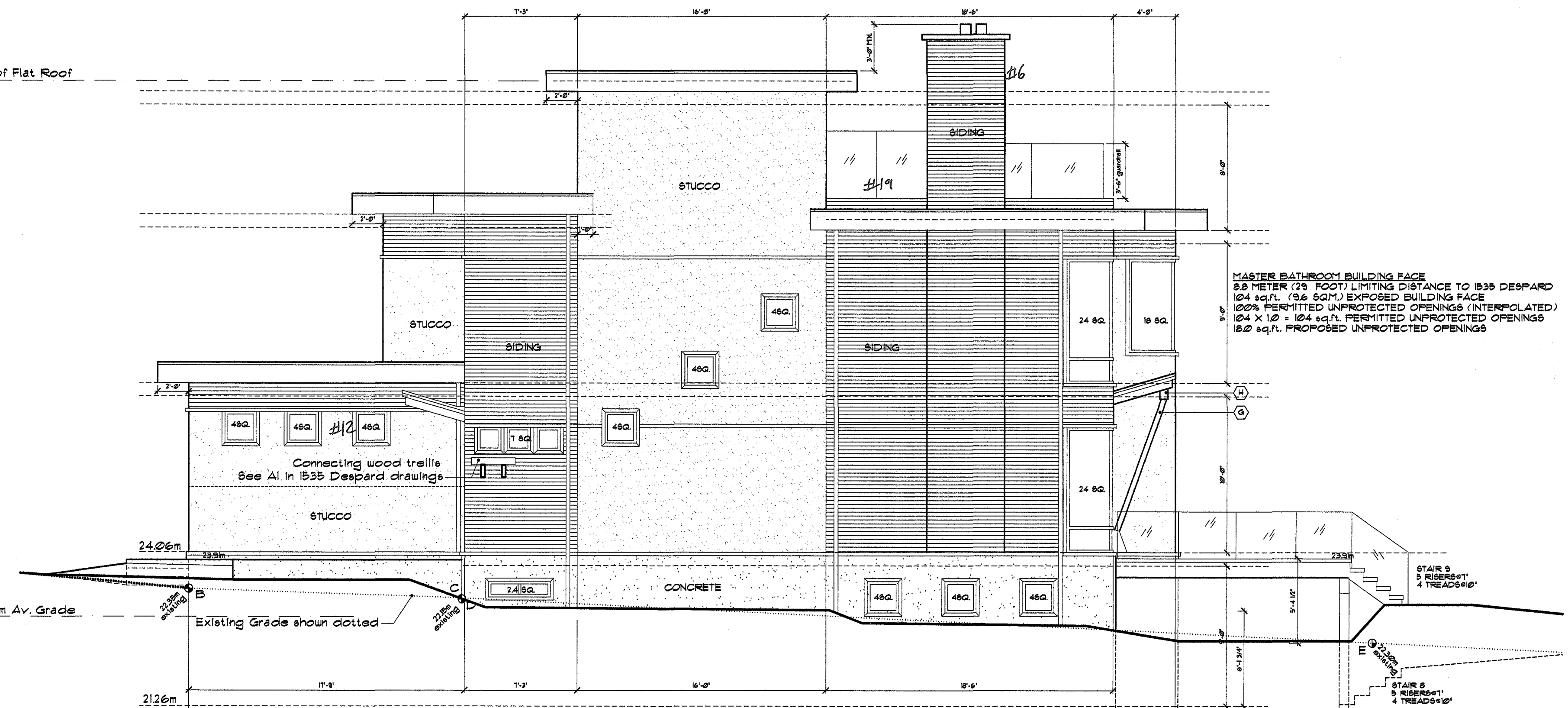
PROJECT

Proposed Residence
Leonard Cole
1535 Despard
Victoria B.C.

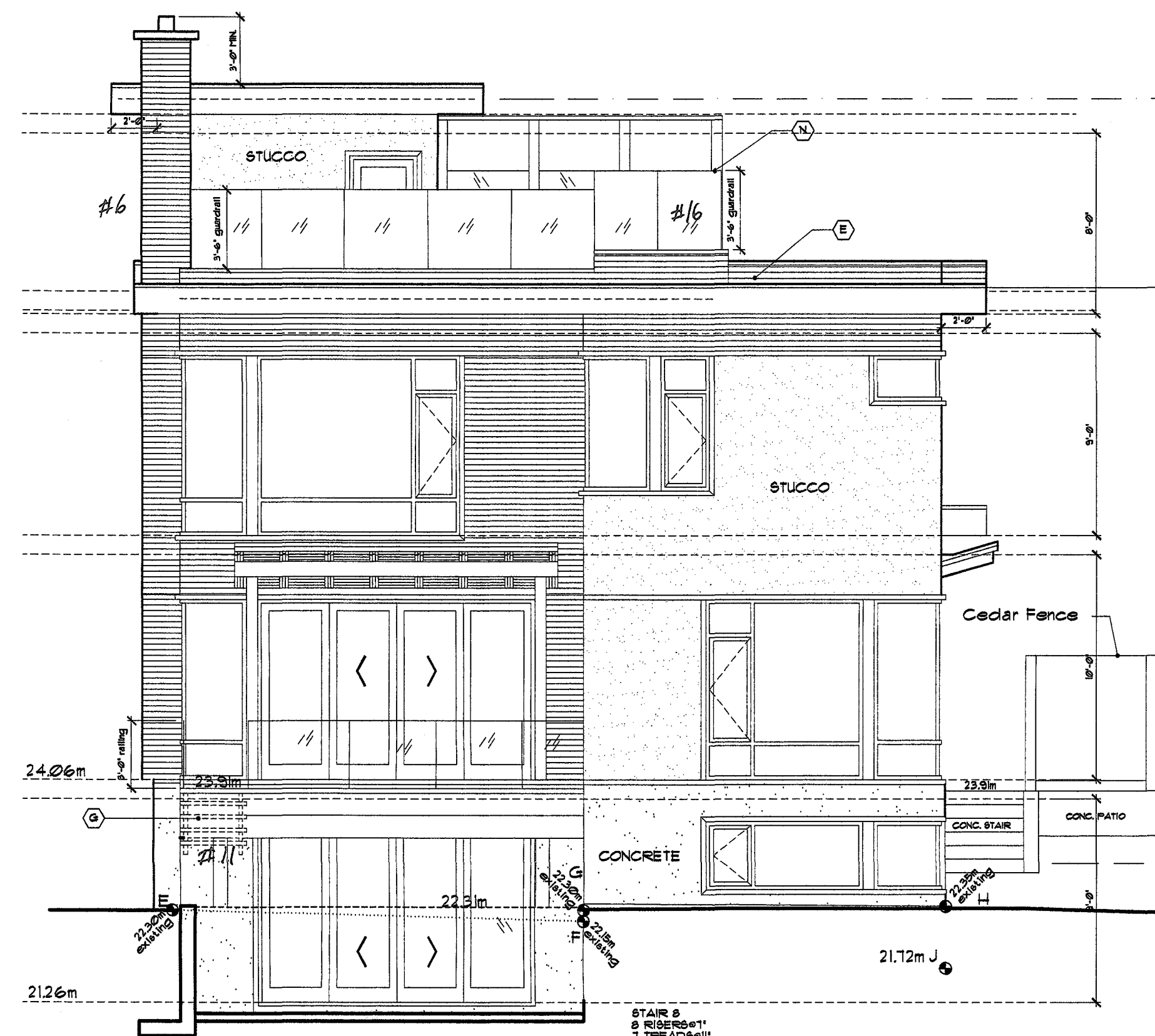
Date: 1/18/10
Time: 9:41 39 AM



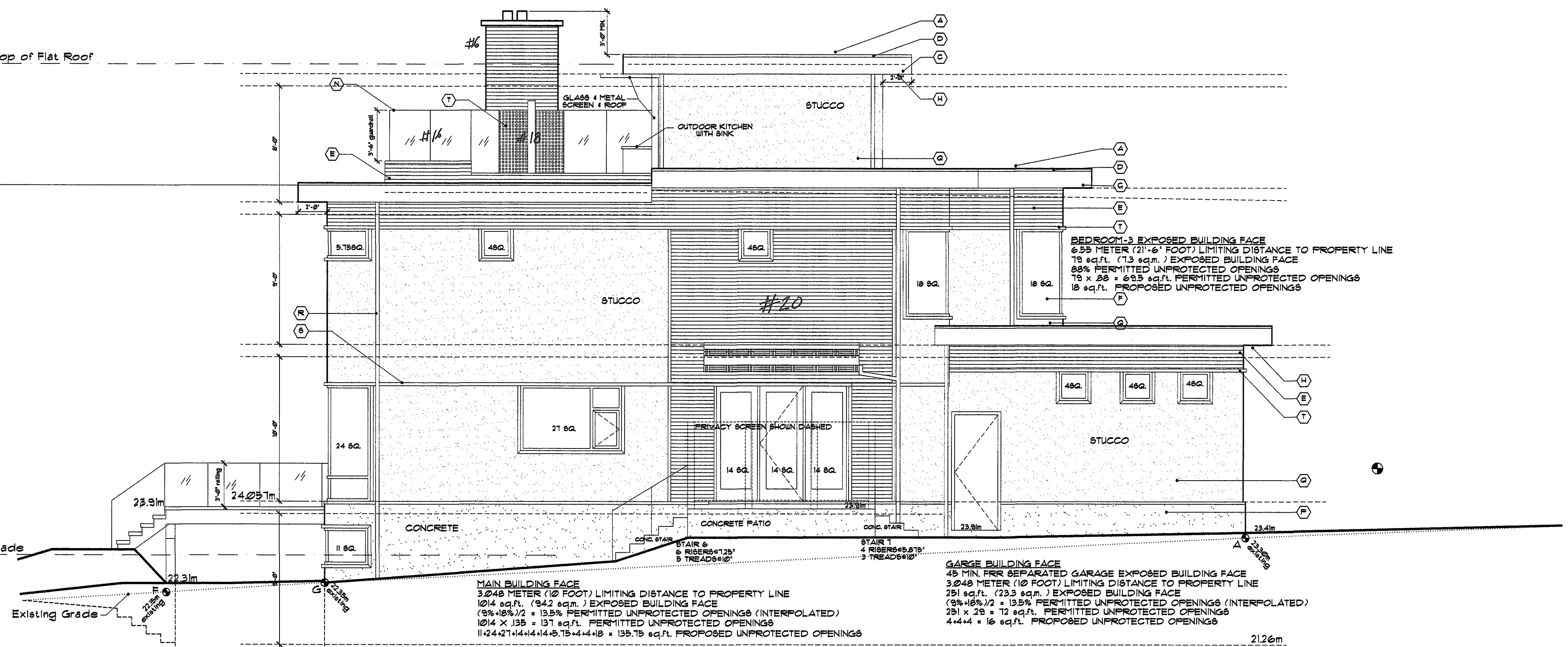
1 FRONT ELEVATION
Scale 3/16" = 1'-0"



2 RIGHT SIDE ELEVATION
Scale 3/16" = 1'-0"

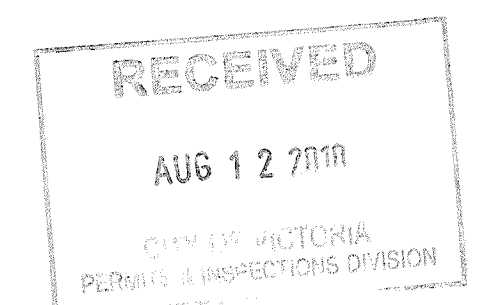


3 REAR ELEVATION
Scale 3/16" = 1'-0"



4 LEFT SIDE ELEVATION
Scale 3/16" = 1'-0"

EXTERIOR FINISHES		
A TORCH-ON ROOFING	H 6X8 PARALAM BEAMS + RAPTERS - STAINED	O TAG CEDAR DECKING - STAINED
B -	J CUSTOM FIR DOOR CAS GLAZED PANELS	P ARCHITECTURAL CONCRETE FINISH
C 2" X 8" WOOD BARGE BOARD PAINTED	K paneled OH GARAGE DOOR 1/2X8/10	Q STUCCO
D FIRE FIN METAL FLASHING	L 2-1/2" WOOD TRIM PAINTED	R GALVANIZED METAL RAINWATER LEADERS
E HORIZONTAL CEDAR SIDING - STAINED	M 2 PANEL FIBREGLASS DOOR	S GALVANIZED METAL FLASHING
F DOUBLE GLAZED ALUMINUM WINDOWS SEE SCHEDULE	N POWDER COATED METAL RAILING - BLACK ENGINEERED	T PREFINISHED PERFORATED METAL
G 6X8 PARALAM POSTS - STAINED		



Re-issued for permit Aug. 12

1537 DESPARD

CITTA
CONSTRUCTION LTD.

PROPOSED RESIDENCE
1537 DESPARD
VICTORIA BC

PROJECT NO.
T21

DESIGN
DRAWN
DATE
12 AUG 2010

SHEET NO.
AA.1



VICTORIA LAND TITLE OFFICE

Oct-12-2010 15:56:10.002

EPS299

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

0599

PAGE 1 OF 6 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Alan Powell
AR6XRI

Digitally signed
by Alan Powell
AR6XRI

1. BC LAND SURVEYOR: (Name, address, phone number)

Alan Marshall Powell
250-2950 Douglas Street

apbcls@telus.net
(250) 382-8855

Victoria

BC V8T 4N4

2. PLAN IDENTIFICATION:

Control Number: **128-622-4203**Plan Number: **EPS299**This original plan number assignment was done under Commission #: **599**LTO Document Reference: **CA1764457**

3. CERTIFICATION:

☒ Form 9☐ Explanatory Plan

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on: 2010 September 14 (YYYY/Month/DD)

The plan was completed and checked on: 2010 October 04 (YYYY/Month/DD)

The checklist was filed under ECR#: 115484

I am a British Columbia land surveyor and certify that the buildings included in this strata plan have not been previously occupied as of 2010 October 04 (YYYY/Month/DD)

☐ None☒ Strata Form U1☐ Strata Form U1/U2

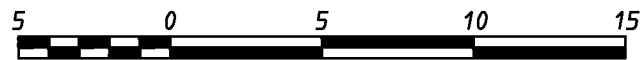
I am a British Columbia land surveyor and certify that the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan

Certification Date: 2010 October 04 (YYYY/Month/DD)

Arterial Highway ☐4. ALTERATION: ☐

Strata Plan of Lot A, Section 68,
Victoria District, Plan EPP5690
BCGS 92B044

Sheet 1 of 5 Sheets
Strata Plan EPS299



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:250.

All distances are shown in metres.

Integrated Survey Area No. 17, City of Victoria NAD83 (CSRS).

Grid bearings are derived from observations between geodetic control monuments 10-65 and 10-110

This Plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances, multiply ground-level distances by combined factor 0.9996068.

Civic Address:

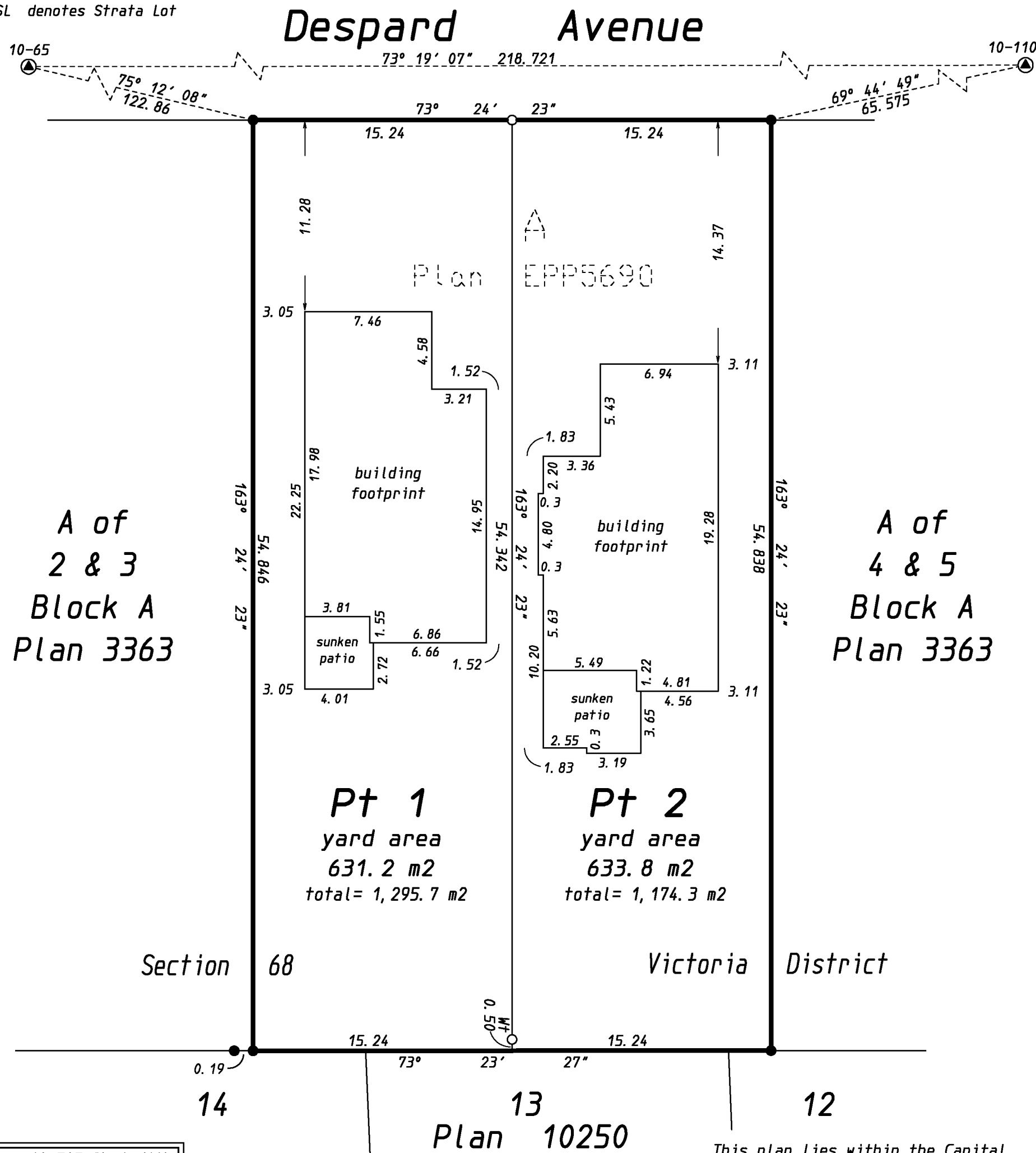
SL 1 - 1535 Despard Avenue
SL 2 - 1537 Despard Avenue
Victoria, B.C. V8S 1T2

Legend

Found Set Denotes

- Control Monument.
- Standard Iron Post.
- Pt denotes part of Strata Lot
- SL denotes Strata Lot

This plan shows one or more witness posts which are set along the production of the property boundary unless otherwise noted.



File: 10,705 Sh-1 (10)
POWELL & ASSOCIATES
BC Land SurveyorS
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

The buildings included within this strata plan have not been previously occupied.

The buildings shown hereon are within the the external boundaries of the land that is the subject of this Strata Plan.

This plan lies within the Capital Regional District within the City of Victoria

The field survey represented by this plan was completed by Alan M. Powell BCLS on the 14th day of September, 2010

Basement



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

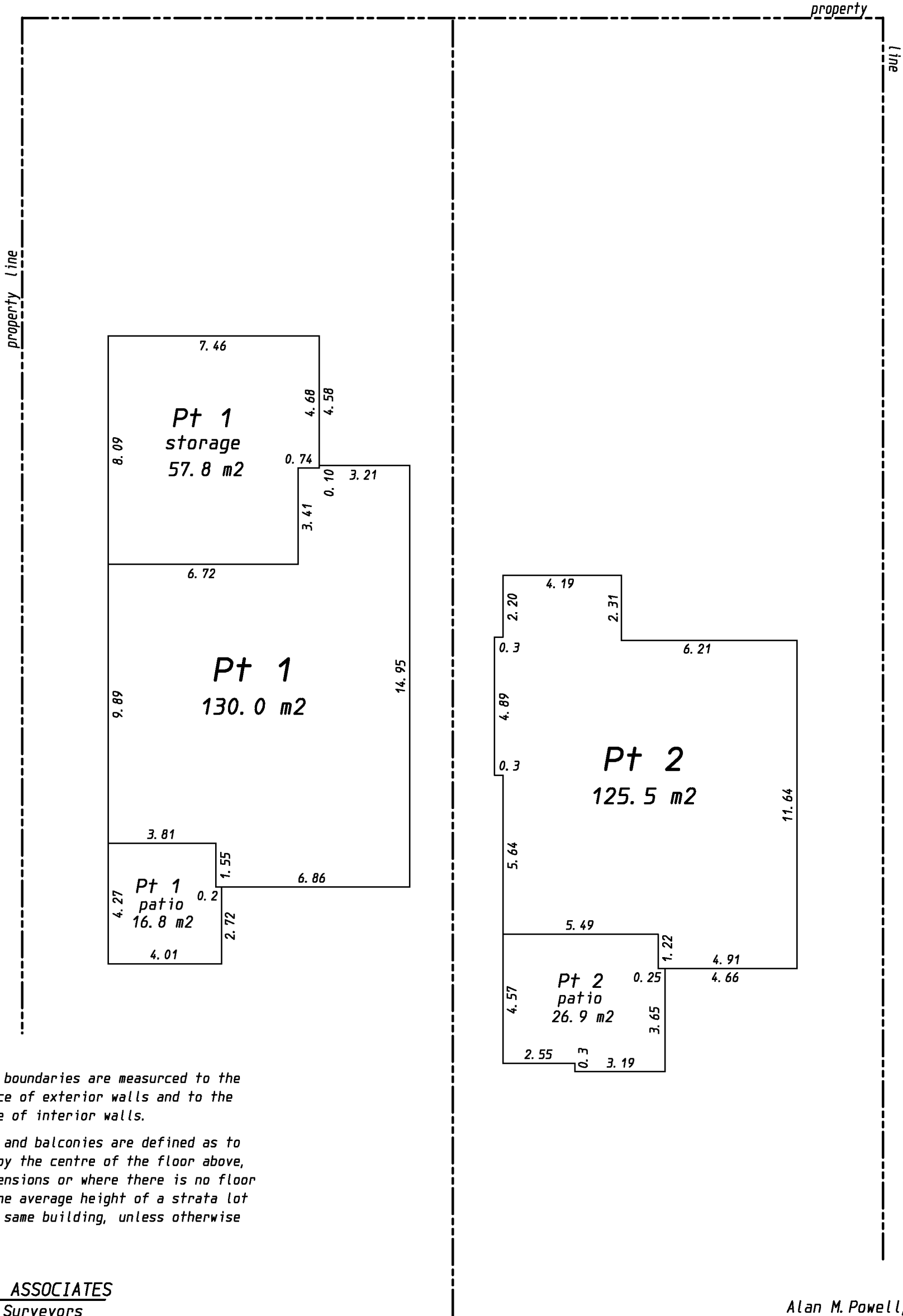
Legend

Pt - denotes Part of Strata Lot___



Sheet 2 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.
All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Main Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:150.

All distances are shown in metres.

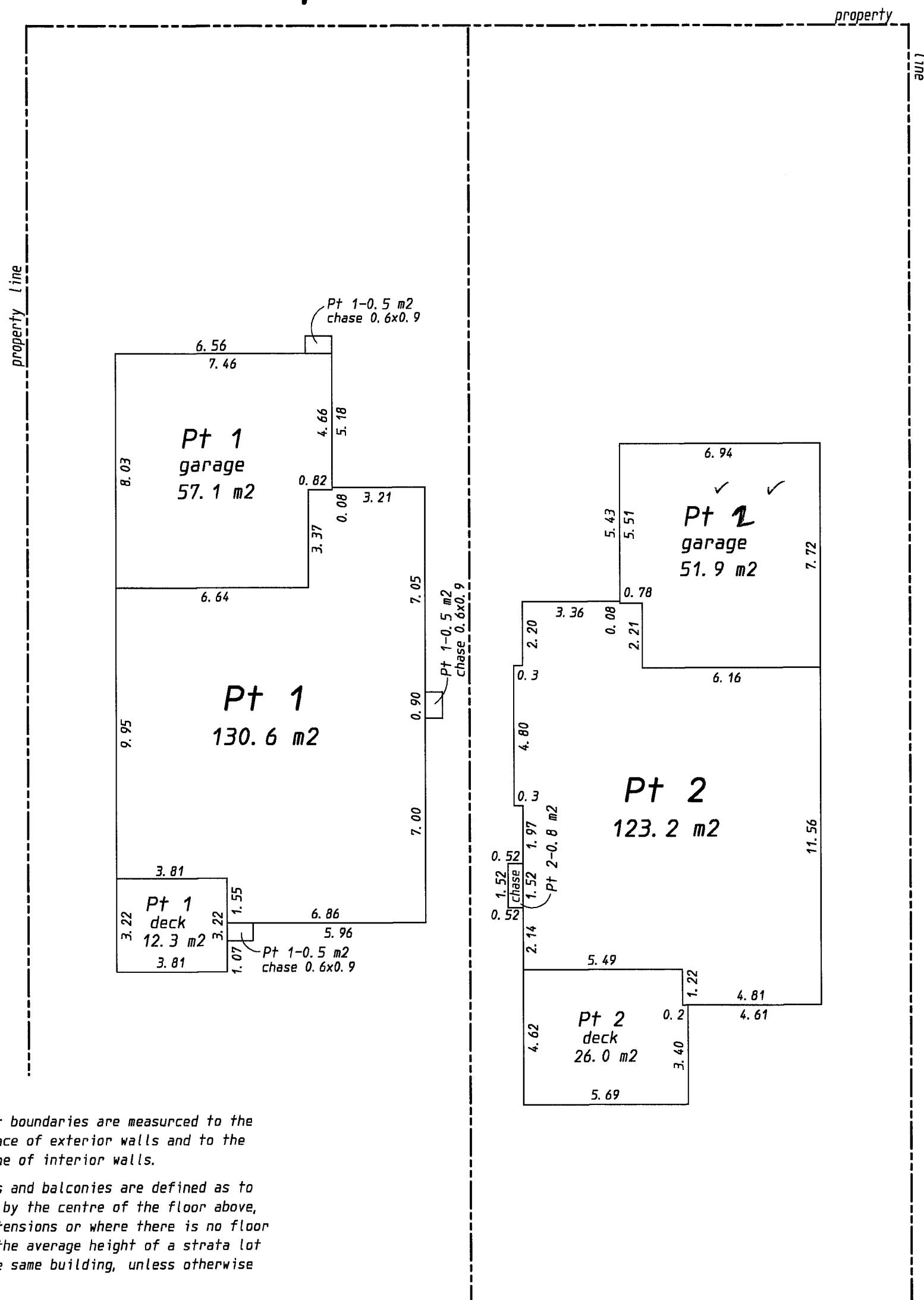
Legend

Pt - denotes Part of Strata Lot__

Sheet 3 of 5 Sheets
Strata Plan EPS299

Corrected this 22ND
day of October, 2013
See CA3415494.

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10,705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Upper Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.

All distances are shown in metres.

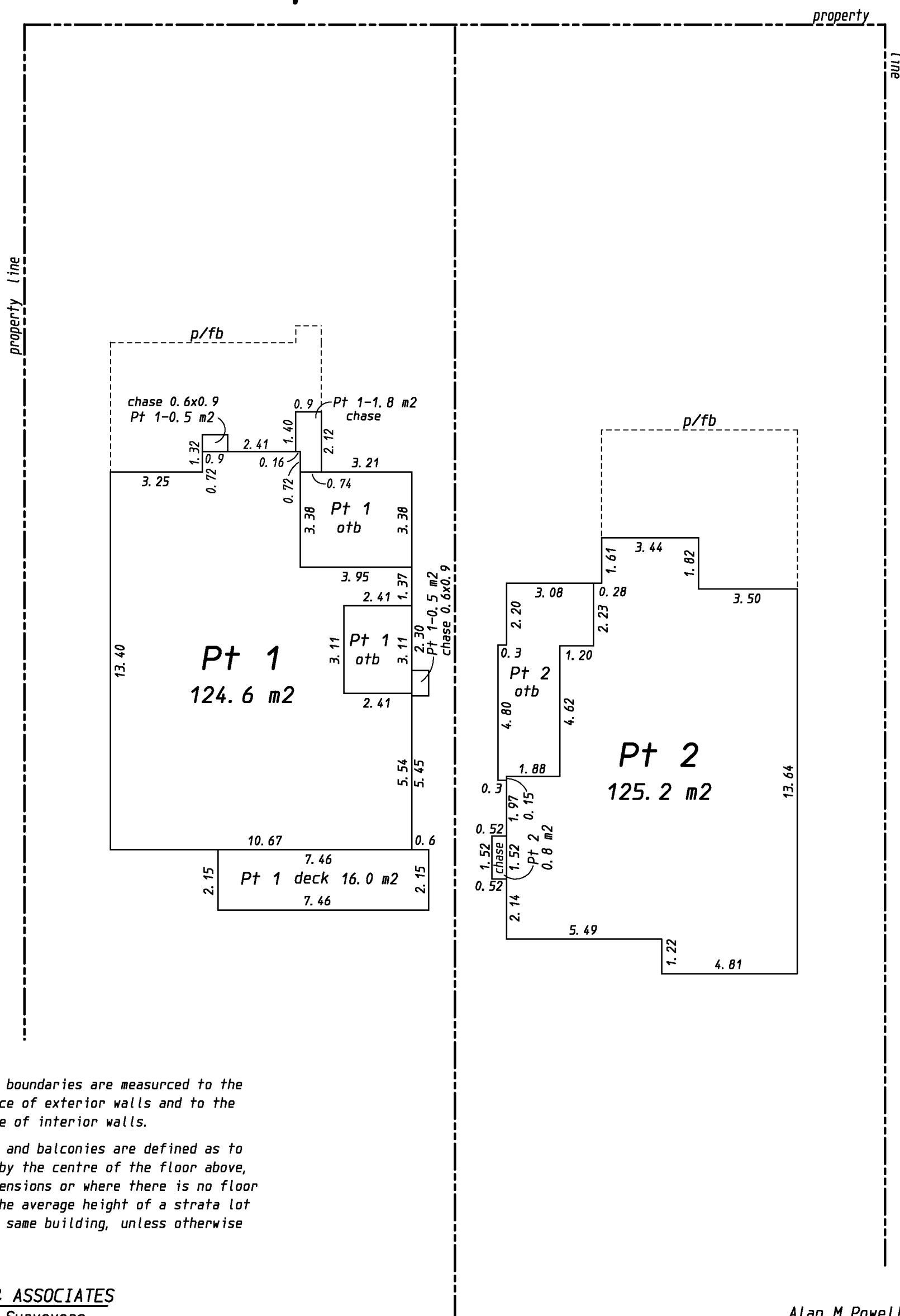
Legend

Pt - denotes Part of Strata Lot___
p/fb - denotes perimeter of floor below
otb - denotes open to below



Sheet 4 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES

B C Land Surveyors

File: 10.705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Roof – Deck



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

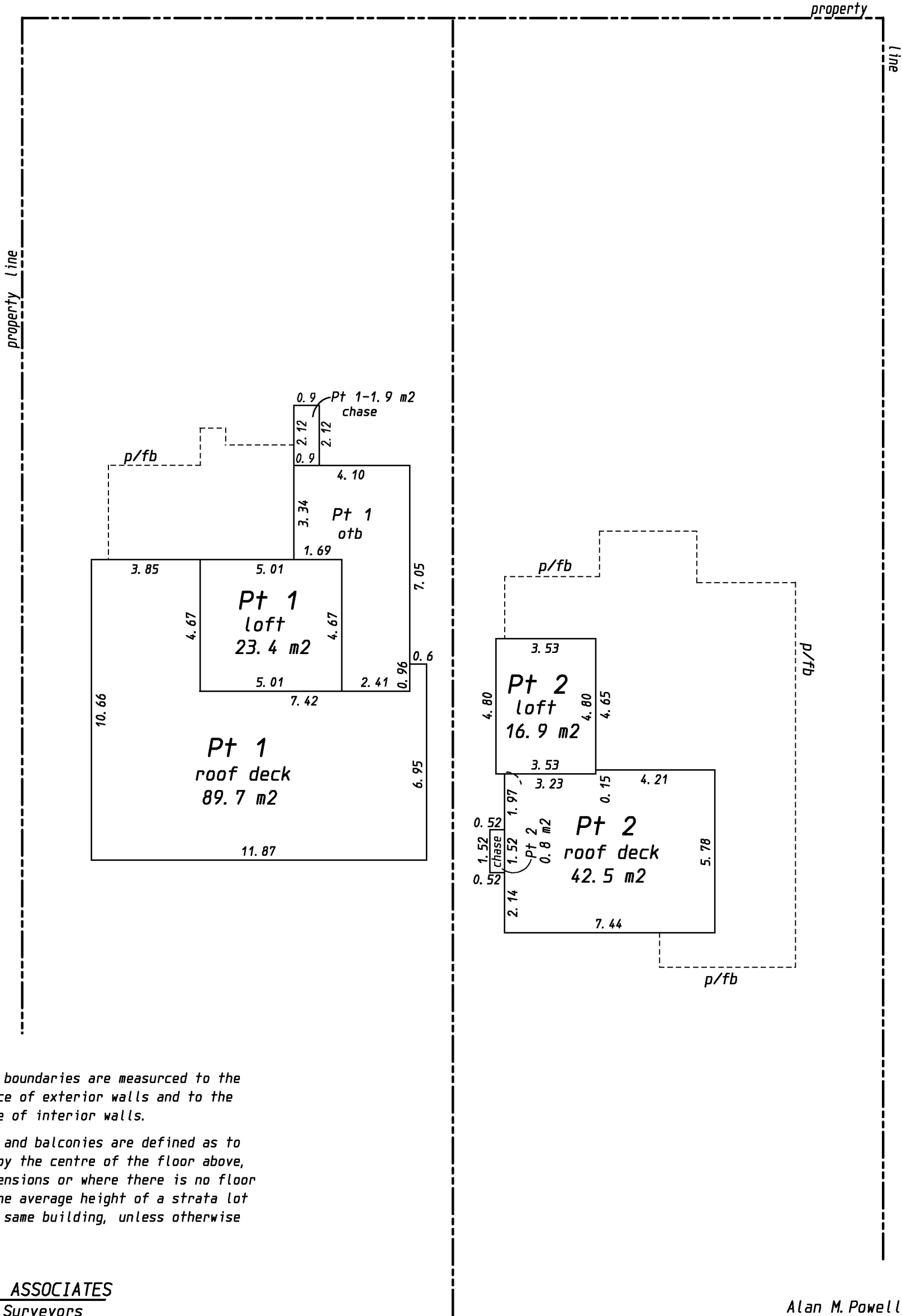
Legend

- Pt - denotes Part of Strata Lot___
- p/fb - denotes perimeter of floor below



Sheet 5 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.
All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

To: Victoria City Council (zoning@victoria.ca)

Re: Development Variance Permit and Request for Subdivision Approval

Introduction and Background

We would like to begin by thanking each Council member for their service to Victoria and Vancouver Island and for taking the time to review and consider this submission.

This Explanatory Letter is in support of an application for Development Variance Permits and for approval to subdivide Lot A, Section 68, Victoria District, Plan EPP5690, BCGS92B044 ("Lot A") into two fee-simple lots of approximately 9000 sq ft each.

Lot A is currently covered by Strata Plan EPS299 (the "Strata" or "Strata Plan") which is attached for ease of reference.

Of considerable interest is that prior to the development of the Strata, the land that comprises Strata Lot A was originally two fee simple lots representing the easterly 25 feet of Lot 3 and the westerly 75 feet of Lot 4 Block A Section 68 Plan 3363. We have been advised by the developer of the Strata that these two lots were combined into the current 100 foot lot and then divided into the two current 50 foot Strata lots. We have also been advised that at that time the developer could have instead applied to subdivide the original 100 foot lot by way of a lot adjustment rather than taking the approach they did which was to develop the site as a Strata in accordance with the rules in place at that time. In some respects, our request is "back to the future" (1979 lot plan attached).

The first version of this letter was submitted to City staff on March 12, 2021. Since then, the owners have responded to and fulfilled all requirements of all City departments. Further the Owners incurred engineering consulting expenses and have made a commitment to contribute financially to the City of Victoria's Pedestrian Master Plan.

The Strata Plan covers 1535 Despard Avenue ("1535") and 1537 Despard Avenue ("1537").

The home at 1535 is owned by Jordana Pine-Algar and Kevin Algar (purchased October 2020) and the home at 1537 is owned by Norman Eden (collectively referred to as the "Owners"). Both are proud residents of the Rockland community.

As shown in the attached survey, despite the classification as a Strata, the family homes are completely detached and there is no common or limited common property. 1535 is represented as Part 1 of the Strata and 1537 is Part 2. Both homes have existed as they are today since 2010.

For reasons primarily related to the complications of dealing with insurance for the Strata (explanation to follow), the Owners would like to convert the Strata into two separate fee-simple properties with the lot line between the two being the same as the line between Parts 1 and 2 as shown on the Strata Plan (attached). To do so, Development Variance Permits would be required to relax the requirements for lot width and the side yard setbacks between 1535 and 1537, which as separate properties would not comply with the R1A zoning that covers the properties. Assuming the relaxations are granted, the Owners also seek approval to subdivide Lot A into two fee simple lots with a new lot line between 1535 and 1537 being the line that currently separates Part 1 from Part 2 in the attached survey.

The Crux

Our requests will not result in any changes to the buildings, and as such we believe there is no consequential impact to the community of Rockland or the immediate neighbourhood on Despard avenue.

Further, our position is supported by our neighbours. As suggested by City staff, we canvased our immediate neighbours and other neighbours along Despard Avenue and have received great support for our application.

We have been advised that other neighbours emailed their letters of support directly to Mayor and Council

Rockland Neighbourhood Association Submission

We were recently provided with a copy of the submission prepared by the Rockland Neighbourhood Association (RNA) in response to our application. The animosity and exaggeration contained in the submission is very surprising and suggests there is a lack of good governance at the RNA.

Kevin Algar and Jordana Pine-Algar, the relatively new owners of 1535 Despard, have been very surprised to learn of the historical opposition associated with their home and find the description of their concerns as “laughable” and “disingenuous” to be hurtful and uncalled for and are frankly annoyed to be questioned whether they are proud residents of Rockland. They have made a considerable investment in their home and plan to make 1535 their home for many years to come. They were not involved in the development the property and are simply hoping for quiet enjoyment of their home, free from being publicly attacked by people they have never met. It is particularly surprising that after more than 12 years such opposition still exists, purely it seems for its own sake since our requests make no physical changes to the properties. It's a reasonable statement that no third party will be affected by the requested changes.

The RNA claims that the homes have caused a “decade of disruption” to the neighbourhood yet the homes both won the highest awards given to new homes on Vancouver Island. In 2011, the Canadian Home Builders' Association- Victoria and CARE Awards of Vancouver awarded 1537 Despard the Gold Award for Best Single Family Detached Home on Vancouver Island as well as 6 Gold Awards for architectural design, entrance foyer, kitchen design, family media room, outdoor patio space and landscape design. In 2012, 1535 Despard won the same awards. And the accolades continue almost daily as visitors to our homes and pedestrians along Despard regularly applaud the design of the buildings and the landscape. Apart from a vocal minority at the RNA, the vast majority of opinion is highly positive and makes it clear that the development has been very positive for the community of Rockland.

The RNA seems to be challenging the City of Victoria's right to have initially approved the development, but the development was done completely in accordance with rules in place at the time. RNA is of course within its right to not like what happened and to have a subjective bias against West Coast Contemporary design (despite that there are now several other homes with contemporary designs in Rockland and elsewhere throughout Victoria and Oak Bay), but they should not presume to usurp the authority of the Victoria City Council.

The RNA is in error to describe our lots as undersized as they are in fact approximately 836 square metres each. This exceeds the minimum required lot size of 740 square metres. Exaggeration for effect does not change the facts. It's in the same category as stating the "relaxations...would result in a windfall of million-dollar endowments for each unencumbered property". This of course is pure unsupported fantasy intended to create emotional opposition to our proposal. We see no evidence that our BC Assessments are reduced due to our Strata status and therefore that eliminating the Strata status would increase the value of our properties. In fact, by comparison to a newer (2018) very high-quality fee simple home of on the same side of Despard (arguably comparable), our assessed building cost is 14% higher and our per square foot lot value is 50% higher.

The suggestion in their submission that approving our requests would "create independent lots, which would be open to further development" can only refer to their opposition to garden suites, which clearly suggests their ongoing presumption to usurp the Council's authority.

Detail

According to the Strata Plan, the lot width for each of 1535 and 1537 is 15.24 metres, whereas the required minimum lot width for single family dwellings in the R1-A Zone in the Rockland District is 24 metres. Further, the side yard setbacks of 1535 and 1537 to the line separating Part 1 from Part 2, is 1.52 metres and 1.83 metres, respectively, whereas the required setback is 3.0 meters. Both Owners are prepared to waive the minimum side-yard setback requirement.

As stated earlier, the homes have been in place for over 10 years. The Owners are not proposing to change or add to the current homes. Accordingly, the Development Variance Permits the Owners are seeking are not prospective in nature, as would usually be the case for such permits. If the requested relaxations are granted, nothing will change except the legal status of the properties. Thus, there will be no impact whatsoever to the existing homes or any of the neighbouring properties.

While the subdivision requested does not meet two zoning requirements, it is noted that the Rockland Neighbourhood Plan dated October 1, 1987, stated "The objectives, policies and recommendations of the plan do not represent hard and fast regulations". Clearly, some of the concepts contained in the Plan have been formalized since then, but we suggest the spirit should remain the same despite the RNA's evident desire to apply hard and fast rules.

Council may wish to consider that, as we understand it, under Victoria's zoning rules, a Strata cannot have garden suites. Thus, the Strata status of our property prevents the addition of rental accommodation which would be allowed if the Strata were separated into two separate fee simple lots. While the Owners have no plans to add such rental accommodation, creating and preserving the opportunity to do so seems consistent with the interests of the broader Victoria community especially given our inner-city location which may help to reduce traffic congestion and carbon footprints. That said, should Council consider it advisable to allay any concerns our neighbours and the RNA may have, we would be pleased to add covenants to our newly minted fee simple lots preventing the construction of garden suites.

Given the absence of common or limited common property, the Strata classification in this case seems entirely inappropriate. No one looking at the survey or, indeed, looking at the homes in person would imagine that they form part of a Strata. A picture of the homes is attached for ease of reference.

In fact, after viewing the property several times and deciding to proceed with a purchase, it came as a complete surprise to the new owners of 1535 Despard that it is a Strata. It was not brought to their attention by the realtors until well into the decision-making process and even then, it was thought to be a Bare Land Strata. It was only before the matter was put before a lawyer that the true status was

understood. Up to that point bylaws and other Strata documents had not been provided to the new owners. The realtors involved did not have a good understanding of the situation. Nevertheless, having fallen in love with the home (beautiful street, multiple award-winning home, proximity to daughter's school and friends and family), the new owners decided to proceed in the hope that the other Strata owner would agree to take steps to alter the Strata classification. That is how we got to this point. In other words, this is primarily an initiative of the new owners of 1535 Despard with the appreciated participation of the other Strata owner, Norm Eden. As such, Norm Eden does not deserve the vitriol directed at him by the RNA.

Property Insurance

The main issue for the Owners is that under the Strata Property Act, the Strata is required to purchase insurance for the Strata as a whole. And because of the Strata classification, insurers will only issue a Blanket, Commercial Insurance Policy. Such a policy is appropriate for a multi-unit building with common and limited common property. But it is not appropriate in the current case where there are two stand-alone homes with no common or limited common property, and with significant differences between the homes. To use an analogy, it's like trying to fit a square peg in a round hole.

The most glaring insurance issues are:

1. Under the blanket, commercial policy we are required to coinsure 10%. The result is that we are unable to acquire insurance that will fully restore our homes in the event of a significant damaging event. Further, given the differences in the two homes, it is hard to imagine how, in the event of significant damage requiring an insurance claim, the insurance payout and the resulting effect on premiums would be equitably allocated.
2. Unlike a common residential policy, we cannot obtain a policy that guarantees replacement, only a fixed dollar amount.
3. Despite the legislative requirement, it is conceivable that a future Strata owner would refuse to participate in the insurance process, including coverage discussion and payment. This would necessitate costly, unnecessary and wasteful resort to the formal dispute resolution remedies under the Strata Property Act.
4. The cost is substantially more than a standard policy and must be acquired in two separate parts, one part for the building and the other for contents. To illustrate, the cost for the share of the policy for 1535 Despard avenue is \$5,391 and contents coverage is \$4,281 for a total of \$9,672. If 1535 were insured as a fee simple property, the cost covering building and contents would be \$3,967 resulting in an annual savings of \$5705. And the fee simple policy would provide better/proper coverage for the two separate buildings and higher and better contents coverage.

The excess insurance cost is wasteful and unnecessary. The excess funds could be redirected to expenses that would make a difference to our community such as installing automobile charging ports or purchasing an electric bike or contributing to the City of Victoria's initiative to reconcile with indigenous communities.

The RNA suggests that the owners deserve these negative insurance consequences, essentially a form of punishment that appears to make them feel better about the situation. Strange indeed. The fact is the evolution of Strata insurance was not foreseen at the time of development and is absolutely a hardship from a quantitative and qualitative perspective.

Another example of why the Strata classification is inappropriate in this case concerns the possibility (as mentioned earlier) of a dispute between future property owners. Thankfully, the current Owners have an agreeable and aligned relationship, but one can imagine a situation where a future owner of one of the properties refuses to obtain insurance or disputes the amount and type (e.g., earthquake) of coverage. In such cases, a remedy may be sought from the Civil Resolution Tribunal (CRT), but to involve the CRT in a

dispute between two essentially independent homeowners would be the height of absurdity, not to mention an egregious waste of valuable government resources. Approving the subdivision we are requesting eliminates any possibility of disputes within the context of the province's Strata legislation.

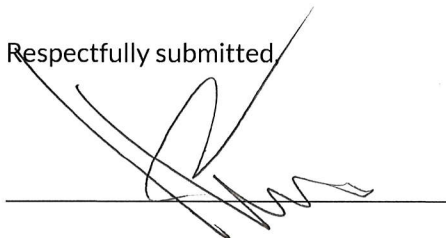
Conclusion

We respectfully appeal to the Victoria City Council to help us eliminate this hardship and allow each of us to deal with our properties independently in future by approving the relaxations requested and approving the subdivision of Lot A so the Owners may independently seek proper residential (not commercial) insurance coverage. The physical reality is that we have two separate buildings with no common or limited common property that are on 15.24 metre "parcels". All we are asking to allow the legal reality to match the physical reality.


Attachments to this Application (* indicates provided by the City of Victoria)

1. State of Title Certificate for 1535 Despard Avenue
2. State of Title Certificate for 1537 Despard Avenue
3. Survey Plan Certificate of Alan Powell for Strata Plan EPS 299 for 1535 and 1537 Despard Avenue (Including Floor Plans) *
4. Easement Areas Over Parts of Strata Lots 1 & 2*
5. Offsite Servicing Plan*
6. 1535 Front and Right Elevations*
7. 1535 Rear and Left Elevations*
8. 1537 Front, Rear, Left and Right Elevations*
9. Picture of the homes located at 1535 and 1537 Despard Avenue.
10. Lot plan form 1979 showing previous 1535 Despard Avenue being comprised of a 75' lot and a 25' foot lot.
11. Letters of Support from Neighbours

Respectfully submitted,



Norman Eden



Jordana Pine-Algar



Kevin Algar

SUBSTITUTE FORM "C" - PARTICULARS

H 81913

Date Oct 1 1979 Nature of Interest EasementDeclared Value Normal 1/2 of C.T. 1/2Please Merge Full

Telephone 477-0121

Johnson and Co. and Co., 212-1595
212-1595 (Victoria Ave., Victoria, B.C. V8N 1A4)

SERVICE EASEMENT

81007-W
OK F22076THIS INDENTURE made the 15 day of Sept, in the year of our
Lord, One Thousand, Nine Hundred and SEVENTY-NINE,

BETWEEN:

KAREN JOY YOUNG, Teller, presently of 1630 Warren
Gardens, Victoria, British Columbia,

(hereinafter called the "Grantor")

OF THE FIRST PART,

AND:

STEWART KOLBINSON, Executive, presently of 1535
Despard Avenue, Victoria, British Columbia,

(hereinafter called the "Grantee")

OF THE SECOND PART,

AND:

WEST COAST SAVINGS CREDIT UNION, of Victoria,
British Columbia,

(hereinafter called the "First Mortgagee")

OF THE THIRD PART.

A. WHEREAS the Grantor is seized in fee simple of that certain parcel
or tract of land and premises situate, lying and being in the City of Victoria
and Capital Assessment Area in the Province of British Columbia, and more partic-
ularly known and described as:-Lot 14
Section 68
Victoria District
Plan 10250

Land herein within building scheme, see DD 246752-I and 267055-I.

Form "C" Land Registry Act (Sec. 50)
THIS INSTRUMENT IS A SUBSTITUTION
H. 81913 on the 10 day of 10 1979
on application received at the time
of registration on the application
of the Grantor and the Grantee
and the First Mortgagee
R. E. Hooper

- 2 -

2

B. AND WHEREAS the Grantee is seized in fee simple of that certain parcel or tract of land and premises situate, lying and being in the City of Victoria, in the Province of British Columbia, and more particularly known and described as:-

The easterly 25' of Lot 3 and the westerly 75' of Lot 4,
Block 'A'
of Section 68,
Victoria District
Plan 3363,

C. AND WHEREAS the First Mortgagee is the Mortgagee under a certain Indenture of Mortgage filed in the Victoria Land Registry under Number F22077 covering all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Victoria and Capital Assessment District in the Province of British Columbia and more particularly known and described as:-

Lot 14
Section 68
Victoria District
Plan 10250,

D. AND WHEREAS the Grantee is desirous of obtaining a right of way upon and over part of the said Lot 14, Section 68, Victoria District, Plan 10250 for the purposes of constructing and maintaining a storm drain from the easterly 25' of Lot 3 and the westerly 75' of Lot 4, Block 'A', Victoria District, Plan 3363,

E. AND WHEREAS the Grantee has applied to the Grantors for, and the Grantors have agreed to grant to the Grantee a right of way for the benefit of the Grantee, his successors and assigns, together with such rights in respect thereof as are hereinafter expressed.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, now paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged), the said Grantor HEREBY GRANTS, CONVEYS AND CONFIRMS unto the Grantee, his successors and assigns as appurtenant to the said easterly 25' of Lot 3 and the westerly 75' of Lot 4, Block 'A', Section 68, Victoria District, Plan 3363, a right of way over and upon the land and premises described as follows:-



Dear Mayor and Council:

Re: 1535 & 1537 Despard Avenue Development Variance Permit No. 00263

The Land-Use Committee of the Rockland Neighbourhood Association finds it imperative to respond to this application.

These properties have historically caused such disruption to the neighborhood, and especially, the immediate neighbors, that there were three direct results of their erection: the creation of a rooftop patio ban in the R1-A zone, changes to require a common roof line in the semi-attached regulations, and new grade manipulation restrictions.

The houses are connected by the structure that was required under the zoning; therefore, they are rightfully strata properties, like other duplexes or townhouses. The semi-attached designation in the bylaw was created to encourage owners to save their heritage homes by allowing them to add a small home if the lot size is at least 30m wide. It was never intended to circumvent the R1-A lot width requirement of 48m for two houses or to permit developers to double their profit by demolishing existing character houses and squeezing two huge buildings onto sites that are too small to subdivide, as happened on Despard and on other streets in Rockland.

Although the applicants have always been fully aware of the semi-attached designation on their properties, they are now asking that Council ignore the rationale for the existence of that designation, and bestow upon them relaxations that would result in a wind-fall of million-dollar endowments for each unencumbered property. It would also create independent lots, which would be open to further development.

It is disingenuous of the applicants to claim that the houses are “completely detached” buildings with “entirely inappropriate strata classification.” The homes were intentionally built to the R1-A semi-attached specification.

The professed “hardship” of paying insurance rates commensurate with other strata properties is unsupportable, given that it was this very strata designation that permitted the building of the two houses on one R1-A lot. The opportunity for the semi-attached houses to be separated paves the way for the owners of many other such dwellings in the R1-A zone to be similarly rewarded.

It is laughable that informed developers, after a decade of disruption to the neighborhood of which they profess to be “proud residents,” now wish to discard the very zoning which enabled them to own a residence on an undersized lot.

Please do not enable this variance.



Bob June, co-chair RNA LUC

From: Janette Nation [REDACTED]
Sent: Friday, June 11, 2021 4:19:55 PM
To: Alec Johnston <ajohnston@victoria.ca>
Subject: 1535 and 1537 Despard Avenue

Dear Mr. Johnston,

I live across the road from 1535 and 1537 Despard Avenue. I am currently overseas due to the cancellation of my Air Canada flight in April 2020. I cannot tell from your website when there will be a public meeting or a call for public submissions to discuss this matter. Therefore, I am writing to you with my views.

1. My understanding is that 1535 and 1537 Despard Avenue were built following a consent to remove a restrictive covenant that limited the original lot to "one residence". This consent was not validly obtained in that the "one residence" restrictive covenant which was registered on the title of all the lots on Despard Avenue by the original subdivider(s), requires the consent of all the owners of the lots as described in the original restrictive covenant. However, the developers of 1535 and 1537, one of whom is the registered proprietor of 1537 Despard Avenue, obtained the consent of just one owner on the street to remove the restrictive covenant from the title. For whatever reason, the City does not appear to take any notice of these restrictive covenants or ensure they are observed.
2. It is also my understanding that there was a furore over the removal of the original house on which 1535 and 1537 stand. I was not living on the street at the time but I would have opposed the development as these two houses are so massive in height they block the views my house previously enjoyed.
3. The owners of 1535 and 1537 appear to base their need for variances and subdivision purely on the cost of insurance. They have not, however, provided any costs regarding the insurance which they claim is so onerous compared to the insurance for single family dwellings that are not strata titled. There are many single family dwellings which are designated strata title. Consenting to the not insignificant boundary variance would make a mockery of the planning powers which Council exercises to control the requirements of a planning scheme or zoning. Given the value of these homes and the property taxes, the owners could surely afford whatever the insurance difference might be, of which they provide no evidence in their submission. There was some gossip that the required common wall between 1535 and 1537 is not visible because a common wall was built underground. This may just be folklore.
4. The owner of 1537 was one of the developers. The owner of 1535 bought the house for several million, knowing it was strata title and the insurance involved.
5. Whilst in their submission the owners claim there is no intent to add to the footprint of the homes or subdivide further, this can only be preserved if the original restrictive covenant limiting each of the properties to one residence only were imposed, should Council agree to the variance and allow conversion to fee simple lots. The benefit of the restrictive covenants should be for all adjacent properties as well as Council.

In conclusion, to allow these variances and subdivision into fee simple lots sets a dangerous precedent for all bare lot strata schemes. I would venture to say the latent value of these properties should they become fee simple properties is the true reason behind the application. A surveyor advised one of the owners on the street that one of the houses was going to be sold, which is not strictly relevant but points to the motivation of the owner of 1537, given that 1535 was just sold in 2020. I do not believe that the original restriction of the development to a strata scheme should be circumvented on the basis of insurance costs.

Thank you.

Janette Nation
 1536 Despard Avenue
 Victoria, BC V8S1T3
 [REDACTED]

Date APRIL 9-22

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

ALAN SMITH

Handwritten signature

1512 DESPARD

Contact Phone Number:

To: MayorandCouncil@Victoria.Ca

Date April 9/2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

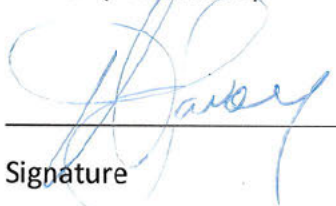
We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

HEATHER SAVOY

Owner (Print name)



Signature

Michael Mabey

Owner (Print Name)



Signature

1597 Despard Ave.

Address

Contact Phone Number



To: MayorandCouncil@Victoria.Ca

Date Apr 9 / 2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

Mehrbano Behroozi

Owner (Print name)

Meh Beh.

Signature

Dara Behroozi

Owner (Print Name)

D. B.

Signature

1580 Despard Ave, Victoria BC V8S 1T3

Address

Contact Phone Number: [REDACTED]

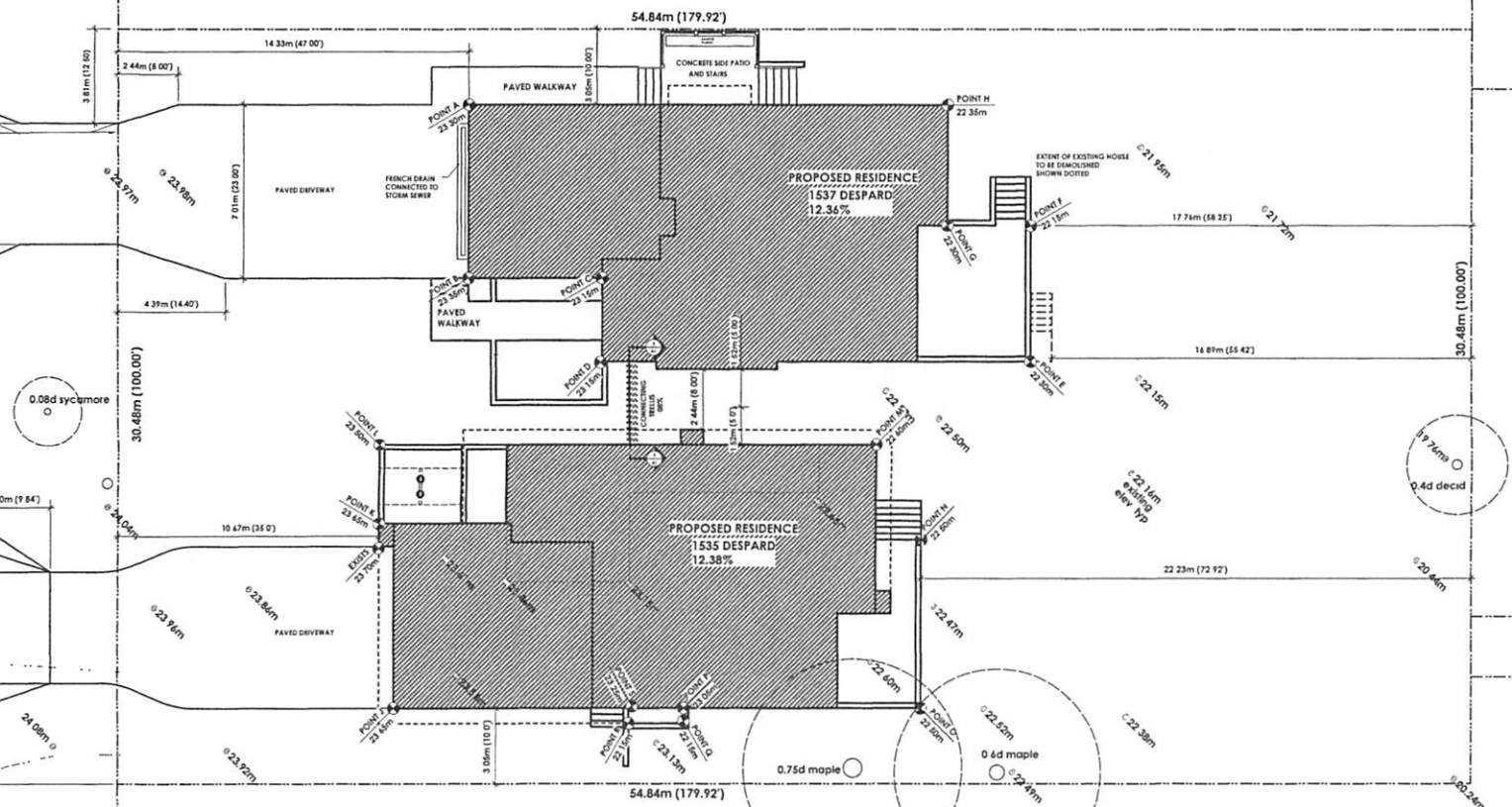
No.1535 & 1537 Despard Avenue
Legal - Easterly 25 feet of Lot 3, and the Westerly 75 feet of
Lot 4, Block A, Section 68, Victoria District, Plan 3363

All distances are shown in metres.
REFER TO CIVIL DRAWINGS FOR SITE SERVICE PLAN

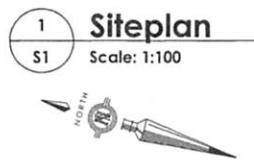
AVERAGE GRADE CALCULATION - UNIT 1537
A TO B (23 30 + 23 35) - 2 X 7 01 = 46 65 - 2 X 7 01 = 23 33 X 7 01 = 163 51
B TO C (23 35 + 23 15) - 2 X 5 41 = 46 50 - 2 X 5 41 = 23 25 X 5 41 = 125 78
C TO D (23 15 + 23 15) - 2 X 3 35 = 46 30 - 2 X 3 35 = 23 15 X 3 35 = 77 42
D TO E (23 15 + 23 20) - 2 X 17 32 = 45 45 - 2 X 17 32 = 22 73 X 17 32 = 393 47
E TO F (23 20 + 23 15) - 2 X 5 49 = 44 45 - 2 X 5 49 = 22 23 X 5 49 = 121 93
F TO G (22 15 + 23 20) - 2 X 3 35 = 44 45 - 2 X 3 35 = 22 23 X 3 35 = 74 62
G TO H (22 30 + 23 25) - 2 X 19 36 = 44 55 - 2 X 19 36 = 22 23 X 19 36 = 441 78
H TO J (22 35 + 23 30) - 2 X 19 36 = 44 65 - 2 X 19 36 = 22 23 X 19 36 = 441 78
(163 51 + 125 78 + 77 42 + 393 47 + 121 93 + 74 62 + 441 78 + 441 78) - 66 17 = 1507 68 - 66 17 = 22 79m

AVERAGE GRADE CALCULATION - UNIT 1535
J TO K ((23 45 + 23 45) - 2) X 7 47 = (47 30 - 2) X 7 47 = 23 73 X 7 47 = 176 618
K TO L ((23 45 + 23 60) - 2) X 3 20 = (46 10 - 2) X 3 20 = 23 05 X 3 20 = 75 44
L TO M ((23 60 + 22 40) - 2) X 20 12 = (46 10 - 2) X 20 12 = 23 05 X 20 12 = 463 697
M TO N ((22 40 + 22 50) - 2) X 1 83 = (45 10 - 2) X 1 83 = 22 55 X 1 83 = 41 247
N TO O ((22 50 + 22 50) - 2) X 3 61 = (45 10 - 2) X 3 61 = 22 55 X 3 61 = 81 338
O TO P ((22 50 + 22 50) - 2) X 7 04 = (45 00 - 2) X 7 04 = 22 50 X 7 04 = 158 873
P TO Q ((22 15 + 22 15) - 2) X 2 24 = (44 30 - 2) X 2 24 = 22 15 X 2 24 = 49 505
Q TO R ((23 25 + 23 45) - 2) X 9 55 = (46 10 - 2) X 9 55 = 23 45 X 9 55 = 223 948
R TO S ((23 45 + 23 45) - 2) X 0 41 = (47 30 - 2) X 0 41 = 14 427
(176 618 + 75 440 + 463 697 + 41 247 + 81 338 + 158 873 + 217 501 + 49 505 + 223 948 + 14 442) - 65 46 = 1508 32 - 65 46 = 23 03m

COMBINED AVERAGE GRADE CALCULATION
(22 79 + 23 03) + 2 = 45 82 + 2 = 22 91m



SITE DATA		R1-A		SITE DATA		R1-A	
ITEMS	REQUIRED	PROPOSED		ITEMS	REQUIRED	PROPOSED	
LOT AREA	740 00 sq m	1671 52 sq m		FLOOR AREA - UNIT A			
SITE COVERAGE (%)	25 0 %	24 82 %		- LOFT	18 58 sq m		
SITE COVERAGE (sq m)	417 88 sq m	417 88 sq m		- UPPER	104 93 sq m		
HEIGHT	10 50 m	10 483 m		- MAIN	125 79 sq m		
SETBACKS				- LOWER	127 46 sq m		
- FRONT (NORTH)	10 50 m	10 47 m		- GARAGE	45 04 sq m		
- REAR (SOUTH)	13 72 m	14 89 m		TOTAL FLOOR AREA	386 82 sq m		
- SIDE (EAST)	3 00 m	3 05 m		FLOOR AREA - UNIT B			
- SIDE (WEST)	3 00 m	3 05 m		- LOFT	10 47 sq m		
				- UPPER	117 45 sq m		
				- MAIN	110 92 sq m		
				- LOWER	120 00 sq m		
				- GARAGE	54 33 sq m		
				TOTAL FLOOR AREA	378 57 sq m		
				REQUIRED PARKING	2		



GENERAL NOTES
Dimensions given shall take preference over scale. Contractor to check and confirm all dimensions of Building Footings and Foundations drawings prior to work commencement.
Any discrepancies are to be reported immediately.
Survey used or Contractor to confirm all aspects of siting and placement of structure on lot. Designer not responsible for placement in the event that the proposed new or existing structure does not conform to N.B.C. of Canada, 2006 S.C. Building Code or structural engineer may be required to be submitted by owner.
All materials to be of best quality, complying with the applicable sections of the latest C.I.A., C.O.S.B. and N.B.C. standards.
All work shall be done in accordance with the National Building Code of Canada, the rules and customs of best trade practice and these specifications shall be executed by skilled tradespersons well equipped and adequately experienced.
All materials shall be used strictly according to manufacturers printed directions, where not inconsistent with this specification. No situation permitted except where specified.
STRUCTURAL DESIGN
Structural is based on values stated in Part 3 and Part 4 of the 2006 S.C. Building Code and other applicable sections. Design live loads as follows:
Design main floor load - 40 p.s.f. / kN/m²
Design basement floor load - 40 p.s.f. / kN/m²
Design roof load - 40 p.s.f. / kN/m²
For heavier snow loading, drawings must be revised.
DEMOLITION
For all renovations and additions, contractor must establish strength and stability of existing structure, provide and install all shoring and props to support and construct during the duration of the work.
CONCRETE
All concrete used for footings and foundations is to be not less than 15 MPa @ 28 days unless otherwise noted.
All concrete used for floors is to be not less than 20 MPa @ 28 days unless otherwise noted.
All concrete used for carport, garage floors and exterior steps is to be minimum 25 MPa @ 28 days.
Exterior slabs and stairs also require 5% air entrainment.
All footings and slabs to be cured down to and undisturbed curing.
ROUGH CARPENTRY
All construction and materials to comply with the "approved" current laws and amendments of C.I.A. of Canada and N.B.C.
All structural framing members are to be standard grade No. 2 better.
Sawn Pine-Fir (in accordance with N.B.C. standard grading rules for Canadian Lumber) except where specifically noted otherwise.
Trussing contractor to provide bracing for all plumbing, air ducts, exhaust, shower, curtain rods, cabinets, etc.
Contractor shall be responsible for the proper setting out of all work and ensure no encroachments occur.
MECHANICAL
Plumbing contractor to allow for (min) 2 exterior hose bibs of conventional location.
Flush over all exposed openings, doors, windows, etc. not directly protected by eaves.
Plumbing installation shall comply with current edition of A.C.N.S.C. Canadian Plumbing Code and Electrical Code.
Heating and/or air conditioning systems are to comply with A.C.N.S.C. the Canadian Heating Ventilating & Air Conditioning Code current issue.
All duct work, lines and ventilation requirements to be verified prior to installation and to install to manufacturers specifications.
Kitchen fan - minimum req. by C.E.C. 2006 - see S.C.C. table 133 3.3.3.
40% or greater 80 CM International "F" external static pressure.
Duct size "F" smooth, 8" flexible, shall be non-combustible, and not exceed 10m and 2 elbows.
Commonly sold fans exceed req'd CM's and duct size should be revised to meet S.C.C. requirements and manufacturers' specs.
Bathroom fan - minimum required by S.C.C. 2006.
Fan 1 - See S.C.C. table 133 3.3.3.
75 CM max. 110 CM max. @ 2" external static pressure.
Duct size "F" smooth, 8" flexible would rated @ 1/8" gauge.
Connect to Intermittent control val to provide a min. of four 4 hour operating capacity per fan.
Fan 2 - See S.C.C. table 133 3.3.3.
75 CM @ 2" external static pressure.
Duct size "F" smooth, 8" flexible.
COPYRIGHT
This plan and design is covered by copyright law and is the sole property of Victoria Design Limited and may not be reproduced or used in any form without written permission from Victor Design Limited. The purchaser is limited to one (1) dwelling with one purchase of plans.

PROFESSIONAL SEALS	

List of Drawings	
S1	Siteplan
A1	Master Elevations, Treils Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED			DESCRIPTION
NO.	DATE		
01	10/30/09	15% Complete	
02	11/25/09	100% Complete	
03	12/01/09	Trees on Siteplan	
04	12/17/09	City Comments #1 Vents Notes Added	
05	01/15/10	City Comments Siteplan	
06	01/18/10	Page Numbering	
07	02/01/10	Grade Calculation Error	
08	02/23/10	Building Comments, Grades	
09	03/04/10	Site Coverage, Siting	
10	03/05/10	Siteplan Shaded 1537 Foundation	
11	03/08/10	Siteplan Notation	

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 as follows to report discrepancies. Refer to General notes included on plan.

Note: S.C.L.S. 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 starting 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 plan (where 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.

Truss Manufacturer to review plans to verify roof design, where wing roof trusses are shown, and to contact building designer to advise if revisions are necessary.

COPYRIGHT
This plan and design is covered by copyright law and may not be reproduced, copied or used in any form without the express written permission of Victoria Design Limited, and may only be used to construct the particular dwelling on the specified lot indicated in the title block below.

VICTORIA DESIGN GROUP

NO. 1535 & 1537 DESPARD AVENUE, VICTORIA, B.C. V8N 4A4

DATE: Nov 25, 2009

SCALE: As Shown

DRAWN: M.D.K.

REVIEWED BY:

PROJECT

Proposed Residence
Leonard Cole
1535 & 1537 Despard Ave.
Victoria B.C.

RECEIVED

MAR - 9 2010

CITY OF VICTORIA
PERMITS & INSPECTIONS DIVISION

Date: 3/8/10
Time: 10:49:17 AM

To: MayorandCouncil@Victoria.Ca

Date April 11/22

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

R. J. KLASSEN

Owner (Print name)

GLORIA CHEUNG

Owner (Print Name)

[Signature]

Signature

[Signature]

Signature

1508 DESPARD AVENUE

Address

Contact Phone Number: [REDACTED]

To: MayorandCouncil@Victoria.Ca

Date APRIL 12, 2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

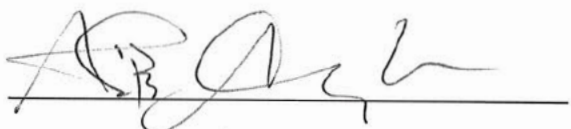
We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

ALIX CAMPBELL

Owner (Print name)



Signature

DAVID HAMBLETON

Owner (Print Name)



Signature

1531 DESPARD AVENUE

Address

Contact Phone Number: 

To: MayorandCouncil@Victoria.Ca

Date April 12, 2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

Kin-Yip Chun

Owner (Print name)

[Signature]

Signature

Meng Chan

Owner (Print Name)

[Signature]

Signature

1525 Despard Avenue, Victoria BC V8S 1T2

Address

Contact Phone Number: [Redacted]

To: MayorandCouncil@Victoria.Ca

Date 18 April 2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

Shannon Hill

Owner (Print name)

GARCIA SANTOS

Owner (Print Name)

SC Hill

Signature

[Signature]

Signature

1753 Gonzalez Ave Victoria BC V8S 5H4

Address

Contact Phone Number:

To: MayorandCouncil@Victoria.Ca

Date 18 APRIL 2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

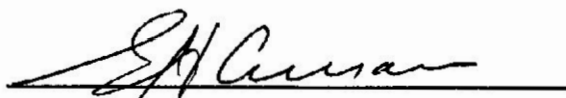
We support our neighbours for destratification of the strata and subdivision of the strata lot.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

EDWARD H. CURRAN

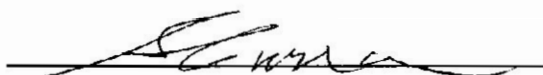
Owner (Print name)



Signature

CHINDO S. CURRAN

Owner (Print Name)



Signature

1636 WARREN GARDENS, V8S 1T1

Address

Contact Phone Number: 

G. LAND USE MATTERS

G.1 1535/1537 Despard Avenue: Development Variance Permit Application No. 00263 (Rockland)

Committee received a report dated May 5, 2022 from the Director of Sustainable Planning and Community Development regarding information, analysis and recommendations for a Development Variance Permit Application for the property located at 1535/1537 Despard Avenue in order to remove the pergola connection between the two dwellings and subdivide the property to create two lots, and recommending that it be declined.

Moved By Councillor Young
Seconded By Councillor Loveday

That Council refer the matter back to staff for further information about options for preventing further development of newly created fee simple lots.

Councillor Isitt left the meeting at 11:45 a.m.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Young

That Council refer the matter back to staff ~~for further information about options for~~ **to work with the applicant to secure a covenant** preventing further development of newly created fee simple lots.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council refer the matter back to staff to work with the applicant to secure a covenant preventing further development of newly created fee simple lots.

CARRIED UNANIMOUSLY



AMENDED MINUTES - VICTORIA CITY COUNCIL

June 9, 2022, 11:51 A.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

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

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

PRESENT ELECTRONICALLY: Councillor Isitt

ABSENT: Councillor Dubow, Councillor Loveday

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Director, People and Culture, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, P. Bellefontaine - Director of Engineering & Public Works, C. Royle - Deputy Fire Chief, C. Wain - Senior Planner, C. Moffat - Assistant City Solicitor, P. Angelblazer - Committee Secretary, Becky Roder, Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be approved.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Andrew

That consideration of item **F.1. Local Area Plans, OCP Amendments and Zoning Guidance for Fernwood, North Park and Hillside Quadra** follow the Requests to Address Council.

G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the May 19, 2022 COTW Meeting

G.1.a.a Victoria Police Department Quarter 1 Update

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council receive the Victoria Police Department Quarter 1 report for information.

CARRIED UNANIMOUSLY

G.1.a.b 1535/1537 Despard Avenue: Development Variance Permit Application No. 00263 (Rockland)

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council refer the matter back to staff to work with the applicant to secure a covenant preventing further development of newly created fee simple lots.

CARRIED UNANIMOUSLY

G.1.a.c Cooling Centre - Heat Event Planning (Verbal)

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council received the Victoria Fire Department - Heat Response Plan for Extreme Heat Events for information.

CARRIED UNANIMOUSLY

G.1.a.d Council Member Motion: Endorsement of Police Act Review Recommendations

Moved By Councillor Potts

Seconded By Councillor Isitt

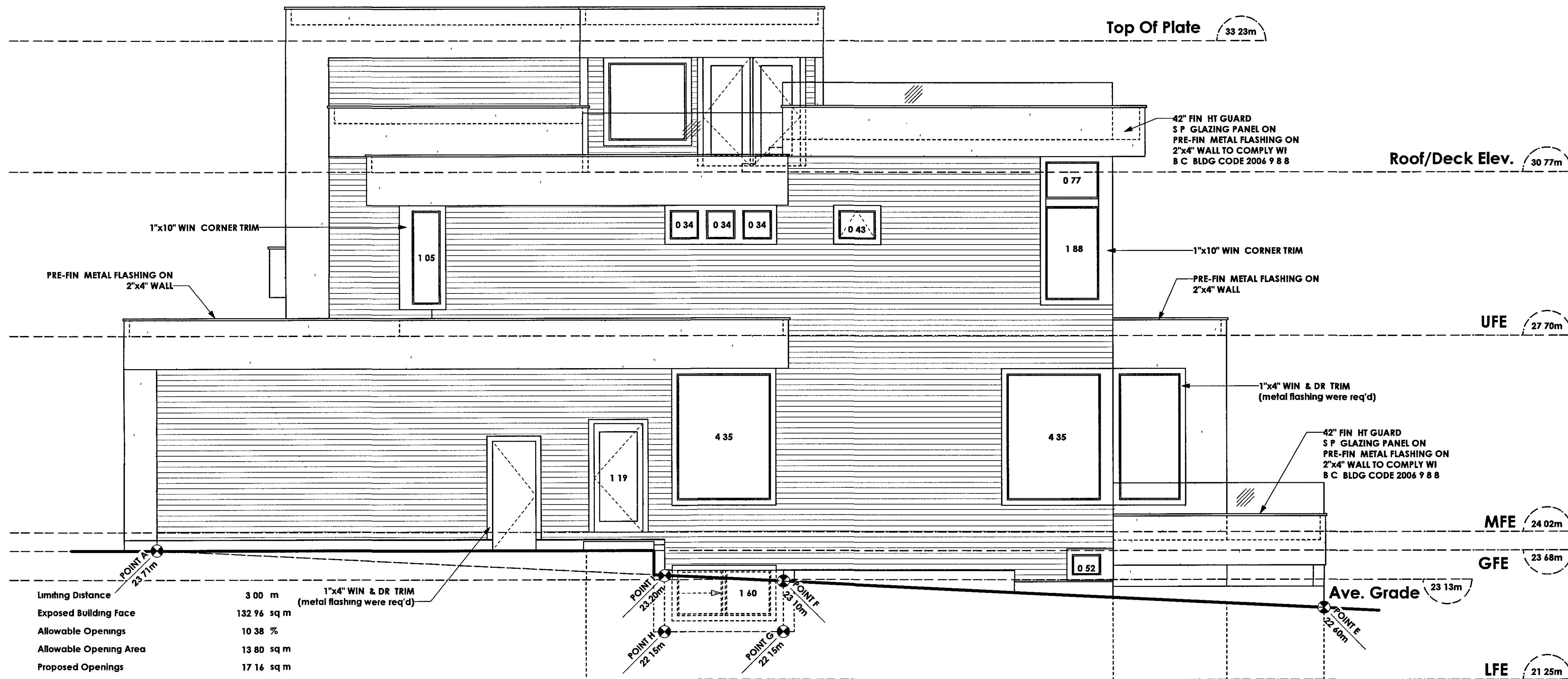
That Council:

1. Endorse the recommendations of the Special Committee of the Legislative Assembly on Reforming the Police Act.
2. Request that the Mayor write, on behalf of Council, to the Premier of British Columbia and the Solicitor General of British Columbia, copying members of the Legislative Assembly, indicating the City of Victoria's support for the timely implementation of the

PROJECT 1535 & 1537 DESPARD AVE NORM EDEN AND KEVIN ALGAR OFFSITE SERVICING PLAN	WESTBROOK PROJECT No. 3663	
	GOVERNING AUTHORITY FILE No.	
	SHEET 1 OF 150	1
	WESTBROOK DRAWING No. 3663-01	



1 Front Elevation
A2 Scale: 1/4" = 1'-0" AVE GRADE: ((23.43 + 23.43) ÷ 2) X 10.67 = (47.46) X 10.67 = 253.199



2 Right Side Elevation
A2 Scale: 1/4" = 1'-0"

AVE GRADE: ((22.60 + 23.10) ÷ 2) X 9.96 = (45.70 ÷ 2) X 9.96 = 22.85 X 10.16 = 232.156
 ((22.15 + 22.15) ÷ 2) X 4.64 = (44.30 ÷ 2) X 2.24 = 22.15 X 2.24 = 49.616
 ((23.20 + 23.71) ÷ 2) X 9.55 = (46.91 ÷ 2) X 9.55 = 23.46 X 9.55 = 224.04

PROFESSIONAL SEALS

Consultants

List of Drawings

S1	Siteplan
A1	Master Elevations, Trellis Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED

NO.	DATE	DESCRIPTION
01	10/30/09	95% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments, Rt Vents, Notes, Alarms
05	01/15/10	City Comments Siteplan
06	01/18/10	Page Numbering

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: 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 encroachments of 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 commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng roof trusses are shown, and to contact building designer to advise if revisions are necessary.

© COPYRIGHT

This plan and design is covered by copyright law and may not be reproduced, copied or used in any form whole or in part without the express written permission of Victoria Design Limited, and may only be used to construct this particular dwelling on the specified lot indicated in the Title Block below.

VICTORIA DESIGN GROUP
 203 - 501 JEFFERSON AVENUE
 VICTORIA, B.C. V8B 0A5
 PH 250-382-7374
 FAX 250-382-7364
 WWW.VICTORIADESIGNGROUP.CA

6738

SHT. NO. A2 OF A11

DATE Nov 25, 2009

SCALE As Shown

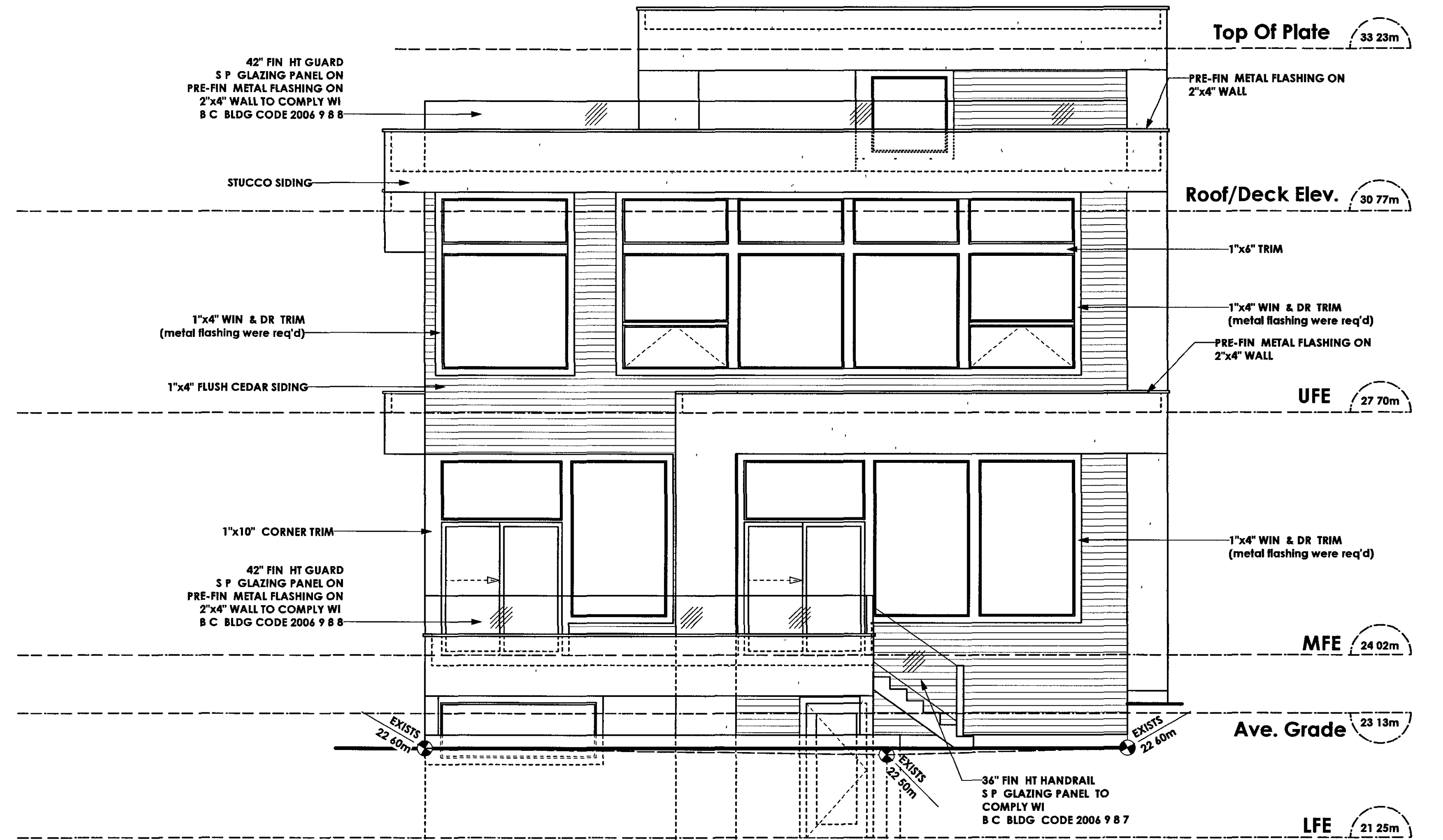
DRAWN M.D.K

REVIEWED BY

PROJECT

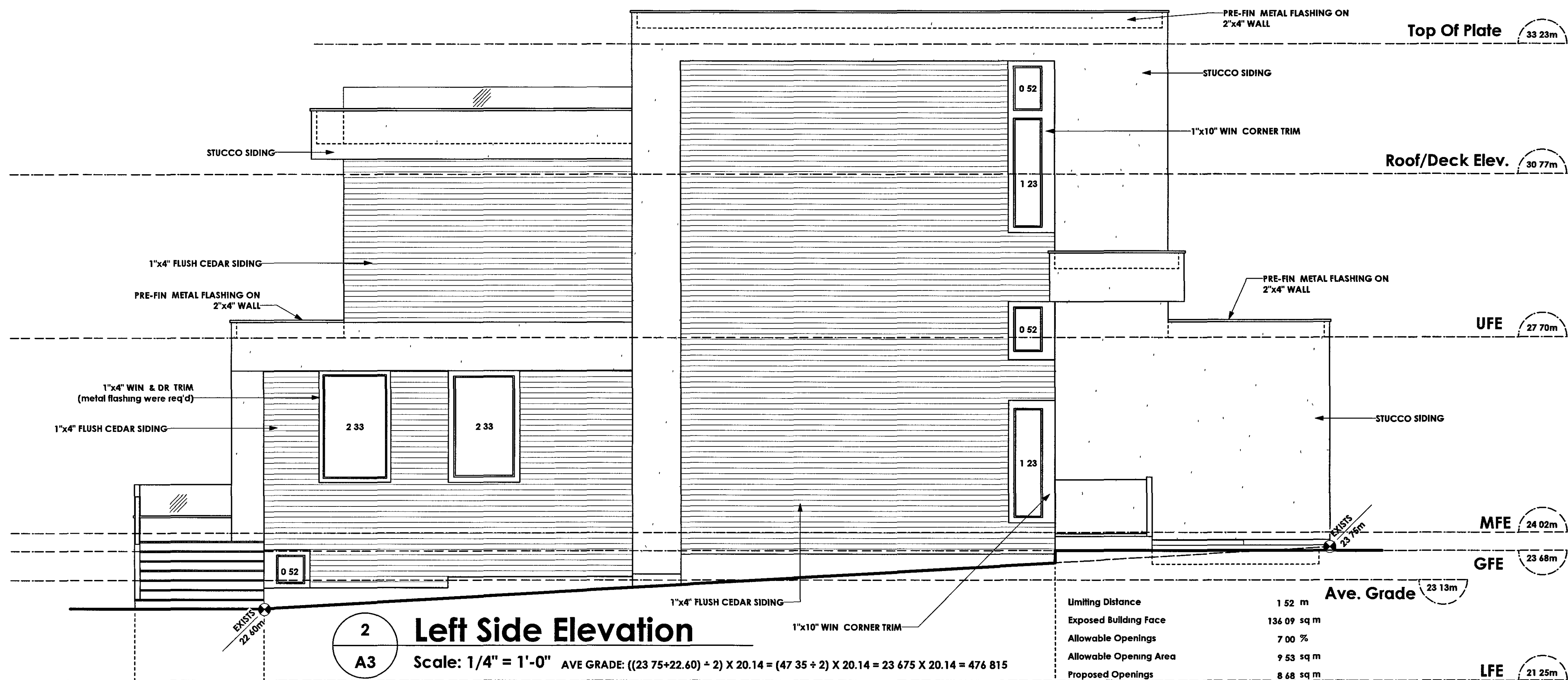
Proposed Residence
Leonard Cole
1535 Despard
Victoria B.C.

Date: 1/18/10
 Time: 9:41.39 AM



1
A3
Rear Elevation
Scale: 1/4" = 1'-0"

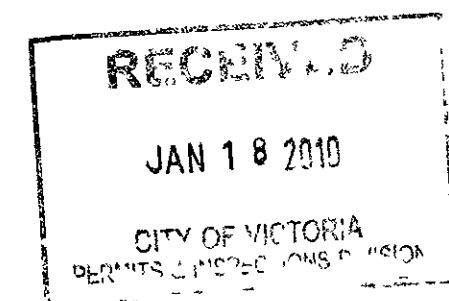
AVE. GRADE: $((22.60 + 22.50) \div 2) \times 10.67 = (45.10 \div 2) \times 10.67 = 22.55 \times 10.67 = 240.609$



2
A3
Left Side Elevation
Scale: 1/4" = 1'-0"

AVE. GRADE: $((23.75 + 22.60) \div 2) \times 20.14 = (47.35 \div 2) \times 20.14 = 23.675 \times 20.14 = 476.815$

Limiting Distance	1.52 m
Exposed Building Face	136.09 sq m
Allowable Openings	7.00 %
Allowable Opening Area	9.53 sq m
Proposed Openings	8.68 sq m



PROFESSIONAL SEALS

Consultants

List of Drawings

S1	Siteplan
A1	Master Elevations, Trellis Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED

NO.	DATE	DESCRIPTION
01	10/30/09	95% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments: Rt Vents, Notes, Alarms
05	01/15/10	City Comments: Siteplan
06	01/18/10	Page Numbering

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: B.C.L.S. to verify placement and stiling 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 encroachments of any kind with regard to stiling 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 commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng. roof trusses are shown and to contact building designer to advise if revisions are necessary.

© COPYRIGHT

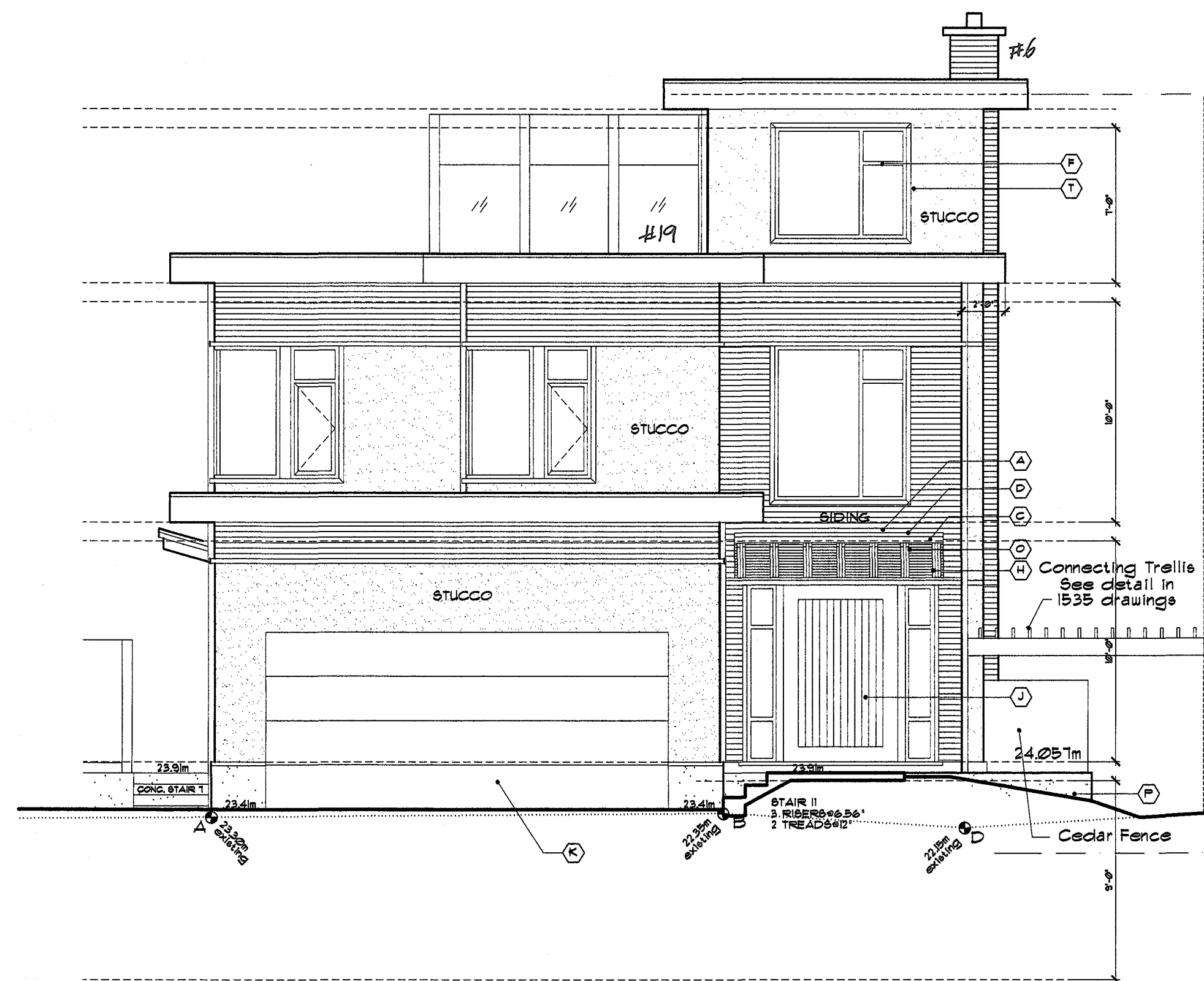
This plan and design is covered by copyright law and may not be reproduced, copied or used in any form whole or in part without the express written permission of Victoria Design Limited and may only be used to construct this particular dwelling on the specified lot indicated in the Title Block below.

VICTORIA DESIGN GROUP 103 - 891 17700 AVENUE VICTORIA, B.C. V8N 0A6 PH: 250 382 7374 FAX: 250 382 7364 WWW.VICTORIADESIGNGROUP.CA	DRWG NO.	6738
	SHT. NO.	A3 OF A11
	DATE	Nov 25, 2009
	SCALE	As Shown
	DRAWN	M.D.K.
	REVIEWED BY	

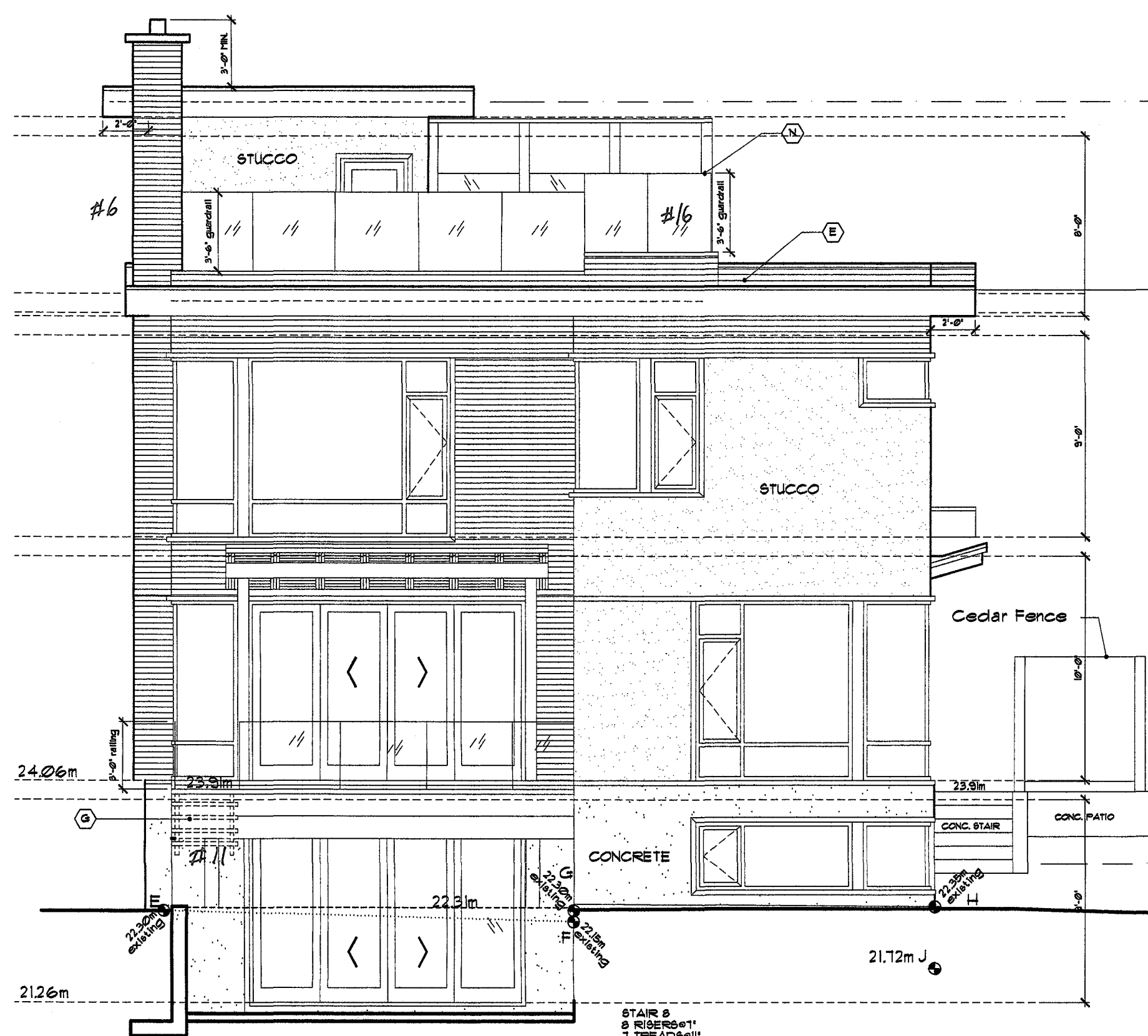
PROJECT

Proposed Residence
Leonard Cole
1535 Despard
Victoria B.C.

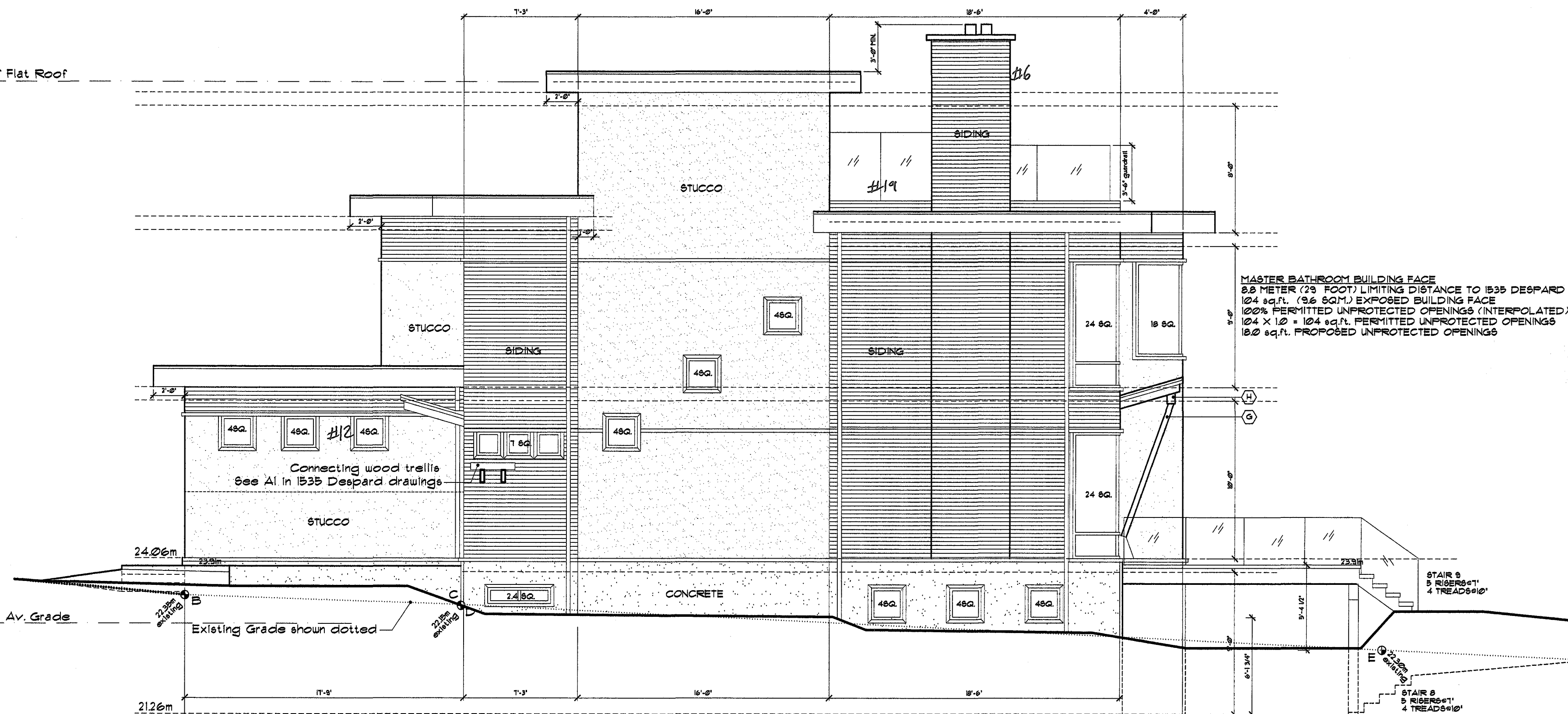
Date: 1/18/10
Time: 9:41 39 AM



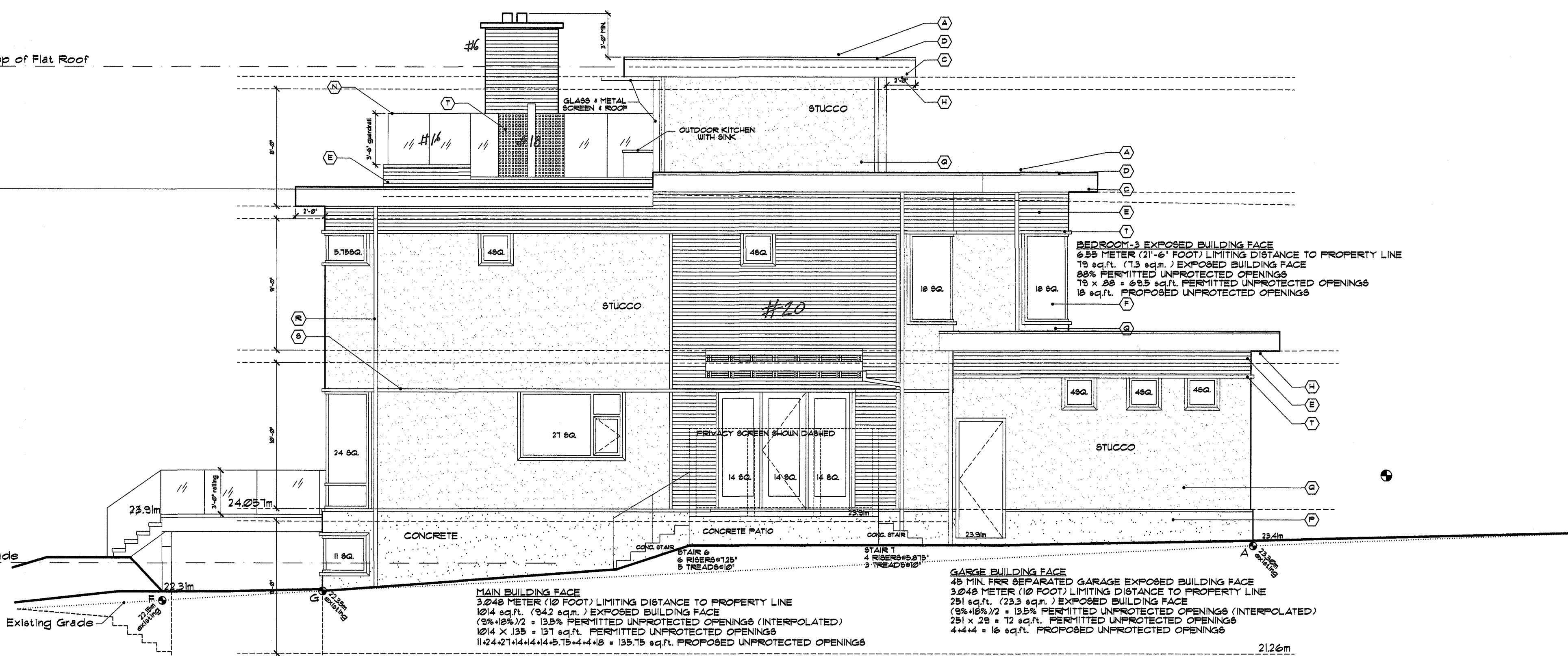
1 FRONT ELEVATION
Scale 3/16" = 1'-0"



3 REAR ELEVATION
Scale 3/16" = 1'-0"

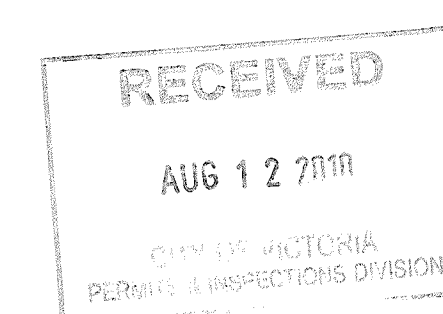


2 RIGHT SIDE ELEVATION
Scale 3/16" = 1'-0"



4 LEFT SIDE ELEVATION
Scale 3/16" = 1'-0"

EXTERIOR FINISHES		
A TORCH-ON ROOFING	H 6X8 PARALAM BEAMS + RAPTERS - STAINED	O TAG CEDAR DECKING - STAINED
B -	J CUSTOM FIR DOOR CAS GLAZED PANELS	P ARCHITECTURAL CONCRETE FINISH
C 2" X 8" WOOD BARGE BOARD PAINTED	K paneled OH GARAGE DOOR 1/2X1/2	Q STUCCO
D FIRE FIN METAL FLASHING	L 2-1/2" WOOD TRIM PAINTED	R GALVANIZED METAL RAINWATER LEADERS
E HORIZONTAL CEDAR SIDING - STAINED	M 2 PANEL FIBREGLASS DOOR	S GALVANIZED METAL FLASHING
F DOUBLE GLAZED ALUMINUM WINDOWS SEE SCHEDULE	N POWDER COATED METAL RAILING - BLACK ENGINEERED	T PREFINISHED PERFORATED METAL
G 6X8 PARALAM POSTS - STAINED		



Re-issued for permit Aug. 12

1537 DESPARD

CITTA
CONSTRUCTION LTD.

PROPOSED RESIDENCE
1537 DESPARD
VICTORIA BC

SHEET TITLE ELEVATIONS	PROJECT NO. T81	DESIGN JAL/JH	DATE 12 AUG 2010
SHEET NO. AA.1	APPROVED FOR PERMIT The plans and design are all those of Citta Construction Ltd. prepared for the project and are not to be used for any other project.		



VICTORIA LAND TITLE OFFICE

Oct-12-2010 15:56:10.002

EPS299

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

0599

PAGE 1 OF 6 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Alan Powell
AR6XRI

Digitally signed
by Alan Powell
AR6XRI

1. BC LAND SURVEYOR: (Name, address, phone number)

Alan Marshall Powell
250-2950 Douglas Street

apbcls@telus.net
(250) 382-8855

Victoria

BC V8T 4N4

2. PLAN IDENTIFICATION:

Control Number: **128-622-4203**

Plan Number: **EPS299**

This original plan number assignment was done under Commission #: **599**

LTO Document Reference: **CA1764457**

3. CERTIFICATION:

☒ Form 9

☐ Explanatory Plan

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on: 2010 September 14 (YYYY/Month/DD)

The plan was completed and checked on: 2010 October 04 (YYYY/Month/DD)

The checklist was filed under ECR#: 115484

I am a British Columbia land surveyor and certify that the buildings included in this strata plan have not been previously occupied as of 2010 October 04 (YYYY/Month/DD)

☐ None

☒ Strata Form U1

☐ Strata Form U1/U2

I am a British Columbia land surveyor and certify that the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan

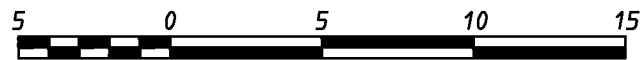
Certification Date: 2010 October 04 (YYYY/Month/DD)

Arterial Highway ☐

4. ALTERATION: ☐

Strata Plan of Lot A, Section 68,
Victoria District, Plan EPP5690
BCGS 92B044

Sheet 1 of 5 Sheets
Strata Plan EPS299



The intended plot size of this plan is 280mm
in width by 432mm in height (B size)
when plotted at a scale of 1:250.

All distances are shown in metres.

Integrated Survey Area No. 17, City of Victoria
NAD83 (CSRS).

Grid bearings are derived from observations between
geodetic control monuments 10-65 and 10-110

This Plan shows horizontal ground-level distances
except where otherwise noted. To compute grid
distances, multiply ground-level distances
by combined factor 0.9996068.

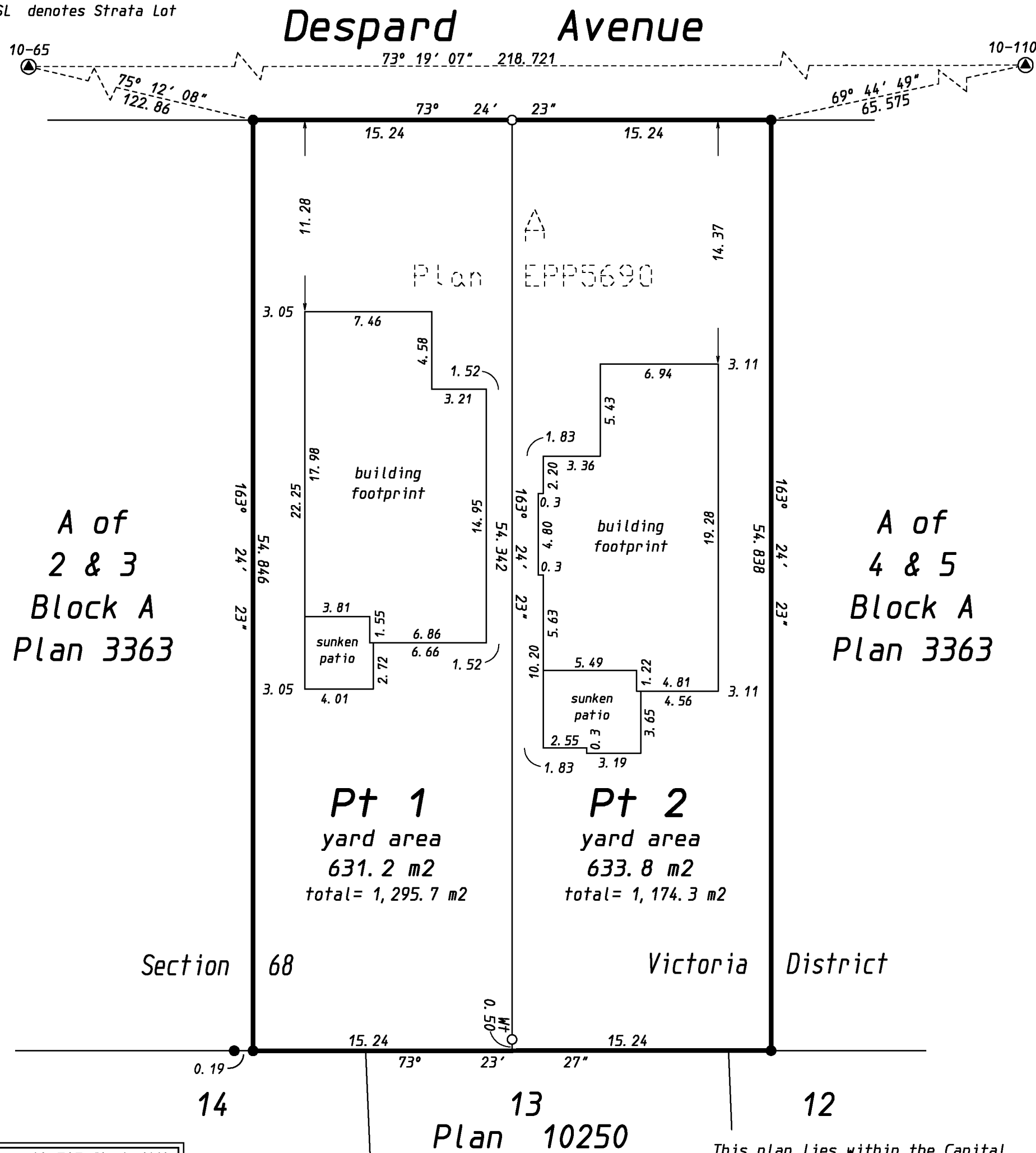
Civic Address:

SL 1 - 1535 Despard Avenue
SL 2 - 1537 Despard Avenue
Victoria, B.C. V8S 1T2

Legend

Found Set Denotes
● ○ Control Monument.
● ○ Standard Iron Post.
Pt denotes part of Strata Lot
SL denotes Strata Lot

This plan shows one or more witness posts
which are set along the production of the
property boundary unless otherwise noted.



File: 10,705 Sh-1 (10)
POWELL & ASSOCIATES
BC Land SurveyorS
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

The buildings included within this strata
plan have not been previously occupied.
The buildings shown hereon are within the
the external boundaries of the land that
is the subject of this Strata Plan.

This plan lies within the Capital
Regional District within the
City of Victoria
The field survey represented by this plan
was completed by Alan M. Powell BCLS on
the 14th day of September, 2010

Basement



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

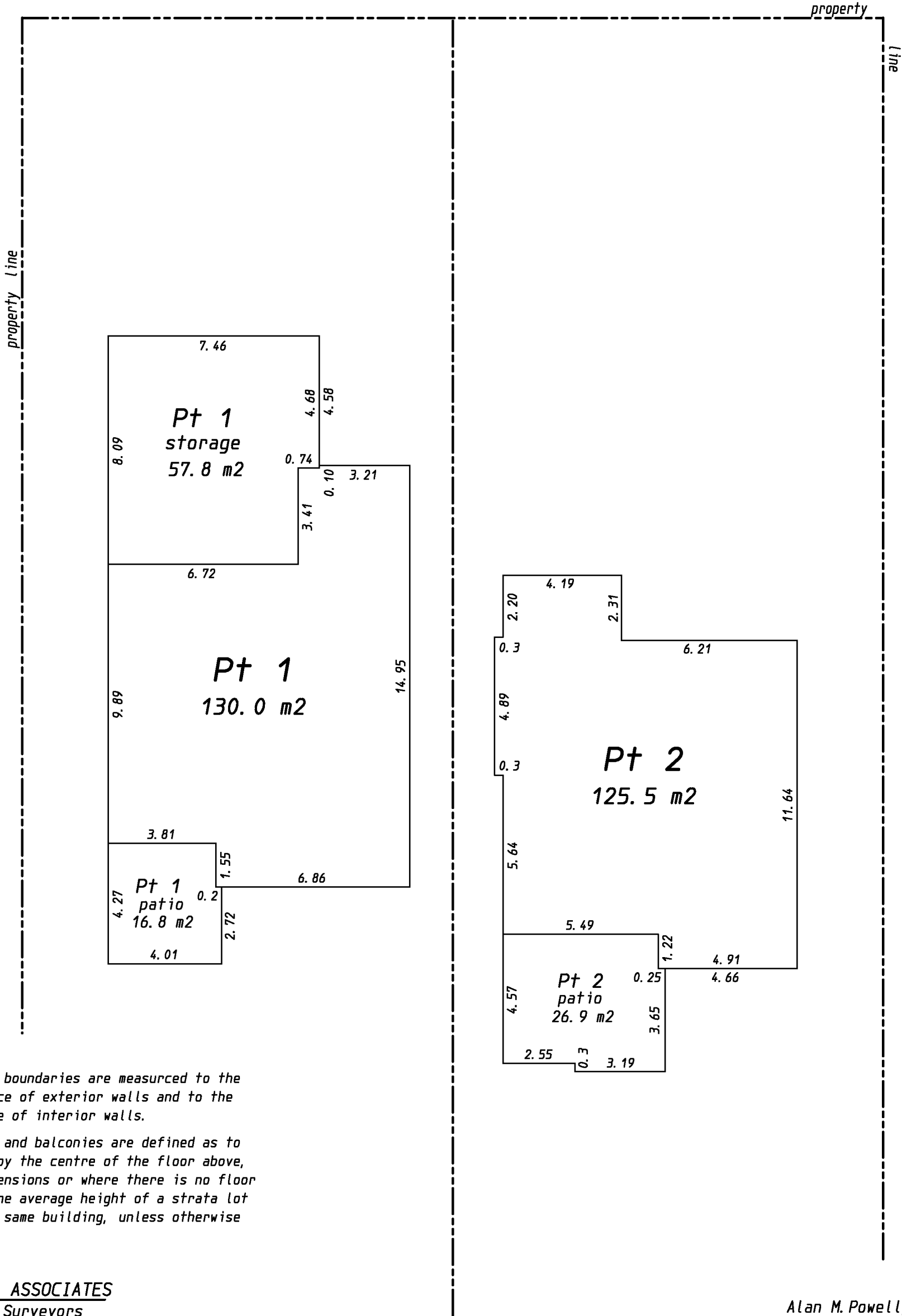
Legend

Pt - denotes Part of Strata Lot___



Sheet 2 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.
All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Main Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:150.
All distances are shown in metres.

Legend

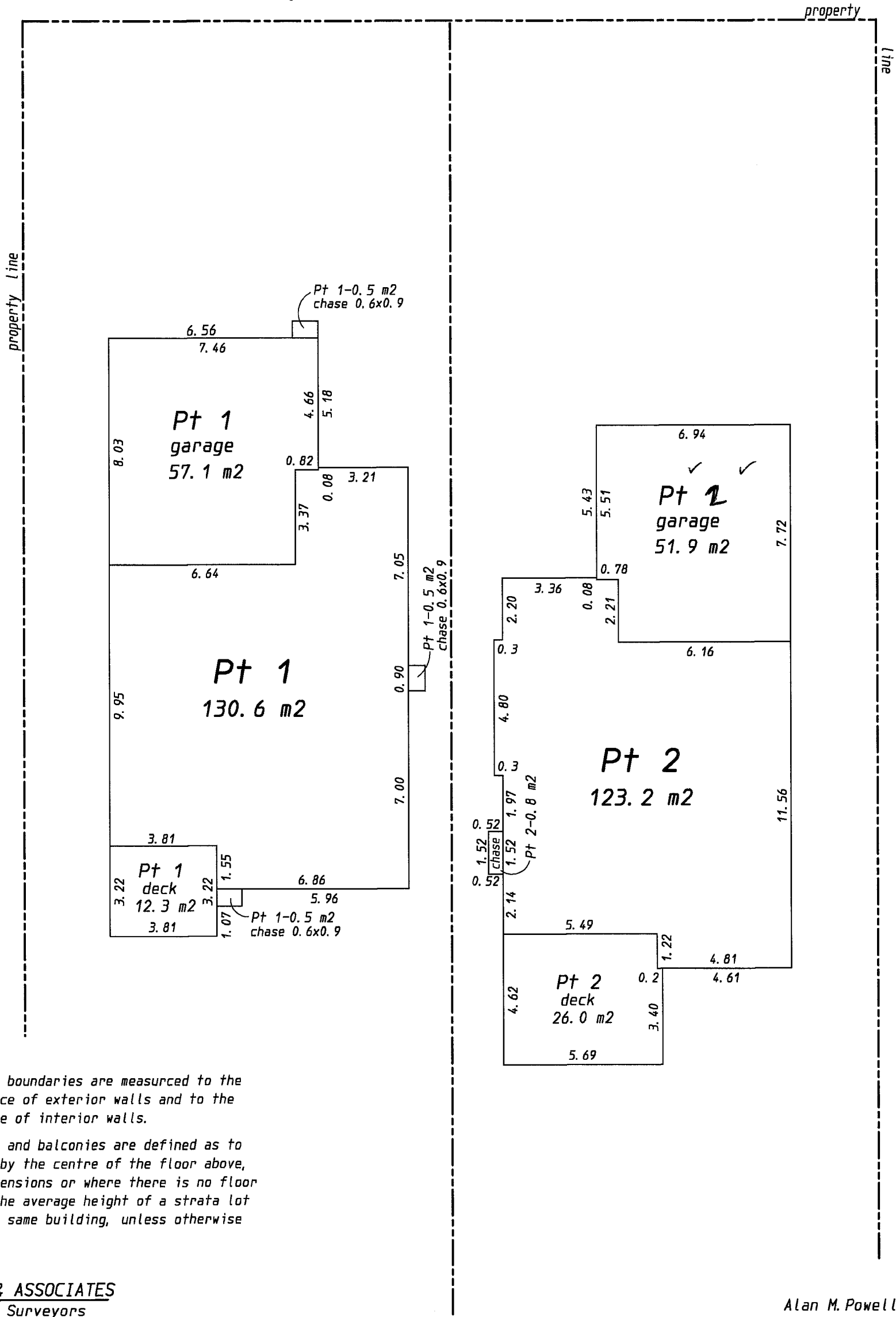
Pt - denotes Part of Strata Lot---

Sheet 3 of 5 Sheets
Strata Plan EPS299



Corrected this 22ND
day of October, 2013
See CA3415494.
✓

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10,705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Upper Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.

All distances are shown in metres.

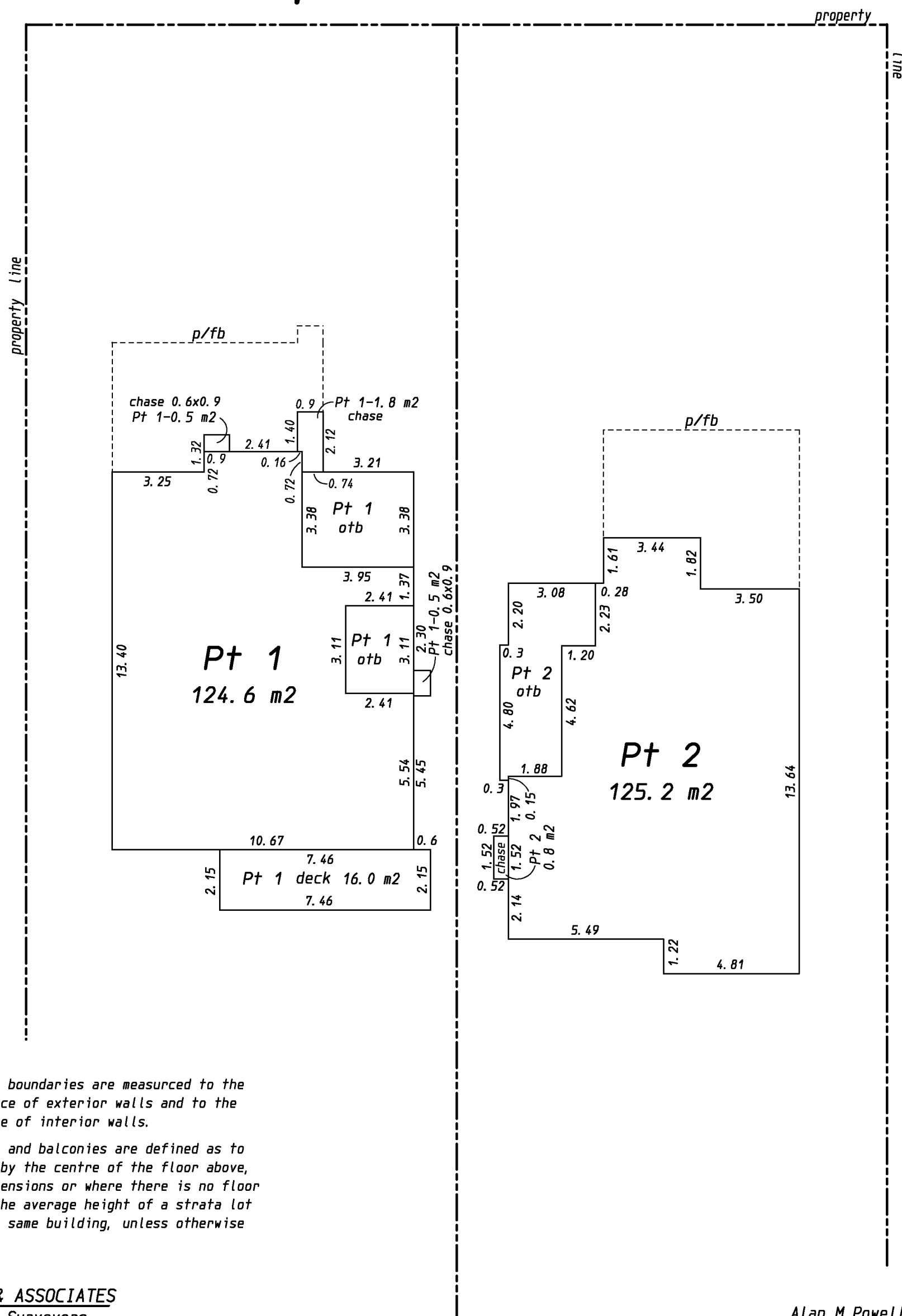
Legend

Pt - denotes Part of Strata Lot___
p/fb - denotes perimeter of floor below
otb - denotes open to below



Sheet 4 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES

B C Land Surveyors

File: 10.705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Roof – Deck



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

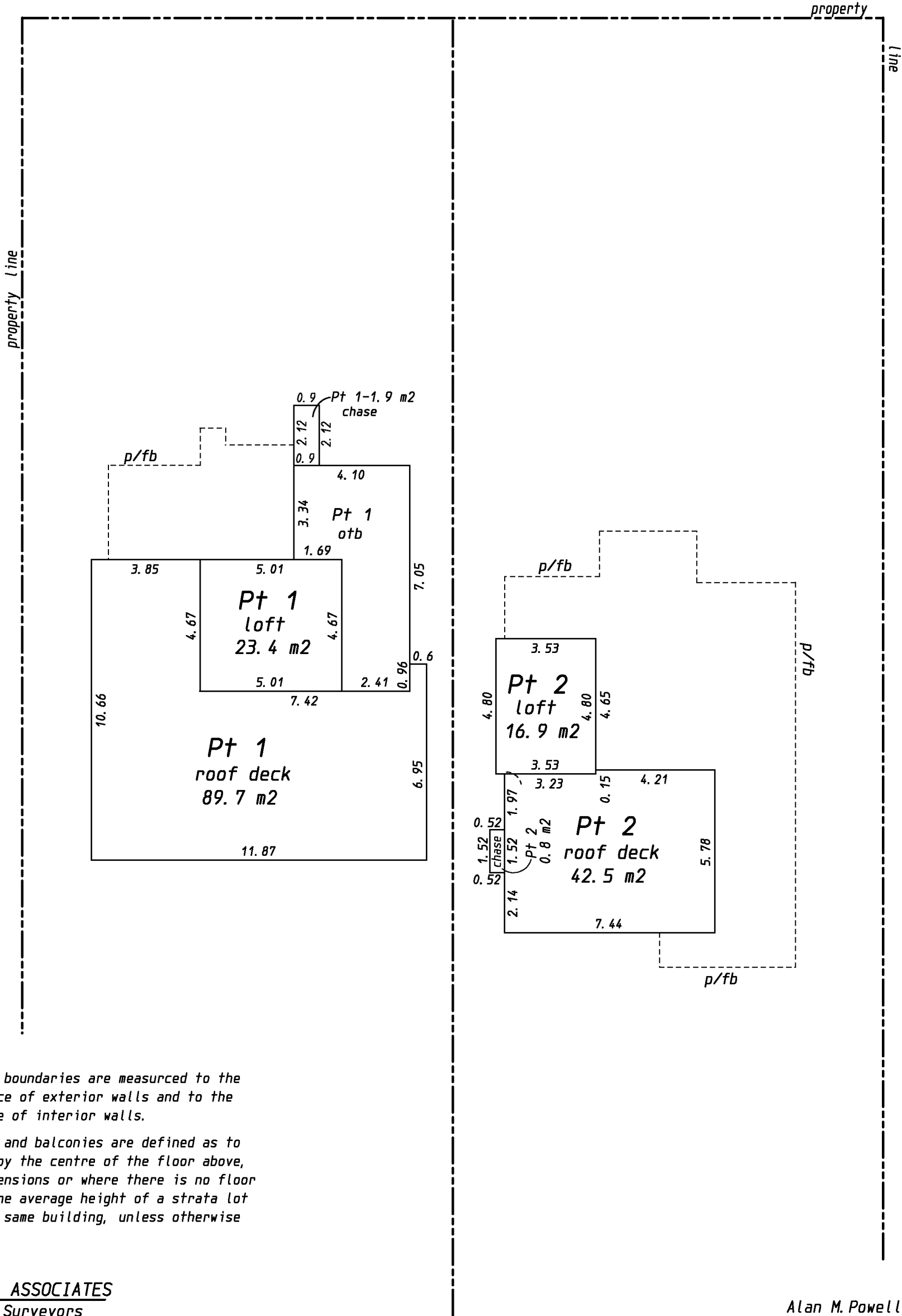
Legend

- Pt - denotes Part of Strata Lot___
- p/fb - denotes perimeter of floor below



Sheet 5 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010



ROCKLAND NEIGHBOURHOOD ASSOCIATION
P.O. Box 5276, Station B, Victoria BC, V8R 6N4

Land Use Committee

rockland.bc.ca

January 06, 2023

1535/37 Despard Avenue. DVP No. 00263

This variance request should be declined. The previous council's decision to request a restrictive covenant to prevent garden suites is irrelevant because both 1535/37 Despard Ave. have fully contained basement suites; therefore, neither property is allowed to build a garden suite under the present policy governing garden suites.

A practical concern, however, is how the redevelopment of land at 1535/37 Despard Ave. proceeded, over a decade ago, **without** site-specific zoning under the relaxed requirements outlined via *Design Guidelines for Attached and Semi-attached Dwellings in the Rockland Neighborhood*.

<https://www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Documents/neighbourhoods-rockland-design-guidelines.pdf>

The *Design Guidelines* allows two or more homes built on a single R1-A lot without subdivision and with reduced setbacks; Rockland has many such developments. An endorsement by the City for this variance request would ignite a cascade of requests by other non-conforming properties, built under the same relaxed guidelines without subdivisions, to receive a financial windfall due to the increase in property valuation of free title property.

The RNA LUC asks Development Services if they can report on:

- How many such developments currently exist in Rockland?
- How many similar properties will benefit from a land lift in the future?
- What are the other potential consequences of endorsing this application?

Mr. Eden is a land developer of this lot. The Alger's purchased their multimillion-dollar property as sophisticated buyers and were aware of the strata details before purchasing their home.

The RNA LUC sought council from a licensed Strata Insurance Agent and concluded that the supposed hardship of having to insure this strata property is no more difficult than insuring any other duplex, triplex or other multiplex units in Victoria, BC. Additionally, the quoted insurance price in their proposal indicates that the insuring of "contents coverage" is well beyond average valuations.

We suggest Developments Services further:

- Ask the applicant for clarity and details of the cost to insure this specific property
- Report unusual cost issues specific to 1535/37 Despard Ave., which could inflate insurance costs
- Report whether Attached and Semi-attached developments have additional insurance impediments

The Rockland Neighborhood Association Land Use Committee requests that these points be addressed in any Development Services report and to share this letter with the Mayor and Council. We also ask that this application for a Development Variance Permit be declined, given its lack of clarity about hardship and land lift impacts.

Regards.

RNA LUC

Bob June, co-chair. Carollyne Yardley, co-chair.