

## Zoning Bylaw 2017 Comments and Proposed Changes

Comments	Proposed Change	Rationale
<b>Interpretation</b>		
Need to create grandfather clause for variances that were previously approved prior to the adoption of new Zoning Bylaw	No Change	Addressed through LGA
<b>Administrative Definitions</b>		
Part 2 – Definitions. I believe that the definition of “Floor Area” should note a further exclusion of “(e) the area of any enclosed Rooftop Structure” as by definition, a Rooftop Structure is a building service areas and are not occupiable.	Rooftop Structure definition has been amended to identify structures as being enclosed or unenclosed and non-habitable.	Will exclude non-habitable mechanical structures from FSR calculation
Part 2 – Definitions. The term “rooftop structure” in the high point exclusion within the definition of “Height” should be capitalized	Capitalize and use bold font for all defined terms	Improves user-friendliness
Part 2 – Definitions. In the definition of “Rooftop Structure”, I would suggest noting that such structures may be “enclosed or unenclosed” as certainly the list of inclusions in the definition will be comprised of both	Rooftop Structure definition has been amended to identify structures as being enclosed or unenclosed and non-habitable.	Provides more flexibility in design of rooftop mechanical equipment without being attributed to floor area (density) calculation.
Floor Area Exclusions - Allow 40 sq. feet of storage within suites to be excluded from FSR (as Vancouver allows) This provides for more useable storage and avoids extensive excavation which is a significant challenge in Victoria	No Change	Difficult to regulate if interior space is used for storage. Wall could be removed.
With dramatic increases to structural element thicknesses to meet seismic codes, there should be some consideration of exempting core structural elements from FSR calculations	No Change	Would require higher level of information on building plans as well as a more detailed review process which would increase processing times. For example it could be difficult to distinguish between building columns that are required for structural purposes versus aesthetic. Increased building heights also help to accommodate some of these thicker building elements.
There should be some consideration to exempting interior corridors and circulation space from FSR calculations to discourage the design of exterior walkways, as in some other municipalities (e.g. Esquimalt).	No Change	Better handled through design guidelines as part of the Development Permit process

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Downtown buildings with underground parking often are left with an excessive amount of space in the parking garage located between the parkade floor level and the second floor level as the parkade winds itself downward to slip under the first floor level. This space could be captured with an intermediate floor slab but its ceiling height is typically too high above average grade to be considered basement and is then factored into the calculation of FSR. The ceiling height is typically too low for habitable use and there is typically no access to natural light. Such space could be used for service space, or storage space, or other support space similar to other spaces in the underground parking structure and therefore should be considered part of the parkade and not factored into the calculation of FSR, even though its floor area would typically be higher than the main floor level.	Will explore as part of on-going Zoning Bylaw maintenance. Requires additional analysis and consideration.	<p>Regulations would need to ensure that area is limited to:</p> <ul style="list-style-type: none"> <li>• Storage purpose only for individual residential units</li> <li>• On First Floor</li> <li>• Not common space</li> <li>• Maximum floor area</li> <li>• Used for storage purpose only in perpetuity</li> </ul> <p>Explore as a subsequent amendment following adoption of Bylaw</p>
<b>Front setback plane</b> – Allow buildings to be more vertical. The setbacks are very expensive to build and do not assist in creating affordable housing.	No Change	<p>This setback provision assists with mitigating the perception of building height in parts of the city where taller buildings are envisioned.</p> <p>Variances can be considered case-by-case.</p>
<b>Height</b> – Parapet should be at least 1M for mid & high rise construction. Allow opportunity to hide mechanical behind the parapet is architect chooses.	Projection limit increased to 1.0m from 0.9m	Confirmed through review of recent building plans
<p><b>Calculation of Height:</b></p> <p>It should be made clear that the 'grade' that height is measured from is Average Grade (rather than Natural Grade or Finished Grade).</p> <p>Just as the calculation of Floor Area for the purposes of FSR is measured to the inside face of exterior walls so as to not penalize for a superior performing wall assembly (such as rainscreen/increased insulation), the calculation of Building Height should be measured to the inside face of highest ceiling, rather than to the top of roof insulation. This factors out the roof assembly from the determination of height and encourages better building performance.</p>	No Change	<p>Surveyor bases calculations on exterior of building rather than interior structural elements.</p> <p>Opportunity for height variance if needed for green building</p>
<b>Height of rooftop structure</b> – Should be at least 28 ft. in height to allow for elevator overrun and roof top mechanical on top of elevator, plus screening etc.	Rooftop structure projection above maximum building height has been increased to 5.0m from 4.0m	Supported through review of recent approved building permits for new multi-residential buildings

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<b>Calculation of FSR &amp; Determination of Number of Storeys for Roof-top Services</b> There are many services that need to be located on the roof level. It is more desirable to have these services enclosed in a mechanical room rather than exposed as a rooftop structure. The enclosure should be not included in the calculation of the FSR, nor contribute to the determination of the number of storeys (consistent with BCBC2012 3.2.1.1 (1) – exemptions in determining building height). Uses within the enclosure could be limited to those listed in allowable Rooftop Structures. The size of the enclosure should not be unduly restricted to a percentage of roof area on which it is located, but be related to overall building size or total roof area. If a Rooftop Structure as defined in the bylaw is an enclosed space (and roofed), then this should be made clear.	Projection height for Rooftop Structures increased to 5.0m and the overall dedicated roof top area has been increased to 20% from 10%	Supported through review of recent approved building permits for new multi-residential buildings
Change 'Property line' to 'Lot Line' throughout bylaw	Changed to Lot Line	
Develop a definition for 'Structures' to differentiate from 'Buildings' as well as a height definition for 'Structures'	Accessory Landscape Structures means gates, fences, walls, trellis, gazebos, pergolas or a similar ornamental feature which is open to the elements and includes sheds that are less than 9.3m <sup>2</sup>	New definition developed
Consider distillery in addition to brew pubs	New definition created for Brew Pub, Distillery and Winery. Production area limited to 35% of floor area and may be provided in conjunction with Retail Trade or Food and beverage Service	Recognizes opportunity for small-scale production of beer, wine or spirits.
Part 3 – General Regulations. In Section 3.1 subsection 13 (a), I think the 10% limit will likely prove too small for many lots. I appreciate the sensitivity to an overloaded roof area but with building mechanical systems becoming ever more complex (and oftentimes sizable), I don't think you want to create a disincentive to have these enclosed as doing so has meaningful aesthetic and sound attenuation benefits. I think if this were amended to a 15% to 20% cap, a more appropriate balance would be struck.	Maximum floor area for Rooftop Structures increased from 10% to 20%	Supported by review of approved building permit plans
Short term rental is a commercial use and allowing them above the first floor is contrary to the zoning bylaw	No Change, however use may be removed from all	Not contrary as bylaw does not prevent commercial uses on upper storeys.

	zones pending Council direction on September 21.	
What about restaurants in a hotel lobby?	Location and siting regulations now prohibit residential uses and hotel guest rooms from first storey	Distinguishes hotel rooms from other ancillary hotel uses such as restaurants
<b>Comments</b>	<b>Proposed Change</b>	<b>Rationale</b>
Why prohibit townhomes/city homes on the first storey of a building? This creates an interesting street scape. Eyes on the street, alternate housing, etc.	Move regulation to each zone as it will not be a universal rule	Only prohibited in CBD and Old Town Zone. Ground floor dwelling units permitted in more residential areas
Consider allowing a portion of ground floor to include residential	No change in CBD or Old Town – address through a variance	Ground floor residential to be addressed in new residential zones rather than general regulations
Landscape screen or decorative fencing as just landscape does not work (fencing is required for garbage etc.)	Added regulation within CBD and Old Town zones to require garbage and recycling areas to be within building or screened by fence or masonry wall	Implements a higher standard of screening within the Downtown core
Roof top structure likely takes up about 30-50% of a roof area on typical Victoria buildings due to small floor plates.	Increased to 20%	Supported by review of approved Building plans
A stairwell may need to be on the outside of a wall with no setback. ie: Duet, 819 Yates and many more. Also, it may be efficient and cost effective to have an elevator core on the extension wall as this greatly affects the suite sizes on a typical floor. This will allow architects some flexibility and creativity.	No Change	Address through variance – too many design scenarios Can also be addressed through design guidelines
Develop wording within General regulations to explain that general regulations and zone regulations apply collectively to the entire development and not replicated for each air parcel.	Assistant City Solicitor is currently developing appropriate wording to account for Density of Development, Total Floor Area and Floor Space Ratio	Wording will ensure that Airspace parcel is not treated as a separate parcel for calculating these aspects of the development
Should create a general provision to allow 'Utility' on public property including roadways	No Change	Zoning extends to middle of roadway and utilities are a permitted use (except sewage treatment plant). Do not want to allow on other public property such as parks simply as a permitted use
Require a maximum of 1 vehicle parking stall per unit over 70m <sup>2</sup>	No change	As per recent data analysis and revised Schedule C review

<b>Central Business Districts</b>		
<b>Comments</b>	<b>Proposed Change</b>	<b>Rationale</b>
Why such a large setback requirement? What about townhomes?	No change	Most upper storey setbacks have been left to design guidelines. CBD and Old Town Zones allow for residential dwellings, although not on the ground level.
Density Maximum <ul style="list-style-type: none"> <li>Eliminate the maximum density of residential to 3.0. Properties are too small to have 2 banks of elevators for commercial and residential in a typical downtown Victoria project.</li> <li>Has any project in Victoria been built with this form of mixed commercial/residential since implemented over 5 years ago? I think not, because it's not economic or feasible in the Victoria scale of building. You need 40 stories and larger floor footprints.</li> </ul>	No change – requires policy change Not appropriate in CBD (employment area)	Can be re-explored through DCAP review/update
Reduce or eliminate the setbacks. (very restrictive)	No change	Upper storey setbacks are needed to address building separation and livability. Applicants can always apply for a variance if needed.
Clarify projections from what? All these measurements are too constrained.	Section title changed to 'Projections into Setbacks and height - Maximum'	Agreed
Require a maximum of 1 stall per unit over 70 m. Again, think about affordability	No Change	Updated Off-street parking based on actual ownership data
The industrial use of brewery and distillery was never an allowed use and is now included which is potentially completely incompatible with residential uses.	Use has been refined to ensure Brew Pub, Distillery and Winery are not industrial, but rather, small-scale and accessory to commercial uses.	Consulted on this use – multiple examples of site specific zones to allow this use. Limitations on production area (35%) and requires complementary use of food service or retail to maintain active street presence.
Remove 'Light Industrial' as a permitted use as it is currently not allowed in the downtown and Old Town zones	Delete from CBD-1 and CBD-2	The Light Industrial definition was originally added to account for some of the uses in CA-4 and CA-3C that allowed for commercial bakeries, artisan trades, high tech and dry cleaning. However given that the Zoning Bylaw includes new uses such as Studio, Retail Trade and Personal Service, the Light Industrial use will be removed as a permitted use from the new CBD-1, CBD-2 and HCD-1 zones

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Night clubs should not be allowed in buildings that contain residential uses to protect residents rights to peaceful enjoyment	Definitions have been amended to clearly differentiate <b>Food and Beverage Service</b> from <b>Drinking Establishments</b> to provide improved transparency	Nightclubs, pubs and bars are currently permitted as a form of 'Assembly' in most downtown zones including those that allow for residential. Generally allowed through: Theatres, Auditoriums, Gymnasiums and other places of recreation or worship as well as 'Recreation and Entertainment Services'. From a land use perspective bars, pubs and nightclubs are anticipated in the downtown core. However matters of noise, hours of operation, etc. are generally addressed through bylaw enforcement and business licensing.
Need to consider appropriate location downtown for entertainment type uses e.g. night clubs/bars	No Change	Potential to explore through DCAP update in addition to other regulatory tools such as business licensing and bylaw enforcement
The new heights for CBD-1 and CBD-2 are too high. It will get built to the maximum. Too high, too much traffic, wind tunnels, etc. I would suggest a maximum height of 15m for the CBD.	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
Proposed heights for CBD-1 and CBD-2 are too high. The siren call of the developer is seductive and self-interested	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
Proposed heights are too high. I agree with increasing density and multi-use buildings, but 20 storey+ is way too high and would change the cityscape dramatically. Why not cap at 10 storeys (30m)?	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
<b>Historic Commercial District</b>		
Maximum height for the Old Town area should remain at 15m to retain the one-to-five storey "saw tooth" skyline characteristic of the district, except where it pertains only to current development that exists.	No Change	15m height has been retained. Reflects Downtown Core Area Plan.
It is important to preserve the historic area. Restrict the height to less than 15m.	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan – 15m is also the existing zoned height limit in most of Old Town
In the event, any site that currently exceeds the 15m height limit in Old Town is redeveloped, then all new development should conform to the maximum height of 15m.	No Change	Reduced building height could be explored through rezoning, however unlikely that property owners would want a reduced building height
Where exceptions to the height limit of 15m is necessary, every effort should be made to transfer the height through a Transfer of Density that shifts an on-site height density bonus from Old Town, where it is inappropriate, to areas that can	No Change	Density and maximum building height are two separate matters. Heritage Density transfer was explored when DCAP was being developed however analysis indicated that such a system would not be viable in Victoria.

accommodate development with greater density in built form.		
Retain current CA-3C building height calculation (from street level) for waterfront properties that are located on the west side of Store Street. Otherwise average grade regulations will be punitive compared to previous developments where height was calculated from the street.	Height calculation from street level has been retained for those waterfront properties along Wharf Street that currently have this height regulation.	Agree that standardized height calculation is punitive on steeply sloped properties that currently refer to street level.
Delete Light Industrial and replace with service station for site specific regulations where currently permitted	Light Industrial to be deleted as a use	Light Industrial would open up additional uses that are non-compatible. To be added into Bylaw when new zones are developed for existing industrial areas
<b>Bicycle Parking</b>		
<b>Comments</b>	<b>Proposed Change</b>	<b>Rationale</b>
Vertical stacking bikes should be allowed	Vertical bike racks have been included in the updated Off-street parking regulations	Agreed
Need to tighten bike storage requirements – Does the City have any idea of what this space costs to build? Affordability? If a purchaser knew how much that bike stall is really costing I think they would be shocked.	Off-street parking regulations include updated requirements for long-term and short-term bicycle parking	Need for bicycle parking is supported through demand analysis and supports City and regional modal share targets
Summary of proposed parking rates would be better described as “requirements” rather than “rates”.	Title changed to ‘Requirements for Motor Vehicle and Bicycle Parking’	Agreed