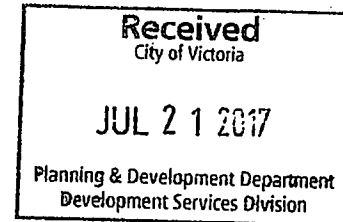


July 7, 2014

City of Victoria
1 Centennial Square
Victoria, BC

Attention: Mayor and Council

Re: Development Permit for Landscape Screen



In July 2012, Victoria city council formally adopted an Official Community Plan ("OCP").

The first stated criteria for the development of the OCP by Victoria was to meet the provincially legislated requirements for an OCP. In that, both the Victoria council and city bureaucracy failed miserably.

The creation of city-wide Development Permit Areas ("DPA"s) and the associated zoning regulations were never disclosed to property owners or residents during the so-called "public consultation period" of the OCP. While approximately 40% of the entire content of the OCP relates to DPA's and their zoning implications, there was no mention of their existence in the OCP until a few weeks before the adoption of the OCP.

To meet the legislated requirements of an OCP, the city then conducted a perfunctory and harried "consultation process" over a few days with select chosen parties with the only public notice being a mention on the cities website and perhaps a notice in the local paper. It should be noted that no less an authority than the Supreme Court of Canada has adjudicated that this type of notice as being insufficient.

Certainly the legitimacy and perhaps legality of the OCP is thus suspect.

The exclusion of the residents of Victoria from the legislated requirement for consultation should be contrasted to neighboring jurisdictions that provided their residents with open and honest disclosure during their OCP processes. Other municipal jurisdictions showcased the DPA component of their OCP while Victoria council and staff chose to hide it. The implications of this ill-advised approach are now beginning to filter to Victoria's residents and property owners whose properties were captured under the OCP.

At July 22, 2017 the city will charge a \$7500 fee to initiate, in this instance, a six-month process to consider the suitability of 3 landscape screens that cost a total of \$12,000 in both third party labor and materials to build. As the property owner I am also required to spend 40-60 hours to meet the submission requirements that run 6 pages and include nine separate plans plus a digital submission.

The rates charged for a DPA are punitive. The reason their inclusion in the OCP was hidden from the public becomes apparent. This is in addition to Victoria already having the highest per capita property taxes of any city in BC (25% higher than Vancouver).

Further to both emails and meetings with Alison Meyer and Chelsea Medd of the planning department, I have been requested/required to submit a Development Permit application for 1032, 1038 and 1044 Harling Lane.

City staff are currently withholding a \$36,000 landscape bond refund due me until such time as council deals with the issue and suitability of this application for Landscape Screens (a defined term in city bylaws) as they are extra items to the previously approved, cash bonded and now completed landscaping development permit.

The above-mentioned individuals have advised me in writing, the city is not obligated to refund my landscape bond for cash bonded work already performed unless and until this application is dealt with by city council.

The Landscape Screens in question could be classified as either a "Pergola" or an "Arbour". The classification seems to favour Arbour as Pergolas can have solid roofs and are permanently fixed while the Arbours in question have open roofs (cross supports only for rigidity and for plant growth) and are primarily secured by bolts to surface saddles (see photo). Anchored in this way, they may not be classified as permanent fixtures or structures. It should also be noted that neither pergola nor arbour are defined terms in city bylaws.

The arbours are designed with open roof beams and with end screens at least 2 feet above grade that will allow climbing plants to eventually cover either one or both ends and top while leaving the long sections open.

The arbours individually measure between 7 ½ - 9 feet wide, approximately 20 feet long and are 9-9 ½ feet high. Of the 5 sides approximately 90% is open space. They are built entirely of locally milled red cedar and are located over top of paver stone patios beneath. Honest trades built them.

The Harling lots have non-standard dimensions with 25% more frontage and 20% less depth than a typical "small lot". Accordingly, the landscape screens require variances due to the less than normal depth of the lots. The screens are only 7-1/2-9 feet wide.

The purpose of the arbours is to provide privacy in the rear yard patio/sitting area from the 3 and 4 story immediately adjacent apartment buildings that overlook the rear yards of the 3 houses. Over time, as plants/vines mature, the patio sitting areas will have privacy from the rental buildings that overlook the rear yards of the single-family homes.

The three arbours were built in addition to the approved landscape design at a cost of approximately \$12,000 for all three.

This concludes the city legislated requirement that I submit a letter to council as a condition of the DPA process.

Yours truly,

Terry Bradshaw