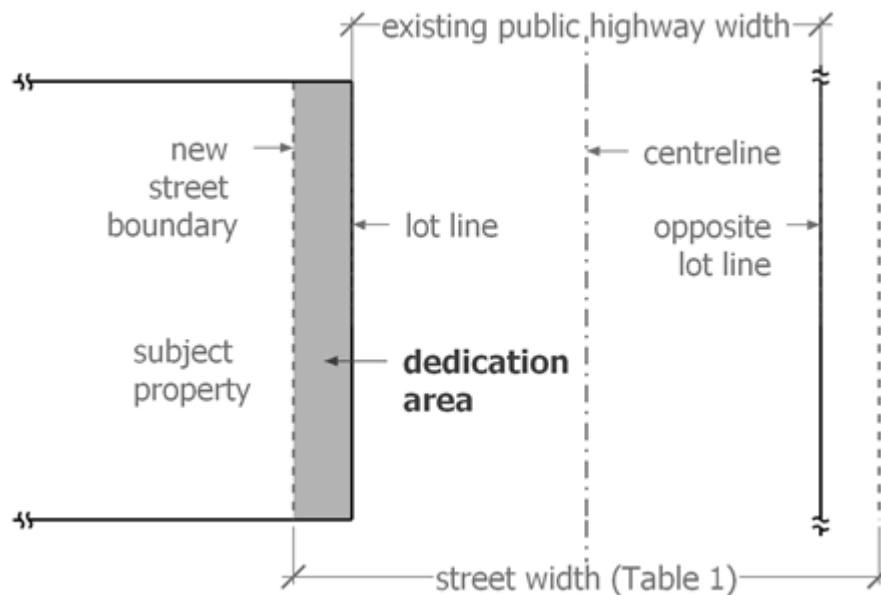


SCHEDULE Q – HIGHWAY DEDICATION AMENITY REQUIREMENTS

1. Definitions

In this Schedule:

- a. "Director" means the Director of Engineering and Public Works or that person's designated representative;
- b. "public highway width" means the distance measured across the street from the lot line to the opposite lot line common to the lot directly across the street and its abutting lots.



2. Requirements for Highway Dedication

- a. Subject to section 3, a highway dedication of a portion of the lot along the entire lot line abutting a street pursuant to section 107 of the *Land Title Act* is required in accordance with the following provisions:
 - i. If the public highway width of the abutting street is less than that identified in Table 1, the required dedication area shall be determined by taking 50% of the required street width pursuant to Table 1 and measuring that distance from the centre line of the public highway toward the lot line and into the lot, if applicable, along the length of the lot line abutting a street.
 - ii. Notwithstanding the contents of Table 1:

- A. if the lot line is on the western boundary of Shelbourne Street between Myrtle Avenue and Bay Street, and the public highway width is less than 27.12 metres, then the required dedication area shall be measured from a line parallel to and 27.12 metres from the easterly boundary of such public highway allowance;
 - B. if the lot line is on Foul Bay Road between Oak Bay Avenue and Fort Street, then the required street width is 20.00 metres.
- iii. If the lot has more than one abutting street deficient in width pursuant to paragraph i., the required dedication area is to include all collective areas calculated in accordance with paragraph i.
 - iv. For the purposes of Table 1, the street width requirement applicable to a lot is determined by the “Street Classification” of the abutting street, as established in Map 4 (Functional Street Classification) of the *Official Community Plan Bylaw, 2012* unless otherwise specified in Table 1, and any restrictions with respect to the street use contained within the “Street Use” column.

Table 1

Street Classification	Street Use	Street width (metres)
Arterial	All	30.00
Secondary Arterial	All	25.00
Collector & Secondary Collector	All	20.00
Local	Designated truck route pursuant to <i>Streets and Traffic Bylaw (No. 09-079)</i>	20.00
	Other	18.00
City Lane, as defined by the <i>Streets and Traffic Bylaw</i>	All	6.00

3. Exceptions and Variations to Requirement for Highway Dedication

- a. If the width of the highway dedication area does not exceed 0.25 metres in any location along the lot line, or the lot does not abut a street, then no highway dedication is required.
- b. Subsection c. applies if any of the following conditions exist with respect to the required dedication area:
 - i. terrain with a steep grade or rock outcrops in, or in immediate vicinity of, required dedication area,

- ii. retaining wall supporting existing roadway in, or in immediate vicinity of, required dedication area,
 - iii. existing tree not planted to the standards established in the Victoria Subdivision and Development Servicing Bylaw No. 12-042 (including, but not limited to, species, condition, planting standard) in, or in the immediate vicinity of, required dedication area,
 - iv. heritage designated building or rock wall in, or in the immediate vicinity of, required dedication area,
 - v. archaeological features in, or in immediate vicinity of, required dedication area,
 - vi. environmental conditions such as soil contamination in, or in the immediate vicinity of, required dedication area, or
 - vii. the segment of street abutting the required dedication area makes dedication impractical or undesirable, and space for mobility improvements (pedestrian, cycling, transit, and truck) and street trees is sufficient for City standards as established by bylaw.
- c. If, after conducting a risk and condition assessment of the required dedication area, the Director is satisfied that at least one of the conditions listed in subsection b. applies and that such condition cannot reasonably be remediated, then the Director may allow for a variation to the width of the required dedication area or determine that no highway dedication is required.
- d. If, in the Director's opinion, it is necessary in order to determine whether any of the conditions listed in subsections b. i. – vii. apply, the Director may require a report prepared by a qualified professional, including but not limited to an environmental assessment, arborist report, or geotechnical report, that outlines the risk, conditions, and potential mitigation measures, to the satisfaction of the Director.