



Committee of the Whole Report For the Meeting of December 7, 2017

To: Committee of the Whole **Date:** December 4, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Zoning Bylaw 2017 – Request for Clarification

RECOMMENDATION

That Council:

1. Receive this report for information.
2. Direct staff to report back to Council in early 2018 with strengthened policy and design guidelines for Old Town and Chinatown, to provide additional guidance for new developments to respond to the characteristics and special features of the areas.

EXECUTIVE SUMMARY

The purpose of this report is to respond to a request by Council for clarity on a number of comments identified by the Downtown Residents' Association (DRA) in a letter dated November 30, 2017 regarding the proposed Zoning Bylaw 2017 that will be considered at a Public Hearing on December 14, 2017. The information presented in this report is consistent with the information that has been previously presented to the public, the DRA and Council.

Zoning Bylaw 2017 has been developed to provide regulations that align with and implement, the Downtown Core Area Plan and that continue to respect the existing context, scale and built form of Old Town and Chinatown and their importance as a Heritage Conservation Area and as a National Historic Site. The new Zoning Bylaw also provides a range of improvements to better support City objectives related to economic development, improving development processes and providing more user-friendly regulations with improved clarity. Over the course of the project, the Zoning Bylaw 2017 has been refined based on extensive public feedback from residents, land owners, businesses and the development industry. Key improvements include improved definitions for brew pubs, distillery and winery, improved distinction between restaurants, bars and nightclubs, removal of light industrial and short-term rentals as permitted uses downtown, and the inclusion of updated off-street parking requirements for motor vehicles and bicycles.

Staff recommend bringing forward supplementary design guidelines for Old Town and Chinatown ahead of the planned five-year review of the *Downtown Core Area Plan*, which would more effectively address the DRA's concerns regarding new development that is complementary to the fine grain characteristics of these areas. These supplementary design guidelines would help to strengthen the policy direction and provide staff and Council with clear design expectations that can be applied through Heritage Alteration Permits and Development Permits.

PURPOSE

The purpose of this report is to respond to a request by Council for clarity on a number of comments identified by the DRA in a letter dated November 30, 2017 regarding the proposed Zoning Bylaw 2017 that will be considered at a public hearing on December 14, 2017.

BACKGROUND

Zoning Bylaw 2017 introduces new zoning regulations that are more simplified and flexible, more user-friendly, provide improved clarity and interpretation, reduce the need for site-specific zoning and variances, and reflect current trends that align and support the land uses and development forms that are outlined in the *Downtown Core Area Plan*.

On October 12, 2017, Council considered the proposed Zoning Bylaw 2017; as well as, initial comments provided by the DRA (Attachment A) and responses from staff, and directed staff to advance the Zoning Bylaw 2017 for first and second reading. At the Council meeting of November 23, 2017, Council gave first and second reading to the bylaw; however, as part of Council's consideration there were some questions raised based on the earlier comments from the DRA. At that meeting, staff committed to provide Council with further clarification on these comments prior to the public hearing on December 14, 2017. On November 30, 2017 the City received a second letter from the DRA (Attachment B) which generally included similar comments to those identified in their original letter. A list of comments from both letters has been compiled in this report along with a detailed staff response to each comment.

The process for developing Zoning Bylaw 2017 has included multiple opportunities for public input and feedback, and has also included several reports to Council to highlight key changes and confirm key directions. The last key consultation process occurred between March and April 2017 with individual meetings and presentations to stakeholder organizations including the DRA, Urban Development Institute (UDI), Downtown Victoria Business Association (DVBA), Heritage Advisory Panel and the Advisory Design Panel. A public open house was also held at City Hall on April 18, 2017, which was attended by residents, property owners, business owners, downtown and other surrounding community associations, developers and architects. The public also had the opportunity to provide feedback directly through email. More recently, staff also met with members from the DRA Land Use Committee on September 21, 2017 to review the key changes outlined in this report and to receive additional feedback. All of the various comments that have been received to date have been carefully considered for refining the Zoning Bylaw, including several comments from the DRA.

ISSUES & ANALYSIS

1. Key Changes to Uses and Regulations

At the meeting of November 23, 2017, Council raised questions related to uses, definitions and regulations. The key changes are summarized as follows:

a. Brew Pub, Distillery and Winery Definition

Based on public feedback, as well as through comments received through the City of Victoria Business Hub, the earlier definition of 'Brew Pub' has been amended to also account for the 'small-scale' production of spirits, wine and other alcoholic beverages. Although the range of products has been expanded, in all cases the area used for production cannot exceed 35% of the total floor area. These uses are also not permitted within 6m of the portion of a building that abuts a street or

pedestrian walkway, except if provided in conjunction with a retail component or food and beverage service. Together, these regulations help to limit these activities to 'small-scale' production and ensure that there are active commercial uses along the street frontage. These requirements are common to the Central Business District and Old Town Area and there are currently several site-specific zones within the CBD and Old Town that permit these activities with similar regulations. Opportunities to undertake a 'full-scale' brewery or distillery would only be accommodated as a light industrial activity within the city's industrial areas such as Rock Bay.

b. Drinking Establishment Definition

To provide improved clarity between uses such as restaurants, bars, pubs and nightclubs a new definition of 'Drinking Establishment' has been introduced. Drinking establishment means *facilities that are licensed through the BC Liquor Control and Licensing Act for the sale and consumption of liquor within the facilities and where entertainment is provided in the form of recorded music, live performances or a dance floor including but not limited to nightclubs, bars and pubs.*

In addition to this new definition, the previous definition of Food, Beverage and Entertainment Service has been renamed 'Food and Beverage Service' and no longer includes reference to 'Entertainment', dance clubs or nightclubs. This proposed distinction between restaurants and drinking establishments provides the public, Council and staff with improved clarity and understanding of each use as a permitted activity within the downtown and avoids blending these uses together or using ambiguous terminology to describe each use. It should be noted that in most current zones within the downtown area, bars, pubs and nightclubs are already permitted as a 'place of recreation'.

c. Light Industrial

Light Industrial has been removed as a permitted use from the Central Business District and Old Town zones. Light Industrial was identified as a permitted use in the earlier draft version of Zoning Bylaw 2017 to reflect a few industrial activities that were included in some older site-specific zones; however, industrial activities within the CBD or Old Town area are not in alignment with the objectives and policies of the Downtown Core Area Plan. Therefore, while Light Industrial is not included in the new zones, any existing 'light industrial' businesses would be permitted to continue their operation as legal non-conforming uses based on the provisions of the Local Government Act. This approach has also been taken to address some existing sites within the Old Town area that are currently permitted to operate with automotive services or as a service (gas) station. Both of these uses are not compatible with current policy directions; therefore, these sites are proposed to be rezoned to the Old Town District-1 Zone which will ensure that redevelopment of these sites is consistent with the surrounding zoning and policy directions for the Old Town area.

d. Short-Term Rental

Based on recent (September 21, 2017) Council direction on short-term rentals, this use has been removed from all of the new zones within the Central Business District and Old Town area. Zoning Bylaw 2017 will continue to include a definition for short-term rental given its link with home occupation regulations; however, it is not included as a permitted use. This change does not impact the operation of hotels, motels or hostels as they are captured under a separate definition of 'Hotel' which is a permitted use.

e. Off-Street Parking Requirements

A comprehensive set of off-street parking requirements for motor vehicles and bicycles is included within Part 5 of the Zoning Bylaw 2017. These updated requirements have been developed through a separate initiative to review the City's overall off-street parking regulations. As a result, off-street motor vehicle and bicycle parking is only required for residential development and hotels within the Central Business District, while the Old Town Area does not have off-street motor vehicle parking requirements given the tight site conditions and as a means to further encourage the retention and

re-use of heritage buildings. Currently in Old Town, the CA-3 Zone requires parking for hotels and residential uses, while the CA-3C Zone does not require parking except for larger offices greater than 2,850m² (30,655ft²). Part 5 also includes updated requirements for long and short-term bicycle parking including regulations for the design and placement of bicycle parking facilities.

2. Comments from Victoria Downtown Residents Association

City staff met with the Victoria Downtown Residents Association (Land Use Committee) several times over the course of the last year to provide them with an overview of the project, to provide them with copies of the draft Zoning Bylaw, proposed zoning maps and to receive comments and feedback that were used to refine the Zoning Bylaw. Following the last meeting on September 21, staff encouraged the DRA to submit a letter to Council with any outstanding comments that could be included with a staff report that was presented to Council on October 12, 2017. A copy of this letter along with a copy of a more recent letter dated November 30, 2017 are attached for reference. Each comment from the DRA has also been identified in the table below along with the related responses that staff have provided to the DRA at various meetings.

DRA Comments (Complete comments are contained in Attachment A and B)	Response in Zoning Bylaw	Rationale
Concern that reduced parking rates for smaller residential units (less than 40m ²), will encourage the development of micro units. Reduced rates should apply to units up to 55m ² in size.	No change in Zoning Bylaw	The new Off-Street Parking requirements contained in Part 5 of Zoning Bylaw 2017 are based on extensive research and analysis which indicate a lower vehicle demand/ownership for smaller residential units, therefore the proposed rate for condominiums has been reduced to 0.65 stalls per Dwelling Unit rather than the current rate of 0.70 stalls. This reduction is fairly minimal and is not considered an excessive reduction that would greatly influence the provision of unit sizes. Rather, as demonstrated through most residential projects, it is anticipated that private developers will continue to provide a variety of residential unit sizes that respond to market requirements. In addition, the suggestion of extending the reduced (small unit) parking rate for residential units up to 55m ² would likely result in new residential buildings being under parked as units of this size generate a higher parking demand (0.8 stalls/unit).

DRA Comments (Complete comments are contained in Attachment A and B)	Response in Zoning Bylaw	Rationale
Concern for ability of land owners to amalgamate multiple parcels which could result in a larger scale development. Suggestion that Zoning Bylaw should include a maximum building size for Old Town	No change in Zoning Bylaw proposed. More effectively dealt with through design guideline updates.	The ability to amalgamate parcels of land is not restricted or regulated through the Zoning Bylaw. A land owner has the legal ability to acquire multiple parcels and assemble them directly through the Land Titles Office. Integrating a pre-determined and fixed maximum building size in the Zoning Bylaw is not seen as the proper tool for guiding this aspect of development especially within the downtown area which has varying site conditions and unique building designs/functional needs. This approach would likely lead to on-going variances. Rather, it would be more appropriate to develop updated design guidelines for the Old Town area and Chinatown that provide improved guidance for how new developments should fit with the established context, scale and special Heritage Conservation Area characteristics of Old Town and Chinatown. Staff are also proposing that these additional design guidelines could be applied in advance of the review and update of the Downtown Core Area Plan which is scheduled for 2018.
Concern that Residential "Lock off unit" is included as a permitted use which could encourage their use as a Short-term rental.	No change in Zoning Bylaw	The inclusion of Residential Lock-off units within the Zoning Bylaw is in alignment with previous Council direction and the Victoria Housing Strategy. These units provide similar economic and social benefits as secondary suites however within the context of a multi-residential building. It should be noted that these uses currently do not exist therefore any new residential lock off units that are developed would not be permitted to be used for the purpose of short term rental which is no longer a permitted use.
Suggest that Northern Junk properties should have also been included in Zoning Bylaw 2017 map.	No change in Zoning Bylaw	The existing waterfront parcels immediately south of the Johnson Street Bridge were not included within Zoning Bylaw 2017 as they are currently undergoing a rezoning process (Northern Junk). However once the rezoning is approved, these parcels could be transitioned into Zoning Bylaw 2017. The parcels immediately north of the bridge were included as they have existing zoning which is similar to the zoning found throughout the Old Town Area (e.g. CA-3)
Concern that brewpubs and distilleries within residential buildings, can be problematic without requirements for specific mitigation measures.	No change in Zoning Bylaw	The inclusion of brew pubs within the new zoning bylaw has been communicated with the public and Council as far back as 2014. Staff agree that these uses require additional regulations therefore Zoning Bylaw 2017 includes new regulations for Brewpubs, Distilleries and Wineries that restrict the floor space used for production to a maximum of 35% as well as requiring the use to be setback a minimum of 6m from any wall that abuts a street, except were the use includes a Retail use or Food and Beverage Service. These regulations ensure 'small scale' production and the continuation of active street fronts. These restrictions are also similar to those that have been applied to several parcels within the downtown and Old Town Area. Any proposed use that exceeds these limits would be deemed to be larger in scale or full-production and would be better suited within an industrial area rather than the Downtown or Old Town Area.

DRA Comments (Complete comments are contained in Attachment A and B)	Response in Zoning Bylaw	Rationale
		In addition, these uses will continue to be subject to the BC Building Code for matters related to health and safety.
Concern that approval of Zoning Bylaw 2017 will end the need for rezoning applications and consultation with the CALUCS.	No change in Zoning Bylaw however potential to update related design guidelines.	Zoning Bylaw 2017 introduces updated uses however it does not confer increases in density. For example, the Old Town District-1 Zone maintains a maximum density of 3:1 and a maximum height of 15m similar to most existing zones in the Old Town Area and consistent with related policies. The site specific regulations in the Old Town Zone also identify specific parcels with existing density limits that are either less than 3:1 or higher than 3:1. This means that if a land owner is seeking a change in their current zoned density they will still require a rezoning process. Therefore Zoning Bylaw 2017 does not remove the need to rezone property or to avoid consultation with the CALUC. Introducing the new zones is also being conducted in accordance with a public hearing and all legal requirements, this will allow the updated and improved regulations to take effect, otherwise without a city-initiated rezoning process the multitude of existing site specific zones will continue to remain along with a range of outdated regulations and definitions. This would be contrary to the intent of providing updated regulations to improve clarity, certainty and improve the development review process.
Concern with no minimum required on-site motor vehicle parking for properties in Old Town especially if new large developments would not be required to provide parking.	No change in Zoning Bylaw	The standardized application of no minimum motor vehicle parking for Old Town is intended to support heritage conservation and to recognize existing site constraints which often result in the need for parking variances. At the same time, there have also been examples of new developments within the Old Town area that have provided on-site parking although the existing zoning may not have required parking. Staff have engaged extensively on this proposed approach with the community, development industry, businesses and Council as part of the review and update of the Off-street Parking Regulations. In general, this approach has been met with strong support and is viewed as pro-active.

OPTIONS AND IMPACTS

Option 1:

Direct staff to report back to Council in early 2018 with strengthened policy and design guidelines for Old Town and Chinatown for additional guidance for new developments to respond to the characteristics and special features of the areas. **(Recommended)**

This proposed approach would expedite the development of design guidelines to address some of the key concerns related to building size that have been identified by the DRA in advance of the five-year review of the Downtown Core Area Plan while also allowing Zoning Bylaw 2017 to advance to a public hearing on December 14, 2017.

Option 2:

Direct staff to develop updated policy and design guidelines for Old Town and Chinatown as part of the subsequent five-year review of the Downtown Core Area Plan.

This approach delays the development of design guidelines as part of the comprehensive review and update of the Downtown Core Area Plan that is expected to commence later in 2018.

Accessibility Impact Statement

The Zoning Bylaw 2017 provides regulations for land use and development on private property and does not have any direct impacts on accessibility as all new development on private property is subject to the requirements of the BC Building Code which address accessibility needs.

2015 – 2018 Strategic Plan

This project directly supports Objective 3: Strive for Excellence in Planning and Land Use, as the proposed Zoning Bylaw 2017 is anticipated to contribute to streamlining application processes by reducing the need for site-specific zones. This project also supports Objective 5: Create Prosperity through Economic Development, as the new zoning regulations serve to facilitate increased investment and development within the Downtown Core Area.

Impacts to Financial Plan

There are no impacts to the Financial Plan required to implement the new Zoning Bylaw 2017 or to develop the supplementary design guidelines. Resourcing for this project is identified in the Financial Plan including the development of additional zones in 2018.

Official Community Plan Consistency Statement

The development of the new Zoning Bylaw 2017 is in direct support of policy 6.3 of the *Official Community Plan* which supports the role of zoning to help implement the various land use designations, objectives, uses, built forms and densities that are described within the OCP Section 6: Land Management and Development.

CONCLUSIONS

The proposed Zoning Bylaw 2017 has been refined based on public feedback received earlier this year and is now suited to better implement the *Downtown Core Area Plan* and support other City objectives related to economic development, improving development processes and providing more user-friendly regulations with improved clarity. Expediting the development of supplementary design guidelines for Old Town and Chinatown would more effectively address the DRA's concerns regarding new development that is complementary to the fine grain characteristics of these areas.

Respectfully submitted,



Robert Batallas, Senior Planner
Community Planning Division

Alt.



Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: Dec 5, 2017

List of Attachments:

- Attachment A: Victoria Downtown Residents Association letter (October 4, 2017)
- Attachment B: Victoria Downtown Residents Association letter (November 30, 2017)



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

October 4, 2017

Re: New Zoning Bylaw – DRALUC Review

Dear Mayor Helps and Council,

The DRA LUC met with City of Victoria Staff on two occasions where we were informed of the intentions relating to the adoption of the new Downtown Zoning Bylaw. Staff represented that the intent of the proposed bylaw is to reconcile the many site specific zones into 4 zones that maintain existing entitlements. It is understood that changes are proposed relating to parking requirements and that additional permitted uses have also been added.

Comments and concerns raised by committee members are as follows;

- The number of parking spots required per unit is proposed to be reduced for units under 40m² in floor area. Concerns were expressed that by setting the threshold for reduced parking requirements at 40m², construction of only this size of unit will be encouraged over units that may otherwise be made even moderately larger. In the interest of providing the best possible livability, it would be appropriate to set the reduction of parking at a higher threshold (perhaps 55m²) so as to not artificially encourage the production of “micro” units.
- Currently there are some very large buildings proposed in the downtown area that have been achieved by amalgamating several small lots into a single large one. These applications appear at odds with the surrounding land use and will have negative impacts on the character of our city. There appears to be no maximum building size in the proposed bylaw and it may be appropriate for Council to consider establishing one, especially in “Old Town”.
- Residential “Lock off unit” is included as a permitted use, apparently as it was identified within the “Victoria Housing Strategy” document as an action item to encourage affordable housing projects. While the intent of encouraging affordable housing is laudable, how this particular use can achieve this is not explained. This use is more closely associated with “timeshare” condominium and the STVR market, and its inclusion should be perhaps reconsidered or more stringently defined.
- While undeveloped waterfront lands north of the Johnson Street Bridge are proposed to be included within the new zoning bylaw, the similarly undeveloped lands surrounding the Northern Junk property have been specifically excluded. Staff has not provided an adequate explanation for the exclusion of these properties from the proposed bylaw.

- The DRA has repeatedly expressed concerns that allowing uses such as brewpubs and distilleries (which are essentially industrial uses) within residential buildings, can be problematic without requirements for specific mitigation measures. Typically these measures have been required through commitments made through the rezoning process. These new permitted uses without the corresponding special regulations will remove the city's ability to obtain these commitments to mitigate for noises, smells and loading considerations. It may be also appropriate to identify other proposed new uses within the zoning bylaw such as "drinking establishment" that should be subject to special conditions and regulations if proposed in the same building as a residential use.

The DRA LUC appreciates that Staff have shared information on the creation of the new Downtown Zoning Bylaw. The DRA continues to express concerns regarding impacts of proposed policy on the rapidly increasing Downtown residential population and appreciates any consideration Council takes in addressing these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Sutherland', with a stylized, flowing script.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

November 30, 2017

Re: Zoning Bylaw 2017 – Unintended Consequences

Dear Mayor Helps and Council,

The current situation of over 70 unique zones across Downtown is both a nuisance and a blessing. A nuisance in that valuable staff and Council time is consumed by zoning amendments that involve minor changes in use. A blessing in that it supports a transparent system of land use governance and citizen participation through the CALUC process.

The DRA has expressed concerns regarding potential unintended consequences that may result if the Zoning Bylaw 2017 is passed as proposed. Our major concerns include:

- Up-zoning of some key properties by adding new permitted uses;
- Facilitating the assembly of large parcels;
- Reducing or eliminating Council's discretion on many development applications (including very large developments);
- Reducing or eliminating public consultation and participation in the development process;
- Reducing or eliminating transparency in the development process; and,
- Eliminating onsite parking requirement in Old Town for all development, regardless of size.

Overview

It is well understood by the DRA that the new bylaw does not intend to offer any additional density not already entitled to a particular property but it is our understanding that it will homogenize the allowable uses across the entire districts; adding many uses that were previously prohibited. The definition of "up-zoning" includes not only changes in density but changing the classification of a property from one with a lower use to that of a higher use.

The blanket zoning proposed (for Old Town in particular) would facilitate the amalgamation of lots with no limit apart from that of the constraints of the city block. Furthermore, we understand that there are no approvals required to amalgamate any number of city lots.

Combined, these two aspects have the potential to create some extremely large and impactful projects in the Old Town and the CBD. The situation is compounded by the fact that any projects proposed would only be governed by the Development Permit (DP) process and guided by their associated policies. We know that the DP process does not require public consultation and severely restricts, if not eliminates, Council's discretionary power to legally shape or decline an application. If variances do not form a part of the application, this process does not go for public comment and would entirely be governed by staff interpretation of policy through private negotiations with the developer. Staff maintains that policies exist to govern form and character for developments proposed under development permits, but recent applications heard at Council have exposed these policies to appear either weak themselves or weakly enforced.

Staff has advised us that details of negotiations with developers during the DP process are private and not available to be shared with the public. This opaque process does not inspire confidence as staff will be the de facto arbiter of policy interpretation. The impact of these interpretations appears enhanced with the new bylaw. This becomes even more worrisome as a "clean" development permit (one with no variances) no matter the size, does not go to public comment at Council (only to Committee of the Whole after an extremely short public notification period).

In order to maintain Council discretion and community consultation on applications that are extremely large, the DRA suggests a maximum building size be included if Council wishes to adopt the proposed bylaw. This would allow the originally promoted housekeeping aims of the new bylaw to proceed but would maintain Council discretion over what would be large and impactful applications. A maximum building size would not prohibit large developments but simply trigger a zoning amendment that would then allow for both public consultation and Council discretion. Existing large buildings need not be "down-zoned" but could simply be grandfathered through the "special regulations" that are currently proposed to protect existing entitlements.

Example in Old Town

The DRALUC has identified several specific properties that we expect could have a substantial impact on our community by reclassification under the Zoning Bylaw 2017. One specific example are the adjoining properties all owned by a single landowner that make up about half a city block at Fisgard, Store and Herald Streets. The current uses are parking lots and unprotected low-rise buildings. You can see on the attached map that half of the lot fronting Store Street is now zoned C-SS. The only allowable use of the C-SS zone is Service Station. Currently this property would need a full rezoning in order to be redeveloped either on its own or developed along with the several adjoining properties also owned by the same owner. Council has a great deal of discretion in handling such a potentially massive application (it would be the largest in Old Town for several decades) and the public has an opportunity to fully participate in the process through the CALUC system.

It is our understanding that once the new zoning bylaw is in place no rezoning will be then required and development of this huge site will proceed unfettered governed only

by the DP process. This is confirmed by the mapping provided by the City showing this property will be included within the proposed OTD-1 Zone. Development of this site under a DP, instead of the current requirement for rezoning, would leave Council, regardless of public sentiment, with little discretionary influence over the possible impacts resulting from the development of an extremely large 175,000 sq ft building within a National Historic Site.

Parking

The Draft Zoning Bylaw within the proposed Old Town Zone also *“proposes no off-street vehicular parking in recognition of site constraints and historic Old Town context”*. While the elimination of the vehicular Parking requirement is already recognised on many sites within Old Town through the CA-3C zone it is also appropriate for small projects that actually have site constraints or are heritage designated. There however appears no rationale to relieve large projects such as the one mentioned above from a requirement for parking. We already know that parking needs to be provided in buildings that wish to offer a wider range of unit sizes required by couples and families. The parking requirement should only be waived for buildings under a certain size incentivising applicants to conform with the Old Town design guideline requirements to promote buildings that are strongly contextual and respect the “small lot and fine-grained” character of Old Town.

Conclusion

The proposed Zoning Bylaw 2017 will create homogenous “catch all” zones across Old Town and the CBD and convert much of the future land use governance to a “by right” system. The danger is that Council will reduce its own and the public’s participation in legislative action and cede much land use administration to an opaque staff-controlled process. The structure of the new bylaw should gain efficiencies in staff and Council time but not at the expense of maintaining transparency and citizen engagement and the discretionary power for Council to intervene as necessary. We believe that further discussions are necessary to improve the proposed bylaw and the associated policies that are to govern the process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Sutherland', with a stylized, flowing script.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning



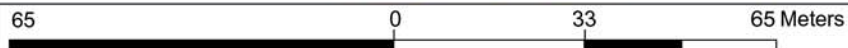
Legend

- Victoria Parcels
Zoning Boundary

1: 1,280



Notes



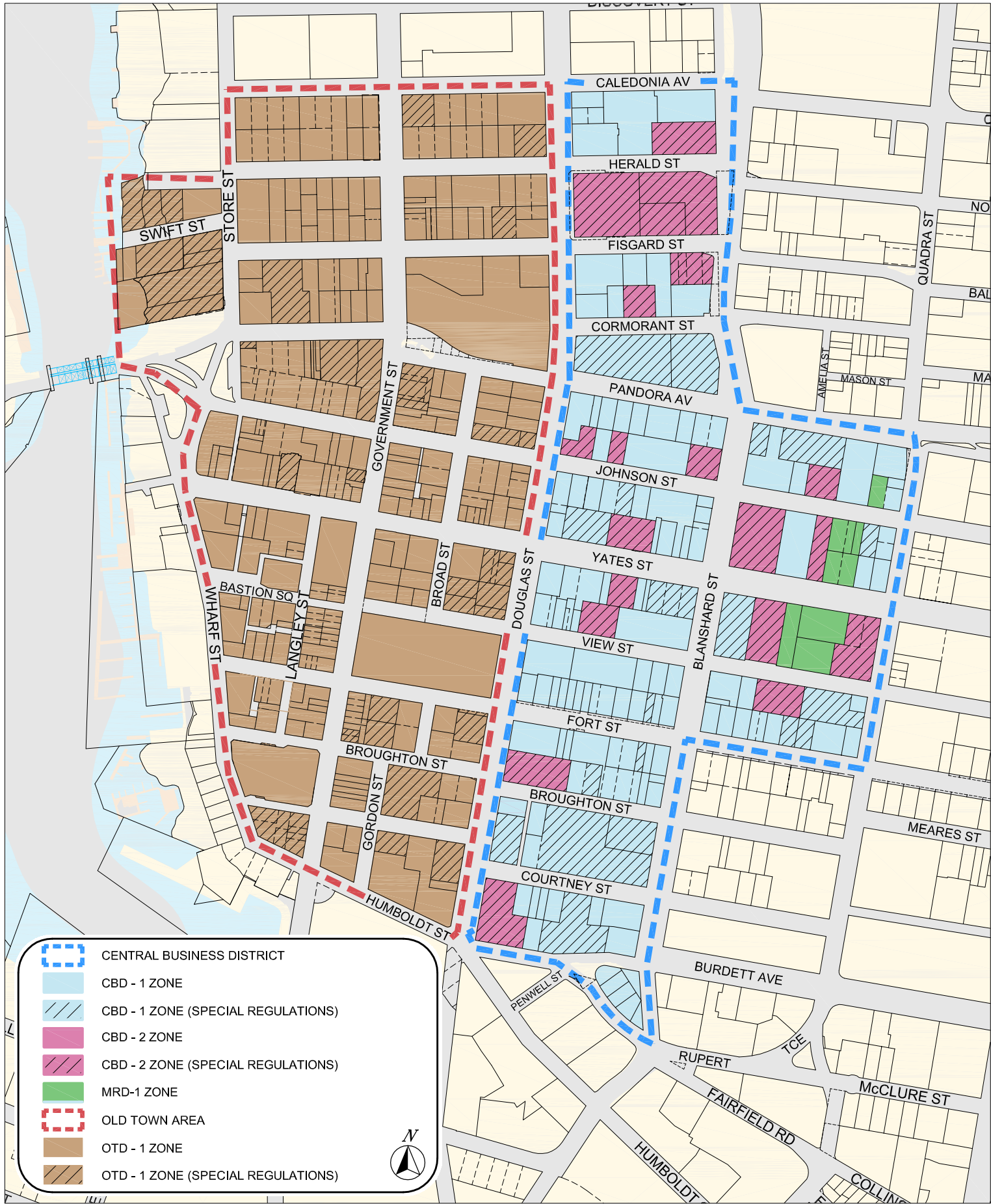
NAD_1983_CSRS_UTM_Zone_10N

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Distribution of Proposed Zones within Central Business District and Old Town Area





December 1, 2017

Mayor and Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Re: Zoning Bylaw Review

Mayor and Council –

UDI Capital Region has met and engaged with staff numerous times over the past year regarding the zoning bylaw review. We would like to thank staff for their open dialogue and willingness to share information. We are aware of the amount of work that has gone into drafting this bylaw and would like to see this come to fruition – not only for the sake of staff but for the development industry as well.

UDI believes that staff have executed a thoughtful, thorough review process; and they have taken a convoluted bylaw and simplified the regulations. This shows progressive forethought and a willingness to embrace the bustling market that Victoria is experiencing. Within this draft bylaw there is more flexibility and added uses and definitions. The changes to the bylaw will enhance the vibrancy of the downtown core, generate tourism, create jobs and help fill vacant retail space.

Staff have invested many hours of work and meetings to engage the industry. Many UDI members are awaiting final approval of this revised bylaw. Some developers are with-holding further advancements of projects due to the uncertainty of the timing for the revised bylaw changes to take place. To hold this bylaw up, with further discussion, will only create more uncertainty in the development industry and prolong the permit process for some developers.

Staff and council should be commended for recognizing that the City of Victoria is evolving – is a small city coming into its own. With this evolution comes opportunity, growth and vibrancy. UDI looks forward to our continued collaboration.

Kind Regards,

A handwritten signature in black ink, appearing to read "Kathy Hogan".

Kathy Hogan
(on behalf of the UDI Capital Region Board of Directors)



December 5, 2017

Mayor and Council
City of Victoria

Re: Zoning Bylaw 2017

Dear Mayor and Council,

In the proposed Zoning Bylaw 2017, we are seeing a shift in the City's redevelopment approval process. This makes the neighbourhood planning process even more important – the OCP (which includes DP guidelines) and the neighbourhood plans have to be kept current in this approach.

This new process lacks transparency, removes neighborhood engagement and oversight, and paves the way for unintended consequences. Discussion of this proposal and its ramifications has been inadequate; it requires a reset, moving on to a full and comprehensive discussion with your civic partners.

The new bylaw would leave the role of CALUC in question. The process of checks and balances would be unclear and possibly open to departmental override.

If there is greater dependency on the OCP to provide overarching development vision, there must also be a clearly outlined process to have Local Area Plans updated in a timely fashion, perhaps every 5 years.

Sincerely,

Janet Simpson, President



James Bay Neighbourhood Association

jbna@vcn.bc.ca
Victoria, B.C., Canada

www.jbna.org

December 6th, 2017

Mayor Helps and Council,
City of Victoria

Re: Zoning Bylaw 2017

Earlier this week, JBNA received a CoV notice regarding Zoning Bylaw 2017. This zoning proposal is another step, which, if implemented, would further reduce transparency of land use governance and citizen participation through the well respected CALUC process.

The JBNA Board requests that Council table Zoning Bylaw 2017 while directing staff to carry out a public consultation process via the established land use consultative process, the CALUC system.

The JBNA Board has been aware of both the diminishing of opportunity for citizen consultation and the transfer, or reduction, or elimination, of Council's discretion in the development process. Among the several documents forwarded to you over the past several years regarding the impact of this shift on the James Bay neighbourhood, two documents, are attached (dated April 22nd, 2015 and October 28th, 2015).

We have recently been informed by staff that:

- the City intends to carry Bylaw 2017 beyond downtown into the James Bay neighbourhood, and
- the City may treat the Ogden Point area outside the local Area Plan for James Bay.

A paragraph in the Downtown Residents Association submission posted on the Committee of the Whole December 7, 2017, agenda, provides a succinct summary of the situation:

"Combined, these two aspects have the potential to create some extremely large and impactful projects in the Old Town and the CBD. The situation is compounded by the fact that any projects proposed would only be governed by the Development Permit (DP) process and guided by their associated policies. We know that the DP process does not require public consultation and severely restricts, if not eliminates, Council's discretionary power to legally shape or decline an application. If variances do not form a part of the application, this process does not go for public comment and would entirely be governed by staff interpretation of policy through private negotiations with the developer. Staff maintains that policies exist to govern form and character for developments proposed under development permits, but recent applications heard at Council have exposed these policies to appear either weak themselves or weakly enforced." *DRALUC letter dated November 30, 2017*

We ask Council to respect the citizenry of our neighbourhood, their needs, and their vision for James Bay.

Respectfully submitted,

President, JBNA

Cc: Chairs, CoV CALUC



jbna@vcn.bc.ca
Victoria, B.C., Canada

www.jbna.org

October 28th, 2015

Mayor Helps and Council,
City of Victoria

Re: Development Permit Exemptions and Delegation Authority

The JBNA Board is opposed to the proposed delegation of authority and exemptions for development permits as detailed in the planning document dated August 27th, presented to PLUC on September 10th.

This response must be considered in context, considering the following:

- October 3rd, 2013, GVHA-JBNA MOU (Fisherman's Wharf)
- April 22nd, 2015, JBNA response to Development/Heritage Alteration Permit Applications & Subdivisions
- September 9th, 2015, submission by Richard Linzey, Chair, CoV Heritage Advisory Panel
- October 1st, 2015, CoV Council - CALUC round-table discussion
- September 25th, 2015, (PLUC Report) Development Summit Action Plan & Final Report presented to PLUC on October 15th.

In effect, the proposal(s) would deny residents of James Bay the opportunity to review developments on most commercial/industrial lands in James Bay, including the contentious on-going and future development of Ogden Point.

The proposal(s) support the CoV's Strategic Plan objectives, outcomes and actions related to empowering staff, delegating decision-making and streamlining residential and commercial development processes but are in direct conflict with the Strategic Plan's objectives related to engaging and empowering the community. Consultation and collaboration on land use matters is the single most important aspect of community engagement. Centralizing and delegating authority as proposed is the direct opposite of "meaningful engagement."

The proposal(s) also undermines the JBNA-GVHA Memorandum of Understanding created by our two organizations and submitted to the City to accompany the rezoning application for Fisherman's Wharf in 2013.

The GVHA-JBNA Memorandum of Understanding was predicated on the opportunity for continuing public review. It was to create a consultation process for further commercial development at Fisherman's Wharf. 'Smaller' DP applications, expected during the first few years, were to give GVHA and JBNA an opportunity to fine-tune our internal processes to deal with these proposals in an efficient and effective way and hopefully pave the way for consideration of the Ogden Point MasterPlan DP process, yet to be determined.

... 2

The Fisherman's Wharf MOU has been breached on several occasions; with a couple of breeches involving development permit applications. JBNA's first notification of one particular DP application was through a PLUC agenda. Upon contacting GVHA about the breach, we learned that GVHA's senior management was not aware of the DP application being forwarded to PLUC (Note: the city had processed the application with only the signature of an employee, not of the executive team). These weren't major projects but the fact that the City also didn't realize that the MOU would have been breached, remains worrisome. Although GVHA was not purposely trying to breach the MOU with the structures, it was a matter of neither the City nor GVHA having internal processes in place that respect the JBNA-GVHA Fisherman's Wharf MOU.

This issue with the Fisherman's Wharf MOU speaks to the importance of elements of the current system. The City process including a PLUC agenda is the community's only back-up for information and often the first public disclosure of a development. We are not suggesting that the existing system should remain as is; however, the proposed system sidelines public review, engagement and collaboration.

A development on a waterlot, of or near 100m² (1000 sq.ft.) is not minor. City staff may not be aware of the very different impacts of water-based businesses versus land-based businesses. On water, 1000 sq.ft. could house a restaurant, a pub, or a manufacturing facility. The design and orientation of a development on water could have significant impacts on nearby residents and other businesses. Public input could alter the orientation of a pub-deck, thereby minimizing impacts; it could alter the location of a facility *vis a vis* other facilities and thereby reduce or negate impacts.

Although the proposed changes purport to "*being advanced in response to some of the outcomes from the previous Development Summits and the City of Victoria Strategic Plan (2015-2018) as they relate to improving development processes and reducing the overall volume of development applications*", the development summits, and any public reviews known to us, have not suggested any exemptions to review for a development on waterlots, yet they are being proposed in the August 27th document.

Speed of approval may be an issue but as the analysis from planning suggests, the greatest time savings for developments would come through efficiencies within the process at City Hall. The CALUC process, and neighbourhood review, was not identified as problematic with respect to time-lapse issues.

On October 1st, at the Council-CALUC round table, the need, and desirability of CALUC to have opportunity and voice was expressed by many. Indeed, one neighbourhood representative expressed the need for all variances and other matters to be referred to CALUC. Words from Richard Linzey's September 9th submission, referring to proposed exemptions and delegations

which were to address **minor** legal technicalities, would apply equally to non-heritage-related developments: *“it is not clear how such exemptions and delegations avoid unintended consequences ...”*.

Such consequences go beyond the loss of public input, they also impose higher workloads on the volunteers who facilitate the CALUC as they search for other means of disclosures and input, increase the credibility gap between “City Hall” and residents, and most of all, signify the rejection of advice/input from committee and CALUC members.

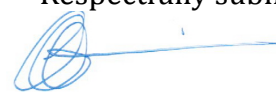
The delegated authority and exemption proposal, in one form or another, has been in front of Council for at least 10 months. As it has come onto various agendas, some input has been sought from neighbourhoods, committees, landlords, and the development community. Sadly, as input has been received over the past year, be it through submissions or at the CALUC round-table discussions, proposals from staff have not changed direction, and have not incorporated input. Instead, we have seen policy proposals which have incrementally reduced CALUC or neighbourhood voices.

Two weeks following the October 1st round table discussions, the September Development Summit Action Plan & Final Report was presented to PLUC. It was as though the October round-table didn’t occur. The system of neighbourhood consultation AFTER staff have developed program or changes puts neighbourhoods in a position of objecting, rather than as partners in the development of our city. Seeking “input” after recommendations are made, does not support collaboration. What it does, is to create a lot of work, duplication, angst and distrust.

The “decline” of opportunity to voice opinion as suggested by Linzey is not confined to heritage reviews; the diminishment of opportunity has been a theme for several months, in spite of the “strengthening communities” narrative.

We ask that delegations and exemptions, as per the August 27th proposal, be tabled pending creation of a process that permits public review and input for any development permit application, be it considered minor or major by staff. It is the residents who know which developments may be minor or major, and who will be living next to and near developments. JBNA has created a collaborative, time-sensitive and mutually respectful process for working with developers and with City staff. Perhaps the pre-meeting “model” may serve as a starting point for developing a DP review process that is compatible with Strategic Plan objectives.

Respectfully submitted,



President, JBNA

Cc: Chairs, CoV CALUC/VCAN



James Bay Neighbourhood Association

234 Menzies St
Victoria, B.C.
V8V 2G7

www.jbna.org

April 22nd, 2015

Mayor and Council
City of Victoria

Dear Mayor and Councilors,

Re: CALUC: Development/Heritage Alteration Permit Applications & Subdivisions

Although this letter was triggered by the March 20th, 2015 communication from Community Planning inviting comment on proposed changes to the OCP to exempt most subdivision applications from requiring a development permit, this submission goes further and addresses community consultation gaps with regard to both Development and Heritage Alteration Permit Applications and to subdivisions.

Council will be aware that James Bay is associated with several new developments, permits, and variance applications each year. We are well aware of the work and tracking required for these applications. At the same time, we realize that for **a neighbour to a property for which there is an application for DPA/HAP/Variance, the impact of such a proposal may have more of an impact on the neighbour than a rezoning proposal.**

Subdivisions could be very important and have significant impacts on our community. As you see from the James Bay section of Map 32 (attached), a large part of James Bay falls within Development Permit Areas. Furthermore, much of this Development Permit Area is currently under review and/or development. Harbour properties, the RBCMuseum and Crystal Court properties, and the Menzies corridor are development permit areas.

With regards to Capital Park, we fully expect subdivision applications coming forward in the years ahead. Through discussions with the developers, we expect DP and subdivision applications to be reviewed at open JBNA meetings prior to City Public Hearings. However, we realize that other developers may not be as respectful of the need for public consultation as the Concert/Jawl consortium.

With regular scheduled meetings and the JBNA Development Review Committee (DRC) process, JBNA has proven to be an efficient facilitator of public consultation meetings. This predictability of process has been appreciated by developers as the "unknown" is more difficult to work with than the known.

JBNA communications, regarding recent rezonings and variance applications, including the 520 Niagara rezoning, have identified the gap that exists with review of these applications. The gap being that sending a letter to CALUC does not constitute a public community consultation process. (See attached excerpts of City statements.)

In 2012, JBNA received a letter referring to a variance application for a development at 408 Dallas (DVP 00110). Members of the JBNA Board reviewed the situation with a visit to the property and became aware of resident concerns. JBNA Board sent a letter of response, dated April 15th, to Council requesting that the variance proposal come forward to the community. No response was received, no community meeting occurred.

We ask Council to DIRECT staff to create a *procedural requirement* to provide neighborhood associations with the right to hold a full CALUC public process for any Variance, Development Permit, Heritage Alteration, and subdivision application process, upon request. This would be in keeping with Council's public commitment to consultation. Given the many DPA/HAP/Variations associated with James Bay, there have only been two over the past 5 years for which the JBNA Board would have requested the CALUC process.

The Public Hearing is properly where decisions are made, not where solutions are found and consultation occurs. The open neighbourhood association public meeting is the place for developers and neighbours to have open discussions to determine sensitivities and explore solutions.

Sincerely,



Marg Gardiner
President, JBNA

Cc: Marc Cittone, Planning
JBNA Board

JBNA ~ honouring our history, building our future

Attach:
Segment of **MAP 32**

Composite Map of
Development Permit Areas
and Heritage Conservation
Areas

