



Planning and Land Use Committee Report

For the meeting of June 5, 2014

Date: May 26, 2014 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: Rezoning Application #00452 and concurrent Development Permit Application #000372 for 777 Fort Street. Application to rezone from the CA-4 Zone, Central Area Commercial Office District, to a new zone to allow additional floor area within the existing building, and new ground floor glazing and entryway.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and concurrent Development Permit Application for the property at 777 Fort Street.

The proposal is to construct 20 m² of additional floor area within the building footprint to facilitate the construction of a new ground floor glazed entry area at the property line similar to where the original storefront would have been located before it was removed in the 1970's. The existing building is legal non-conforming with respect to floor area. The CA-4 Zone, Central Area Commercial Office District, permits a maximum floor space ratio of 3:1, while the existing floor area of the building is 3.4:1. If floor area is added to the building, a rezoning is required.

With respect to the Development Permit Application, the site is located within Development Permit Area 7B: Corridors (Heritage). The existing building was constructed in 1912 and is considered to have some heritage character although it is neither on the heritage register nor is it heritage designated. Over the years, the building's original windows and storefront have been removed; however, the masonry façade remains. The applicant has retained the existing brick and proposes to paint the cornice and construct a new, contemporary entryway, where the storefront would originally have been located.

The following factors were considered in reviewing this application:

- The *Official Community Plan (2012) (OCP)* and the *Downtown Core Area Plan (2011)* policies support commercial land uses in this area at densities up to 4:1 FSR.
- The building was recently purchased by the Vancouver Island Advanced Technology Council (VIATeC). As a registered society under the *Society Act*, VIATeC's mission is to connect people, knowledge and resources to grow and promote the technology sector in Greater Victoria. The presence of this society within Victoria's Downtown advances many of the policy objectives outlined in *Victoria's Economic Development Strategy*.
- Given that this is a minor increase in floor area proposed in a location within the building's footprint and will accommodate a non-profit organization advancing many City planning and economic policy objectives, staff recommend that the proposal proceed as an expedited rezoning. Additionally staff recommend that Council waive the requirement for a Community Association Land Use Committee Meeting (CALUC) and waive the requirement for a Public Hearing as is permitted under Section 890 of the *Local Government Act*.

Recommendations

1. That Council direct staff to:
 - a. proceed with a *Zoning Regulation Bylaw* amendment application for the property located at 777 Fort Street to enable the addition of 20 m² of floor area;
 - b. waive the requirement for a Community Association Land Use Committee (CALUC) Community Meeting;
 - c. in accordance with Section 890 of the *Local Government Act*, Council resolve to waive the requirement for a Public Hearing
2. That Rezoning Application #00452 for 777 Fort Street proceed for consideration Council and that staff be directed to prepare the necessary *Zoning Regulation Bylaw* amendments.
3. Following consideration of Rezoning Application #00452, that Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit Application #000372 dated, May 28, 2014";
 - b. Development meeting all *Zoning Regulation Bylaw* requirements;
 - c. Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Planning and Development.

Respectfully submitted,


Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

MW:aw

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

June 3, 2014

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and concurrent Development Permit Application for the property at 777 Fort Street.

2.0 Background

2.1 Description of Proposal

The proposal is to construct 20 m² of additional floor area within the building to permit the construction of a new ground floor glazed entry. The existing building is legal non-conforming with respect to floor area. The CA-4 Zone, Central Area Commercial Office District, permits a maximum floor space ratio of 3:1, while the existing floor area of the building is 3.4:1. Adding floor area to the building will require a rezoning. Options to allow for the construction of the additional floor area without the need for a rezoning were explored; however, an alternate solution could not be found. The *Local Government Act* does not permit the addition of floor area to a building that is non-conforming in terms of its density entitlement. As a result this rezoning is necessary for the ground floor improvements to take place. The applicant proposes to retain the existing brick façade, paint the cornice and construct a new, contemporary building entry.

2.2 Existing Site Development and Development Potential

The mid-block site has an area of 311 m² and is occupied by a four storey office building. The current CA-4 Zone permits a variety of office and commercial uses at a density of up to 3:1 Floor Space Ratio.

2.3 Data Table

The following data table compares the proposal with the CA-4 Central Area Commercial Office District Zone. An asterisk is used to identify where the proposal does not comply with the existing zone.

Zoning Criteria	Proposal	CA-4 Zone Standard
Site area (m ²) – min.	311	N/A
Total floor area (m ²) – max. Office	1095*	933
Density (Floor Space Ratio) – max.	3.52:1*	3.0:1
Height (m) – max.	14	37.00
Storeys – max.	4	N/A
Site coverage (%) – max.	100	N/A
Open site space (%) – min.	0	N/A

Setbacks (m) – min.		
North	0	N/A
South	0	N/A
East	0	N/A
West	0	N/A
Parking – min.	0	0
Visitor parking – min.	0	0
Bicycle storage – min.	0	0
Bicycle rack – min.	0	0

2.4 Land Use Context

This site is located on the 700 block of Fort Street. This block features many retail businesses at grade and office uses on the second storey and above. Immediately adjacent uses are:

- North (across Fort Street): Retail commercial
- West: Retail commercial
- East: Retail commercial
- South: Surface parking lot.

2.5 Legal Description

Lot 70, Victoria City, Plan 700

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The proposal is consistent with the Core Business Place Designation of the *Official Community Plan, 2012* which envisages commercial, including office, retail and visitor accommodation, in this area located between Douglas Street and Blanshard Street. The floor space ratio for this proposal is also consistent with the Core Employment Place Designation which ranges from a base of 4:1 to a maximum of 6:1.

2.6.2 Downtown Core Area Plan, 2011

The proposal is generally consistent with the *Downtown Core Area Plan, 2011* (DCAP) policies, which recommend that zoning within the Central Business District accommodate a strong concentration of commercial employment uses.

The site is within a Density Bonus Area which provides a base density of 4:1 with a maximum density up to 6:1 FSR for commercial uses. The proposed floor area is below a density of 4:1 therefore density bonus policies are not applicable.

2.6.3 Victoria's Economic Development Strategy, 2012

This rezoning application is consistent with *Victoria's Economic Development Strategy* (VEDS) which Council adopted in 2012. This policy outlines a series of strategic objectives that are applicable to this application as follows:

- *Build on Victoria's existing strengths in high technology and tourism*
- *Create a welcoming environment for new businesses to locate and for existing businesses to grow and expand*
- *Enhance the vibrancy, economy and safety of downtown Victoria*

A key focus area of the VEDS is the "high tech" sector, where the strategy supports the growth of the region's technology sector and attracting a share of firms into the City. Furthermore, the creation of a new space for VIATeC within the Downtown Core achieves both short- and long-term goals within the VEDS.

Short-term Goal:

- *Continue to support the work of VIATeC, GVDA, UVic to grow the tech sector regionally and identify a location for a tech precinct in the City*

Long-term Goal:

- *Explore potential for a tech showcase in downtown, possibly in conjunction with a larger educational presence and possibly including tech incubator space*

2.8 Consistency with Design Guidelines

The proposal is generally consistent with the design policies and guidelines contained within the *Official Community Plan, 2012* and the *Downtown Core Area Plan, 2011* and its Appendices. The design policies most relevant to this application include the following:

Heritage

- 7.13 *Conserve heritage values of the Downtown Core Area and its character-defining elements, such as individual buildings, collections of buildings, streetscapes, structures and features.*

Building and Street Interface Guidelines

- *Encourage building base to be located close to adjacent sidewalks*
- *Encourage articulated facade at building base level, with multiple entrances where possible, extensive glazing, pedestrian-scale lighting, canopies and awnings to provide weather protection for pedestrians*

2.8 Community Consultation

Staff recommend that Council waive the Community Association Land Use Committee (CALUC) meeting requirement for this application. Staff have notified the Downtown Residents Association (DRA) of the application and invited the Chair of the Land Use Committee to City Hall to review the plans. Staff have also informed the DRA that written feedback from the community is welcome as part of this process. If the application proceeds, the Land Use Committee Chair noted they did not anticipate any concerns relating to this application.

3.0 Issues

The following issues are associated with this application and will be addressed in the analysis section of the report:

- Expedited Application
- CALUC Community Meeting Requirement
- Public Hearing Requirement

4.0 Analysis

Normally rezoning applications commence with a CALUC Community Meeting prior to an applicant submitting a rezoning application and there would normally be a Public Hearing associated with a rezoning application. However, as noted above, this application is somewhat unique and staff are recommending a different process to respond to the situation. If Council prefers to not advance this application through this expedited process, an alternate recommendation has been provided in Section 7.2 of this report.

4.1 Expedited Application

In this instance, because the nature of application is so minor and is a result of a legal non-conforming situation, which under Section 911 of the *Local Government Act* necessitates a zoning amendment application, and because the application facilitates the return of floor area that would have historically existed within the building, staff have provided the information, analysis and recommendations contained in this report prior to receiving the normal Council direction.

Additionally, the owner, VIATeC, is a non-profit society that focusses on the economic development of the information technology sector in Greater Victoria. The applicant has indicated they are on a very tight timeline to complete renovations to the building in order to open a new office at the site in September 2014. Given that the changes to the existing building are relatively minor and that VIATeC plays an important role in achieving the policy objectives of *Victoria's Economic Development Strategy*, staff recommend that Council waive the requirement for a Community Association Land Use Committee Meeting and a Public Hearing.

4.2 CALUC Community Meeting Requirement

Council's Community Association Procedures for Processing Rezoning Applications, a CALUC Community Meeting is normally required as a pre-condition to submitting a zoning amendment application. As noted above, this rezoning application is very minor in nature. Staff have notified the Downtown Residents Association (DRA) of the application and referred a set of plans to the CALUC. Staff have also contacted the chair of the DRA Land Use Committee to discuss the proposal. The Chair has not noted any immediate concerns in relation to the proposed application or process.

4.3 Public Hearing Requirement

Section 890 of the *Local Government Act* (attached) allows Council to waive the Public Hearing requirement for a rezoning application. Again, in this instance, because of the minor nature of this application, the strong alignment with City policy, the potential to advance City strategic goals and the project's time sensitivities, staff recommend that Council consider waiving the requirement for a Public Hearing. The general public would still be notified of the rezoning application through a sign on the site, newspaper ads and a mail out to property owners within 100 m of the subject site and the proposed bylaw amendments would be posted at City Hall. If members of the public wish to speak to the matter, they may provide written correspondence to Mayor and Council prior to final reading of the bylaws.

In Victoria, the recommendation to waive the requirement for a Public Hearing is not common practice; however, it has been done in the past to deal with other very minor amendments. Many municipalities use this approach to streamline applications that meet policy or in cases where time is of the essence. This application meets both of these tests and therefore staff are recommending that Council waive the Public Hearing requirement in this instance.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The *Official Community Plan* (2012) (OCP) and the *Downtown Core Area Plan* (2011) policies support commercial land uses in this area at densities up to 4:1 FSR.

The building was recently purchased by the Vancouver Island Advanced Technology Council (VIATeC). As a registered society under the *Society Act*, VIATeC's mission is to connect people, knowledge and resources to grow and promote the technology sector in Greater Victoria. The presence of this society within Victoria's Downtown advances many of the policy objectives outlined in *Victoria's Economic Development Strategy*.

Given the minor nature of this application, the strong alignment with City policy, the potential to advance City strategic goals and the time sensitivities regarding tenancy, staff recommend that Council consider this as an expedited application and the requirements for a CALUC Community Meeting and a Public Hearing be waived.

Recommendations

7.1 Staff Recommendation

1. That Council direct staff to:
 - a. proceed with a *Zoning Regulation Bylaw* amendment application for the property located at 777 Fort Street to enable the addition of 20 m² of floor area;
 - b. waive the requirement for a Community Association Land Use Committee (CALUC) Community Meeting;
 - c. in accordance with Section 890 of the *Local Government Act*, Council resolve to waive the requirement for a Public Hearing
2. That Rezoning Application #00452 for 777 Fort Street proceed for consideration Council and that staff be directed to prepare the necessary *Zoning Regulation Bylaw* amendments.
3. Following consideration of Rezoning Application #00452, that Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit Application #000372 dated, May 28, 2014";
 - b. Development meeting all *Zoning Regulation Bylaw* requirements;
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7.2. Alternative Recommendation (Full Process)

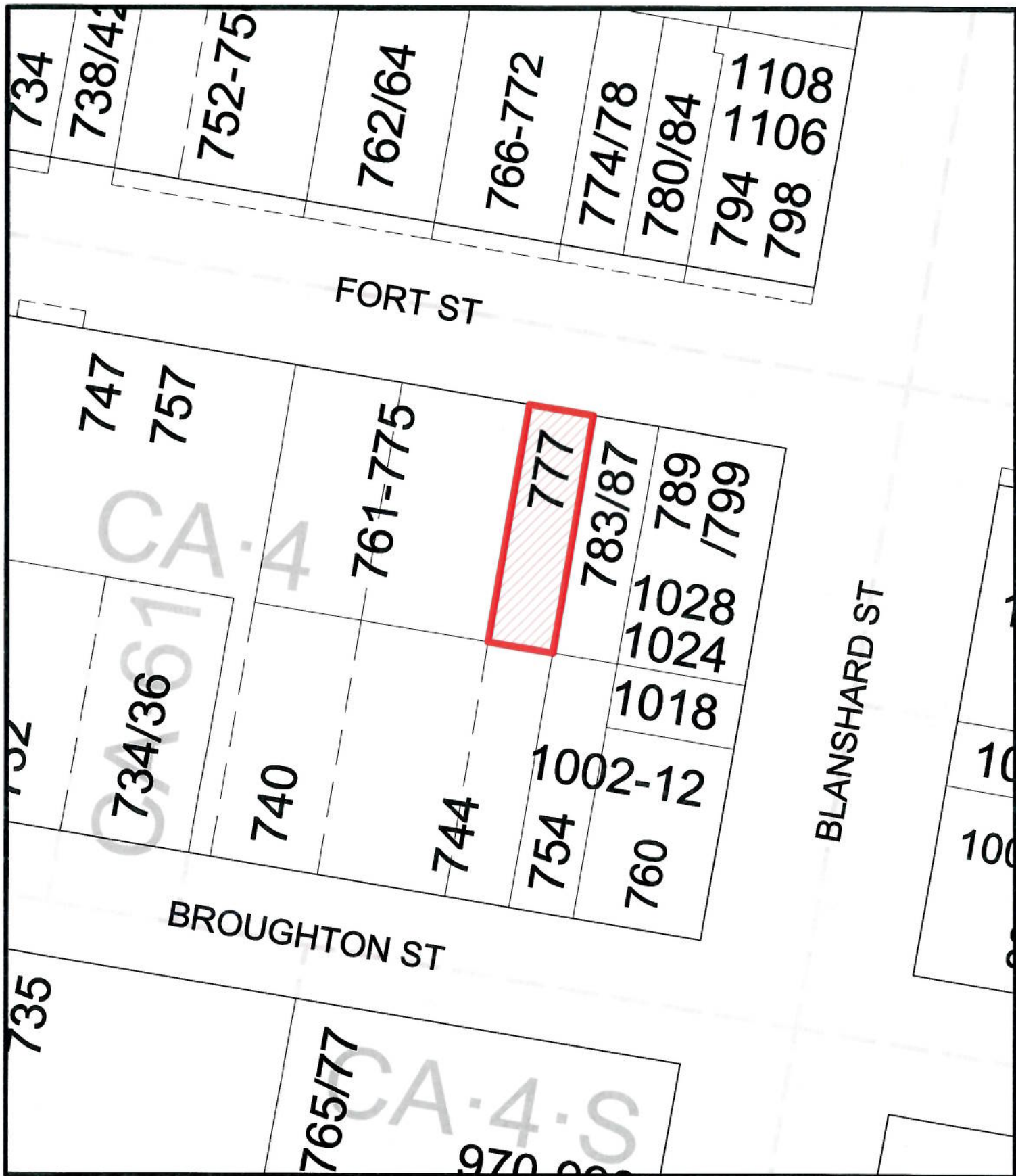
That Council direct staff to advance the application through a normal rezoning process with the normal notification and consultation requirements.

7.3 Alternate Recommendation (Decline)

That Council decline the application Rezoning Application #00452 for 777 Fort Street

8.0 List of Attachments

- Zoning map
- Aerial map
- Legal map
- Letter from the Applicant, dated May 27, 2014
- Plans dated May 27, 2014.
- Section 890 of the *Local Government Act*



777 Fort Street
Rezoning #00452
Bylaw #





Wednesday, May 28, 2014

Mayor and Council
City of Victoria
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Victoria, BC V8W 1P6



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777 Fort Street - Exterior Changes - Development Permit

Dear Mayor and Council ;

We are writing to describe the proposed changes to the north façade of the building at 777 Fort Street in support of our application for a Development Permit.

The building is contained within the boundaries of DPA 7B - Corridors Heritage. It is flanked on both sides by lower and more recently constructed retail buildings and it is not a listed or registered Heritage Building. The north façade fronts onto Fort street and is the only access point in and out of the building.

Currently, the ground floor has an open stairway leading to the basement, an exposed and painted exit stair enclosure with no fenestration, a low planter with a City of Victoria street lamp inserted into it, and a main entrance consisting of sloped glazing and glass entrance (storefront) doors with a quarry tile floor in the lobby space. The elevation has two substantial and well maintained cornices - one at the top of the 14 foot high main floor entryway, spanning from brick piers on either side of the opening, and the second over the 4th floor windows defining the break in the elevation from wall to parapet. The brick façade is in good repair with light tan brickwork providing relief and rhythm through pilasters and panels in the brick detailing, especially at the windows. The windows are vertically proportioned narrow and continuous from the sill level at the third floor to the head at the fourth floor.

We propose to complete the following changes:

- Infill the stairway to the basement level, remove the existing planter and street lamp, and remove the existing lobby entrance and finishes.
- Extend the existing exit corridor from the west exit stair to the street and provide an exit door in a small alcove in the new frontage.
- Paint the exposed east exit stair enclosure.
- Infill the entire entryway opening with a new storefront glazing system that will provide large bi-parting entrance doors to a refurbished lobby. The glazing and mullion pattern in the new storefront will echo the traditional storefront



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divisions of lower transom, large picture windows, and upper clerestory glazing and will be animated through the use of varied mullion spacing and infill panels of coloured glass to reflect the vibrant tenant activity and uses moving in to the building.

- Paint the existing cornices and detail medallions alike with a dark 'midnite' charcoal colour to mute the elements and define them as a unified backdrop to the vibrant and colourful storefront, signage, and interior spaces of the building.
- Apply for a separate Sign Permit to allow the installation of new identification signage on the main façade.

The proposed changes include the extension of the main lobby glazing (storefront) to align with the front of the building on Fort Street, eliminating the existing alcove and open stair leading to the basement level. This will improve the appearance and safety of the main entry area but it also adds approximately 17 m2 of additional enclosed floor area. As result of this increase in area a 'technical' Rezoning and DP is required to capture the fact that the existing building is non-conforming with respect to Gross Floor Area. A variance is also required to allow the façade to extend above the 10m height without setback.

We trust that you will find these changes are in keeping with the goals stated in the OCP for this DP area and will enthusiastically welcome the addition of a significant local 'high-tech' employer and incubator into the downtown core area.

Please contact us directly if you have any questions.

Sincerely Yours,

de Hoog & Kierulf architects

Charles Kierulf architect AIBC MRAIC
Principal

BC LAND SURVEYORS SITE PLAN OF:

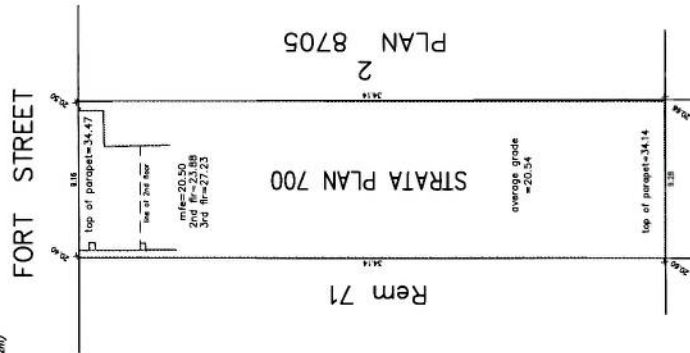
Civic: 777 Fort Street
Strata Plan 700 of Lot 70, Victoria City

Prepared for: Don Robbins

SCALE 1 : 200, Metric
(plot on 8.5" x 11" sheet)

LEGEND

Sections are specific reference to Victoria Integrated
Survey Document 16-114, (Rev. 21/03/04)



May 27, 2014

File : 11833-17

POWELL & ASSOCIATES

B C Land Surveyors

250-2950 Douglas Street

Victoria, BC V8T 4W4

phone (250) 362-8855

1 Survey Plan

Scale: 1:200

Received

City of Victoria

MAY 28 2014

Planning & Development Department
Development Services Division

ZONING BYLAW SUMMARY - EXISTING BUILDING

Zoning	ZONE STANDARD	PROPOSED	EXISTING (IF APPLICABLE)
Site area	CA-4	City Specific	311 sq m
Total floor area	n/a	n/a	1095 sq m
Commercial floor area	n/a	n/a	1095 sq m
Floor space ratio	3.1 max	n/a	3.52
Site coverage	-	n/a	100%
Open site space	-	n/a	0%
Height	43m max	n/a	± 13.93m (T.O. roof parapet)
Number of storeys	-	n/a	4 storeys
Parking Stalls	none req'd	none proposed	-
Bicycle Parking	none req'd	none proposed	-
BUILDING SETBACK			
Front Yard	0.0m	n/a	0.0m
Rear Yard	0.0m	n/a	0.0m
Side Yard (E)	0.0m	n/a	0.0m
Side Yard (W)	0.0m	n/a	0.0m
Residential Use Details	N/A		

AVERAGE GRADE CALCULATION

(A+B)/2 x L = X

SUM OF XS / PERIMETER L TOTAL

A+B (20.60+20.60) / 2 x 34.14 = 699.87

B+C (20.60+20.60) / 2 x 9.28 = 191.45

C+D (20.60+20.60) / 2 x 34.14 = 702.60

D+E (20.60+20.60) / 2 x 9.16 = 182.32

PERIMETER = 34.14 + 9.28 + 34.14 + 9.16 = 86.72

TOTAL = 1781.24 / 86.72 = 20.54m



LOCATION PLAN
(NTS)

Subject Property (Strata
Plan 700)

PROJECT DIRECTORY

ARCHITECT

de Hoog & Keruff architects
977 Fort Street
Victoria, BC V8V 3K3

OWNER

VIATEC Properties Inc.
2nd-2659 Douglas Street
Victoria, BC V8T 5M2

Charles Keruff
tel: (250) 658-3367
fax: (250) 658-3397

PROJECT INFORMATION

CIVIC ADDRESS

777 Fort Street, Victoria, BC

LEGAL DESCRIPTION

Strata Lots 1 through 5, Lot 70, Victoria City,
Plan 700

EXISTING AND PROPOSED ZONING

CA-4 Central Area Commercial Office District
Subject to Rezoning (City Initiated)

EXISTING AND PROPOSED USE

Commercial Office / Retail

SCOPE OF WORK

Facade Refurbishment
New Lobby & Storefront Glazing
Interior Tenant Improvements

DRAWING LIST

Architectural

- A0 Site Survey Plan & Project Data
- A1 Floor Plans - Basement & Main
- A2 Floor Plans - 2nd, 3rd & 4th
- A3 Context & Building Elevations



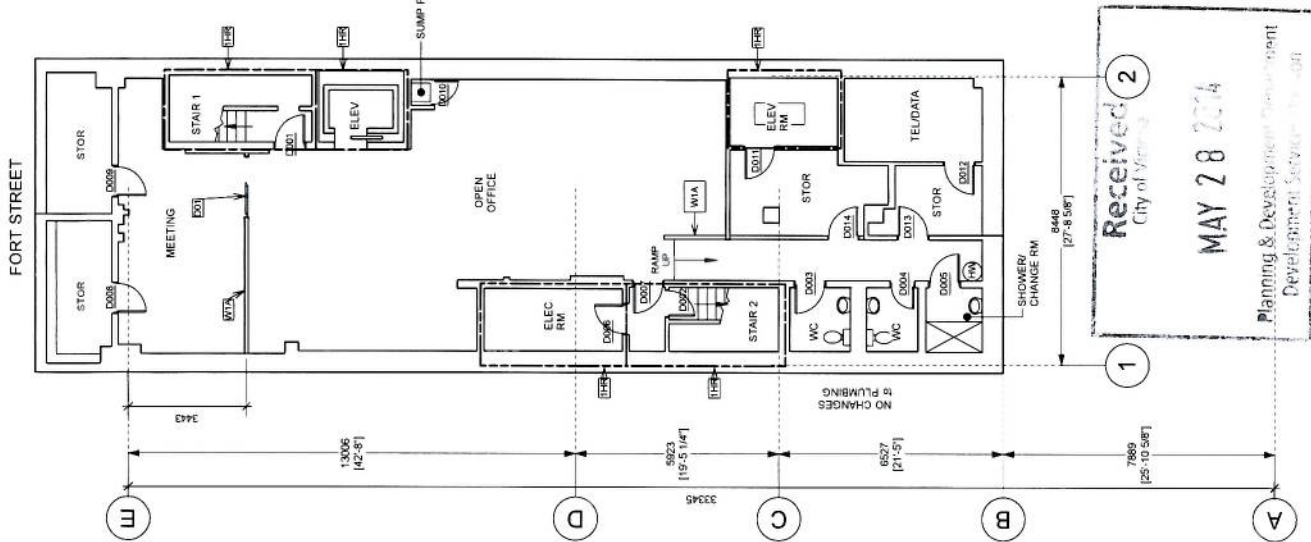
VIATEC

777 Fort Street
Development Permit
28 May 2014

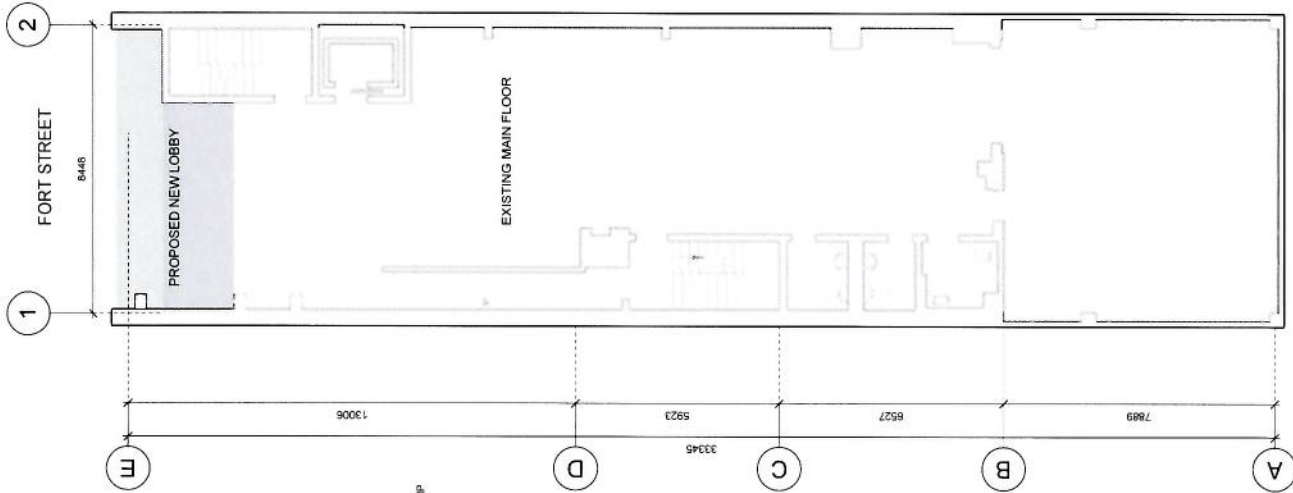
Site Plan and
Project Data

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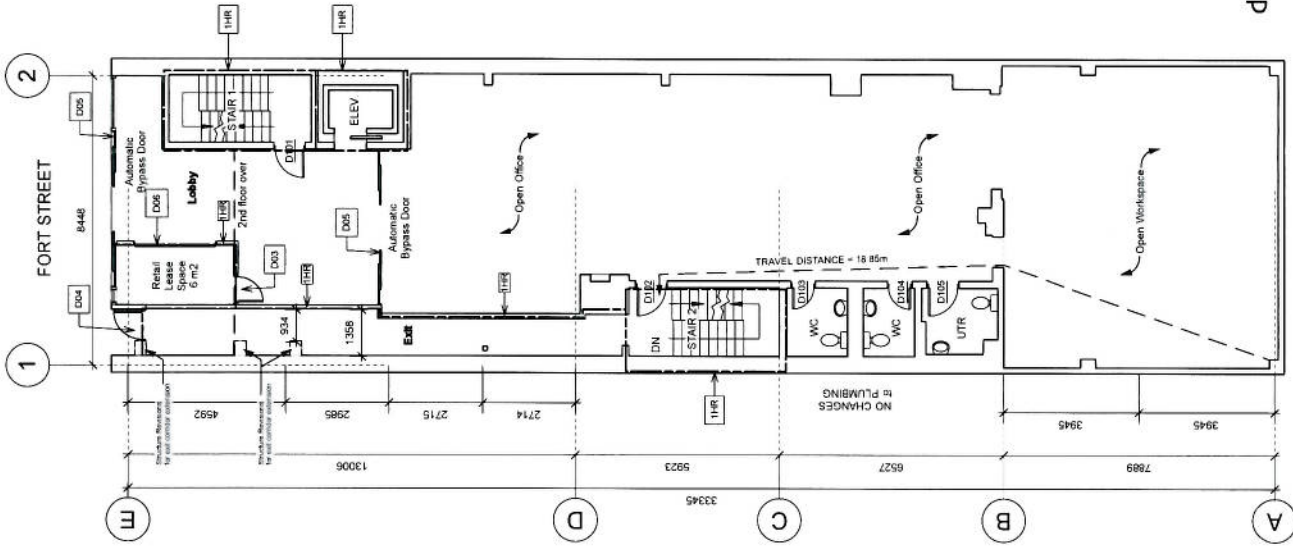
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1 Basement Plan - Proposed
Scale: 1:100



2 Level 1 Plan - Existing
Scale: 1:100



3 Level 1 Plan - Proposed
Scale: 1:100



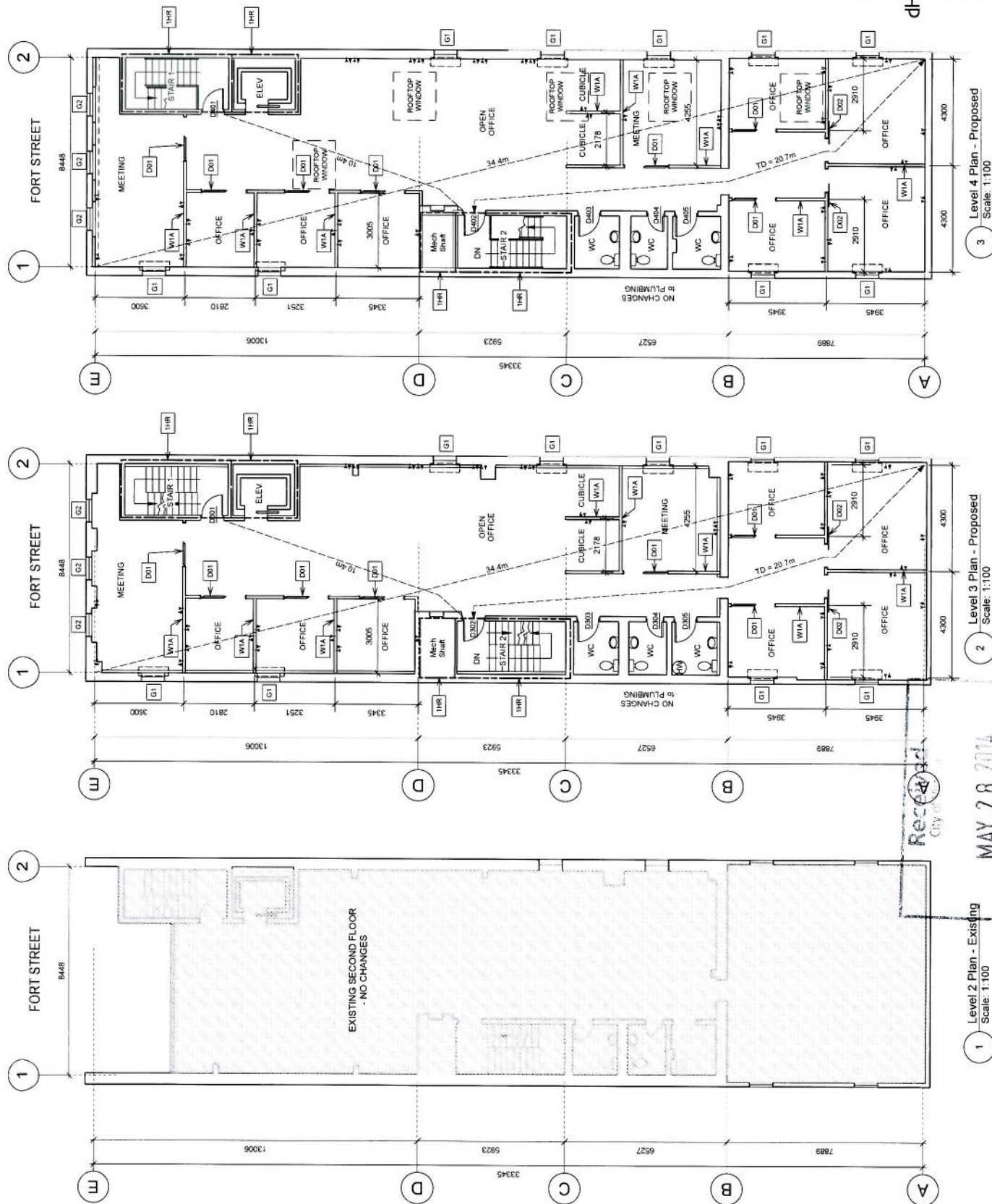
VIATEC

777 Fort Street
Development Permit
28 May 2014

Floor Plans
Bsmt & Main

dHka A1

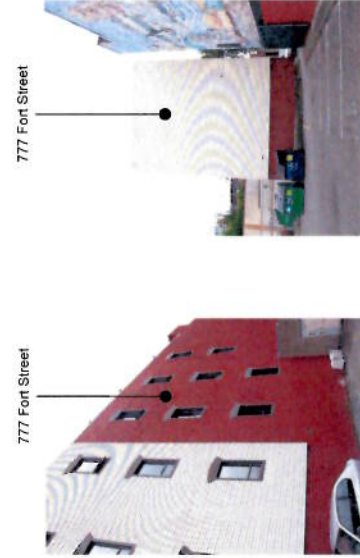
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2 Fort Street Context - Existing



5 South elevation view
- no changes



777 Fort Street
Development Permit
28 May 2014
Context &
Building Elevations



dHka A3

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Fort Street Elevation
Scale: 1:75

MAY 28 2014

Figure 1

Division 4 — Public Hearings on Bylaws

Public hearings

890 (1) Subject to subsection (4), a local government must not adopt an official community plan bylaw or a zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

(2) The public hearing must be held after first reading of the bylaw and before third reading.

(3) At the public hearing all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

(3.1) Subject to subsection (3), the chair of the public hearing may establish procedural rules for the conduct of the hearing.

(4) A local government may waive the holding of a public hearing on a proposed bylaw if

(a) an official community plan is in effect for the area that is subject to a proposed zoning bylaw, and

(b) the proposed bylaw is consistent with the plan.

(5) More than one bylaw may be included in one notice of public hearing, and more than one bylaw may be considered at a public hearing.

(6) A written report of each public hearing, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, must be prepared and maintained as a public record.

(7) A report under subsection (6) must be certified as being fair and accurate by the person preparing the report and, if applicable, by the person to whom the hearing was delegated under section 891.

(8) A public hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing is stated to those present at the time the hearing is adjourned.

(9) Despite section 135 (3) [*at least one day between third reading and adoption*] of the *Community Charter*, a council may adopt an official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Delegating the holding of public hearings

891 (1) If a local government makes a delegation in relation to one or more public hearings,

(a) that delegation does not apply to a hearing unless the notice of hearing under section 892 includes notice that the hearing is to be held by a delegate, and

(b) the resolution or bylaw making the delegation must be available for public inspection along with copies of the bylaw referred to in section 892 (2) (e).

(2) If the holding of a public hearing is delegated, the local government must not adopt the bylaw that is the subject of the hearing until the delegate reports to the local government, either orally or in writing, the views expressed at the hearing.

Notice of public hearing

892 (1) If a public hearing is to be held under section 890 (1), the local government must give notice of the hearing

(a) in accordance with this section, and

(b) in the case of a public hearing on an official community plan that includes a schedule under section 970.1 (3) (b), in accordance with section 974.

(2) The notice must state the following:

(a) the time and date of the hearing;

(b) the place of the hearing;

(c) in general terms, the purpose of the bylaw;

(d) the land or lands that are the subject of the bylaw;

(e) the place where and the times and dates when copies of the bylaw may be inspected.

(3) The notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.

(4) If the bylaw in relation to which the notice is given alters the permitted use or density of any area, the notice must

(a) subject to subsection (5), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and

(b) be mailed or otherwise delivered at least 10 days before the public hearing

(i) to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and

(ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.

(5) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

(6) The obligation to deliver a notice under subsection (4) must be considered satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

(7) Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

(8) In respect of public hearings being held under section 890 (1) or waived under section 890 (4), a local government may, by bylaw,

(a) require the posting of a notice on land that is the subject of a bylaw, and

(b) specify the size, form and content of the notice and the manner in which and the locations where it must be posted.

(9) Specifications under subsection (8) (b) may be different for different areas, zones, uses within a zone and parcel sizes.

Notice if public hearing waived

893 (1) If a local government waives the holding of a public hearing under section 890 (4), it must give notice in accordance with this section.

(2) The notice must state

(a) in general terms, the purpose of the bylaw,

(b) the land or lands that are the subject of the bylaw, and

(c) the place where and the times and dates when copies of the bylaw may be inspected.

(3) Section 892 (3) to (7) applies to a notice under subsection (2), except that

(a) the last publication under section 892 (3) is to be not less than 3 and not more than 10 days before the bylaw is given third reading, and

(b) the delivery under section 892 (4) (b) is to be at least 10 days before the bylaw is given third reading.

(4) to (7) [Repealed 2000-7-144.]

Procedure after a public hearing

894 (1) After a public hearing, the council or board may, without further notice or hearing,

(a) adopt or defeat the bylaw, or

(b) alter and then adopt the bylaw, provided that the alteration does not

(i) alter the use,

(ii) increase the density, or

(iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

(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 hearing

may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member by

(c) an officer or employee of the local government, or

(d) if applicable, the delegate who conducted the public hearing.

(3) After a public hearing under section 890 (1) or third reading following notice under section 893, a court must not quash or declare invalid the bylaw on the grounds that an owner or occupier

(a) did not see or receive the notice under section 892 or 893, if the court is satisfied that there was a reasonable effort to mail or otherwise deliver the notice, or

(b) who attended the public hearing or who can otherwise be shown to have been aware of the hearing, did not see or receive the notice, and was not prejudiced by not seeing or receiving it.