

REPORTS OF COMMITTEES

2. Committee of the Whole – October 12, 2017

5. Zoning Bylaw, 2017 – Direction to Proceed to Public Hearing

Motion:

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second readings prior to a Public Hearing.

Carried Unanimously

5. LAND USE MATTERS

5.1 Zoning Bylaw, 2017 – Direction to Proceed to Public Hearing

Committee received a report dated September 18, 2017, from the Director of Sustainable Planning & Community Development regarding the proposed Zoning Bylaw 2017, which is ready to proceed to Public Hearing.

Committee discussed:

- The letter from the Downtown Residents Association.
- Whether the bylaw could lead to the overbuilding of retail in the downtown.

Motion: It was moved by Mayor Helps, seconded by Councillor Lucas, that Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second readings prior to a Public Hearing.

CARRIED UNANIMOUSLY 17/COTW

proposed Zoning Bylaw 2017 that considers the public feedback and a related enabling bylaw prior to a Public Hearing.

Staff initiated a public consultation process between March and April 2017 that included individual meetings and presentations to key stakeholder organizations including the Urban Development Institute, Downtown Victoria Business Association, Downtown Residents' Association, 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 over 60 people including residents, business owners, downtown and other surrounding community associations, developers and architects. Notices for the open house were advertised through regular print and online outlets and individual postcards were mailed to all property owners, including local, national and international. The public had the opportunity to provide feedback directly at the open house as well as through email.

Following the consultation process, staff compiled and reviewed all feedback that was received and prepared further refinements to the Zoning Bylaw 2017. A complete list of all feedback and proposed changes to the Zoning Bylaw 2017 are included in this report (Attachment 3). Reporting back to Council in May 2017 with the draft Zoning Bylaw 2017 was postponed to allow Council the opportunity to provide direction on the regulation of short-term rentals as this use is common to most of the zones in the downtown area.

Once the new Zoning Bylaw 2017 is adopted it will replace the existing *Zoning Regulation Bylaw* No. 80-159 beginning with the Central Business District and Old Town Area. Staff will then continue to develop additional zones and regulations for other areas of the city, with the intent that Zoning Bylaw 2017 will eventually replace the current *Zoning Regulation Bylaw* No. 80-159 in its entirety.

ISSUES & ANALYSIS

1. 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 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. This helps to ensure that there are active commercial uses along the street level rather than just manufacturing activity. These requirements are common to the Central Business District and Old Town Area. It is anticipated that the opportunity to undertake a full-scale brewery or distillery would be accommodated as a light industrial activity within the city's industrial areas such as Rock Bay.

2. 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 such as nightclubs, bars and pubs 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*. 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 the blending these uses together or using ambiguous terminology to describe each use.

3. Light Industrial

Light Industrial has been removed as a permitted use from the Central Business District and Old Town Area zones. Light Industrial was identified as a permitted use in the earlier draft version 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.

4. Short-Term Rental

Based on recent Council direction on Short-term Rental, this use has been removed from all of the new zones within the Central Business District and Old Town Area. The new zoning bylaw will continue to define 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.

5. Off-Street Parking Requirements

A comprehensive set of off-street parking requirements for motor vehicles and bicycles is included within Part 5 of the proposed 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 parking requirements given the tight site conditions and as a means to further encourage the retention and re-use of heritage buildings. In addition, the new requirements provide a more refined approach for residential uses including reduced parking requirements for smaller residential units, purpose-built rental and affordable housing. Part 5 also includes updated requirements for long and short-term bicycle parking including regulations for the design and placement of bicycle parking facilities.

6. Additional Refinements

A complete list of other minor refinements to the Zoning Bylaw 2017 are included in Attachment 3. In general this includes the key changes outlined above as well minor changes such as improved wording, formatting and refinements to the regulations for projections, rooftop structures, various administrative definitions and location and siting of uses.

OPTIONS AND IMPACTS

Option 1:

Direct staff to advance Zoning Bylaw 2017 to a meeting of Council for consideration of first and second readings prior to a Public Hearing. **(Recommended)**

Given the outcome of the short term rental Public Hearing held on September 21, 2017, and the incorporation of changes from previous public engagement, the proposed Zoning Bylaw 2017 is now ready to proceed through the public hearing process.

Option 2:

Direct staff to further refine the proposed Zoning Bylaw 2017 prior to advancing it to a Public Hearing.

This approach allows Council to direct staff to integrate any further changes.

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. In addition, the City will be undertaking additional consultation on its updated off-street parking regulations which may include additional requirements for barrier-free parking. It is anticipated that the consultation process will also include a direct meeting with the City's Accessibility Working Group.

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. Resourcing for this project is identified in the Financial Plan including the development of additional zones in 2017.

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 the Zoning Bylaw 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

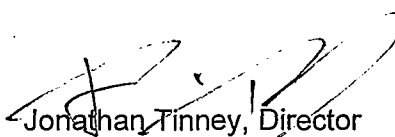
The proposed Zoning Bylaw 2017 has been refined based on public feedback received earlier this year and is now suited to better implement the Downtown Core Area Plan and support other City objectives related to economic development, improving development processes and providing more user-friendly regulations with improved clarity. Once the Zoning Bylaw 2017 is approved it will replace the current Zoning Regulation Bylaw 80-159 for the Central Business District and Old Town Area.

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:

Jocelyn Jenkins

Date:

Oct 3, 2017

List of Attachments:

- Attachment 1: Zoning Bylaw 2017
- Attachment 2: Distribution of proposed Zones within the Central Business District and Old Town Area
- Attachment 3: Zoning Bylaw Comments and Proposed Changes.

Draft - Zoning Bylaw 2017

September 2017

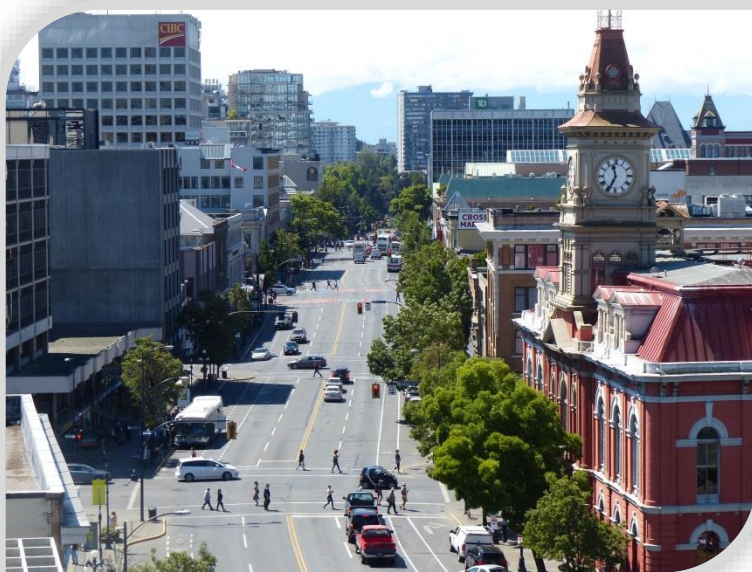


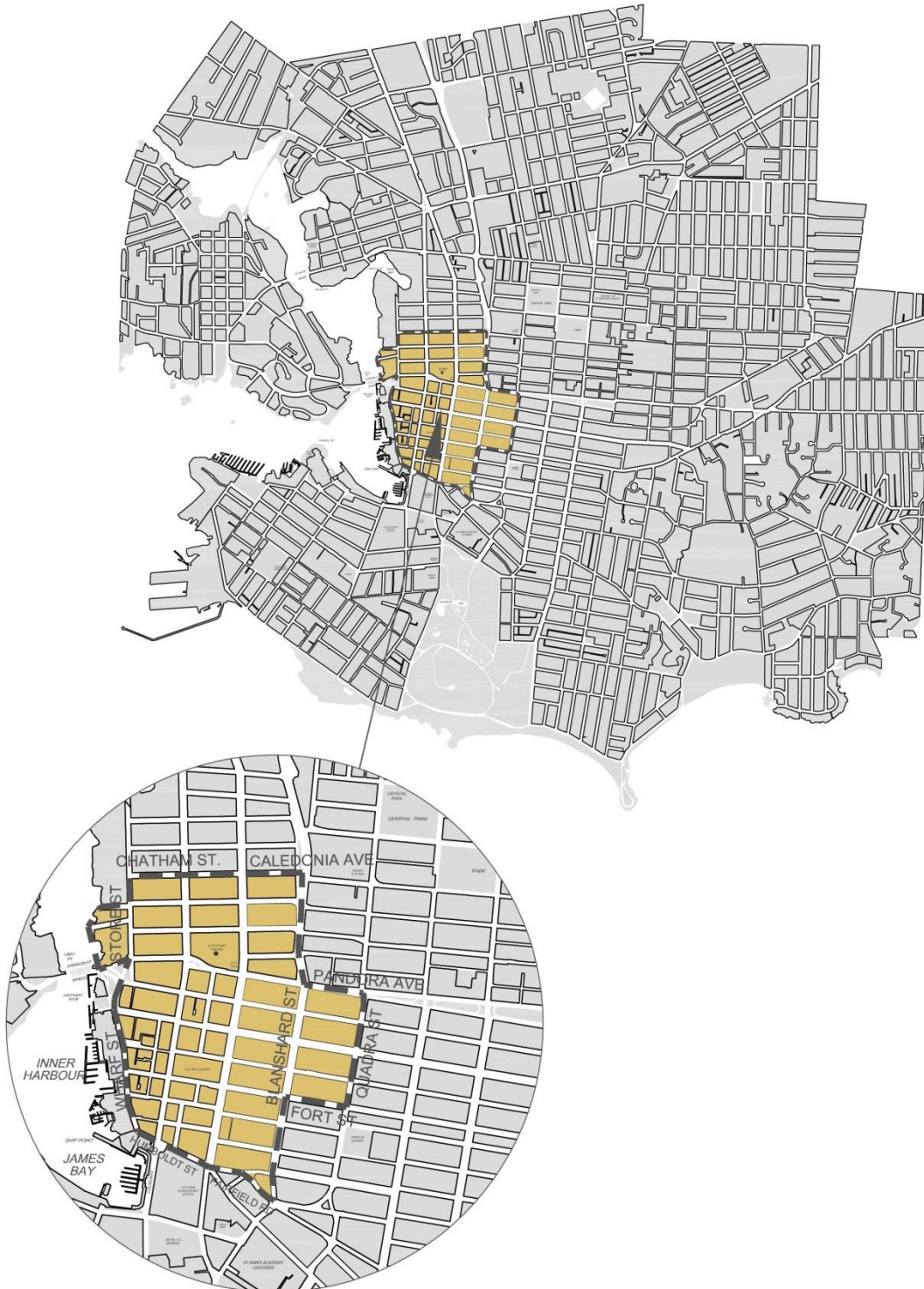
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1.1 Interpretation

1. This bylaw may be cited as the “Zoning Bylaw 2017”
2. This bylaw applies to the area indicated with a dashed line in Map 1.

Map 1: Area subject to Zoning Bylaw 2017



Part 1 – Administration

3. The Zoning Regulation Bylaw No. 80-159 is inapplicable to the area indicated within the dashed line in Map 1.
4. The area to which this bylaw applies is divided into the zones indicated on the Zoning Map, being the zoning information layer in **VicMap**.
 - 4.1 In all civil and criminal judicial proceedings a printout of the Zoning Map, purporting to be certified as such, shall be prima facie evidence of the location of each zone and of the lands included therein as at and since the date of the certificate, without proof of the signature or approval of the Director.
 - 4.2 Whenever any land is removed from one zone into another by a rezoning bylaw the Director shall, forthwith after the adoption of the such bylaw, cause the Zoning Map to be updated to reflect the changes.
5. The regulations, requirements and definitions in Parts 1 through 6 of this bylaw apply to land in the area to which this bylaw applies in accordance with the zoning designations indicated on the Zoning Map, and if Parts 3 through 6 specify regulations and requirements for a particular location within a zone that is identified by civic address, legal description or both, then the specific regulations and requirements take precedence over the general regulations and requirements for the zone.
 - 5.1 Without limiting the scope of section 5, where a property is specifically identified in column A of the “Site Specific Regulations” table in the zone regulations applicable to that property, the specific regulations and requirements set out in column B of that table apply, subject to the conditions or requirements to provide amenities set out in column C, if any.
 - 5.2 Where a property is divided into two or more development areas (DA) as shown in a plan included in the applicable “Site Specific Regulations” table, section 5.1 applies to each development area as if that development area was a separate property.
 - 5.3 In the event of a conflict, the regulations or requirements applicable pursuant to section 5.1 apply despite any other provisions of this bylaw.
 - 5.4 Where a property to which section 5.1 applies is subdivided, section 5.1 applies to all properties that had formerly formed part of that property as if they were individually listed in the table.
 - 5.5 Where a property to which section 5.1 applies is consolidated or otherwise merged with another property, section 5.1 applies only to that part of the new property to which section 5.1 applied before consolidation or merger.
 - 5.6 Where a property is identified in this bylaw by reference to a civic address and a legal description, the legal description shall be deemed to be the correct description in the event of any conflict or inconsistency.
6. For certainty, if the Zoning Map indicates that a Lot lies within two or more zones, each portion of the Lot may be used and built upon only in accordance with the regulations and requirements applicable to that portion under Part 3 or 4.

Part 1 – Administration

7. Unless otherwise indicated on the Zoning Map:
 - 7.1 Streets and lanes are deemed to have the same zoning designation as the abutting land, and any zone boundary that coincides with a **Street** or lane is deemed to be located at the centerline of the **Street** or lane;
 - 7.2 Any zone boundary that coincides with a railway right of way is deemed to be located at the centreline of the right of way;
 - 7.3 The surface of all water is within the same zone as the nearest land to it within the City boundaries unless zoned otherwise; and
 - 7.4 Whenever any land, fronting on a **Street**, railway, or water, is removed from one zone and placed into another that portion of the street, railway, or water to which this section applies shall also be so removed and rezoned.
8. For the purposes of this bylaw, an airspace parcel is deemed to be part of the same **Lot** as the parcel at ground level.
9. In the event of any inconsistency between the text of this bylaw and an illustration or diagram that relates to the text, the text takes precedence over the illustration or diagram.
10. No person shall use land or a **Building** or structure, or allow or permit another person to do so, except in accordance with this bylaw.
11. No person shall place, erect, construct or alter a **Building** or structure, or allow or permit another person to do so, except in accordance with this bylaw.
12. No person shall use land or a **Building** or structure, or allow or permit another person to do so, except in accordance with the requirements of this bylaw in respect of the provision of motor vehicle and bicycle parking spaces, the provision of **Loading Spaces** and the provision of screening or landscaping.
13. An officer or employee of the City appointed to administer this bylaw may enter on land including any place that is occupied as a private dwelling, to inspect and determine whether the regulations and requirements in this bylaw are being met, and in the case of a private dwelling may enter only in accordance with s. 16(5) of the *Community Charter*.
14. A person who contravenes this bylaw is liable to a maximum fine of \$10,000 and, in the case of a continuing offence, each day on which the contravention continues constitutes a separate offence that is subject to that maximum fine.
15. This bylaw may be enforced by means of a municipal ticket information, in which case the offence descriptions and ticket fines set out in the Ticket Bylaw apply.
16. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Density of Development – Maximum” is the maximum **Floor Space Ratio** of any **Building** or structure that may be constructed or erected in the relevant zone.
17. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Height – Maximum” is the maximum Height of any **Building** or structure that may be constructed or erected in the relevant Height Area of the relevant zone shown on Schedule A to Part 6, provided that building features indicated in the relevant table with

Part 1 – Administration

the heading “Projections - Maximum” in Part 4 may project beyond the maximum **Height** to the extent indicated in Items b, c and d of the table.

18. The ratio indicated in a column of a table in Part 4 of this bylaw with the heading “Front Setback Plane – Minimum” is the angle of inclination of the **Front Setback Plane** for any portion of a **Building** or structure that may be constructed or erected in the relevant zone, provided that building features indicated in the relevant table with the heading “Projections - Maximum” in Part 4 may project beyond the **Front Setback Plane** to the extent indicated in the table.
19. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Side and Rear Lot Line Setbacks – Minimum” is the minimum horizontal distance between any portion of a **Building** or structure of the **Height** indicated in the table and the **Side** or **Rear Lot Lines** of the **Lot** on which the **Building** or structure is located, provided that building features indicated in the relevant table with the heading “Projections - Maximum” in Part 4 may project into the minimum setback to the extent indicated in the table.
20. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Corner Lot Setback - Minimum” is the minimum horizontal distance between any portion of a **Building** or structure and the **Corner Lot Lines** of the **Lot** on which the **Building** or structure is located.

2.1 Administrative Definitions

1. In this bylaw,

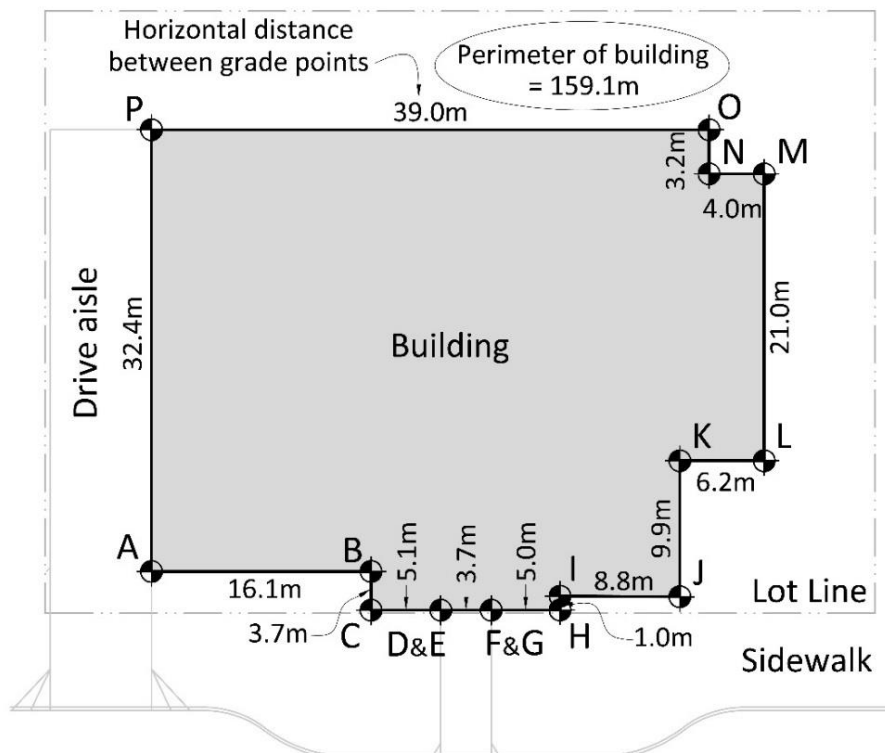
Accessory Landscape Structure means gates, fences, walls, trellis, gazebos, pergolas or a similar ornamental feature which is open to the elements and includes sheds that are less than 9.3m².

Affordable means housing that falls within the financial means of a household in either market or non-market dwellings. Total costs for rent or mortgage plus taxes (including a 10% down payment), insurance and utilities should equal 30% or less of a household's annual income.

Average Grade means the weighted average of the elevations of the surface of land adjacent to the exterior wall of a **Building** or structure, other than any portion of an exterior wall that is in a window well, calculated in the method indicated in the following example:

Grade Points:

Grade point A: 15.7	Grade point F: 14.5	Grade point K: 15.8
Grade point B: 16.0	Grade point G: 15.8	Grade point L: 15.7
Grade point C: 16.1	Grade point H: 16.0	Grade point M: 16.0
Grade point D: 16.0	Grade point I: 16.1	Grade point N: 15.9
Grade point E: 14.5	Grade point J: 15.9	Grade point O: 15.9
		Grade point P: 16.0



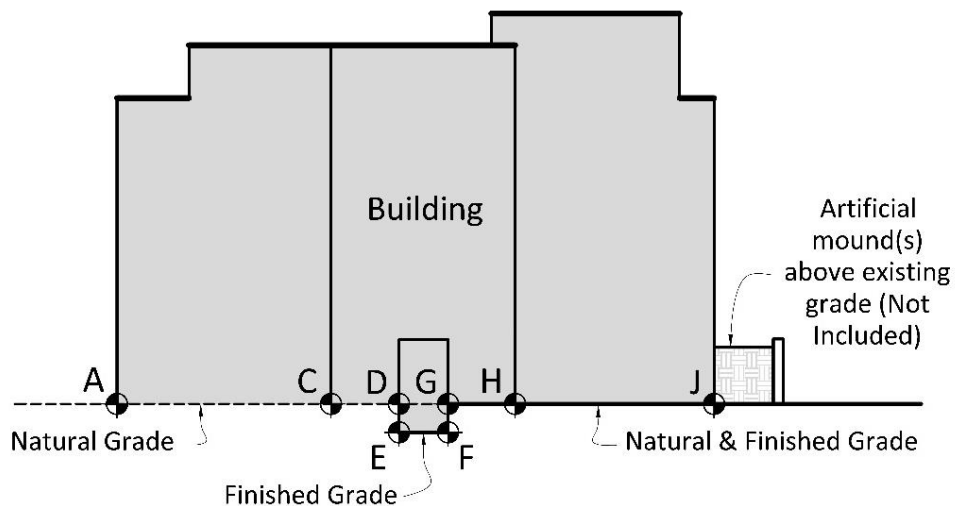
Part 2 - Definitions

Calculation Example:

Grade Points	Average of Points	Distance Between Grade points	Totals
Points A & B:	$((15.7 + 16.0) \div 2)$	x 16.1m	= 255.19
Points B & C:	$((16.0 + 16.1) \div 2)$	x 3.7m	= 59.39
Points C & D:	$((16.1 + 16.0) \div 2)$	x 5.1m	= 81.86
Points E & F:	$((14.5 + 14.5) \div 2)$	x 3.7m	= 53.65
Points G & H:	$((15.8 + 16.0) \div 2)$	x 5.0m	= 79.50
Points H & I:	$((16.0 + 16.1) \div 2)$	x 1.0m	= 16.05
Points I & J:	$((16.1 + 15.9) \div 2)$	x 8.8m	= 140.80
Points J & K:	$((15.9 + 15.8) \div 2)$	x 9.9m	= 156.92
Points K & L:	$((15.8 + 15.7) \div 2)$	x 6.2m	= 97.65
Points L & M:	$((15.7 + 16.0) \div 2)$	x 21.0m	= 332.85
Points M & N:	$((16.0 + 15.9) \div 2)$	x 4.0m	= 63.80
Points N & O:	$((15.9 + 15.9) \div 2)$	x 3.2m	= 50.88
Points O & P:	$((15.7 + 16.0) \div 2)$	x 39.0m	= 618.15
Points P & A:	$((16.0 + 15.7) \div 2)$	x 32.4m	= 513.54
			= 2520.23

Grade Calculation:

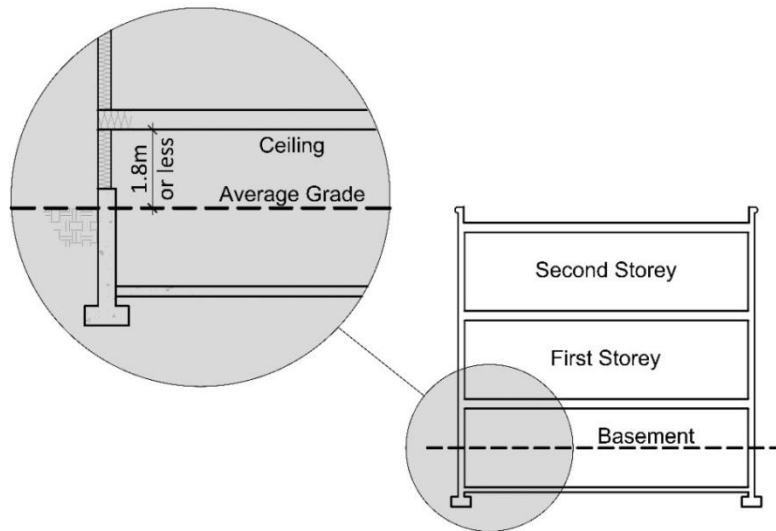
$$2520.23 \div 159.10\text{m (perimeter of building)} = 15.84$$



Balcony means a projecting portion of a Building above the First Storey, the perimeter of which is, on at least one side, wholly unenclosed except by a guard of the minimum Height required by the BC Building Code.

Part 2 - Definitions

Basement means a storey of a building any portion of which is below Average Grade and that has a ceiling that is not more than 1.8m above Average Grade.



Bicycle Parking, Long-Term is intended for long-term users of a **Building**, such as employees or residents, and will consist of a secure space dedicated for bicycle parking within a **Structure** or **Building** on the same **Lot**.

Bicycle Parking, Short-Term is intended for short-term use by visitors and customers and will consist of bicycle racks located in a publicly accessible location at or near a **Building** entrance.

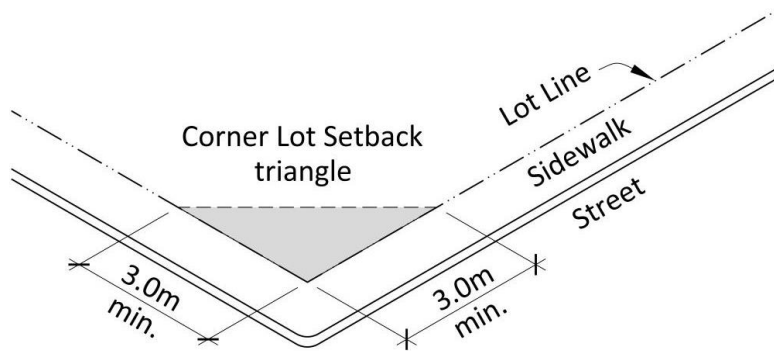
Boundary in reference to a **Lot**, extends throughout its length both upwards and downwards ad infinitum from the surface of the **Lot**.

Building means anything constructed or placed on a **Lot** and used or intended for supporting or sheltering any use, excluding landscaping, docks, wharfs and piers.

Corner Lot means a Lot at the intersection or junction of two or more **Streets**.

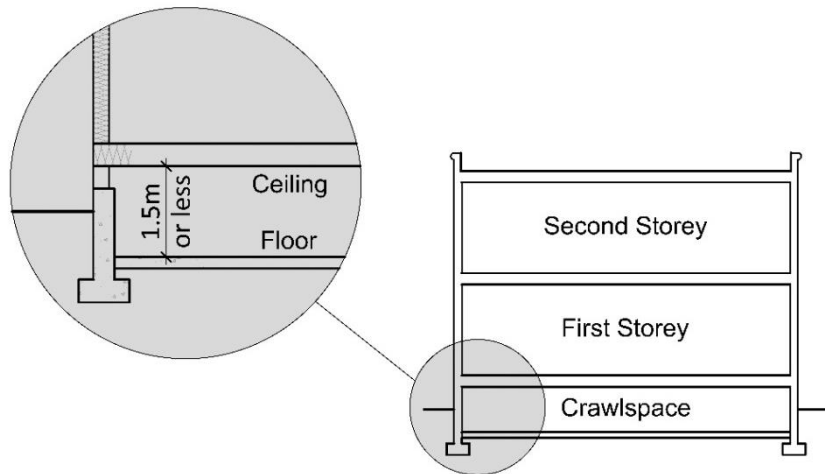
Corner Lot Setback means the triangular horizontal area formed within a corner lot by the intersecting Lot Lines abutting the **Streets** and a straight line connecting them at a distance specified in Part 4 from their point of intersection.

Part 2 - Definitions



Note: 3.0m setback shown for illustrative purposes only. Refer to specific zone for required setback.

Crawlspace means an area beneath the lowest habitable **Storey** of a **Building**, with clearance of 1.5m or less.



Density of Development is the maximum **Floor Space Ratio** of any **Building** or structure of the type that is constructed or erected in the zone for which that **maximum Floor Space Ratio** is indicated.

Director means the person employed by the City of Victoria to perform the duties and functions of the position of the Director of Sustainable Planning and Community Development, as that position title is amended from time to time, and includes persons acting under his or her authority.

Driveway means that portion of a **Lot** that provides access to parking, **Loading Space** or the **Drive Aisle** within the **Lot** and is considered to be the extension of the **Lot's Driveway** crossing, as depicted in Figure 1 of Part 5 of this bylaw. For certainty, a ramp provided to access parking stalls is considered a **Driveway**.

Drive Aisle means a vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls as depicted in Figure 1 of Part 5 of this bylaw.

Dwelling Unit means a self-contained unit comprised of one or more rooms designed as a residence for a single household with a sleeping area, a principal kitchen for food cooking and a separate bathroom facility.

Part 2 - Definitions

Finished Grade means the finished elevation of the ground surface of land following construction or land altering activities.

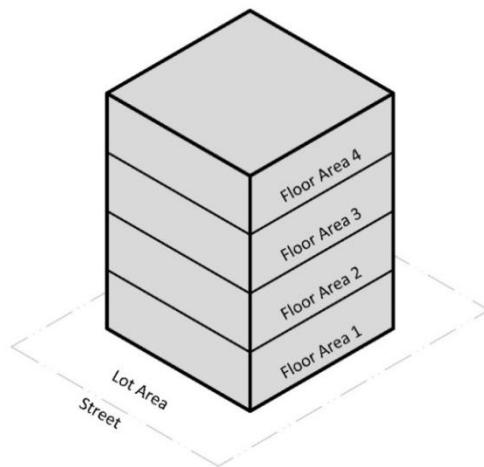
First Storey means the storey immediately above the basement of a **Building**, and in the case of a **Building** without a **Basement**, means the lowest **Storey**.

Flanking Street Lot Line means a **Lot Line**, not being a **Front** or **Rear Lot Line** that is common to a **Lot** and a **Street**.

Floor Area is measured to the interior surface of the exterior walls of **Buildings** and structures, includes the area of any mezzanine, loft or partial **Storey**, and excludes the following:

- (a) the area of any **Balcony**, veranda, exposed deck, patio or roof;
- (b) the area of any **Crawlspace** or **Basement**;
- (c) the area of **Rooftop Structures**; and
- (d) the area that is used to provide bicycle parking required by this bylaw.

Floor Space Ratio means the ratio of the total **Floor Area** of all **Storeys** of all **Buildings** and structures on a **Lot** to the area of the **Lot** on which the **Buildings** and structures are located. The **Floor Space Ratio** of a **Lot** with a water boundary is determined according to the location of the natural boundary at the time the maximum **Floor Space Ratio** regulation is being applied, and not according to any survey previously filed in the Land Title Office.



Floor Space Ratio Calculation:
(Example)

Floor Area 1:	345m ² +
Floor Area 2:	345m ² +
Floor Area 3:	345m ² +
Floor Area 4:	345m ² +

Total (Structure): 1380m²

Lot Area: 460m²

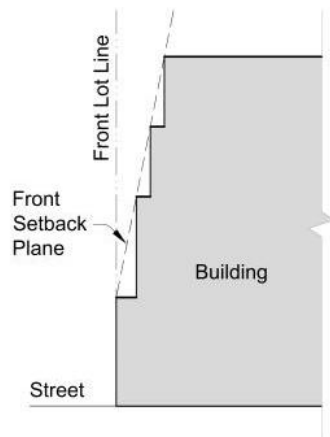
Total (Structure)	1380m ² ÷
Lot Area	460m ²
	3.00 =

3:1

Front Lot Line means the **Lot Line** abutting a public **Street**, and in the case of a **Corner Lot**, the **Lot Line** having the shortest length abutting one **Street** shall be considered the front **Lot Line**.

Part 2 - Definitions

Front Setback Plane means a plane having an angle of inclination expressed as a ratio (rise over run), based at a specified point above the front Lot Line, as illustrated in the following sketch, beyond which no portion of a building or structure on the lot may project.

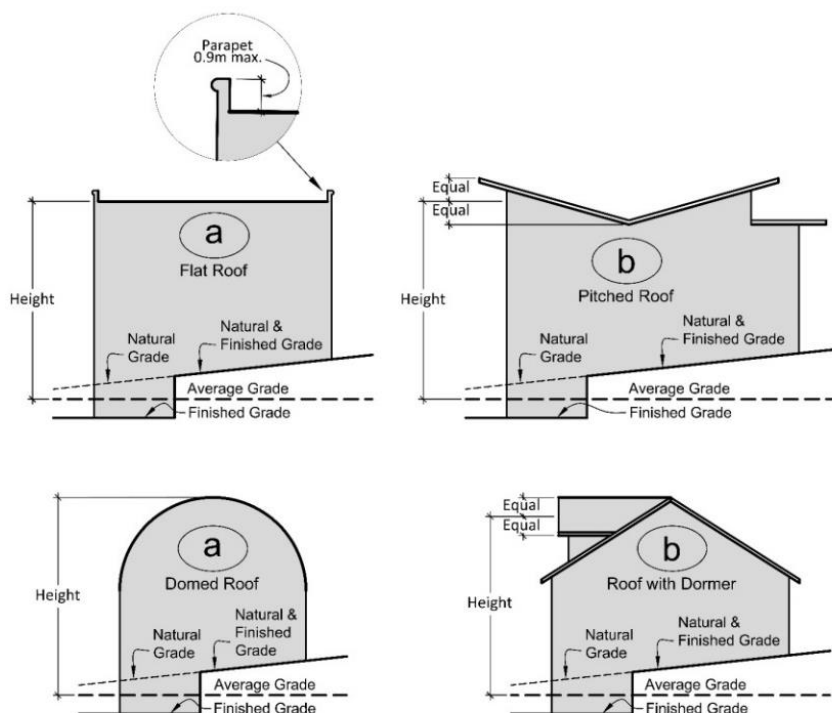


Front Yard means a yard located between the principal **Building** and the **Front Lot Line**, extending the full width of the **Lot**.

Height means the distance measured in a vertical straight line between the highest point of a **Building** and the **Average Grade** directly below the highest point; and is determined as follows:

- (a) for **Buildings** with a flat or domed roof, the highest point is the highest part of the roof;
- (b) for **Buildings** with a pitched roof, the highest point is the midpoint between the highest ridge and the highest eave of the roof; and
- (c) for **Buildings** with a gambrel roof, the highest point is the midpoint between the ridge and the hip line of the roof.
- (d) The highest point excludes any rainwater cistern, **Rooftop Structure**, rooftop greenhouse, stormwater retention or water quality facilities together with their supporting structures.

Part 2 - Definitions



Landscape Screen means a visual barrier formed by shrubs, trees, fences or masonry walls, or any combination of these or like materials.

Loading Space means a parking space associated with a commercial or industrial use that is used temporarily for the loading or unloading of products or materials.

Lot means an area of land, designated and registered at the Victoria Land Title Office as not more than one parcel of land, and if a parcel of land is divided by a highway or another lot, each division thereof constituting a single area of land shall be deemed to be a separate **Lot**, and includes a strata lot in a bare land strata plan but does not include any other strata lot or an air space parcel.

Lot Area means the area of land within the boundaries of a **Lot**.

Lot Coverage means the horizontal area of all **Buildings** and outdoor covered areas on a **Lot**, expressed as a percentage of the **Lot Area**.

Lot Depth means the average distance between the **Front Lot Line** and the **Rear Lot Line** of a **Lot**.

Lot Line means the **Boundary** line of a **Lot**, commonly referred to as the property line, as indicated in a plan registered at the Victoria Land Title Office.

Lot Width means the lesser of the horizontal dimensions of the smallest rectangle within which a **Lot** can be contained.

Natural Grade means the elevation of the ground surface of land prior to any land alteration, including, but not limited to, disturbance, excavation, filling, or construction. Where land alteration has occurred, the natural grade shall be determined by a building inspector on the basis of historical records or by interpolation from adjacent natural grades.

Parapet means a vertical projection of a wall at the outer edge of a roof.

Part 2 - Definitions

Parking Area means all parking spaces, **Driveways** and **Drive Aisles** on a **Lot**.

Permeable means hard surfacing specifically designed to allow water to flow through the surface and into the soil below, but does not include unconsolidated materials such as crushed rock, gravel, grass, earth or other loose materials.

Rear Lot Line means a **Lot Line** opposite to the **Front Lot Line** that spans the width of the **Lot**, provided that in the case of triangular shaped lots with no **Rear Lot Line**, the point of intersection between two **Side Lot Lines** or a **Side Lot Line** and a flanking **Street Lot Line** shall be deemed the **Rear Lot Line**.

Residential Lock-off Unit means a self-contained **Dwelling Unit** with a lesser **Floor Area** than the principal **Dwelling Unit** from which it may be locked off, which must have both independent external access and shared internal access.

Rooftop Structure includes elevator penthouses, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof systems and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.

Side Lot Line means a **Lot Line**, not being a **Rear Lot Line** that separates two **Lots**.

Storey means the space between two floors of a **Building** or between any floor and the roof next above, but does not include a **Basement**, **Crawlspace** or a **Rooftop Structure**.

Street includes a lane, road, sidewalk and other public highway.

Unobstructed Access means the ability of the intended user of the parking space to access and egress to the **Street** at the time that the parking space is required.

VicMap means the electronic geographic information system database maintained by the City of Victoria and made available to the public through the City's internet website.

Zoning Map means the zoning information layer in VicMap as amended from time to time.

2.2 Use Definitions

1. In this bylaw,

Assembly includes places of worship, convention facilities, cinemas, commercial recreation facilities and education and training facilities and does not include commercial casinos.

Assisted Living Facility means premises in which housing, meal services, housekeeping services, laundry services, social and recreational opportunities, a 24 hour emergency response system, and one or two prescribed services as defined in the Community Care and Assisted Living Act are provided by or through the operator to 3 or more adults who are not related by blood or marriage to the operator of the premises.

Automotive Repair means a facility used for mechanical or body repairs, of motor vehicles, but does not include the sale of automotive fuel.

Brew Pub, Distillery and Winery means facilities in which not more than 35% of the **Floor Area** is used for the production and manufacturing of beer, spirits, wine and other alcoholic beverages and includes the **Retail** sale of products made on the premises for consumption off-site and may be provided in combination with **Food and Beverage Service**.

Cannabis means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis.

Care Facility means a day care facility or residential care facility, in each case licensed under the Community Care and Assisted Living Act.

Civic Facility means premises in which government services are provided to the public including a legislature, municipal hall, law court, hospital, fire hall, library, ambulance or police station.

Cultural Facility means facilities used for artistic performances and the display of art and cultural artifacts, and includes art galleries, theatres other than cinemas, and museums.

Drinking Establishment means facilities such as nightclubs, bars and pubs that are licensed through the Liquor Control and Licensing Act for the sale and consumption of liquor within the facilities and where entertainment may be provided in the form of recorded music, live performances or a dance floor.

Equipment Rental means the rental of home, office, garden equipment, sports equipment or motor vehicles.

Financial Service means chartered banks, credit unions, trust companies, insurance brokers or mortgage brokers.

Food and Beverage Service includes the operation of catering establishments, portable food vendors, cafes and restaurants.

Foodstand means a container or structure which holds, shelves or otherwise displays products of **Small-scale Commercial Urban Food Production** for retail purposes outdoors.

Heavy Industrial means fabricating, assembling, processing, cleaning, servicing, testing or storing goods and materials.

Home Occupation means the use of a residential **Dwelling Unit** for the practice of a profession, trade, art or craft, by one or more residents of the premises.

Hotel means a facility offering transient lodging accommodation to the general public and may provide accessory uses such as restaurant, meeting rooms, recreational facilities and includes motels and hostels.

Part 2 - Definitions

Light Industrial means fabricating, assembling, processing, cleaning, servicing, testing or storing goods and materials that does not potentially cause neighbourhood impact beyond the premises through noise, odour, vibration or otherwise.

Office means the provision of administrative, clerical, management, professional or technical services.

Parkade means parking that is regularly available to the general public whether located above or below grade.

Personal Service means services provided to the person of a customer such as barbering, hairstyling, optometry, medical and dental care, and services provided to the apparel of a customer including laundry and dry cleaning services, tailoring, and shoe, jewellery and watch repair.

Residential means a self-contained **Dwelling Unit** of any type, including **Assisted Living**, residential care facilities, studio uses containing dwelling uses and a **Dwelling Unit** associated with an artist's or artisan's studio.

Residential Lock-off Unit means a self-contained **Dwelling Unit** within a multi-residential building with a lesser floor area than that of the principal Dwelling Unit from which it may be locked off, which must have both independent external access and shared internal access.

Retail Liquor Sale means the retail sale of packaged liquor.

Retail Trade means the retail sale, repair, servicing, or refurbishment of consumer goods other than automobiles or automotive fuels, but does not include **Retail Liquor Sale** or **Storefront Cannabis Retailer**.

Short-term Rental means the renting of a dwelling, or any portion of it, for a period of less than 30 days and includes vacation rentals.

Small-scale Commercial Urban Food Production means:

- (a) cultivating and harvesting plants or fungi;
- (b) Beekeeping and harvesting honey;
- (c) Keeping poultry to collect eggs; or
- (d) Sorting, cleaning, packaging, selling or storing for retail purposes the items listed in (a) through (c) above that had been harvested on the premises.

Storefront Cannabis Retailer means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

Studio means a purpose-designed work space for an artist or artisan engaged in an art or craft that is compatible with residential uses, which may include an associated **Dwelling Unit** and in which works produced in the studio may be sold.

Utility means infrastructure that is used to provide water, sewer, drainage, district heat, gas, electrical, or telecommunications service whether located on, above or below ground and includes pump stations and service vaults and kiosks but does not include sewage treatment plants.

3.1 General Regulations

1. Unless a contrary intention appears in another Part of this bylaw, the following regulations apply to all land to which this bylaw applies.
2. Each use that is listed in Part 4 of this bylaw with the heading “Permitted Uses” is permitted in the relevant zone, and all other uses are prohibited in that zone unless a use is permitted under the site specific regulations in which case that use is permitted on the applicable property but is not permitted anywhere else in that zone.
3. No portion of a **Building** located less than 3m from grade shall be located within a **Corner Lot Setback** except for a building pillar or building column.
4. The uses permitted in Part 4 of this bylaw include uses that are normally incidental to and associated with the use.
5. Drive through businesses of any kind, including drive through restaurants and **Financial Service** institutions are prohibited in all zones.
6. Storage of rental equipment in an **Equipment Rental** use must be enclosed in a **Building**.
7. A **Dwelling Unit** or premises in a **Building** in which any commercial use is permitted may be used as a display unit or sales centre for residential **Dwelling Units**.
8. A **Studio** use may include an associated residential **Dwelling Unit** only if at least one artist or artisan engaged in their art or craft on the premises resides in the **Dwelling Unit**.
9. **Home Occupations** must comply with the following:
 - a. A City business license is required;
 - b. The sale of goods on the premises is not permitted, except as accessory to the primary business; and
 - c. A **Home Occupation** may not create noise, electronic interference, dust, odour, smoke or any other nuisance detectable beyond the premises in which it is being conducted, including in any common areas or other **Dwelling Units** in a multiple-unit residential building.
10. **Rooftop Structures** must comply with the following:
 - a. A **Rooftop Structure** must not occupy more than 20% of the roof area of the **Building**; and
 - b. A **Rooftop Structure** must be set back a minimum of 3m from the outer edge of the roof.
11. **Small-scale Commercial Urban Food Production** and sales are permitted in all zones, provided that the use is not noxious or offensive to neighbours or the general public by reason of emitting odor, noise or artificial lighting, and subject to compliance with Schedule B of this bylaw.
12. Rooftop greenhouses must not exceed:
 - a. 3.65m in **Height**; and
 - b. The lesser of 28m² or 50% of the building roof area.

4.1 Central Business District-1 Zone (CBD-1)

1. Permitted Uses					
a. Assembly b. Assisted Living Facility c. Brew Pub, Distillery and Winery d. Care Facility e. Civic Facility f. Cultural Facility g. Drinking Establishment h. Equipment Rental i. Financial Service j. Food and Beverage Service k. Home Occupation		l. Hotel m. Office n. Personal Service o. Residential p. Residential Lock-off Unit q. Retail Liquor Sale r. Retail Trade s. Small-scale Commercial Urban Food Production t. Studio u. Utility			
1.1 Location and siting of Uses					
a. No First Storey Office use is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway. b. The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental. c. No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway, except where the brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service. d. Residential uses and Hotel guest rooms are not permitted on the First Storey of a building. e. Areas used for the storage of garbage or recyclable materials must be enclosed within a Building or screened by a fence or masonry wall that provides a complete visual barrier.					
2. Density of Development - Maximum					
a. Maximum Density of Development :			3.0:1		
3. Height - Maximum					
a. Maximum Height:		HA-1	HA-2	HA-3	HA-4
		72.0m	60.0m	50.0m	45.0m
b. Notwithstanding sub section (a), maximum Height for buildings or any portion located within 40m from the Lot Line abutting the east side of Douglas Street:		45.0m			
4. Front Setback Plane - Minimum		Angle of Inclination			
a. Buildings abutting Blanshard, Douglas or Yates street, for any building portion above 20.0m in Height:		5:1			
b. All other buildings, for any portion above 15.0m in Height:		5:1			
5. Side and Rear Lot Line Setbacks - Minimum					
a. Exterior walls 20.0m up to 30.0m in Height:			3.0m		
b. Exterior walls over 30.0m and up to 45.0m in Height:			6.0m		

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c. Exterior walls over 45.0m in Height:	10.0m
d. Exterior walls abutting Douglas Street 30.0m or more in Height:	9.0m

6. Projections into Setbacks and Height- Maximum

a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:	0.6m
b. Cornices, guardrails, fin walls and sunscreens:	0.6m
c. Parapets:	1.0m
d. Rooftop Structures:	5.0m

7. Motor Vehicle and Bicycle Parking

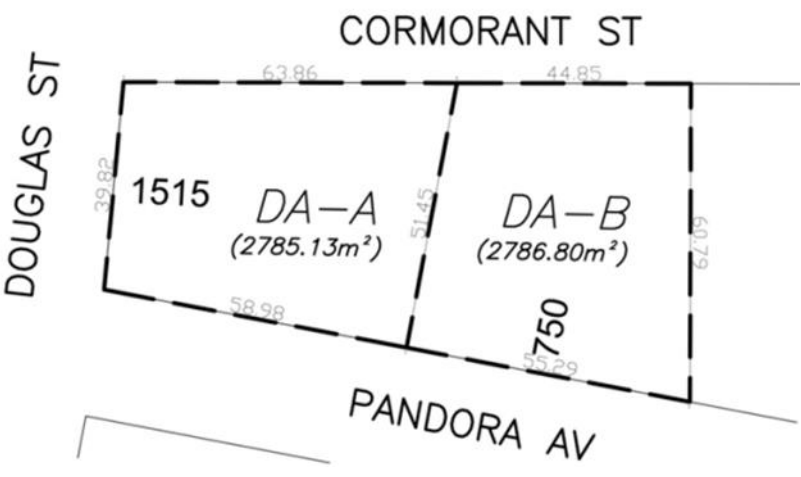
a. All motor vehicle and bicycle parking shall be provided in accordance with Part 5 of this bylaw.
b. Notwithstanding the requirements in Part 5 of this bylaw, all required motor vehicle parking must be located below grade within a Building .

8. Site Specific Regulations

	Column A	Column B	Column C
	Civic Address and Legal Description	Regulations	Conditions
1.	940 Blanshard Street LOT 2 OF LOTS 79-85, 89-92, VICTORIA, VIS4516	a. Maximum Density of Development: 3.08:1	
2.	980 Blanshard Street LOT 1 PLAN 39153 VICTORIA OF LOTS 86/87/88	a. Maximum Density of Development: 3.6:1	
3.	1520 Blanshard Street LOT B OF LOT 1257, VICTORIA, VIP60943	a. Maximum Density of Development: 0.8:1	
		b. At least 60% of the area of the site must be open space.	
		c. No building or structure, other than a public plaza or driveway providing access to underground parking, may be located within 18 m of the western boundary of the site.	
		d. The Height of a structure that is within 18m of the western boundary of the site must not exceed the Height of Pandora Avenue or Cormorant Street, whichever is nearer the structure.	

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	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
4.	734 Broughton Street LOT 63, VICTORIA	a. Maximum Density of Development: 3.3:1	i. At least 15 bicycle parking spaces are provided on the site; and; ii. The Broughton Street frontage of any building on the site is glazed and used for retail trade or restaurant uses only.
5.	735 Broughton Street LOT 1 OF LOTS 79-85, 89-92 VICTORIA, VIS4516	a. Maximum Density of Development: 3.08:1	
6.	740 Burdett Avenue LOT A PLAN 26090 SECTION 88 VICTORIA & OF LOT 100	a. Maximum Density of Development: 3.6:1	
7.	905 Douglas Street LOT A (DD 18381W) OF LOTS 75, 76, 77 AND 94, VICTORIA, PLAN 1061	a. Motor vehicle parking spaces may be provided on a separate lot within 125m of the use for which they are provided, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner of 905 Douglas Street.	
8.	1515 Douglas Street LOT 1 OF LOT 1247, 1248 AND 1257 VICTORIA EPP27886 Development Area – A (DA-A) Development Area – B (DA-B) Note: In this subsection, the “Development Areas” are those depicted in the following sketch as DA-A and DA-B		

		
Column A	Column B	Column C
Civic and Legal Address	Regulations	Conditions
Development Area – A	a. Maximum Density of Development: 2.91:1	
	b. Maximum Density of Development: 3.7:1	i. At least 140 motor vehicle parking spaces are provided underground on the site in addition to those otherwise required by Section 7 of this Part; ii. At least 34 Long-term bicycle parking spaces and 34 storage lockers for use by cyclists are provided on the site.
	c. Maximum floor area for residential uses: in Development Area DA-A must not exceed 7,468m ² .	
	d. Up to 258m ² of floor area used for mechanical equipment on the uppermost storey of a building may be excluded from floor area calculations.	
	e. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.7 spaces per dwelling unit, and for hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces are required.	

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		f. Motor vehicle parking spaces may be provided on a separate lot within Development Area DA-A or DA-B, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	
	(Development Area - B)	g. Maximum Density of Development 2.86:1	
		h. Maximum density of development: 5.88:1	i. a public walkway with an average width of 3.7m and a minimum width at all points of 3m is constructed on the site to connect Pandora Avenue and Cormorant Street, and secured by a statutory right of way and covenant in favour of the City.
		i. Up to 400m ² of floor area used for mechanical equipment on the uppermost storey of a building may be excluded from floor area calculations.	
		j. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces are required.	
		k. Motor vehicle parking spaces may be provided on a separate lot within Development Area DA-A or DA-B, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	

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	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	777 Fort Street STRATA PLAN VIS700	a. Maximum Density of Development: 3.52:1 b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit and for hotel uses is 0.5 spaces per accommodation unit, and no off-street loading spaces are required.	
10.	778 Fort Street THE W 1/2 OF LOT 28, VICTORIA, EXCEPT THE S 8 FT	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 100m ² ; ii. The use is restricted to the ground floor; iii. Only one Storefront Cannabis Retailer at a time is operational on the property.
11.	838 Fort Street LOT 289, VICTORIA, EXCEPT THE SOUTHERLY 8 FEET THEREOF	a. Maximum Density of Development: 2.8:1	
12.	840 Fort Street LOT 290, VICTORIA, EXCEPT THE SOUTHERLY 8 FEET THEREOF	a. Maximum Density of Development: 3.7:1	
13.	727 Johnson Street LOT 33 VICTORIA	a. Maximum Density of Development: 4.35:1	i. Rehabilitation of the existing building on the lands in accordance with the heritage conservation plan in Schedule B of the restrictive covenant registered against the title to the lands pursuant to section 219 of the land Title Act; and ii. Provision of a housing agreement pursuant to section 483 of the Local Government Act to require that all residential dwellings are to be used and occupied as rental units in perpetuity.

Part 4 – Zones

		b. Off-street motor vehicle and Short-term Bicycle Parking are not required.	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
14.	851 Johnson Street LOT 379 VICTORIA	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 25m ² ; ii. The use is restricted to the ground floor.
15.	823 Pandora Avenue LOT A PLAN VIP63518 VICTORIA OF LOTS 402 407 408 AND 409 SEC 339 LGA	a. Parkade is a permitted use, provided that no parking spaces are located within 6m of a street.	
		b. Maximum Density of Development: 3.5:1	i. At least 200 motor vehicle parking spaces are provided within a building.
		c. Maximum Density of Development for Office and Retail trade: 2:1	
16.	812 View Street LOT 1, OF LOTS 304, 305, 326, & 327, VICTORIA, PLAN 27731	a. Maximum Density of Development for Retail trade and Office: 2.0:1	
17.	865 View Street STRATA PLAN VIS3578	a. Maximum Density of Development: 3.2:1	
		b. Not more than 140m ² of floor area on the 12 th storey of any building may be used for Office uses other than medical or dental offices.	
		c. Off-street motor vehicle parking spaces are not required in respect of any floor area on the 12 th storey of any building.	
18.	706 Yates Street LOT A, VICTORIA, PLAN 46366	a. Maximum Density of Development: 3:8:1	i. A building provides at least 1850m ² of floor area on the first floor for retail trade or restaurant use or for pedestrian circulation uses.
19.	769 Yates Street LOT 105 VICTORIA PLAN 1	a. Maximum Density of Development: 3.9:1	

4.2 Central Business District-2 Zone (CBD-2)

1. Permitted Uses					
a. Assembly b. Assisted Living Facility c. Brew Pub, Distillery and Winery d. Care Facility e. Civic Facility f. Cultural Facility g. Drinking Establishment h. Equipment Rental i. Financial Service j. Food and Beverage Service k. Home Occupation		l. Hotel m. Office n. Personal Service o. Residential p. Residential Lock-off Unit q. Retail Liquor Sale r. Retail Trade s. Small-scale Commercial Urban Food Production t. Studio u. Utility			
1.1 Location and siting of Uses					
a. No First Storey Office use is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway. b. The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental. c. No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any Building that abuts a street or pedestrian walkway, except where the Brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service.					
2. Density - Maximum					
a. Maximum Density of Development:		4.0:1			
b. Maximum Density of Development for Residential uses		3.0:1			
3. Height - Maximum					
a. Maximum Height:		HA-1	HA-2	HA-3	HA-4
		72.0m	60.0m	50.0m	45.0m
b. Notwithstanding sub section (i) above, maximum Height for buildings or portion of located within 40m from the Lot Line abutting the east side of Douglas Street:		45.0m			
4. Front Setback Plane - Minimum		Angle of Inclination			
a. Buildings abutting Blanshard, Douglas or Yates Street, for any portion above 20.0m in Height:		5:1			
b. All other buildings, for any portion above 15.0m in Height:		5:1			

Part 4 – Zones

5. Side and Rear Lot Line Setbacks - Minimum

a. Exterior walls 20.0m up to 30.0m in Height:	3.0m
b. Exterior walls over 30.0m and up to 45.0m in Height:	6.0m
c. Exterior walls over 45.0m in Height:	10.0m
d. Exterior walls abutting Douglas Street 30m or more in Height:	9.0m

6. Projections into Setbacks and Height - Maximum

a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:	0.6m
b. Cornices, guardrails, fin walls and sunscreens:	0.6m
c. Parapets:	1.0m
d. Rooftop Structures:	5.0m

7. Motor Vehicle and Bicycle Parking

a. All motor vehicle and bicycle parking shall be provided in accordance with Part 5 of this bylaw.
b. Notwithstanding the requirements in Part 5 of this bylaw, all required motor vehicle parking must be located below grade within a Building .

8. Site Specific Regulations			
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
1.	1321 Blanshard Street LOT A OF LOTS 368-370, 385-387 VICTORIA, VIP83640	a. Maximum Density of Development: 5.0:1	i. At least 80% of the floor area is used for office uses; ii. The south and west frontages of any building on the site are glazed and used for retail trade or restaurant uses only; iii. Public art having a value of at least \$100,000 is provided on the site; and iv. At least 160 motor vehicle parking spaces are provided underground on the site and at least 125 of the spaces are made available for general public use after ordinary office hours.

Part 4 – Zones

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
2.	1701 Douglas Street/770 Fisgard Street LOT 1 OF LOTS 692 TO 696 INCLUSIVE, AND OF LOTS 707 TO 711 INCLUSIVE, VICTORIA, EPP3862 (Development Area 1)	a. Maximum Density of Development: 3.26:1	i. At least 50% of the floor area of each development area is Residential; ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.
		b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces, and no off-street loading spaces, are required.	
		c. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	

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3.		d. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1 cm for each 5cm of building Height that exceeds 10m.	
	780 Fisgard Street LOT 2 OF LOTS 696 TO 698 INCLUSIVE, AND OF LOTS 705 TO 707 INCLUSIVE, VICTORIA EPP3862 EXCEPT PART IN AIR SPACE EPP38768 (Development Area 2)	e. Maximum Density of Development: 4.88:1	<p>i. At least 50% of the floor area of each development area is residential;</p> <p>ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and</p> <p>iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.</p>
		f. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces, and no off-street loading spaces, are required.	

Part 4 – Zones

4.		g. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces	
		h. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1cm for each 5cm of building Height that exceeds 10m.	
	1700 Blanshard Street LOT A, OF LOTS 699 TO 700 INCLUSIVE, AND OF LOTS 703 TO 707 INCLUSIVE, VICTORIA, PLAN 13333, EXCEPT PART IN PLAN EPP3862 (Development Area 3)	i. Maximum Density of Development: 7.47:1	i. At least 50% of the floor area of each development area is residential; ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and iii. The owner enters into a Housing Agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.
		j. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.7 spaces for Residential uses, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street	

Part 4 – Zones

		parking spaces, and no off-street loading spaces, are required.	
		k. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces	
		l. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1cm for each 5cm of building Height that exceeds 10m.	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
5.	1810 Blanshard Street LOT A, OF LOTS 717-720, VICTORIA, VIP52793	a. Maximum Density of Development: 5.0:1	i. The site has an area of at least 2,000m ² ; ii. No fewer than 80 underground motor vehicle parking spaces are provided on the site; and iii. At least 10% of the area of the site adjacent to the intersection of Blanshard and Herald Streets is an open plaza to a Height of at least 5.5m above grade.
		b. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per dwelling unit, and for office uses is 1 space per 170m ² of floor area.	
6.	720 Broughton Street LOT A PLAN VIP59410 VICTORIA OF LOTS 57 58 59 AND 60	a. Maximum Density of Development: 4.6:1	i. The site has an area of at least 2500m ² ; ii. All motor vehicle parking spaces are provided underground; iii. At least 425m ² of open space is provided on the site; and iv. At least 50% of the site frontage on

Part 4 – Zones

			Douglas and Broughton Streets is in use for retail trade, restaurant or financial services uses having direct pedestrian access from one of those streets.
		b. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per Dwelling Unit and for Office uses is 1 space per 95m ² of floor area, and no other motor vehicle parking or loading spaces are required.	
7.	732 Cormorant Avenue STRATA PLAN VIS5950	a. Maximum Density of Development: 4.75:1	i. At least 50% of the floor area on the site is residential.
		b. Residential uses are permitted on the First Storey.	
		c. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.6 spaces per dwelling unit.	
8.	809 Douglas Street LOT 1 OF LOTS 95-98 AND 104, VICTORIA VIS6797	a. Maximum Density of Development: 5.5:1	i. At least 10,000m ² of residential floor area is provided; ii. Retail Trade and restaurant uses only are operated at grade level; iii. Landscaped open space accessible to the public is provided at grade level; iv. All motor vehicle parking spaces other than those for visitor use are provided underground; and v. Public art having a value of at least \$150,000 is provided on the site.

Part 4 – Zones

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	1405 Douglas Street LOT 1 OF LOTS 139 & 140, VICTORIA, PLAN 21972	<p>a. Maximum Density of Development: 4:1</p> <p>b. Individual Retail Trade and restaurant premises must have a floor area of at least 70m².</p> <p>c. Grade level Douglas Street site frontage and Johnson Street site frontage that is within 6m of Douglas Street may be used only for retail sales and restaurant uses.</p> <p>d. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per dwelling unit, and for office uses is 1 space per 95m² of floor area in excess of 2850m².</p>	
10.	741 Fisgard Street LOT 684 & LOT 683, VICTORIA, EXCEPT PART SHOWN COLOURED RED ON PLAN 316 BL, THE E 1/2 OF LOT 685 AND THE W 1/2 OF LOT 685, VICTORIA	a. Maximum Density of Development: 7.6:1	<p>i. A public walkway at least 3.7m wide is constructed on the site at mid-block to connect Fisgard Street to the southerly boundary of the site, and secured by a statutory right of way in favour of the City;</p> <p>ii. A statutory right of way is granted to the City for the 2 m wide portion of the site adjacent to Blanshard Street for sidewalk, bicycle lane and boulevard improvement uses;</p> <p>iii. At least 60% of the floor area is used for office uses and is located on the second and higher storeys;</p> <p>iv. The north and east frontages of any building on the site are glazed and used for retail trade or restaurant uses only;</p> <p>v. Public art having a value of at least</p>

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			<p>\$350,000 is provided on the site; and</p> <p>vi. The owner contributes at least \$100,000 to the City's Housing Reserve Trust Fund.</p>
		b. At least 140 motor vehicle parking spaces must be provided underground.	
		c. At least 42 bicycle parking spaces must be provided.	
11.	722 Johnson Street LOT 142 VICTORIA	a. Enclosed motor vehicle parking is also a permitted principal use.	
		b. Maximum Density of Development is 4:1 for any building that includes a motor vehicle parking use.	
12.	834 Johnson Street STRATA PLAN EPS522	a. Maximum Density of Development: 5.76:1	<p>i. The floor area of office uses may not exceed 60% of the area of the site;</p> <p>ii. The floor area of non-residential uses, excluding areas used for underground motor vehicle parking spaces, may not exceed 50% of the floor area on the site;</p> <p>iii. Non-residential uses other than home occupations are not permitted above the second storey;</p> <p>iv. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.65 spaces per dwelling unit, and no parking spaces are required for non-residential uses; and</p> <p>v. At least 15% of the area of the site</p>

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			must be open space.
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
13.	1406 Blanshard Street LOT 2 OF LOTS 147 & 148, VICTORIA, VIS6683	a. Maximum Density of Development: 6.06:1	i. At least 3700m ² of residential floor area is provided; ii. Retail sales and restaurant uses only are operated at grade level; iii. Landscaped open space accessible to the public is provided between the building on the site and the adjacent streets; and iv. All motor vehicle parking spaces other than those for visitor use are provided underground.
		b. There are no minimum front, side or rear yard setbacks	
14.	1250 Quadra Street LOT A PLAN 19445 VICTORIA OF LOTS 311/314	a. Maximum Density of Development: 4.0:1	i. At least 35% of the area of the site is open space; and ii. All motor vehicle parking spaces are provided underground.
15.	835 View Street STRATA PLAN VIS3578	a. Maximum Density of Development: 4.4:1	i. For any building with at least 8000m ² of floor area used for Residential uses, and the proportion of Residential use of the site is unrestricted.
		b. At least 39% of the area of the site must be open space.	
		c. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.55 spaces per dwelling unit.	

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		d. The minimum number of off-street motor vehicle parking spaces for uses located on the First Storey is 50% of the number otherwise required by this bylaw.	
16.	728 Yates Street STRATA PLAN EPS2516	a. Maximum Density of Development: 6.4:1	<ul style="list-style-type: none"> i. The façade of the building at 738-740 Yates Street is conserved, including restoration of the brick parapet and upper façade brick; ii. Grade level Yates Street site frontage and the site frontage on the walkway is used only for retail sales and restaurant uses; and iii. A landscaped area of at least 50m² is provided for public use between any building on the site and Yates Street.
17.	743 Yates Street STRATA PLAN VIS4308	a. Maximum Density of Development: 5.4:1	<ul style="list-style-type: none"> i. At least 150m² of floor area is in use for child care services; ii. At least 50m² of open space is provided along each Lot Line that abuts a street; iii. At least 43 motor vehicle parking spaces are provided in addition to those otherwise required by Section 7 of this Part; and iv. At least 50% of the site frontage on View and Yates Streets is in use for retail trade, office or financial services uses having direct pedestrian access

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			from one of those streets.
		b. Maximum Density of Development : 5.6:1	i. The conditions described above in sub sections (i.) thru (iv.) are met and an area equal to at least 20% of the site area is in use for an enclosed public arcade or mall.
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
18.	819 Yates Street LOT A, DISTRICT LOTS 306, 307, 324 & 325, VICTORIA, PLAN 33016	a. Maximum Density of Development: 5.83:1	i. A public walkway at least 3.0m wide is constructed on the site to connect Yates Street to View Street along the easterly boundary of the site, and secured by a statutory right of way in favour of the City. ii. At least 80% of the floor area is residential iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement for at least 10 years following issuance of an occupancy permit for any dwelling unit; iv. Public art having a value of at least \$100,000 is

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			provided on the site; and v. The owner contributes at least \$100,000 to the City's Housing Reserve Trust Fund.
		b. Residential uses may be located on the First Storey.	
		c. Building floor area used for accessory bicycle storage is excluded from floor area calculations used to determine the Floor Space Ratio of a building.	
		d. Buildings with frontage on Yates Street must be sited at least 1.4m from the street to the 10m Height level and 3.5m from the street above that level.	
		e. Buildings with frontage on View Street must be sited at least 1.5m from the street to the 10m Height level and 5.3m from the street above that level.	
		f. Buildings must be sited at least 3.0m from the easterly boundary of the site.	
19.	836 Yates LOT A OF LOTS 373 & 382, VICTORIA, PLAN 60321	a. Maximum Density of Development: 4.0:1 b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.25 spaces per dwelling unit, and for Office uses is 1 space per 95m ² of floor area in excess of 2850m ²	
20.	849 Yates LOT 315 VICTORIA	a. Maximum Density of Development: 4.0:1	i. At least 35% of the area of the site is open space; and ii. All motor vehicle parking spaces are provided underground.

4.3 Mixed Use Residential District-1 Zone (MRD-1)

1. Permitted Uses		
a. Assembly	i. Personal Service	
b. Assisted Living Facility	j. Residential	
c. Care Facility	k. Residential Lock-off Unit	
d. Civic Facility	l. Retail Trade	
e. Financial Service	m. Small-scale Commercial Urban Food Production	
f. Food and Beverage Service	n. Studio	
g. Home Occupation	o. Utility	
h. Office		
1.1 Location and siting of Uses		
a. Non-residential uses, other than home occupations, are not permitted above the second storey.		
2. Density - Maximum		
a. Maximum Density of Development for Office:		0.6:1
b. Maximum Density of Development for non-residential uses, excluding Home Occupation:		0.5:1
3. Height - Maximum		
a. Maximum Height:		30.0m
4. Front Lot Line Setback - Minimum		
a. Buildings with residential use on First Storey:		3.5m
b. Buildings with non-residential use on First Storey:		0.5m
5. Projections into Setbacks and Height - Maximum		
a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:		0.6m
b. Cornices, guardrails, fin walls and sunscreens:		0.6m
c. Parapets:		1.0m
d. Rooftop Structures:		5.0m
6. Motor Vehicle and Bicycle Parking		
a. Notwithstanding the requirements contained in Part 5 of this bylaw, no motor vehicle or bicycle parking is required.		

4.4 Old Town District-1 (OTD-1)

1. Permitted Uses		
a. Assembly b. Assisted Living Facility c. Brew Pub, Distillery and Winery d. Care Facility e. Civic Facility f. Drinking Establishment g. Cultural Facility h. Equipment Rental i. Financial Service j. Food and Beverage Service k. Home Occupation		l. Hotel m. Office n. Personal Service o. Residential p. Residential Lock-off Unit q. Retail Liquor Sale r. Retail Trade s. Small-scale Commercial Urban Food Production t. Studio u. Utility
1.1 Location and siting of Uses		
a. No First Storey Office use is permitted within 6 m of the wall of any building that abuts a street or pedestrian walkway. b. The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental. c. No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any Building that abuts a street or pedestrian walkway, except where the brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service.		
2. Density - Maximum		
a. Maximum Density of Development		3.0:1
b. Maximum Density of Development for Office within any building constructed after 1914:		1.0:1
3. Height - Maximum		
a. Maximum Height:		15.0m
4. Corner Lot Setback - Minimum		
a. Corner Lot Setback:		3.0m
5. Projections into Setbacks and Height - Maximum		
a. Parapets:		1.0m
b. Rooftop Structures:		3.0m
6. Motor Vehicle and Bicycle Parking		
a. Notwithstanding the requirements contained in Part 5 of this bylaw, no motor vehicle or bicycle parking is required.		

7. Site Specific Regulations			
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
1.	1215 Broad Street Lot 1 Plan VIP64889	a. Maximum building Height: 43m	
2.	608 Broughton Street Lot 1 Plan EPS1336	a. Maximum Density of Development: 5.1:1	i. Retail Trade or restaurant provided as the principal ground level uses; and ii. A minimum of 45 parking spaces are provided, of which at least 35 are located underground and two are permitted to be stacked one behind the other.
		b. Maximum building Height: 34m	
3.	617 Broughton Street Lot A Plan VIP14044	a. Parkade is a permitted use.	
		b. Maximum Density of Development: 3.9:1	
4.	619 – 625 Courtney Street Lot 4 Plan VIS4624	a. Maximum Density of Development: 4.6:1	i. A minimum of 630m ² of the First Storey area of a building and at least 50% of the building's interior First Storey area adjacent to street frontage are devoted to Retail Trade or restaurant use.
		b. Maximum building Height: 20.3m	
5	850 Douglas Street Lot 1 Plan VIP16810	a. Maximum building Height: 43m	
6.	1200 Douglas Street Lot B Plan VIP48444	a. Maximum building Height: 43m	
7.	1214 Douglas Street Lot A Plan VIP48444	a. Maximum building Height: 43m	
8.	1222 Douglas Street S. Pt. Lot 426 & E. Pt. Lot 427 and Pcl. A of Lots 427/428 City Plan	a. Maximum building Height: 43m	

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	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	1280 Douglas Street Lot 426 Plan CITY	a. Maximum building Height: 43m	
10.	1402 Douglas Street The Easterly 60 Feet of Lot 671 Plan CITY	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 200m ² ; ii. Only one Storefront Cannabis Retailer at a time is operational on the property.
11.	1802 Douglas Street Lot 1 Plan VIP36720	a. Maximum Density of Development: 5.0:1	i. At least 270m ² of First Storey space is provided for Retail Trade or restaurant use; ii. At least 17m of linear building floor area along Herald Street is used for retail or restaurant use; iii. At least 10% of the lot area adjacent to the street intersection is maintained as a street level open plaza to a distance of not less than 5.5m above street level; and iv. A minimum of 60 underground on-site parking spaces are provided
		b. Maximum building Height: 26m	
12.	517-519 Fisgard Street Lot 4 Plan EPS1833 530 Pandora Ave. Lot 1 Plan EPS1833	a. Maximum Density of Development: 5.5:1	
		b. Parkade is a permitted use.	
13.	638 Fisgard Street Lot 1 Plan VIP55957	a. Maximum Density of Development: 4.0:1	i. A minimum density of 2.0:1 is provided for Residential uses.
		b. Residential uses may be located on the First Storey except within 3m from any street.	
		c. Maximum building Height: 22m	
14.	623 Fort Street Lot A Plan VIP87839	a. Maximum Density of Development: 3.8:1 for all uses	i. At least 75% of the total floor area of the building is provided exclusively for office uses.
		b. Short-Term bicycle stalls are not required.	

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15.	685-695 Fort Street 1060-1080 Government Street Lot 1 Plan VIP16563	a. Maximum building Height: 43m	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
16.	816 Government Street Lot Plan VIP219	a. Maximum Density of Development: 4.0:1	i. Rehabilitation of the façade of the existing Customs House on the westerly portion of the site in accordance with Heritage Revitalization Agreement Bylaw no. 15-057.
		b. Maximum Floor Area for distillery use: 175m ²	
		c. Maximum building Height: 17.7m	
17.	1001 Government Street Lot 7 & 8 Plan VIP2671	a. Maximum Density of Development: 4.0:1	i. Where Retail Trade, offices and financial institutions have direct access to and are located along at least 50% of the street frontage along Government Street.
		b. Maximum building Height: 16m	
18.	1312 Government Street Lot 1 Plan EPS1881 1314 Government Street Lot 2 Plan EPS1881 Portion on Roadway Lot Plan EPP37406	a. Maximum Density of Development: 3.85:1	i. A conservation covenant of the existing building is provided ii. A Housing Agreement is established to require that all residential dwellings in this Zone are provided as rental units.
		b. Maximum building Height: 18.6m	
19.	1411 Government Street Lot 1 Plan VIS4995	a. Maximum Density of Development: 3.32:1	
20.	1450 Government Street Lot 1 Plan VIS6012 595 Pandora Ave. Lot 1 Plan VIP77724	a. Maximum Density of Development: 2.2:1	
		b. Maximum building Height: 15.2m	

Part 4 – Zones

	599 Pandora Ave. Lot 2 Plan VIS6012		
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
21.	1885 Government Street Lot A Plan VIP45681	a. Automotive repair is a permitted use	
22.	461 Herald Street Lot A Plan VIP33307 1720 Store Street Lot A Plan VIP18303	a. Residential uses are prohibited	
		b. Maximum Density of Development for Office and all other uses: 1.5:1	
		c. Maximum Density of Development: 2.0:1	i. At least 500m ² of First Storey area is used for retail or restaurant.
23.	634 Johnson Street Lot A Plan VIP34894	a. Only the following uses are permitted: Hotel, Retail Trade and Food and Beverage Service	
		b. Maximum Density of Development: 5.23:1	
		c. Maximum building Height: 23m	
24.	524-528 Pandora Ave. Lot 2 Plan EPS1833	a. Parkade is a permitted use	
		b. Maximum Density of Development: 5.5:1	
25.	603 Pandora Ave. Lot 1 Plan VIP7110	a. Maximum Density of Development: 4.57:1	<ul style="list-style-type: none"> i. Rehabilitation of the existing Plaza Hotel building in accordance with Heritage Revitalization Agreement (603-607 Pandora Avenue) Bylaw No. 13-040; ii. Construction of a public plaza at the corner of Government Street and Pandora Avenue valued at least \$180,000; and iii. Payment to the City of Victoria of \$27,500 to contribute to the long term maintenance of the public water feature to be constructed as part of the public plaza.

Part 4 – Zones

		b. Maximum Floor Area: 6793m ²	
		c. Maximum building Height: 23.1m	
26.	1441 Store Street Lot 1 Plan VIS1580	a. Maximum Density of Development: 4.0:1	
27.	1610 Store Street Lots 1 to 127 Plan EPS3614 456 Pandora Avenue Lots 1 to 127 Plan EPS3614	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
28.	1624 Store Street Lot 1 Plan VIP5617	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
29.	1630 Store Street Parcel A (DD 83205I) of Lot 126 City Plan	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
30.	407-409 Swift Street Lot 100 Plan VIS4930	a. Docks, public washrooms and showers are permitted uses.	
31.	440 Swift Street Lot A Plan VIP85421	a. Docks, public washrooms and showers are permitted uses.	
	450 Swift Street Lot 1 Plan VIP36884	b. Maximum Density of Development: 1.5:1	

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32.	467 Swift Street Lot A Plan VIP49848	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
33.	650 View Street Lot C Plan VIP48444	a. Maximum building Height: 43m	
34.	546 Yates Street LOT 1 OF LOTS 175, 176, 186, 187, VICTORIA, PLAN 30210	a. Storefront Cannabis Retailer is a permitted use	<ul style="list-style-type: none"> i. The use does not occupy more than 800m²; ii. The use is restricted to the ground floor; and iii. Only one Storefront Cannabis Retailer at a time is operational on the property.

5.1 Off-Street Parking Regulations

1. Interpretation

- a. The minimum number of parking spaces required for each use must be calculated to the nearest whole number.
- b. Where a **Building** contains more than one use, the total number of parking spaces required shall be the sum of the number of parking spaces required for each use, calculated separately.

Example: Calculating Vehicular Parking Requirements

Type of Building or Use	Units / Floor Area	Parking Required	Visitor Parking Required	Total Parking Required
Multi-Residential, Condominium	14 units greater than 70m ² in the Downtown Area	$14 \times 1.2 = 16.8$ (16.8 → 17)	$14 \times 0.1 = 1.4$ (1.4 → 1)	$17 + 1 = 18$

Total Vehicular Parking Spaces Required

18

- c. If a use is not specifically listed in Table 1 or Table 2 of this Part, the number of parking spaces required shall be calculated on the basis of a use or class of use that is most similar to the actual use, based on parking demand characteristics.
- d. Unless otherwise stated, all references to “**Floor Area**” in this Part shall be calculated as gross floor area.
- e. For the purpose of calculating parking requirements under this bylaw, in addition to all internal **Floor Areas**, all outside seating and serving areas located on a **Lot** and associated with a **Food and Beverage Service** use shall be counted as **Floor Area**.

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

2. Required Vehicle and Bicycle Parking Spaces

- a. The owner or occupier of any land or of any **Building** or other structure must provide off-street vehicular parking spaces in accordance with Table 1 of this Part and calculated in accordance with section 1. of this Part.

Table 1: Minimum Number of Required Vehicular Parking Spaces

Use or Class of Use	Minimum Number of Parking Spaces per Dwelling Unit		Minimum Number of Visitor Parking Spaces per Dwelling Unit
Residential	Dwelling Unit Floor Area		
Condominium (<u>dwelling unit</u> in a <u>building</u> owned by a Strata Corporation)	< 40m ²	0.65	0.1
	40m ² to 70m ²	0.80	
	> 70m ²	1.20	
Apartment (<u>dwelling unit</u> secured as rental in perpetuity through a legal agreement)	< 40m ²	0.50	0.1
	40m ² to 70m ²	0.60	
	> 70m ²	1.00	
Affordable (<u>affordable dwelling units</u> secured in perpetuity through a legal agreement)	< 40m ²	0.20	0.1
	40m ² to 70m ²	0.50	
	> 70m ²	0.75	
Assisted Living Facility	-	0.35	0.1
Use or Class of Use	Minimum Number of Parking Spaces per Dwelling Unit		Minimum Number of Visitor Parking spaces per Dwelling Unit
Commercial			
Hotel	0.25 spaces per room		-

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

- b. The owner or occupier of any land or of any **Building** or other structure must provide off-street bicycle parking spaces in accordance with Table 2 of this Part and calculated in accordance with section 1. of this Part.

Table 2: Minimum Number of Required Bicycle Parking Spaces

Use or Class of Use	Minimum Number of Bicycle Parking, Long-Term Spaces		Minimum Number of Bicycle Parking, Short-Term Spaces
Residential	Dwelling Unit Floor Area		
Condominium (Dwelling unit in a Building owned by a Strata Corporation)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Apartment (Dwelling unit secured as rental in perpetuity through a legal agreement)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Affordable (Affordable Dwelling units secured in perpetuity through a legal agreement)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Assisted Living Facility	1 space per 20 units		1 space per 50 units
Commercial			
Brew Pub, Distillery and Winery	1 space per 200m ²		1 space per 200m ²
Drinking Establishment	1 space per 200m ²		1 space per 200m ²
Equipment Rental	1 space per 200m ²		1 space per 200m ²
Financial Service	1 space per 200m ²		1 space per 200m ²
Food and Beverage Service	1 space per 200m ²		1 space per 200m ²
Hotel	1 space per 25 rooms		1 space per 40 rooms
Office	1 space per 200m ²		1 space per 200m ²
Personal Service	1 space per 200m ²		1 space per 200m ²
Retail Liquor Sale	1 space per 200m ²		1 space per 200m ²
Retail Trade	1 space per 200m ²		1 space per 200m ²
Storefront Cannabis Retailer	1 space per 200m ²		1 space per 200m ²
Institutional			
Assembly	-		1 space per 200m ²
Civic Facility	1 space per 400m ²		1 space per 400m ²
Cultural Facility	1 space per 450m ²		1 space per 130m ²
Care Facility	1 space per 700m ²		1 space per 200m ²

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

3. Vehicular Parking Appearance

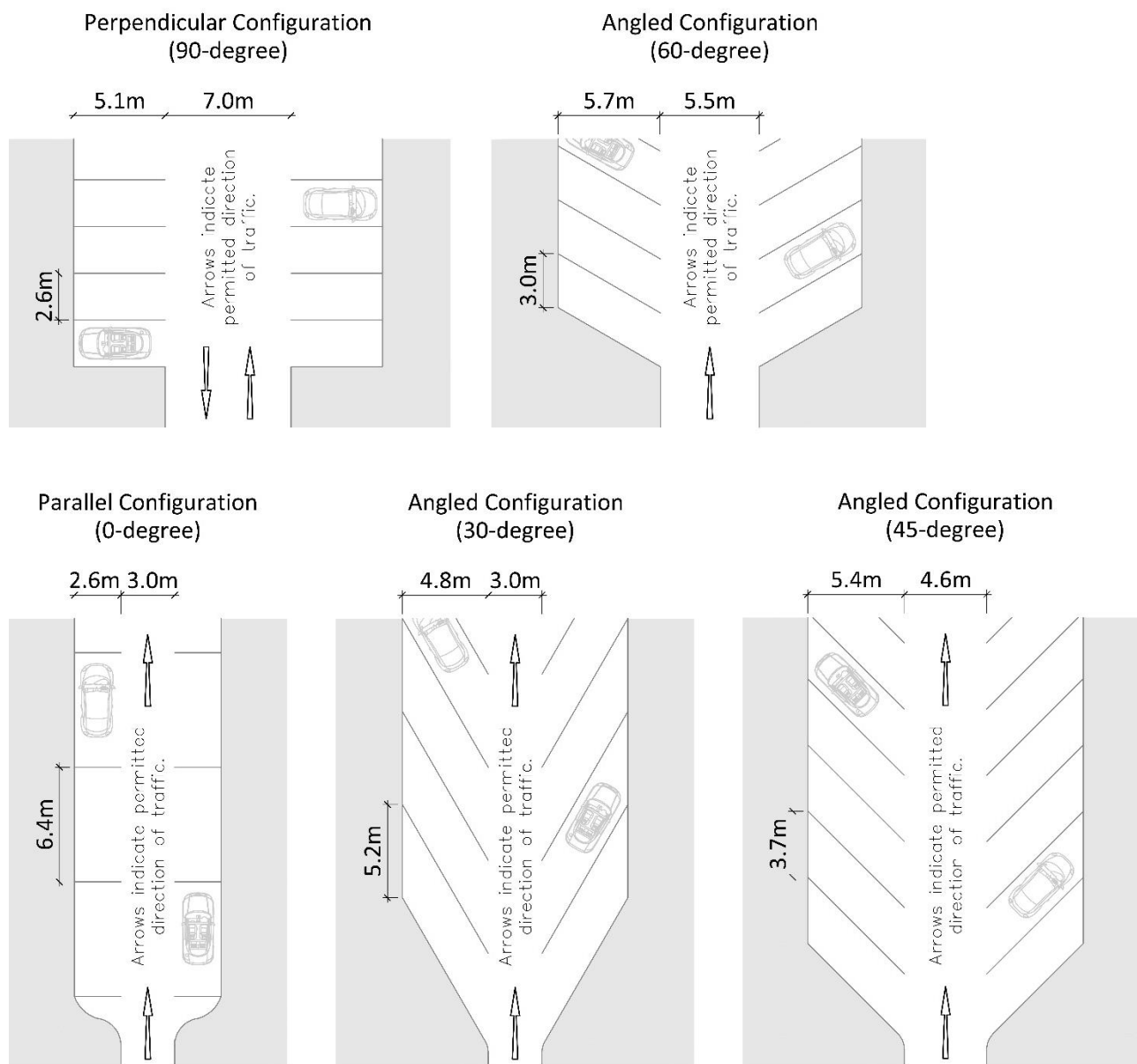
- a. Each vehicle parking space must be clearly delineated on the parking surface.
- b. Each visitor vehicle parking space required under this bylaw must be clearly identified for the sole use of visitors.

4. Vehicular Parking Location and Dimensions

- a. All vehicle parking spaces required under this bylaw must be provided on the same **Lot** as the **Building** or use which they serve.
- b. A vehicle parking space must have **Unobstructed access**.
- c. All vehicle parking spaces and **Drive Aisles** must have dimensions not less than those identified in Figure 1 of this Part.

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

Figure 1: Minimum Parking Space and **Drive Aisle** Dimensions (all measurements in metres)



- d. One way access and egress through the **Parking Area** is required where:
 - i. more than one vehicle parking space is provided in the **Parking Area**, and
 - ii. the vehicle parking spaces are not configured parallel or perpendicular to the **Drive Aisle**.
- e. A vehicle parking space that abuts a structure on one side, such as a wall or column, must have a minimum width of 2.7m.
- f. A vehicle parking space that abuts a structure on both sides, such as a wall or column, must have a minimum width of 3.0m.

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

- g. Where a vehicle parking space or **Drive Aisle** is located underground or covered by a roof, a minimum unobstructed height clearance of 2.1m must be provided between the floor and ceiling.
- h. Where a **Drive Aisle** or parking space is located within 6.0m of a **Street Boundary** it must comply with applicable grade requirements prescribed in this Part and the *Highway Access Bylaw*.
 - i. The maximum grade for a **Drive Aisle** or parking stall is 8%.
 - ii. The maximum grade for a **Driveway** is 15%.

5. Bicycle Parking Specifications

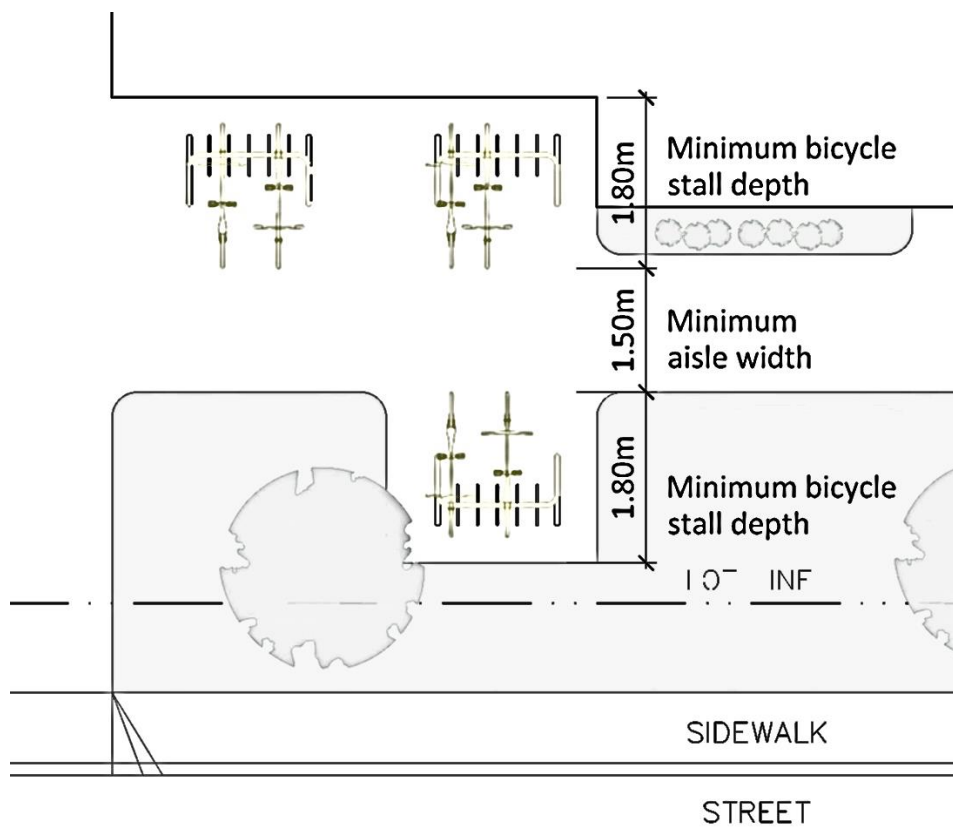
- a. All bicycle parking spaces required under this bylaw must be provided on the same **Lot** as the **Building** or use which they serve.
- b. Each **Bicycle Parking, Short-Term** space required under this bylaw must be:
 - (i) designed and installed to the minimum dimensions shown in Table 3 of this Part; and
 - (ii) provided as a bicycle rack that is permanently anchored to the ground or a wall.
- c. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with a residential use must be located a maximum of 15.0m from a **Building** entrance that is accessible by visitors.
- d. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with a commercial or institutional use must be located not more than 15.0m from a **Building** entrance that is accessible by the public.
- e. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with an industrial use must be located not more than 15.0m from the primary **Building** entrance.

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

Table 3: Minimum Dimensions for Bicycle Parking (all minimum dimensions measured in metres)

	Ground Anchored Rack		Wall Mounted Rack	
	>45 degrees	≤45 degrees	>45 degrees	≤45 degrees
Angle of Rack (in an aerial perspective, measured from the plane of the nearest wall of a Building)				
Minimum stall depth	1.8	1.45	1.2	1.2
Minimum aisle width	1.5	1.5	1.5	1.5
Minimum distance between bicycle racks	0.9	1.3	0.9	1.3
Minimum distance between bicycle racks and entrance door to bicycle storage facility	0.6	0.6	0.6	0.6

Examples: Bicycle Parking, Short-Term Configuration

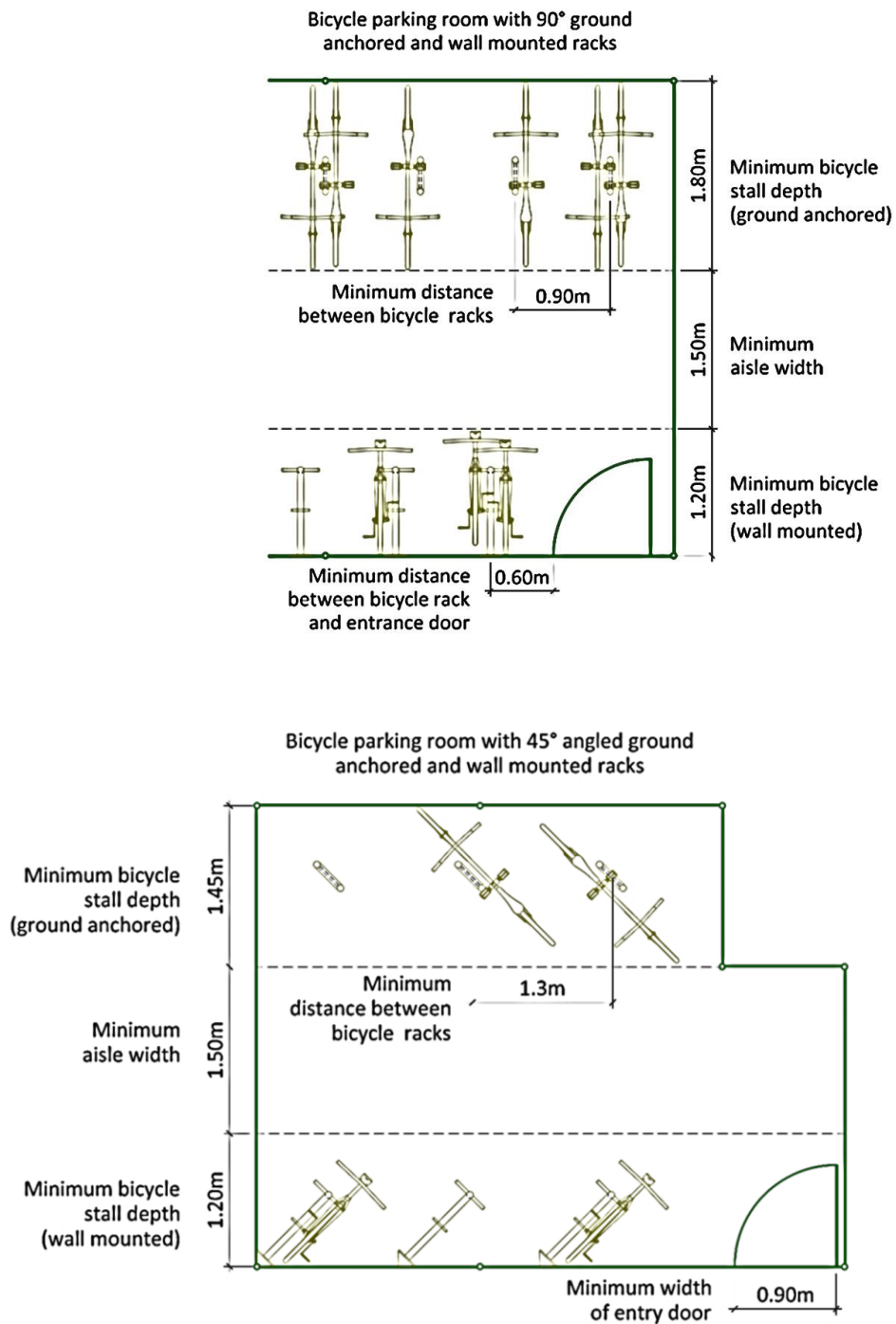


Part 5 – Requirements for Motor Vehicle and Bicycle Parking

- f. Each **Bicycle Parking, Long-Term** space required under this bylaw must:
 - (i) be designed and installed to the minimum dimensions shown in Table 3 of this Part;
 - (ii) be provided as a bicycle rack that is permanently anchored to the ground or a wall;
 - (iii) have a minimum unobstructed height clearance of 2.1m between the floor and ceiling;
 - (iv) be provided in a secure, weather-protected, dedicated bicycle parking facility accessible to residents, employees or other identified users of the **Building**;
 - (v) be located in a bicycle parking facility accessible through an entry door with a minimum width of 0.9m; and
 - (vi) be located within one floor of **Finished Grade** and, if accessed by a stairwell only, the stairwell must include a ramp for bicycles.
- g. At least half of the **Bicycle Parking, Long-Term** spaces required under this bylaw must be ground anchored.

Part 5 – Requirements for Motor Vehicle and Bicycle Parking

Examples: Bicycle Parking Long-Term Configurations



6. Bicycle Parking Exemptions

- a. Notwithstanding section 5.1.5(a), **Bicycle Parking, Short-Term** spaces are not required to be provided where the siting of a **Building** existing on the date of adoption of the bylaw incorporating this Part physically prohibits such spaces from being provided on a **Lot** in accordance with this bylaw.
- b. Notwithstanding section 5.1.5(a), no additional **Bicycle Parking Short-Term** or **Bicycle Parking Long-Term** spaces are required to be provided where any additions, alterations or changes of use to a **Building** existing on the date of adoption of the bylaw incorporating this Part would, in total, result in an increase of less than 10% of the number of spaces required before the additions, alterations or change in use.

Schedule A – CBD Height Areas Map



Schedule B – Small Scale Commercial Urban Food Production

1. Products

- a. Subject to subsection (b) and (c), only the following items may be cultivated, harvested, kept, sorted, cleaned and packaged as part of **Small-scale Commercial Urban Food Production**:
 - i. Fruits
 - ii. Vegetables
 - iii. Edible flowers
 - iv. Edible fibre
 - v. Edible seeds
 - vi. Nuts
 - vii. Seedlings and cuttings of edible plants
 - viii. Culinary herbs
 - ix. Eggs
 - x. Honey
 - xi. Mushrooms
- b. Plants regulated under the *Controlled Drug and Substances Act* (Canada) may not be produced as part of small-scale commercial urban food production

2. Sale on Lot

Sale of products of **Small-scale Commercial Urban Food Production** is permitted on a **Lot** on which **Small-scale Commercial Urban Food Production** occurs, regardless of whether **Retail Trade** is permitted, provided it occurs:

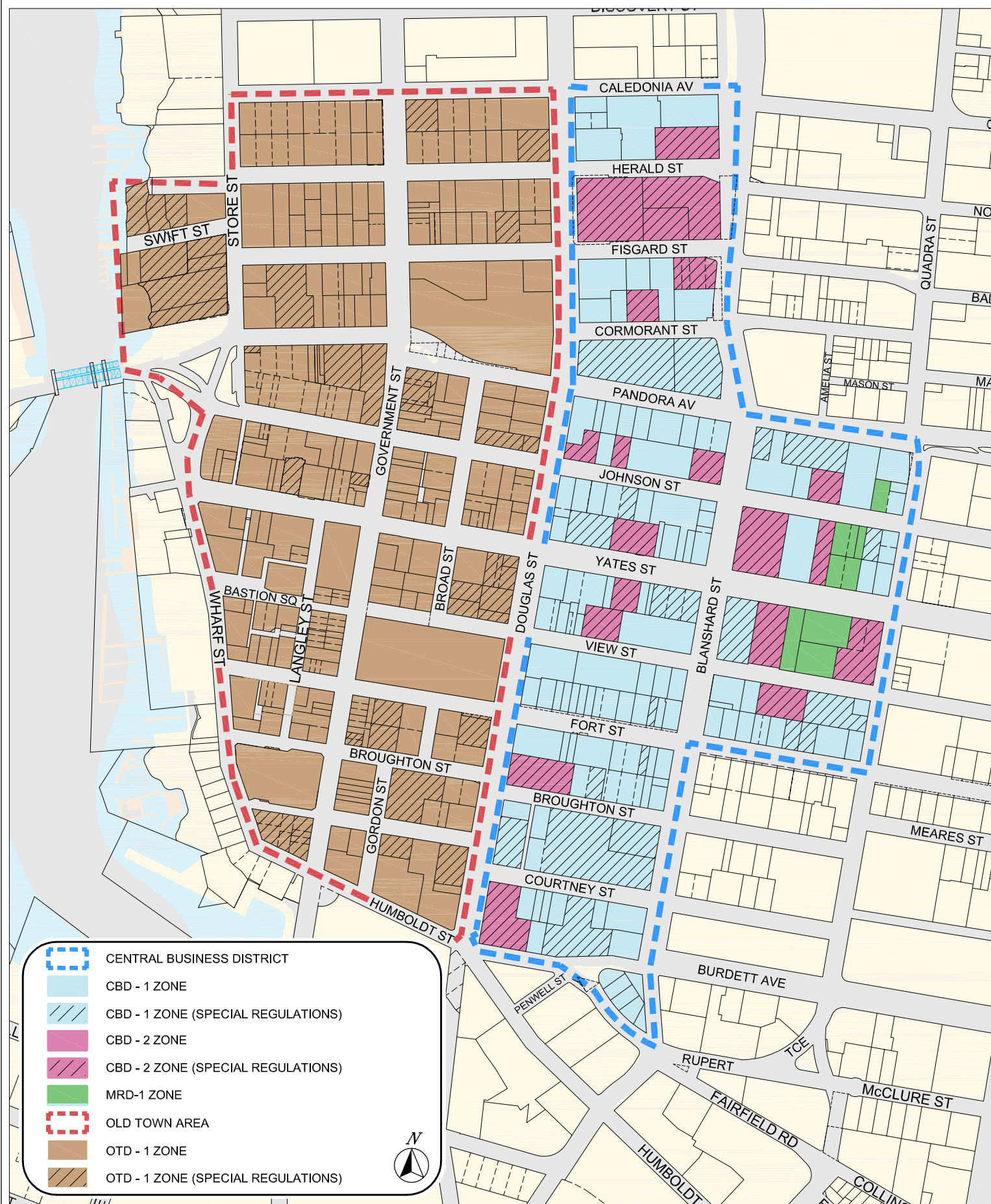
- a. within a **Foodstand** located in the **Front Yard**; or
- b. as a component of any of the following permitted uses of the lot:
 - i. **Retail Trade**
 - ii. **Food and Beverage Service**
 - iii. any other use which permits the sale of the items in section 1(a)

3. Foodstand

A **Foodstand** must not:

- a. Exceed an area of 1.85m² and a **Height** of 3.35m
- b. Be located within 0.60m of a **Lot Line**
- c. Be fully enclosed
- d. Remain on the **Front Yard** without items for sale in excess of eight consecutive days
- e. Hold, shelve or otherwise display an item unless it:
 - i. is listed in section 1(a) of this Schedule;
 - ii. was harvested on the **Lot** on which the **Foodstand** is located; and
 - iii. is displayed and sold in raw, unprocessed form.
- f. No more than one **Foodstand** may be used or erected on one **Lot**.

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



Zoning Bylaw 2017 Comments and Proposed Changes

Comments	Proposed Change	Rationale
Interpretation		
Need to create grandfather clause for variances that were previously approved prior to the adoption of new Zoning Bylaw	No Change	Addressed through LGA
Administrative Definitions		
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

Comments	Proposed Change	Rationale
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.	Regulations would need to ensure that area is limited to: <ul style="list-style-type: none"> • Storage purpose only for individual residential units • On First Floor • Not common space • Maximum floor area • Used for storage purpose only in perpetuity Explore as a subsequent amendment following adoption of Bylaw
Front setback plane – Allow buildings to be more vertical. The setbacks are very expensive to build and do not assist in creating affordable housing.	No Change	This setback provision assists with mitigating the perception of building height in parts of the city where taller buildings are envisioned. Variances can be considered case-by-case.
Height – 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
Calculation of Height: It should be made clear that the 'grade' that height is measured from is Average Grade (rather than Natural Grade or Finished Grade). 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.	No Change	Surveyor bases calculations on exterior of building rather than interior structural elements. Opportunity for height variance if needed for green building
Height of rooftop structure – 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

Comments	Proposed Change	Rationale
Calculation of FSR & Determination of Number of Storeys for Roof-top Services 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 ²	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
Comments	Proposed Change	Rationale
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 ²	No change	As per recent data analysis and revised Schedule C review

Central Business Districts		
Comments	Proposed Change	Rationale
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"> 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. 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. 	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

Comments	Proposed Change	Rationale
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 Food and Beverage Service from Drinking Establishments 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
Historic Commercial District		
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
Bicycle Parking		
Comments	Proposed Change	Rationale
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



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, cursive script.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning



October 5, 2017

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

Re: Zoning Bylaw Review

Mayor and Council –

The Urban Development Institute (UDI) - Capital Region would like to thank the City of Victoria Staff for involving us in their review of the Zoning Bylaw (Downtown Districts). We collectively commend Staff on the extent of their engagement with UDI. UDI recognizes the efforts of Staff for taking on this review to simplify the zoning categories, creating more flexibility, as well as adding more definitions, resulting in a streamlined approach to seek increased density. Further, these changes reflect a more coordinated approach to conforming with the Downtown Area Plan. In addition, we appreciate the opportunity to offer further feedback on the review.

The proposed comprehensive Zoning Bylaw was, in general, well thought out. UDI appreciates that Staff listened to our concerns and implemented changes based on our comments. The revised Zoning Bylaw results in an overall reduction of zones with the current 42 zones in the Central Business District (CBD) and 29 zones in the Historic Commercial District (HCD) collectively taken down to 4 common zones. The revisions simplify and streamline the zoning process, which in the end will mean shorter timelines from submission to a final decision; a benefit to both local businesses and the City of Victoria. Site specific zoning, along with added definitions, will hopefully encourage greater density in the CBD and HCD areas.

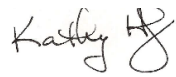
An area of concern for UDI was in the height and specifics of rooftop structures. We are pleased to see that Staff took our recommendations into consideration by increasing the allowable height of rooftop structures and allowing rooftop structures to be enclosed or not enclosed as long as the enclosed area is non-habitable. UDI also recognizes the change to make bike parking exempt from floor area calculations. Both of the afore mentioned changes will add to the total useable floor space to enable more residential units or commercial square footage.

However, removing Short Term Vacation Rental (Transient Zoning) as a permitted use from the CBD and HCD is of great concern to UDI. UDI does support licencing/regulation of Short Term Vacation Rentals but sees the removal of this permitted use as an overly broad and problematic approach to addressing this activity. Although grandfathering of the use may apply to those who currently use the Short Term Vacation Rental (Transient Zoning), it will leave many in a difficult situation. Developers who acquired recent rezonings (just prior to the zoning change), and

marketed their developments on that basis, will now have to advise pre-sale purchasers of this significant change and amend their disclosure statements accordingly. Pre-sale purchasers (and others contemplating entering the market) now have to reassess the nature of the product being offered and consider their options going forward. This creates uncertainty in the market for both Developers and consumers. . As well, people who relied on renting out their suite while they were away to help make ends meet will no longer have that financial help. We believe more discussion is needed around Short Term Vacation Rental (Transient Zoning) as UDI is concerned this may detrimentally affect the stability of the Victoria real estate market. We have attached our letter to council regarding Short Term Vacation Rentals dated September 18, 2017 and request further dialogue with council and staff on this matter.

We conclude our remarks by once again offering high praise for the work of the Zoning Bylaw review team. The draft is thorough, specific and, simultaneously, adaptable to change. We look forward to future collaboration and engagement on this and other issues.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Kathy H', with a stylized flourish at the end.

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



September 18, 2017

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

To Mayor and Council:

Re: Short Term Vacation Rentals

UDI Capital Region is writing this letter to share some of our thoughts and concerns about the Short Term Vacation Rental (STVR) discussion that is currently taking place in Victoria. We feel this issue is complex, and that any regulation requires substantial research and careful thought before any actions are taken. An ill-considered approach could have detrimental effects on the economic and social vibrancy of the City.

The Official Community Plan and Downtown Area Plan have been instrumental in encouraging the development of downtown residential rental units, condos and office/commercial space. The development community responded positively to staff and council's goal of building a more vibrant downtown core. The development of new residential, office/commercial and retail spaces has created a renewed energy, which in return brings increased tax revenue, a more vital retail scene and a safer urban core with more eyes on the street.

The presence of STVR units in the City and the tourists that they attract undoubtedly have a positive economic impact on many local businesses.

AirBNB and STVR are a world-wide phenomenon, and their presence in a city may open up the tourism market to groups such as families and long-term business travellers who would be less likely to visit the area if such accommodation were unavailable. Rental accommodation in private residences provides a more personal experience to tourists and is more accommodating lodging for families, and its presence likely has a positive economic impact on the communities and local businesses in which they are located. Moreover, STVR tend to attract travellers in search of a more "authentic" experience and STVR disperse tourist dollars into more diverse neighbourhoods and locally owned businesses across the City.

Like many other parts of Canada, Victoria is also home to many "snow birds", who maintain a primary residence in the City, but spend a large portion of the year in warmer climates. Some of those seasonally vacant properties may in turn be rented out as STVR, greatly benefitting restaurants and retailers and improving the tourism and business market.

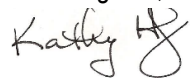
The relationship drawn between STVR and housing affordability is complex. Homeowners who rent rooms and basements suites as STVR use them as a flexible mechanism to supplement their incomes, improving housing affordability for the homeowners. It is uncertain whether these rooms and suites would return to the regular rental stock if STVR regulation was to change. Other homeowners rent out their home/condo in its entirety while on vacation, again as a method of supplementing their income. Although there has been a link drawn between STVR and housing affordability, data on the impact of regulation on housing affordability are lacking. The exact percentage of STVR in Victoria is unknown, and it is estimated that if they were put back in to the regular rental stock it may increase our very low vacancy rate slightly but would not have any significant impact on housing affordability, yet could be detrimental to the local economy.

UDI is aware council will be considering a bylaw change that will remove entire-unit short term rentals. It is our belief that the City and all involved would be best served if the regulations were left to the individual strata councils for multi-family dwellings. To resolve unfair STVR competition with purpose built transient accommodation, an alternative solutions could be to have Air BnB introduce a licencing fee or STVR pay the provincial hospitality tax. Another alternative solution could be to have the City look at possible incentives to encourage people to rent out entire units long-term by providing property tax grants.

Understanding the impact and finding the right regulations to implement for STVR is a complex issue. Further, the relationship between STVR and housing affordability is unclear. Housing affordability could be directly addressed by the City simply by making their process easier and creating incentives to build affordable housing. As well, densification of our urban cores and making the City owned land available for development in partnership and collaboration with the private sector could be added solutions. The development industry is ready and willing to do their part.

Policy on this issue requires a well thought out process to mitigate negative impacts on the City's social and economic fabric. UDI looks forward to further dialogue on this matter.

Kind Regards,



Kathy Hogan

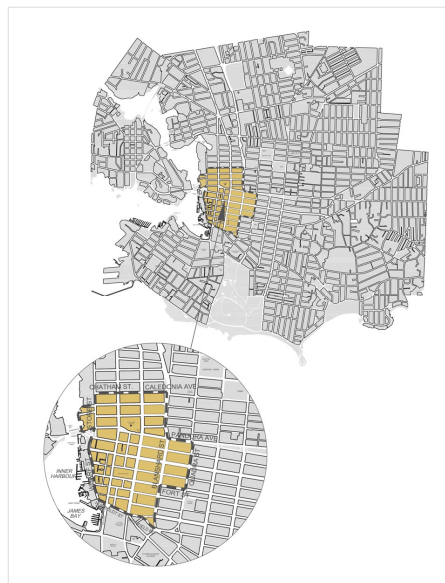
(On Behalf of the Urban Development Institute – Capital Region Board of Directors)

Draft Zoning Bylaw 2017



Background

- New comprehensive zoning bylaw including zones for Central Business District and Old Town Area
- Zoning updates for other areas of the city will be undertaken and introduced into the new Bylaw



Background

- Council endorsed Draft Zoning Bylaw in February 2017 and directed staff to undertake focused engagement prior to preparing an enabling bylaw for a Public Hearing
- Engagement was undertaken between March and April, 2017 and the draft bylaw was refined
- Reporting back to Council was postponed until direction was provided on the regulation of Short-term Rentals (September 21)
- The draft Zoning Bylaw now aligns with Council's recent direction on Short-term Rentals and includes updated off-street parking regulations



Bylaw Improvements

- User-friendly bylaw
- Improved language to reduce ambiguity with interpretation
- Separate sections for updated Use definitions and Administrative definitions
- Definitions supplemented with illustrations
- Increased flexibility with permitted uses
- Zoning information presented in consistent format
- Reduced need for site specific zones
- Eliminates cross-referencing between zones
- Easier to maintain and update from time to time



Key Changes

Brew Pub, Distillery and Winery Definition

- Brew Pub definition expanded to include distillery and winery based on public feedback and increasing interest from business community
- Production is restricted to a maximum of 35% of floor space
- Must be set back 6m from street front unless provided in conjunction with Food and Beverage Service or Retail trade - to maintain active uses along the street

Short-term Rental

- Removed as a permitted use from all zones based on recent Council direction
- Does not impact operation of hotels and motels as they are defined separately



Key Changes

New definition for Drinking Establishment

- Provides improved clarity to distinguish facilities such as nightclubs, bars and pubs from restaurants and brew pubs.
- Previous definition of Food, Beverage and Entertainment Service has been renamed to Food and Beverage Service
- Definitions provide the public, Council and staff with improved clarity and understanding of each use

Light Industrial

- Removed as a permitted use from downtown zones – does not align with land use policies of the Downtown Core Area Plan for the Central Business District and Old Town Area. Light industrial will be included in subsequent industrial zones



Key Changes

Off-street parking Requirements

- Comprehensive off-street parking requirements for vehicles and bicycles included as Part 5 of the draft zoning bylaw
- Based on off-street parking regulations that were presented to Council on October 5, 2017
- Off-street parking required only for Residential Uses and Hotel in CBD
- No off-street parking required within Old Town Area
- Parking rates reduced for smaller residential dwellings, purpose-built rental and affordable housing
- Parking rates increased for larger dwelling units (greater than 70m²)
- Increased (long-term) bicycle parking requirements



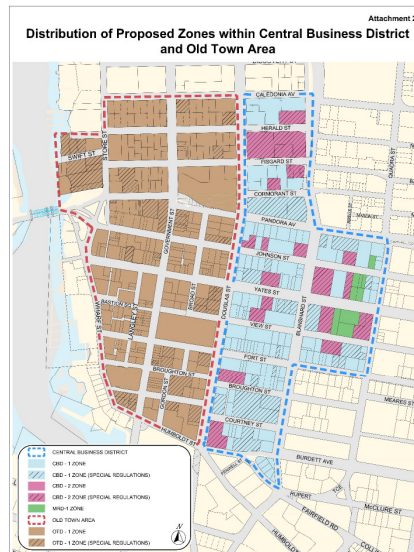
Recommendation

That Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second reading prior to a public hearing



New Zones

- New zones for Central Business District and Old Town Area to implement Downtown Core Area Plan
- Over 70 existing zones replaced by 4 zones: CBD-1, CBD-2, MRD-1 and OTD-1
- Unique development rights for existing site specific zones are retained through special regulations in each of the new zones.



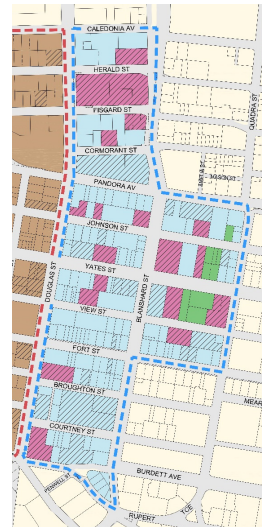
CBD-1 Zone

- Maintains a maximum density of 3.0:1 FSR
- Generally replaces existing CA-4 zone as well as other site specific zones that are based on CA-4 zone
- Includes updated use definitions that provide greater flexibility and reflect current trends and Council policy



CBD-2 Zone

- Similar to CBD-1 zone except for maximum density
- 3:1 maximum density for residential.
- 4:1 maximum density for commercial or mixed-use
- CBD-2 has been applied to 20 parcels that currently have a density equal to or greater than 4:1 FSR
- Anticipated that CBD-1 properties will rezone to CBD-2



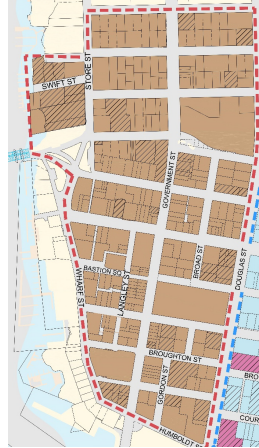
Mixed use Residential-1 Zone

- Replaces R-48 Harris Green Zone.
- Maintains R-48 development rights (as directed in DCAP) including 30m maximum height and no density limit, however introduces updated use definitions
- CRD-1 applied to six parcels within the CBD



Old Town District-1 Zone

- Generally applies within Old Town Area
- Generally replaces CA-3 and CA-3C zones
- Maintains 15m maximum building height and 3:1 maximum density
- Introduces updated use definitions
- No minimum off-street vehicle parking required



CBD Building Height

- Maximum building height for CBD-1 and CBD-2 zones is geographically based to reflect DCAP policy
- Maximum building heights are identified in Schedule A:
 - HA-1 (72m)
 - HA-2 (60m)
 - HA-3 (50m)
 - HA-4 (45m)

