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ATTENTION OF: **DAVID A. BUSCH (Local 272)**  
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Our File: 75-01-02/ 18-546

September 04, 2018

Mary Doody Jones  
435 Kipling Street  
Victoria, BC  
V8S 3J9

Dear Ms. Jones:

**RE: Mr. Alec Johnston's Email of June 21, 2018 to Mr. Christopher Petter about Large Urban Village Designation for 1303 Fairfield Road**

Thank you for your request to provide an opinion regarding Mr. Johnston's email to Mr. Petter of June 21, 2018 regarding a Large Urban Village designation for 1303 Fairfield Road.

At issue is the use of the term LUV. A Large Urban Village (LUV) designations carries with a radius effect that generally radiates out 400 meters, as council and the city planners deem appropriate. This radius effect is meant to allow for the more certainty for developers. They know in advance what the long-term vision is for those areas, and an understanding of what building permits may be obtained. It also allows an area to develop as a whole so one does not have conflicting or incompatible uses. This is the purpose of the Official Community Plan (OCP), a document which repeatedly demonstrates the above definition of a LUV.

A traditional reading of Policies 6.20 and 6.21 indicates that an LUV's 400 meter effect will certainly increase the likelihood of densification since properties within it can be easily rezoned to allow for 4 to 6 stories with no setbacks. This densification is both desirable and necessary to create the necessary 'urban village populations' to support vision of services, businesses and transit in the LUV Hub. It is also needed by municipalities to increase their tax base, and provide housing for new residents. Not surprisingly, resignation for increased density is often a concern to those who foresee developments which will fundamentally change the existing character of their streets.

Based upon Mr. Johnson's email, the city of Victoria appears to be suggesting a LUV designation for the property with a 0 meter radius effect. As such the only property on the street which would be able to be built up to four stories would be 1303 Fairfield Road. All the other properties would maintain their existing designations in the OCP. Consequently, no permits could be issued for those properties which was not in keeping with their existing designation in the OCP.

While unusual, it is within the power of the municipality to make a 0m radius designation. The question is "Will the new development be in keeping with the existing character and the future vision of the neighborhood?" Once there is a LUV designation on one property, it will be easier for interested parties to begin an incremental creeping of the radius over neighboring properties.

Mr. Johnson is correct that amending the OCP is the only way that a permit allowing a four-story construction can be issued by the municipality as they cannot adopt zoning bylaws that are inconsistent with the OCP. While such an amendment would only affect the one property, it will none the less begin to change the 'nature and character of the neighborhood' since the new building will be significantly larger than it neighbors.

Mr. Johnston's comment that the "OCP needs to be amended for this site" is correct in that a municipality cannot adopt zoning bylaw which is inconsistent with the OCP", it is also quite disconcerting as it overlooks the fact that the system is meant to function the other way around. Rather than amending the OCP to fit their desired building, the municipality should be ensuring that zoning bylaws remain consistent with the OCP. Council appears to be approving a project, and only then looking to see if it is in keeping with the OCP, and trying to change the OCP retroactively to allow for the needed zoning bylaws. This approach may lead to a patchwork of series of buildings, which may not be in keeping with any long-term plan or vision as the OCP is that long term vision.

Being an election year, I am sure Council understands the anxiety this process is having on the neighborhood which wants to protect its unique characteristics, and will search for a collaborative solution acceptable to all the residents in the neighborhood.

Yours truly,

PEARLMAN LINDHOLM

Per:

DAVID A. BUSCH

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