



REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, July 5, 2018, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

Located on the traditional territory of the Esquimalt and Songhees People

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A Council Member Motion regarding support for the creation of more childcare spaces in Vic West.

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE



MINUTES - COMMITTEE OF THE WHOLE

June 7, 2018, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe

ABSENT: Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Young

STAFF PRESENT: J. Jenkyns - Acting City Manager, C. Coates - City Clerk , P. Bruce - Fire Chief, S. Thompson - Director of Finance, J. Tinney - Director of Sustainable Planning & Community Development, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhower - Head of Engagement, J. Jensen - Head of Human Resources, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary, T. Zworski - City Solicitor

A. APPROVAL OF AGENDA

Moved By Councillor Madoff
Seconded By Councillor Alto

That the agenda be approved.

Amendment

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

Consent Agenda:

F. 2 -330 Irving Road - Development Permit Application No. 000524 (North Park)

I.1 - Heritage Process Related Motions

CARRIED UNANIMOUSLY

Main motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

That the following items be approved without further debate:

F.2 330 Irving Road - Development Permit Application No. 000524 (Gonzales)

Committee received a report dated May 24, 2018 from the Director of Sustainable Planning and Community Development regarding a proposal to construct a one-storey single-family dwelling with a secondary suite on an existing panhandle lot.

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

That Council authorize the issuance of Development Permit Application No. 000524 for 330 Irving Road, in accordance with:

1. Plans date stamped May 2, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Revised landscape plan to identify two replacement trees, as per the *Tree Preservation Bylaw*, to the satisfaction of the Director of Parks, Recreation and Facilities.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

I.1 Heritage Process Related Motions

Committee received a Council Member Motion dated May 31, 2018 from Mayor Helps and Councillor Madoff regarding the advice of the Heritage Advisory Panel on heritage-related applications that have been processed through the Delegated Authority process.

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

That Council direct staff to:

1. Provide a list of heritage-related applications that have, to date, been processed through a Delegated Authority process.

2. As part of the Delegated Authority Process of land use applications refer, heritage-related applications to the Heritage Advisory Panel for their consideration but do not require a further referral to Council.
3. Refer heritage-related land use applications to the Heritage Advisory Panel at an early stage in the process.

CARRIED UNANIMOUSLY

D. Presentation

D.1 First Quarter 2018 Update

Guest: Del Manak, Chief Constable, Victoria Police Department

Committee received a report dated April 26, 2018 from the Chief Constable of the Victoria Police Department regarding the Victoria Police Department quarterly operational update for January 1, 2018 - March 31, 2018.

Committee discussed:

- *The perception of safety of the downtown core.*
- *The potential of getting reserve officers more involved in police work.*
- *How the Watch Commander's Open House is publicized and whether there is an agenda.*

Moved By Councillor Alto

Seconded By Mayor Helps

That Council receive the Quarterly update report from the Victoria Police Department for information.

Committee discussed:

- *Possibility of having more bicycle police being a part of the late night task force.*
- *The rise in the amount of meth being distributed on the streets.*

CARRIED UNANIMOUSLY

Committee received a report dated May 30, 2018 from the Acting City Manager regarding the City of Victoria's update on major projects, initiatives, and programs contained in the 2015-2018 Strategic Plan and the 2018 Financial Plan for Quarter 1; January 1 - March 31, 2018.

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council receive the quarterly update for information.

Committee discussed:

- *Rationale for the significant drop in "absent due to injury" numbers.*
- *Rationale for the decrease in on street parking revenue.*
- *Rationale for the decrease in emergency calls*
- *Ensuring more accurate descriptions are used in the Operational Plan Progress Report*

Committee discussed:

- *Possible new design for the roof tiles on the Gates of Harmonious Interest.*
- *The possibility of incorporating garden waste with the green bin collection.*

CARRIED UNANIMOUSLY

Committee recessed at 10:08 am and returned at 10:12 a.m.

D.2 City of Victoria Youth Council

Guests: City of Victoria Youth Council

Committee received a presentation from the City of Victoria Youth Council regarding their activities and accomplishments to date.

Moved By Councillor Lucas
Seconded By Councillor Madoff

That Council receive the presentation from the City of Victoria Youth Council for information.

Committee discussed:

- *Their appreciation for the successful year of ideas and participation of the Youth Council Team in the City of Victoria.*
- *Whether the Youth Council would be interested in having a presentation from the Victoria Police Department.*

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.1 953 Balmoral Road - Rezoning Application No. 000598 and Development Permit with Variance Application No. 000506 (North Park)

Committee received a report dated May 24, 2018 from the Director of Sustainable Planning and Community Development regarding a proposal to rezone the property to a new zone to allow for the construction of a four-storey, multi-unit building on the property located at 953 Balmoral Road. The application was first heard at the April 18, 2018 Committee of the Whole Meeting and was sent back to staff to work with the applicant on a better fit with the neighbourhood context.

Committee discussed:

- *The potential for the consolidation of the subject lot and the adjacent lot.*
- *What the maximum allowance for the lot size would be.*

Moved By Mayor Helps

Seconded By Councillor Madoff

That Council decline Rezoning Application No. 00598 and Development Permit with Variance Application No. 00506 for the property located at 953 Balmoral Road.

Committee discussed:

- *Concerns with the cohesiveness of the streetscape on Balmoral Road.*
- *Possibility of postponing the motion to allow for a conversation between the proponent and the CoolAid Society.*

Motion to Postpone

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

Postpone consideration of the application and request the applicant to meet with the adjoining neighbours to explore possible consolidation of the adjoining lots.

Amendment

Moved By Councillor Alto

Seconded By Mayor Helps

After “application” add “for 2 months”

CARRIED UNANIMOUSLY

Motion to Postpone as Amended

Postpone consideration of the application **for 2 months** and request the applicant to meet with the adjoining neighbours to explore possible consolidation of the adjoining lots.

FOR (4): Mayor Helps, Councillor Alto, Councillor Lucas, and Councillor Thornton-Joe

OPPOSED (1): Councillor Madoff

CARRIED (4 to 1)

F.3 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)

Committee received a report dated May 11, 2018 from the Director of Sustainable Planning and Community Development regarding an application by Earl's restaurant to change their hours of licenced service.

Committee discussed:

- *Whether comments were received from Police regarding the application.*
- *Whether staff considers the views of hoteliers within the proximity of the application.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

Postpone consideration of this matter for one week, for Council to receive correspondence from the Victoria Police Department.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Lucas

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

CARRIED UNANIMOUSLY

G. STAFF REPORTS

G.1 2018 My Great Neighbourhood Grants - Spring Intake

Committee received a report dated May 25, 2018 from the Acting City Manager regarding the Spring 2018 My Great Neighbourhoods Grant applications.

Committee requested that the motion be separated.

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That Council:

4. Approve 21 applications received for the spring intake of the 2018 My Great Neighbourhood Grant program as outlined in Tables 1 and 2.

CARRIED UNANIMOUSLY

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That Council:

2. Approve the following changes to the My Great Neighbourhood Grant Policy (Appendix A)
 - a. Applicants are limited to one placemaking and one activity grant per annual intake.
 - b. At the discretion of the Neighbourhood Team, a three-month extension may be granted for placemaking projects; a second three-month extension may be granted under extenuating circumstances. If after eighteen months (one year to complete and six months of extension) the project is not complete, the City will ask for the grant funds to be returned.
 - c. At the discretion of the Neighbourhood Team, one three-month grant extension for an activity may be granted under extenuating circumstances.

Committee discussed:

- *Concerns with Community Associations not being able to apply more than once per year.*

Amendment

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

In 2(a), after "applicants" insert the following "with the exception of Community Associations".

FOR (2): Councillor Alto, and Councillor Thornton-Joe

OPPOSED (3): Mayor Helps, Councillor Lucas, and Councillor Madoff

DEFEATED (2 to 3)

Main Motion

That Council:

1. Approve 21 applications received for the spring intake of the 2018 My Great Neighbourhood Grant program as outlined in Tables 1 and 2.
2. Approve the following changes to the My Great Neighbourhood Grant Policy (Appendix A)
 - a. Applicants are limited to one placemaking and one activity grant per annual intake.
 - b. At the discretion of the Neighbourhood Team, a three-month extension may be granted for placemaking projects; a second three-month extension may be granted under extenuating circumstances. If after eighteen months (one year to complete and six months of extension) the project is not complete, the City will ask for the grant funds to be returned.
 - c. At the discretion of the Neighbourhood Team, one three-month grant extension for an activity may be granted under extenuating circumstances.

CARRIED UNANIMOUSLY

Committee recessed at 11:41 a.m. and returned at 11:46 a.m.

I. NEW BUSINESS

I.2 Housing, Community Space and Underground Parking Adjacent to Crystal Pool

Committee received a Council Member Motion dated May 31, 2018 from Mayor Helps, Councillors Alto and Lucas regarding the possibility of affordable housing, community space, and underground parking on the site adjacent to Crystal Pool.

Moved By Mayor Helps

Seconded By Councillor Alto

That Council direct staff to report back at the next quarterly update on the implications and timeline for implementing the following recommendations.

Direct staff to:

1. Work with residents of North Park and other interested stakeholders community to develop and issue an RFEI or RFP for:
 - a. Provision of affordable housing (on the site currently set aside for a surface parking lot) to include underground parking and a community space on the ground floor that would be able to accommodate at a minimum, a welcome centre for newcomers to Canada (should this be identified by stakeholders as a need, child care facility, community kitchen, and additional that may not be able to be accommodated in the

Crystal Pool project for sport and non-sport programming for youth, seniors and other underserved groups.

- b. Operation one or more of the community centre, child care, and welcome centre.
2. Design and report back to Council on the process for engaging the community (North Park, Harris Green, Downtown residents and immigrant and indigenous communities from across the city/region) about the community centre/welcome centre space.
3. Apply for funding through Partners for Places (<https://www.fundersnetwork.org/partners-for-places/>) to undertake the process outlined in #2, with potential for matching funding from the United Way of Greater Victoria.
4. Design and report back to Council as part of the 2019 financial planning process on the process for engaging the neighbouring community and citywide residents about the Park Master Plan for Central park, including budget and timing. And direct staff to develop and communicate a plan through consultation with current park users, to ensure their continuing enjoyment and access to the park during construction of Crystal Pool.
5. Report back on the public approval process for having either surface parking or affordable housing in Central Park adjacent to the new Crystal Pool.

Committee discussed:

- *Having a community conversation on the highest and best use of this site.*
- *Whether underground parking under the Crystal Pool was feasible.*
- *Concerns with the loss of green space and a park with this motion.*

CARRIED UNANIMOUSLY

I.3 Letter from BCSPCA regarding Horse Drawn Carriages

Committee received a Council Member Motion dated June 3, 2018 from Councillor Thornton-Joe and Mayor Helps regarding a letter received from the BCSPCA regarding horse drawn carriages in Downtown Victoria.

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

That Council receive this correspondence and request that staff report back on any advice Council would need to consider the recommendations provided by the BC SPCA.

CARRIED UNANIMOUSLY

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

That the Committee of the Whole Meeting be adjourned at 11:56 a.m.

CITY CLERK

MAYOR



MINUTES - COMMITTEE OF THE WHOLE

June 21, 2018, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Councillor Coleman in the Chair, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe, Councillor Young

ABSENT: Mayor Helps, Councillor Alto

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Director of Finance, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary, T. Zworski - City Solicitor, M. Angrove - Planner, J. Paul - Assistant Director of Engineering

A. APPROVAL OF AGENDA

Moved By Councillor Loveday

Seconded By Councillor Isitt

That the agenda be approved.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That the agenda be amended as follows:

Consent Agenda:

C.1 – Minutes from the meeting held May 10, 2018

C.2 – Minutes from the meeting held May 24, 2018

F.2 – 1202-1214 Wharf Street – Rezoning Application No. 00647 (Downtown)

G.2 – Support for Bid to Host 55+ B.C. Games in 2020, 2021 or 2022

G.6 – Proclamation – Pride Week

I.2 – Implementation of Summit Park Management Plan: McNair Trail

I.3 – Vehicle for Hire Bylaw for Rickshaws

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Loveday

That E.1 (Letter from the President of the Union of BC Municipalities) and I.1 (Advocacy for Adequate and Appropriate Support Services with Housing) be referred to the meeting of June 28, 2018.

CARRIED UNANIMOUSLY

Main Motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the following items be approved without further debate:

C.1 Minutes from the meeting held May 10, 2018

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the minutes from the meeting held May 10, 2018 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held May 24, 2018

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the minutes from the meeting held May 24, 2018 be adopted.

CARRIED UNANIMOUSLY

F.2 1202-1214 Wharf Street - Rezoning Application No. 00647
(Downtown)

Committee received a report dated June 7, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 1202-1214 Wharf Street to allow for the addition of "rental business" as a permitted use to the existing IHF Zone.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00647 for 1202-1214 Wharf Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that a Public Hearing date be set.

CARRIED UNANIMOUSLY

G.2 Support for Bid to Host 55+ B.C. Games in 2020, 2021 or 2022

Committee received a report dated June 11, 2018 from the Director of Parks, Recreation and Facilities seeking Council approval to work with the Greater Victoria Sport Tourism Commission to apply to host the 55+ B.C. Games in 2020, 2021, or 2022.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council:

1. Direct staff to work with the greater Victoria Sport Tourism Commission to apply for the right to host the 2020, 2021, or 2022 55+ B.C. Games; and
2. Approve financial support of a \$60,00 cash contribution, as well as in-kind support of up to \$55,000, should the bid be successful, with funds from the budget surplus for the year prior to hosting the Games.

CARRIED UNANIMOUSLY

G.6 Proclamation - Pride Week

Committee received a report dated June 6, 2018 from the City Clerk regarding the Proclamation for Pride Week, July 1 to July 8, 2018.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the *Pride Week Proclamation* be forwarded to the June 28, 2018 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

I.2 Implementation of Summit Park Management Plan: McNair Trail

Committee received a Council Member Motion dated June 14, 2018 from Councillors Isitt and Loveday regarding the proposed allocation for the McNair Trail to Summit Park in the 2019 draft Financial Plan.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council provide direction to staff to include an allocation in the 2019 draft Financial Plan for improvements to the McNair to Summit Park, consistent with the implementation timeline adopted in the Summit Park Management Plan.

CARRIED UNANIMOUSLY

I.3 Vehicle for Hire Bylaw for Rickshaws

Committee received a Council Member Motion dated June 18, 2018 from Councillors Lucas and Thornton-Joe providing recommendations regarding the amendment of Section 17(2) of the Vehicles for Hire Bylaw to increase the maximum capacity for rickshaws.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council direct staff to amend Section 17(2) in the Vehicles for Hire Bylaw to increase the maximum capacity for rickshaws from 2 persons to 3 adults and one child, or 2 adults and 2 children.

CARRIED UNANIMOUSLY

D. Presentation

D.1 Greater Victoria Harbour Authority

Guests: Ian Robertson, Chief Executive Officer and Dave Cowen, Chair of the Greater Victoria Harbour Authority

Committee received a presentation from the Chief Executive Officer and Chair of the Greater Victoria Harbour Authority regarding their Member Agency Annual Update.

Committee discussed:

- *Concerns with a reduction in flaggers at Ogden Point causing issues between traffic and horse drawn carriages.*
- *How the air quality is being affected by the increased cruise ship traffic.*
- *How increased taxi traffic is affecting the neighbourhood surrounding Ogden Point.*
- *Whether revenue ~~cross~~-sustains all the properties under the Greater Victoria Harbour Authority.*

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That Council receive the presentation from the GVHA for information.

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.1 356-360 Bay Street and 2520 Turner Street - Rezoning and Development Variance Permit Application No. 00604 (Burnside)

Committee received a report dated June 7, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 356-360 Bay Street and 2520 Turner Street to a site-specific zone in order to allow for the retail sale of cannabis.

Moved By Councillor Isitt

Seconded By Councillor Loveday

Rezoning

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00604 for 356-360 Bay Street and 2520 Turner Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once:

1. Staff receive revised plans illustrating the retail area as approximately 25% of the total floor area of the unit.
2. Staff receive proof of registration at the Land Titles Survey Authority of a registered Statutory Right-of-Way (SRW) of 4.91m on Bay Street.

Development Variance Permit

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of a Development Variance Permit Application for 356-360 Bay Street and 2520 Turner Street, in accordance with:

1. Revised plans with a reduced retail floor area.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking requirement for a storefront cannabis retailer from 1 stall per 37.5m² to 1 stall per 93m².
3. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- *Concerns, given the location of the application, with legalized cannabis being used while operating heavy machinery.*

FOR (6): Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

G. STAFF REPORTS

G.1 Topaz Park Improvement Plan

Committee received a report dated June 5, 2018 from the Director of Parks, Recreation, and Facilities seeking approval of the Topaz Park Improvement Plan and providing proposed timeline for the project.

Committee discussed:

- *Impacts on the permit holders during installation of the new artificial turf and grass.*
- *Possibility to turn the artificial turf back to natural turf.*

Moved By Councillor Isitt

Seconded By Councillor Young

That Council approve the Park Improvement Plan for Topaz Park, as described in Attachment A.

Committee discussed:

- *Retaining more natural areas over the proposed open spaces.*

Councillor Isitt withdrew from the meeting at 10:08 a.m.

Committee discussed:

- *Ensuring that parking is adequate and not impacting the neighbourhood.*
- *Mitigation of noise and movement behind the tennis courts.*
- *Ensuring that wheelchair accessibility is taken into account when looking at the design for the dog park.*
- *Health and environmental concerns with the artificial turf.*
- *Possibility of moving up the timelines for the southern portion of the park by a year.*
- *The types of lighting contemplated for the sport box.*
- *The vision for the "Sports Hub".*
- *Incorporating a "Welcome to Victoria" sign on Blanshard and Finlayson streets.*

CARRIED UNANIMOUSLY

Committee recessed at 10:46 a.m. and returned at 10:50 a.m.

G.3 Permissive Exemption Policy - Parking Lots

Committee received a report dated June 8, 2018 from the Director of Finance regarding the feasibility of expanding the supply of parking Downtown and in the vicinity through amendments to the Permissive Tax Exemption Policy relating to parking lots and as part of the Sustainable Mobility Strategy.

Moved By Councillor Thornton-Joe

Seconded By Councillor Lucas

That Council receive this report for information.

CARRIED UNANIMOUSLY

G.4 Development Cost Charges Review - Consultation Results

Committee received a report dated June 11, 2018 from the Director of Finance outlining the results of consultation with the development community on proposed changes to the City's development cost charges (DCCs).

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That Council direct staff to:

1. Bring forward the Development Cost Charges Rates Amendment Bylaw for consideration of first, second and third readings at the June 28, 2018 Council meeting.
2. Transfer the development cost charges balances of \$3,502,413.97 and \$1,468,723.95 set aside for Parks Acquisition and Parks Development into the new Development Cost Charges Parks and Acquisition Reserve.

CARRIED UNANIMOUSLY

G.5 Emergency Management Program Funding

Committee received a report dated June 4, 2018 from the Fire Chief regarding the allocation of funding from the \$250,000.00 assigned to Emergency Management for the continuation and implementation of projects such as the Public Notification System (Vic-Alert), Emergency Operations Centre Training and Exercises program development, Connect and Prepare Pilot, and 3 year pilot Agreement with the Canadian Red Cross to Deliver Emergency Social Services.

Committee discussed:

- *Possibility of liaising with RV distributors to utilize RV stock during an emergency situation such as an earthquake.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Lucas

That Council received this report for information.

CARRIED UNANIMOUSLY

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Loveday

Seconded By Councillor Lucas

That the Committee of the Whole Meeting be adjourned at 11:11 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



Committee of the Whole Report For the Meeting of July 5, 2018

To: Committee of the Whole **Date:** June 21, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit Application (DDP No. 00174) for 1351 Vining Street

RECOMMENDATION

That Council authorize the issuance of a Development Permit Application for 1351 Vining Street (DDP No. 00174), subject to the applicant adding obscured glass to the bathroom window, removing the living area window on the east elevation and the French doors on the west elevation (small, non-opening transom windows may replace these), to the satisfaction of the Director of Sustainable Planning and Community Development, in accordance with:

1. Plans date stamped March 19, 2018, as amended.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping; and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1351 Vining Street. The proposal is to convert an existing studio to a garden suite. The existing studio does not meet the *Garden Suite Policy and Guidelines*, and changes to the west and east elevation windows are required for consistency with the Policy.

The following points were considered in assessing this application:

- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy and Guidelines*, 2011; however, an existing living area window and a set of French doors facing neighbouring properties pose potential privacy concerns and are inconsistent with the design guidelines.
- The existing building was built with permits as an art studio in 1996. It has been used illegally as a dwelling unit in the past and has been the focus of Bylaw Enforcement investigations resulting from neighbourhood concerns.
- Other aspects of the design and siting of the building are consistent with the *Garden Suite Policy and Guidelines* and there are no variances.

BACKGROUND

Description of Proposal

The proposal is for a garden suite in the rear yard of the subject property. Specific details include:

- the garden suite would be in an existing studio built in 1996
- the exterior material is horizontal wood siding, and has pitched roofline
- there are no exterior changes proposed to the existing building, except for adding foundation curtain panel
- there would be some landscaping changes made to accommodate a semi-private outdoor space.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a single-family dwelling with an accessory building, which was built with the declared use as a studio/workshop. The existing single-family dwelling was built in 1911. The existing single-family dwelling has heritage value and Staff encouraged the applicant to consider making an application for Heritage Designation, or adding the building to the Heritage Register. The Applicant has declined to pursue this at this time.

Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single-family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and Schedule M – Garden Suites. An asterisk is used to identify where the proposal is less stringent than the Zone, and represents a legal non-conforming condition. There are no variances for the garden suite.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) - minimum	423.00*	460.00
Lot width (m) - minimum	9.89*	15
Parking - minimum	0*	1
Site coverage (%) - maximum	23.67	40.00
Garden Suite	Proposal	Zone Standard
Combined floor area (m ²) - maximum	23.69	37.00
Height (m) - maximum	3.33	3.50
Storeys	1	1
Rear yard site coverage (%) - maximum	11.93	25.00
Setbacks (m) – minimum:		
Separation space from main building	12.00	2.40
Side (west)	3.00	0.60
Side (east)	2.00	0.60
Rear (south)	4.20	0.60

Relevant History

The existing accessory building was built in 1996 with a Building Permit (BP #0016544). Later that year, additional permits were issued to add plumbing (full bathroom) with the clear limitation of the building being used as a workshop and studio space (approved Building Permit and Plumbing Permit Plans attached). The final construction does not match the approved building permit plans. Many of the windows were built to different sizes than shown on the plans and there are discrepancies amongst the various plans regarding the number and placement of doors and windows on the west elevation.

In response to neighbourhood complaints there has been ongoing Bylaw Enforcement action on this property since 2005 related to the use of the accessory building as a residential unit. A Bylaw Contravention Notice was placed on title in 2011 and it appears there was further occupation of the studio after that time. The most recent complaint occurred in July 2017 related to the studio being used as a dwelling unit. It was around this time that the applicant enquired about the studio being converted to a garden suite. Correspondence with Bylaw Enforcement in October 2017 indicates that the studio had been vacated and appliances removed. No new information suggests this is an ongoing issue.

Community Consultation

In accordance with the City's *Land Use Procedures Bylaw*, Development Permits do not require public consultation, notice or sign posting; however, as per staff's normal practice, the applicant was encouraged to communicate with their neighbours.

ANALYSIS

Development Permit Area and Design Guidelines

The OCP identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites.

The *Garden Suite Policy and Guidelines* strongly discourage windows being oriented towards neighbouring properties to maintain levels of privacy for adjacent neighbours; alternatively, windows should be oriented towards the interior of the site. The proposal is for a conversion of a studio to a garden suite; and even though it is existing, the building does not meet the design guidelines with regards to privacy. Additionally, given the past Bylaw complaints regarding this property, it would appear there are issues related to the privacy and enjoyment of neighbouring properties due to habitation of the building. Conversion of accessory studios may be supported if they meet the *Garden Suite Policy and Guidelines*, particularly around privacy and impact to neighbours.

The French doors that are facing the west neighbour are three metres from the lot line. There is a patio area outside of this door and a six foot fence along the lot line. The two doors have large windows that are located off the living area of the studio. The living area is considered habitable space; and due to the activity in and around this area of the building, may pose privacy and increased noise concerns, thus, potentially affecting the neighbouring properties. There is an existing accessory building in the rear yard of the neighbour to the west; this may also pose potential privacy concerns should this neighbour develop a garden suite in the future.

The living area window facing the east is two metres from the lot line. This window is also off a habitable living space. There is a six foot high fence along the east lot line which has five feet of vertical wood boards and 1 foot of lattice at the top. The neighbour also has a tree which helps to partially block this window; however, if the tree is ever removed, or the neighbour decides to develop a garden suite in the future, it may pose potential privacy concerns.

The kitchen and bathroom are both considered to be non-habitable rooms in terms of the *Zoning Regulation Bylaw* and these windows tend to pose fewer concerns related to privacy and overlook. The kitchen window is an atrium style window which is relatively small and would likely be partially obscured by plants and other stored items. The bathroom window is small in size; however, it should have obscured glass added for privacy.

The applicant has suggested the preferred option is to add landscaping along the east and west lot lines, and add obscured glass to the French door windows and living area window. Staff recommend that in this instance, the garden suite be reconfigured (remove east window and west French doors) to meet the design guidelines. This will help achieve the aim of the Guidelines which is to minimize the potential for conflict while facilitating a positive neighbourhood "fit" over the short and long term. Should Council wish to proceed with approving the application in accordance with the preferred option of the applicant, Option 1 in the Alternate Motions would achieve this.

The proposal generally meets all other aspects of the Policy. The material finish is a horizontal siding, which is compatible with the existing character of the house. There is a small outdoor space and patio area proposed for the garden suite. The proposed garden suite would not be directly visible from the street; however, there is a gate and path that would indicate the garden suite location at the rear of the long, narrow lot.

Local Area Plans

Tree Preservation Bylaw and Urban Forest Master Plan

There is a significant bylaw protected Lombardy Poplar tree, as well as, a bylaw protected Western Red Cedar tree in the back yard within the vicinity of the garden suite. If any exterior alterations such as foundation work, or service upgrades are proposed, the Parks Department will need to review the application.

Regulatory Considerations

The standard Right-of-Way for a local street is 18.0m; however, future transportation-related needs on the corridor can be met in a Right-of-Way width of 15.0m. To help achieve this minimum on the portion of Vining Street, a Statutory Right-of-Way of 1.4m was requested; however, this request was declined by the applicant.

CONCLUSIONS

This proposal to convert an existing studio to a garden suite is generally consistent with the *Official Community Plan* objectives and guidelines for sensitive infill; however, the design is inconsistent with the *Garden Suite Policy and Guidelines* in relation to placement of windows and doors on side elevations. The proposed living area window on the east elevation, and the French doors on the west elevation, present potential privacy concerns and Staff recommend that they be removed. However, the addition of small transom windows, particularly in place of the French doors, to allow light into the living area may be supportable. The applicant's ideal preference would be to add obscured glass to these windows, and potentially additional landscaping. Staff recommend that Council consider the motion recommendation; however, alternative motions have been provided.

ALTERNATE MOTIONS

Option 1 – (Approve with revision to add obscured glass and landscaping)

That Council authorize the issuance of a Development Permit Application for 1351 Vining Street (DDP No. 00174), subject to the applicant adding obscured glass to the bathroom window, French doors and living area window; as well as, landscaping along the west and east lot lines, to the satisfaction of the Director of Sustainable Planning and Community Development, in accordance with:

1. Plans date stamped March 19, 2018, as amended.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Option 2 (Decline)

That Council decline Delegated Development Permit Application No. 00174 for the property located at 1351 Vining Street.

Respectfully submitted,

Chelsea Medd

Chelsea Medd
Planner
Sustainable Planning and Community
Development

A. Meyer

[Signature]

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Joseph Denby

Date:

June 29, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 19, 2018
- Attachment D: Letter from applicant to Mayor and Council dated May 28, 2018
- Attachment E: Building Permit plans dated November 7, 1996
- Attachment F: Existing Site Photos from May 2018

R1-B

1324

1328

1334

1340

1348

1356

1916

1912

1908

1904

1915

1911

1907

VINING ST

1325

1331

1337

1341

1343

1347/49

1351

1355

1359

1834

1830

1829

1819

1815

1811

1807

R1-B

1328

1330

1336

1338

1344

1348

1352

1360

1362

1368

R1-B

1812

STANLEY AV

GRANT ST

1335

37/39

1345

1349

1351

1353

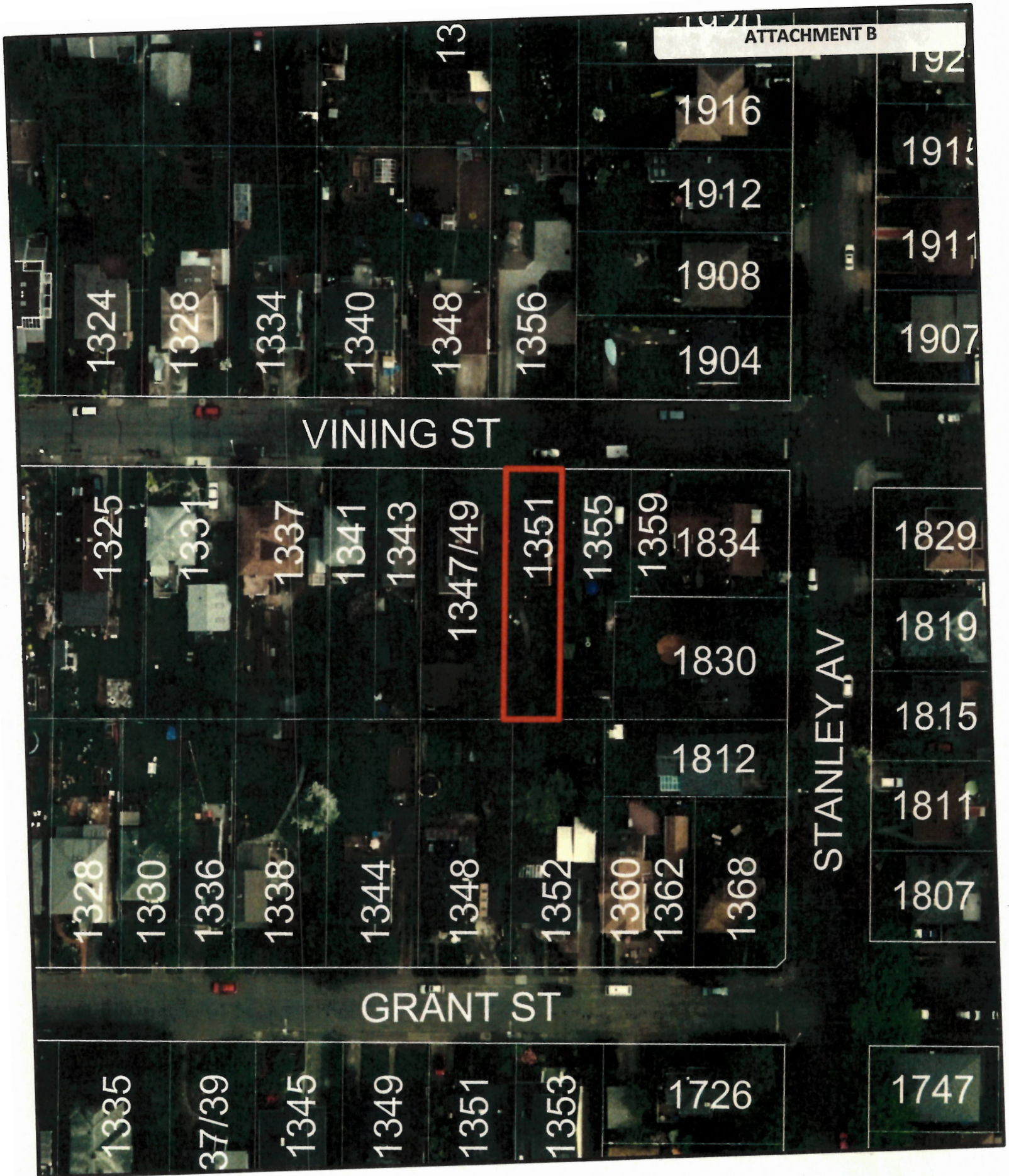
1726

1747



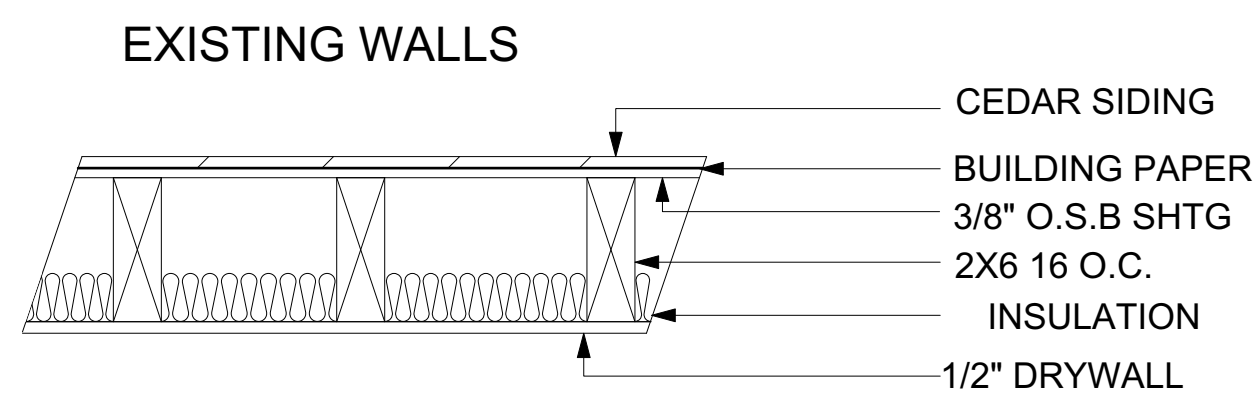
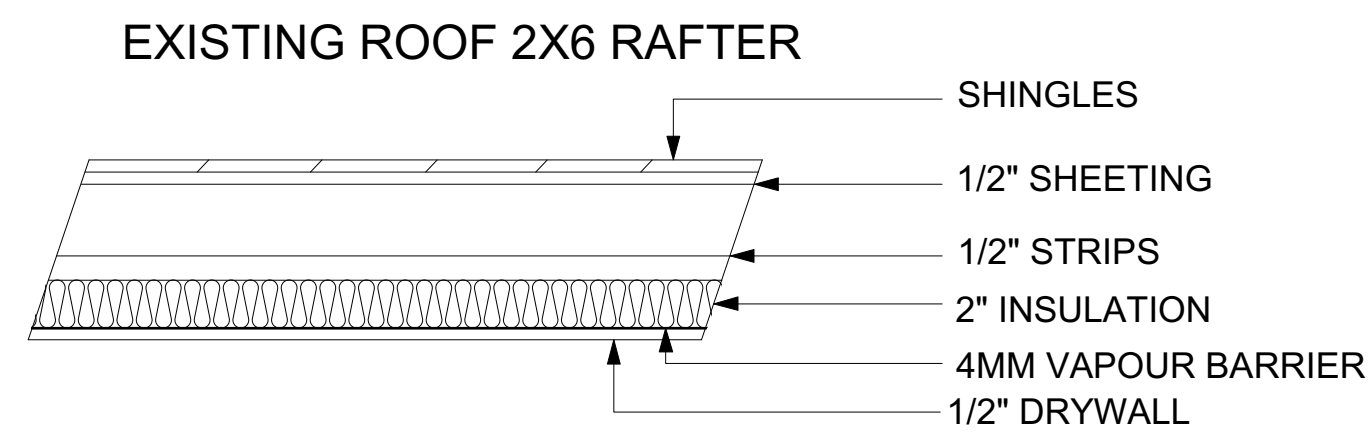
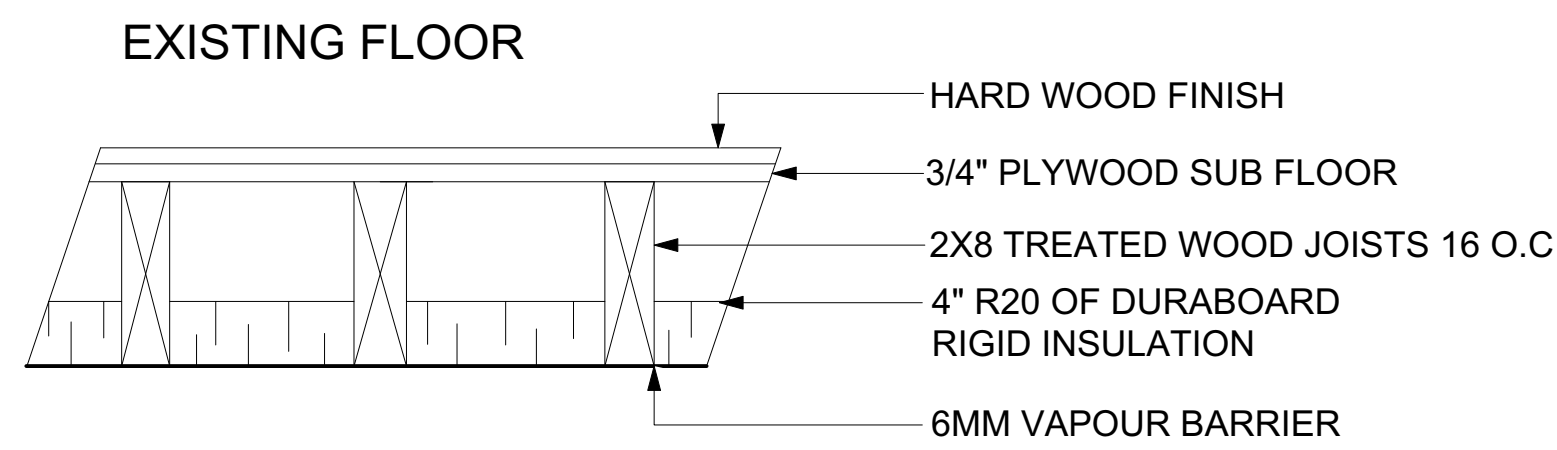
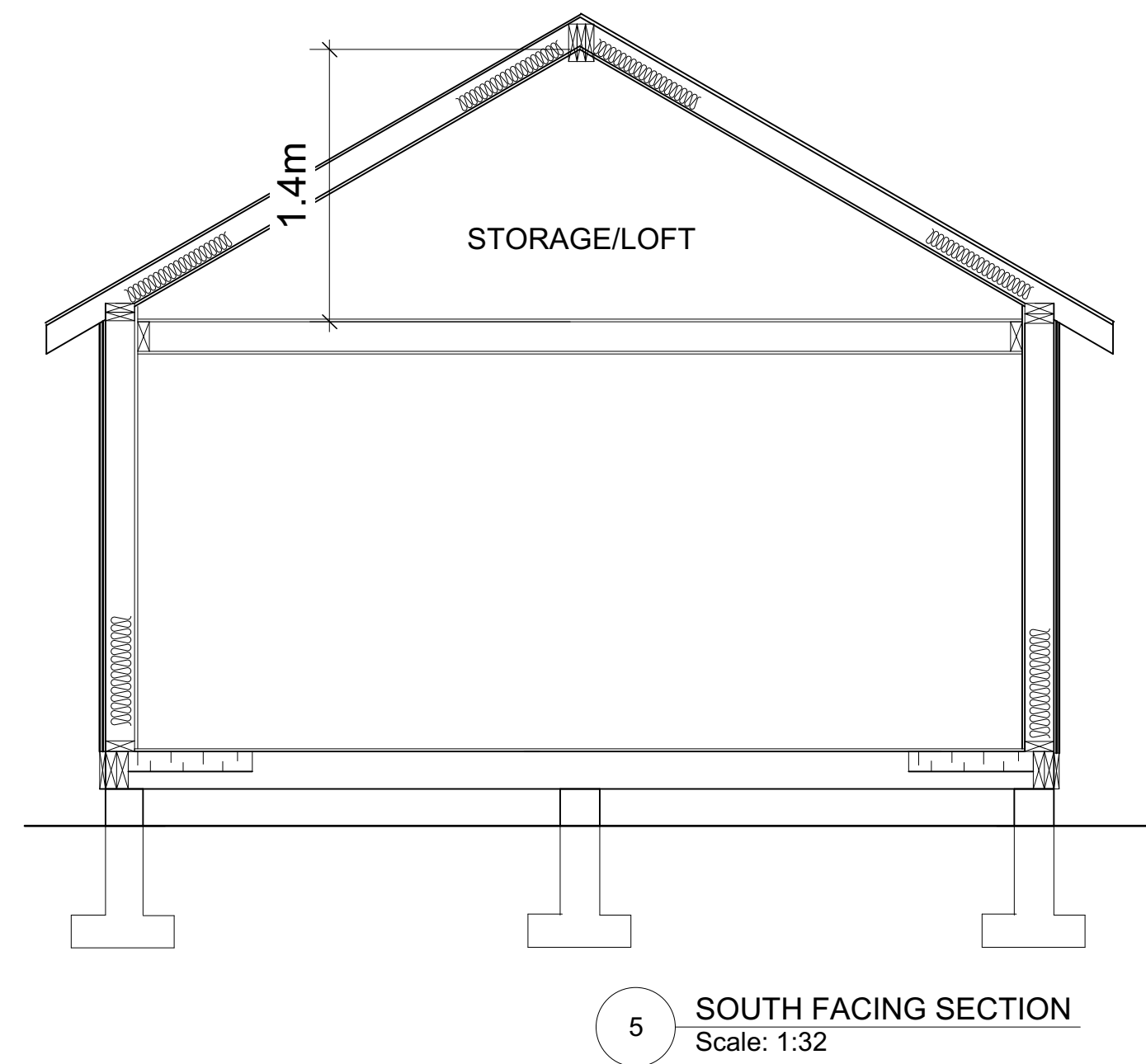
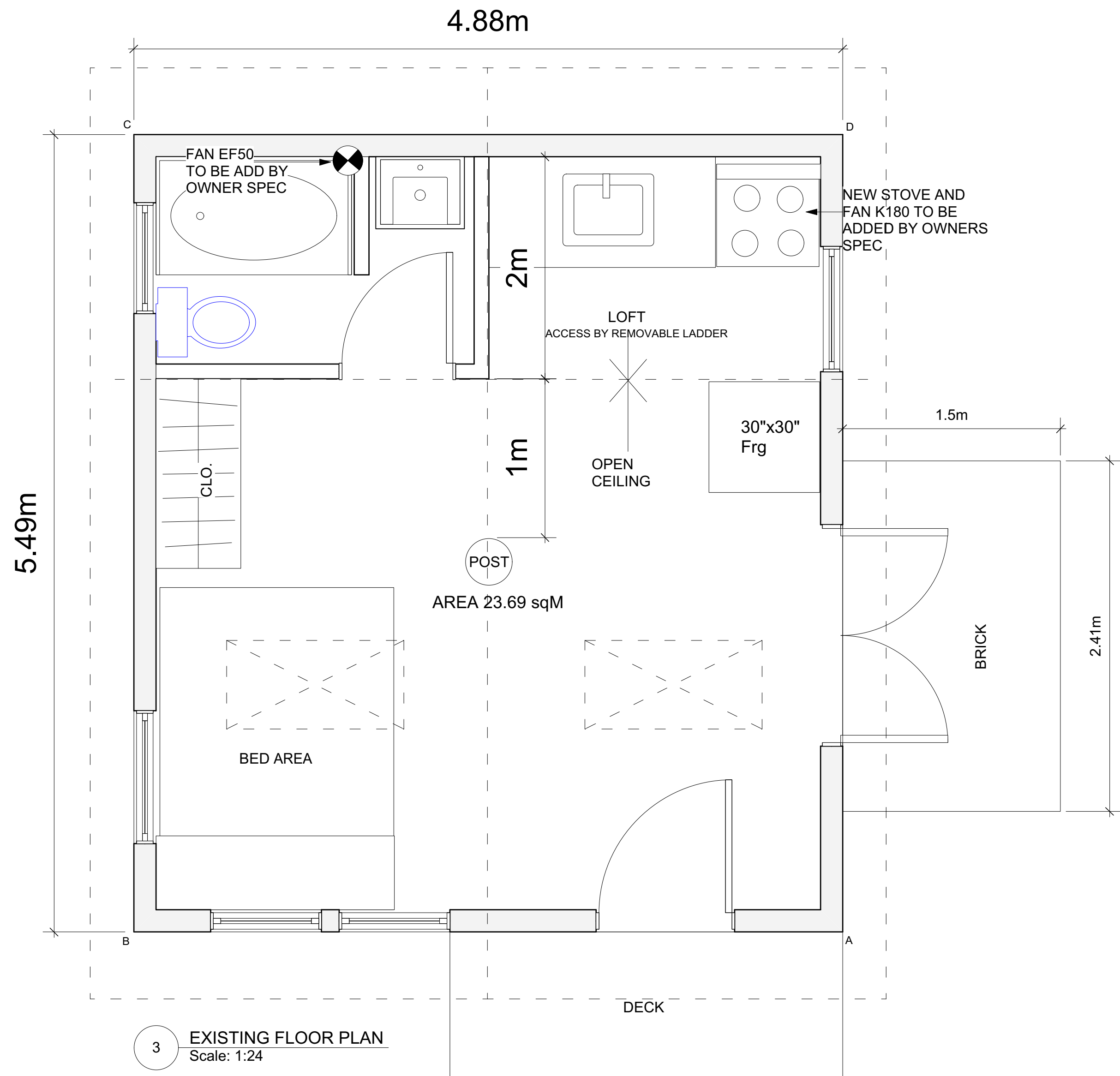
1351 Vining Street
Delegated Development Permit #00174



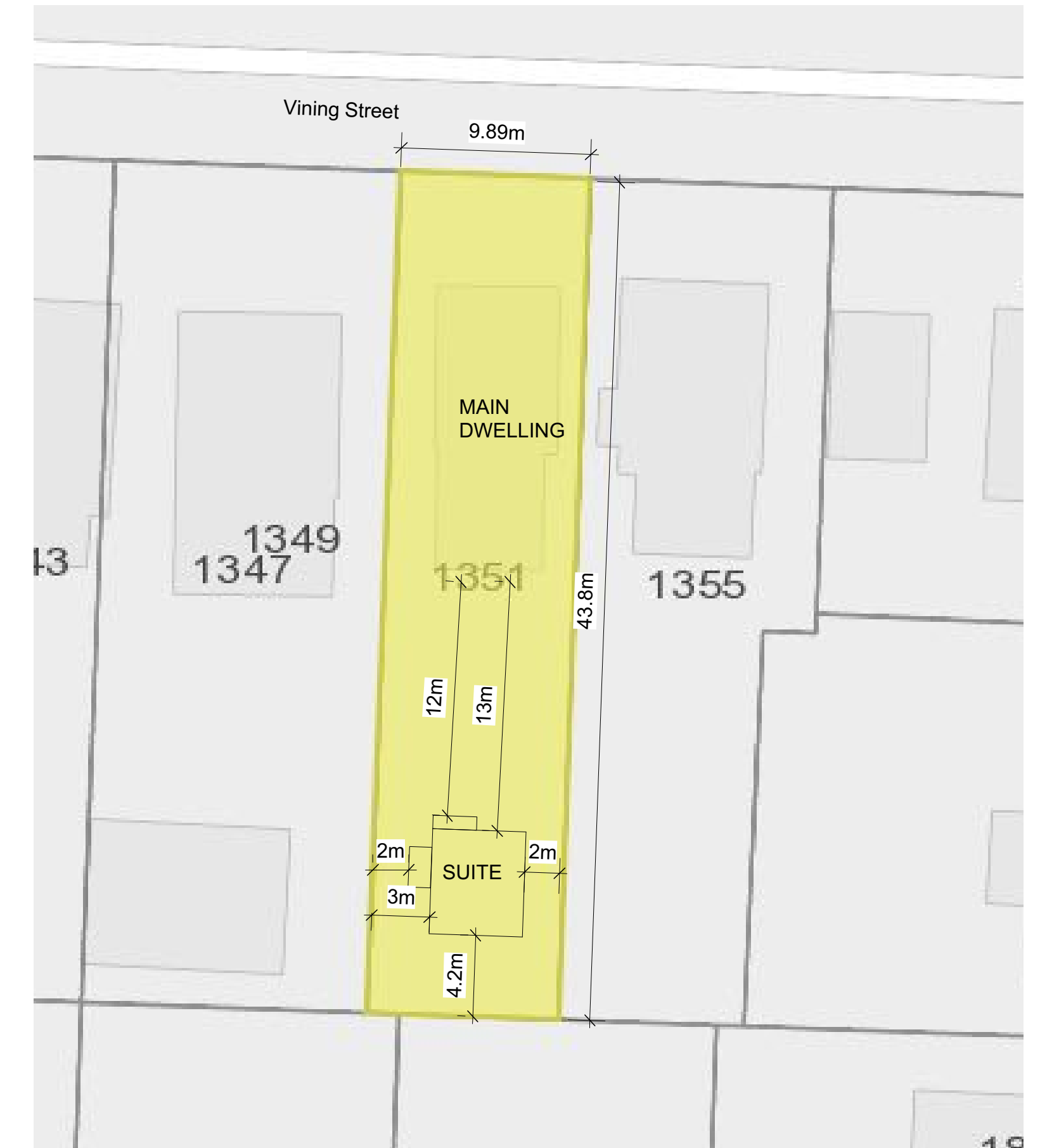


1351 Vining Street
Delegated Development Permit #00174





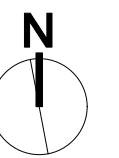
4 EXISTING DETAIL
Scale: 1:8



Lot 2 Plan VIP57340 Section 75 Land District 57
PID: 018-426-166

Civic: 1351 Vining Street, Victoria BC, V8R1P5

Project Information Table	
Zone:	R1-B with garden suite
Existing Suite Floor Area:	23.69 sq.m.
Existing Site Coverage:	%23.67
Existing Rear Yard Coverage:	%11.93
Existing Height of Building:	3.33m
Existing Average Grade:	26.24m
Existing Number of Stories:	1
Existing Parking:	Street
Existing Setbacks:	
From Dwelling:	13m
From Lot lines:	1.83m, 4.20m, 2.44m West, South, East

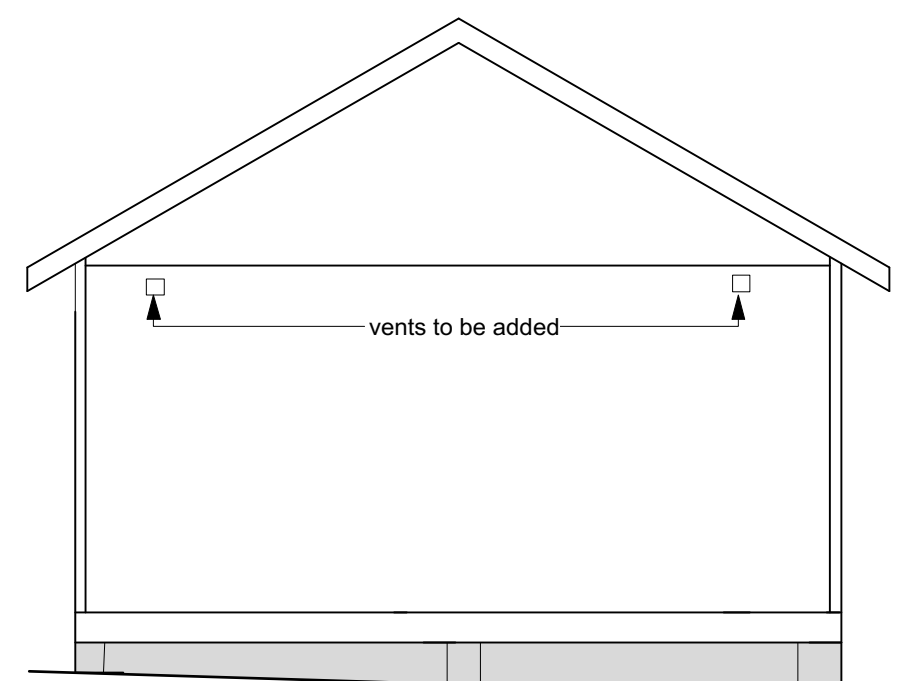


Revisions

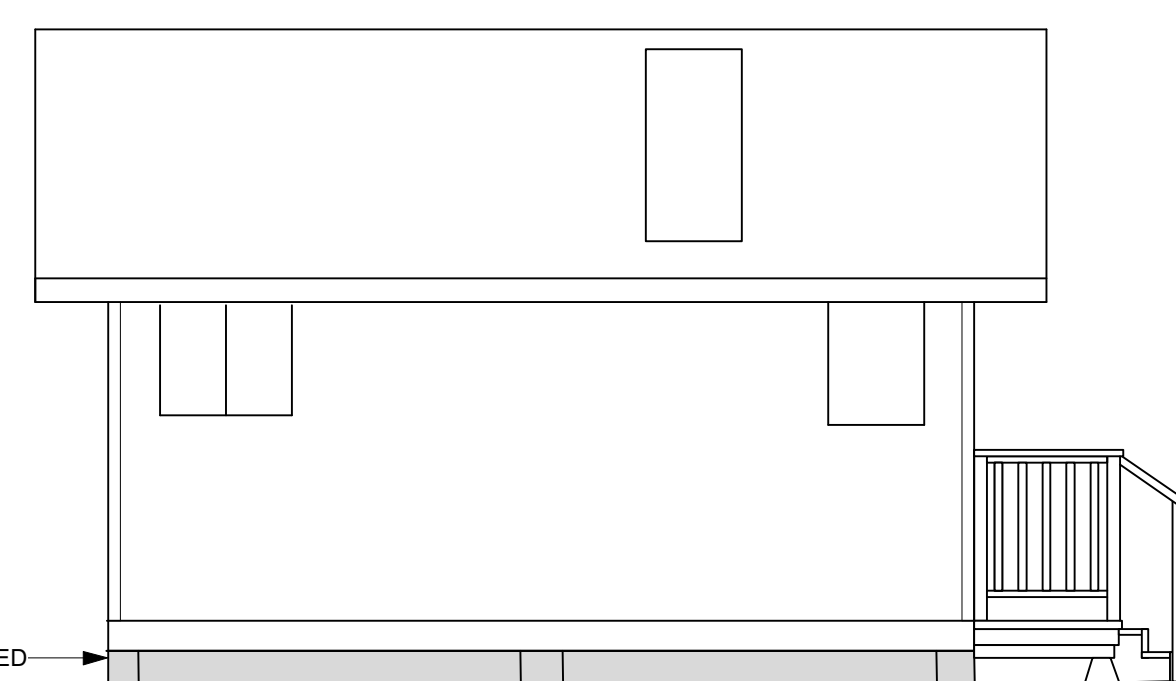
Received Date:
March 19, 2018



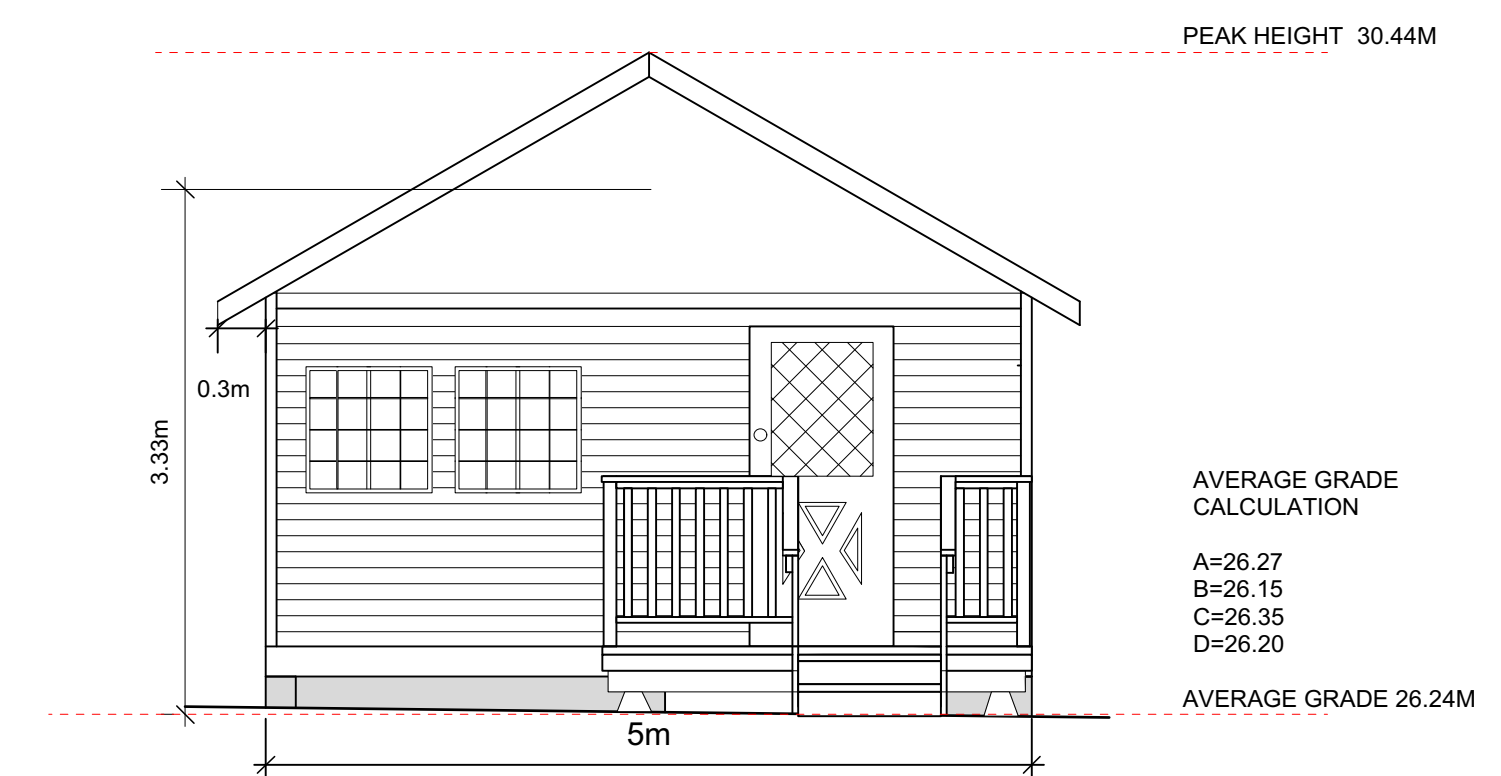
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

2 EXISTING ELEVATIONS
Scale: 1:48

1351 VINING STREET

EXISTING STUDIO
CONVERSION TO
SUITE

OWNER:
JUDITH SPICE
778 440 6955

DECEMBER 22nd,
2017

NOTE: ALL DRAWINGS ARE AS
EXISTING UNLESS SPECIFIED.



2 Studio Facade
Scale: 1/2" = 1'-0"



1 Street Scape of 1355, 1351, 1349

3 Landscape Plsn
SCALE : NTS

1351 VINING
STREET

EXISTING STUDIO
CONVERSION TO
SUITE

OWNER:
JUDITH SPICE
778 440 6955

DECEMBER 22nd,
2017

NOTE: ALL DRAWINGS ARE AS
EXISTING UNLESS SPECIFIED.

Chelsea Medd

To: JUDITH SPICE
Subject: RE: City of Victoria: Application Review Comments - 1351 VINING ST (BP054514)

From: JUDITH SPICE [REDACTED]
Sent: May 28, 2018 1:56 PM
To: Chelsea Medd <cmedd@victoria.ca>
Subject: Fw: City of Victoria: Application Review Comments - 1351 VINING ST (BP054514)

On May 28, 2018, at 7:25 AM, JUDITH SPICE [REDACTED] > wrote:

Dear Chelsea and Council:

I am writing to ask permission to leave my studio windows facing east and west on my little studio I am converting in a tiny house.

My greatest fear is that without all the light that comes in from these windows and doors, it will turn an otherwise really cute little space into a little house, resembling a dog house with the main light source coming in from the front of the building, which is north facing. This little studio has been like this since 1994, and neighbours on either side, who felt a lack of privacy could easily have planted trees to block the view if privacy were an issue. The east facing neighbours had done this, but last week trimmed their trees down so they now have a great clear view of the studio. The planning department suggested transom windows, but with the design of the roof line, and the height of the neighbours fence. the windows would allow the same amount of visibility in, as do the present set up with the double patio doors.

The double doors on the west facing walls allows a second exit in case of emergency and they also lead out to a small patio area. Both for aesthetic and safety concerns I request that these. in particular be allowed to remain intact.

The windows on the east have shrubs and trees tall enough to block views of the studio.

Again because this building has been here for over twenty years I can not see that it should need to change. If it is a privacy issue, then I am willing to buy trees to line the fence, or to opaque the windows so no one could see in or out.

I request that you reconsider the decision to have these windows and doors removed.

Regards

Judith Spice

Get [Outlook for Android](#)

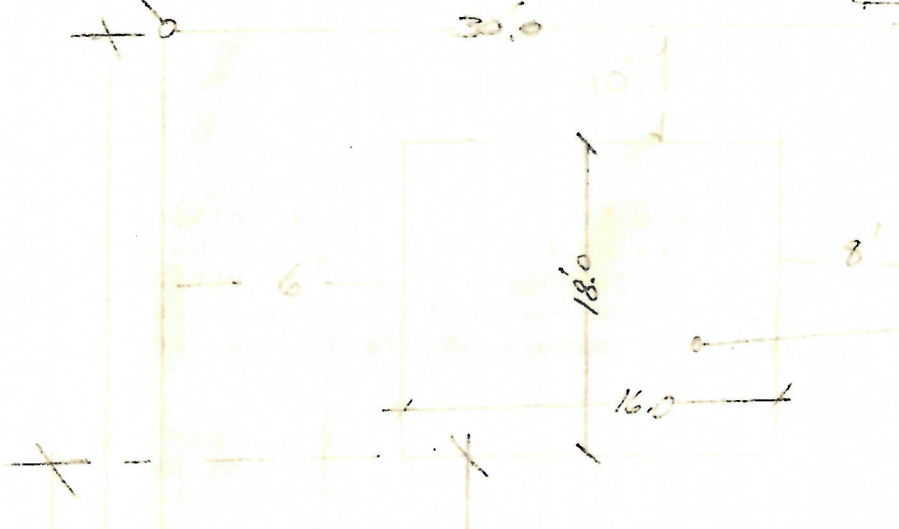
ATTACHMENT E

598-3524

ADJOINING LOT.

12 MAY 46	PAGE 1 OF 3
1351 VINING ST	JUDITH SPICE
LOT DIMENSIONS & CLEARANCES	
AS PER P1	BY MIKE WRIGHT
598-3524	

WOOD DEC. 1996.



16' x 18'
PROPOSED STUDIO
WORKSHOP
STORAGE
HEIGHT 13' 0"

Note:
HEIGHTS
SIDE YARD
AND 2/3 BACK YARD
CLEARANCES
MEET ZONING
REQUIREMENTS
R1

18.0'

EXISTING
STRUCTURE

5'

9'

20'

SIDE WALK

1351 VINING STREET

PLUMBING

AS PER CODE REQMTS.

①

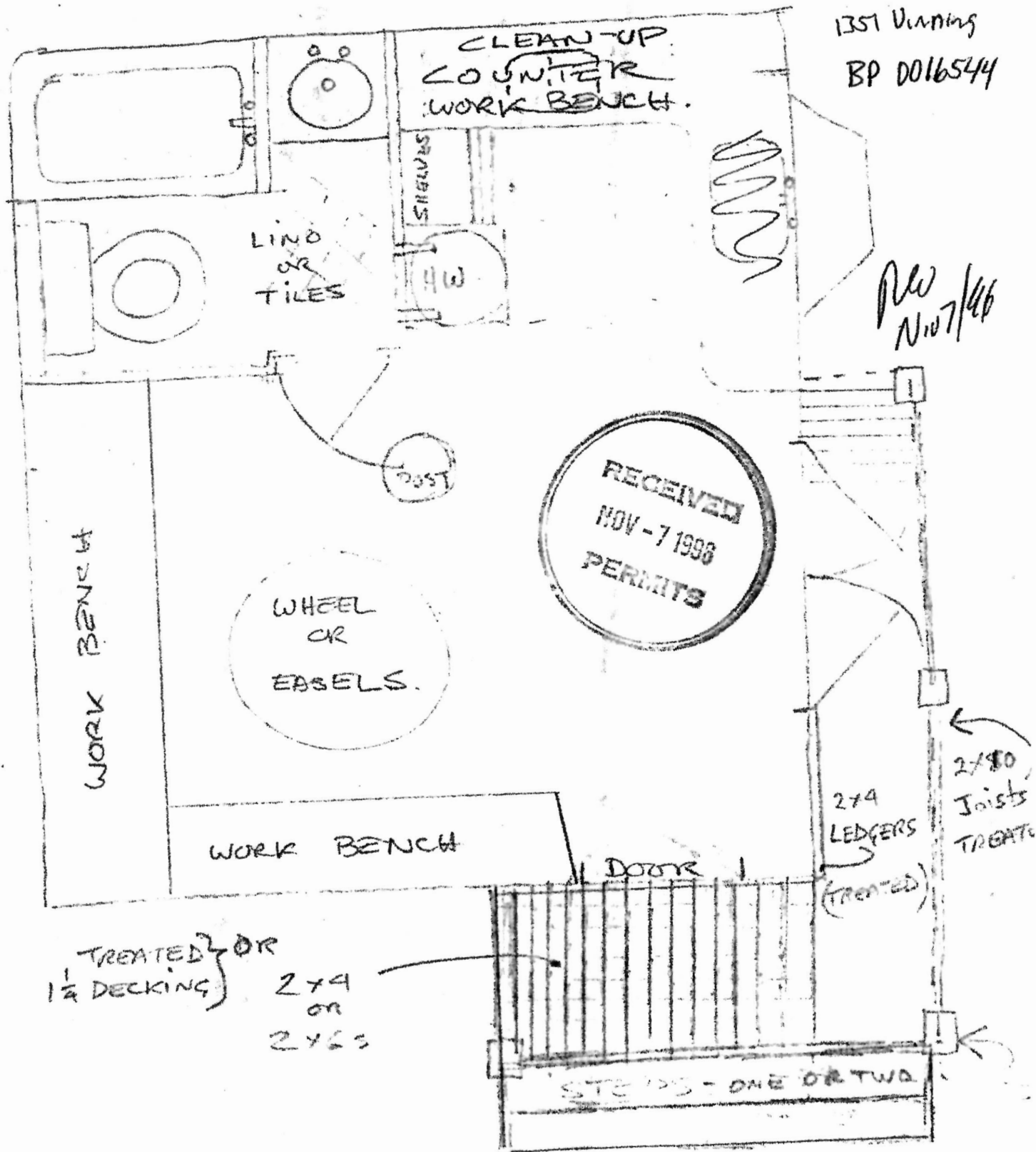
ACCESSORY SLAB

1351 WINNING ST

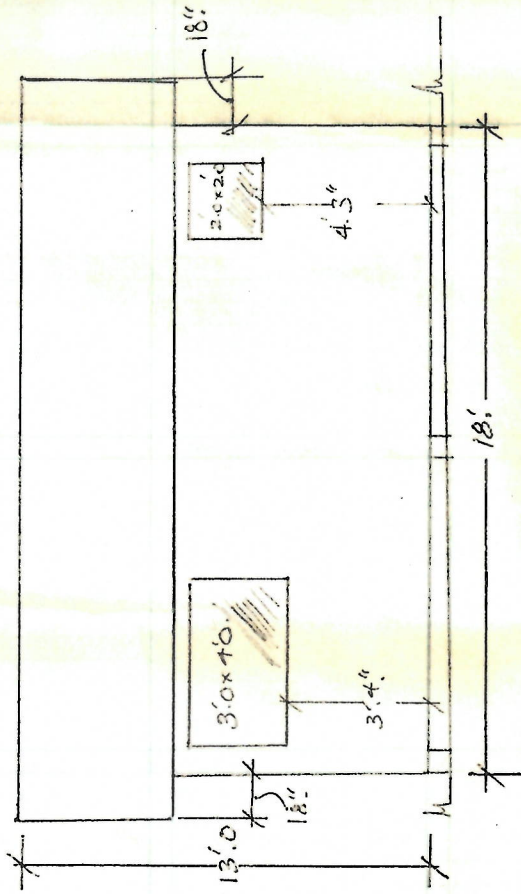
VIC. BC. 598-3524

JUDITH SPICE NOV 96.

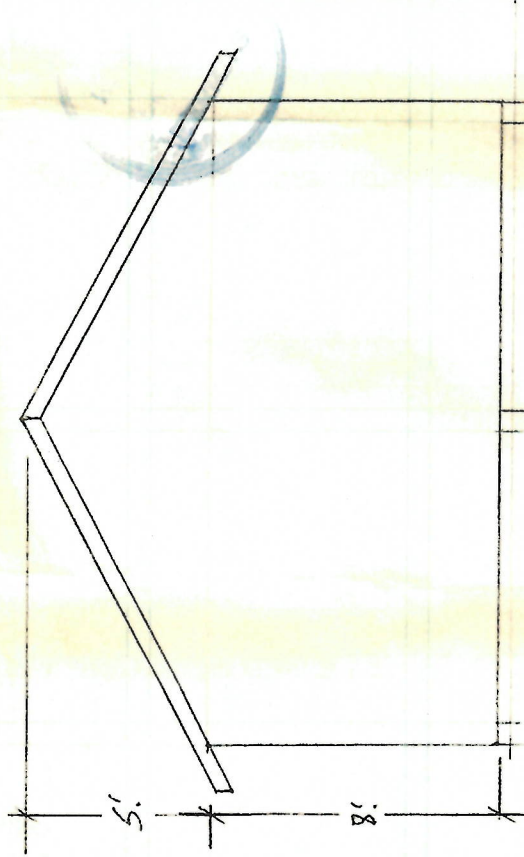
Add to
1351 Winning
BP 0016544



THIS BUILDING IS FOR A STUDIO/WORKSHOP
NOT A RESIDENCE. Signed J. A. SPICE
x Judith Spice

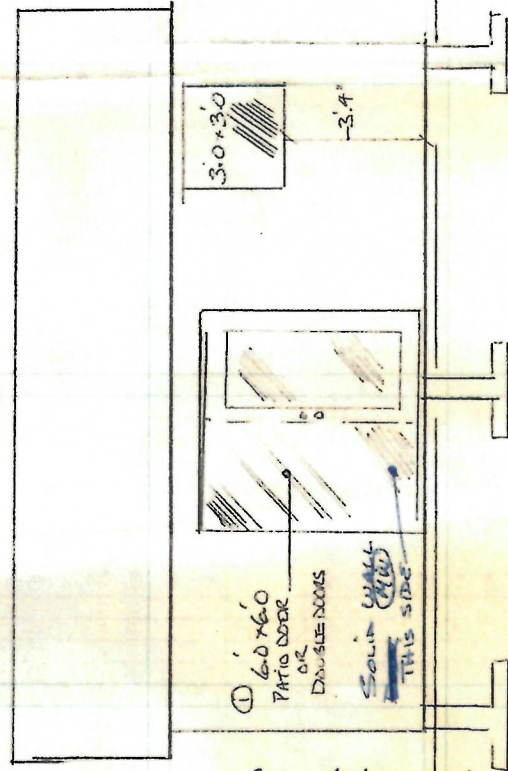


E. SIDE VIEW

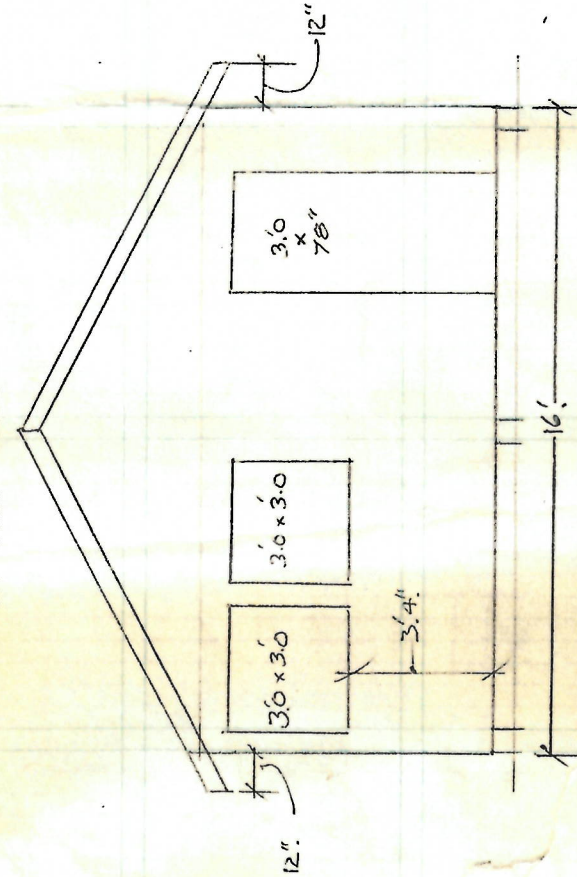


SOUTH SIDE VIEW - FACING TREE LINE ON ADJACENT YARD.

PAGE 3 OF 3 ACC. B
JUDITH SPICE SQB



W. SIDE VIEW



NORTH SIDE VIEW - FACING EXIST. BLDG.

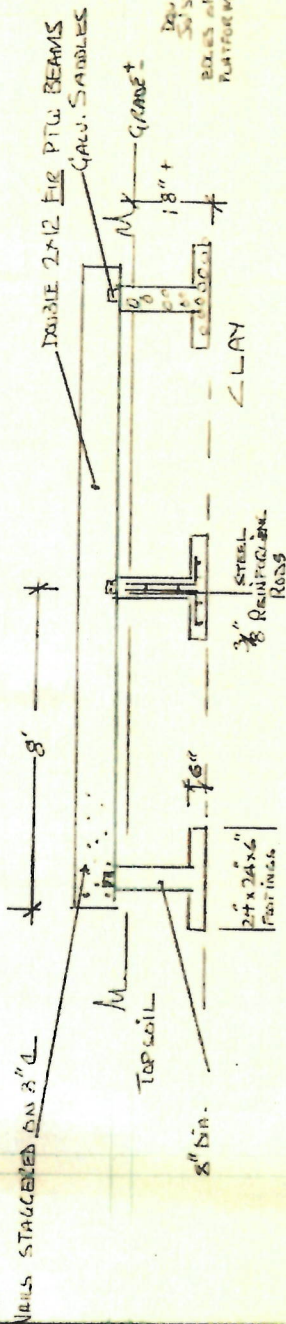
NOTES:

- 1) CAN BE BLOCKED IN IF IN EXCESS OF REGULATIONS.
- INTENDED USE AS ACCESS FOR EART. + LIGHT ONLY
- CAN BE SOLID PANELS INSTEAD OF GLASS IF NEC. FROSTED GLASS?

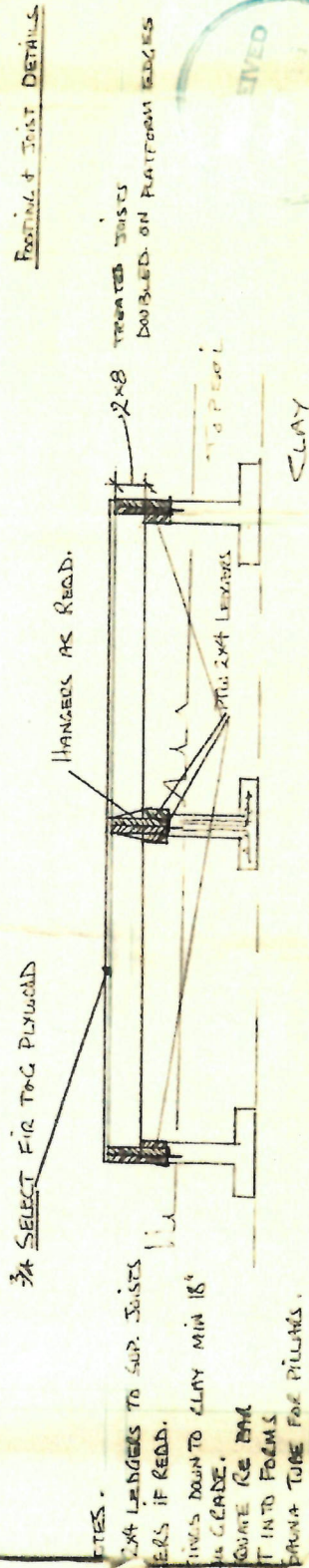
JUDITH SPIKE 518-3524

1351 VINING STREET LOT*

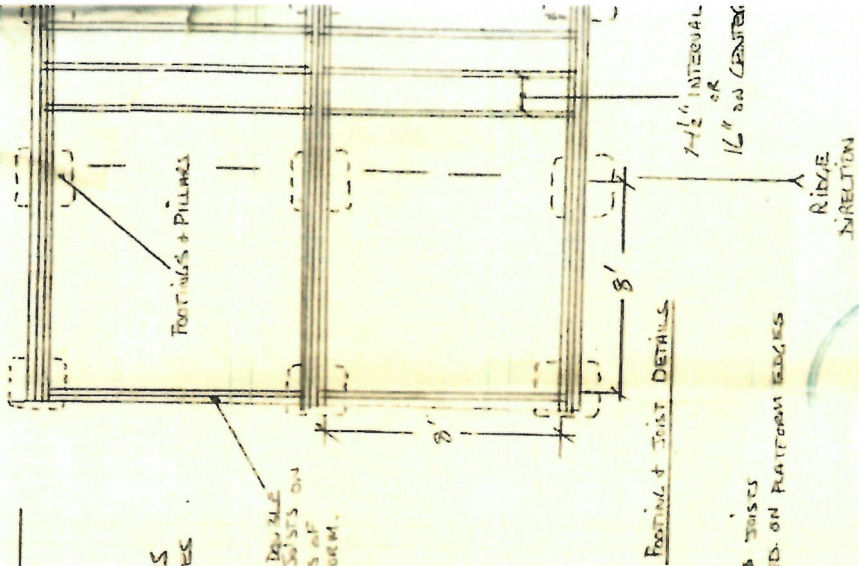
ACCESSORY BUILDING 280 SQ. FT.



FOUNDATION DETAIL - FRONT VIEW. N.E.S.



FOUNDATION PLAN.



FOOTING + JOIST DETAILS

24 MAY 96	NOT TO SCALE.
R2 ZONE - BLDG AS PER R1.	DIMENSIONS AS SHOWN
PAGE ONE OF	
M.H. WRIGHT. BOX 135 TORONTO, ON.	

(2)

ACC. BLDG.
DRAINS & WATER IN
1351 WINNING ST, VIC. 8
J. SPICE NOV 96

DW
NOV 7/96

Acc. BLDG.

WORK
CODE.

DRAIN
PIPE
24" TRENCH
SLOPED AS
REQD.

WATER IN
24" TRENCH

OLD CLAY
PIPES REPLACED

1351 WINNING
ST.



(Signature)

1351 Vining Street Site Photos



Fig. 1: Existing studio



Fig. 2: East elevation with living area window and neighbours fence.



Fig. 3: Fence and mature tree on property outside of living area window



Fig. 4-5: East elevation showing small bathroom window

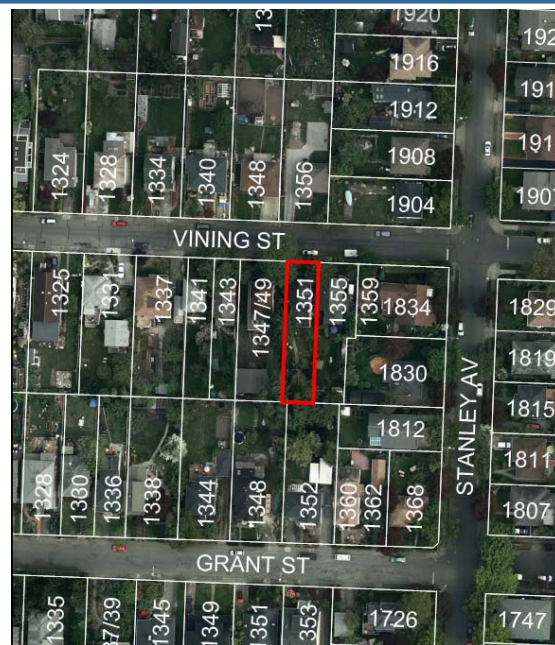


Fig. 6: West elevation showing french doors, kitchen window, outdoor space, and neighbours 6 foot fence.



Fig. 7: Kitchen window on west elevation

Development Permit Application for 1351 Vining Street



Subject Property



1347/1349 Vining Street (west)



1355 Vining Street (east)



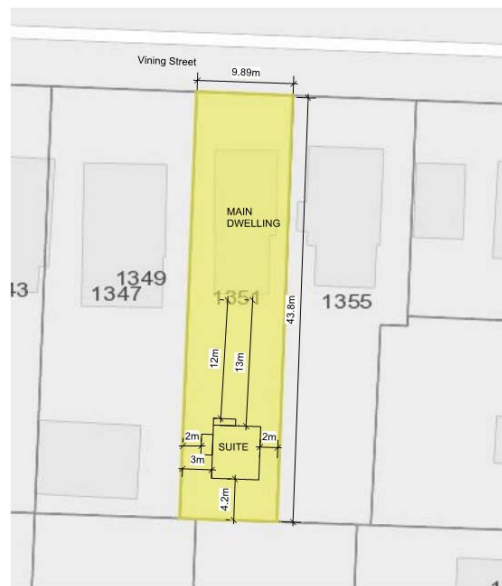
1356 Vining Street (north)



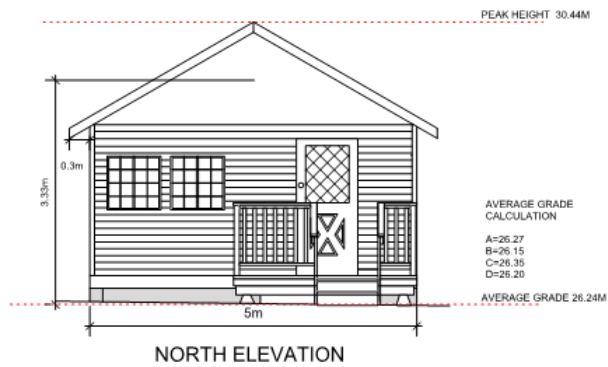
1348 Vining Street (north-west)



Site Plan



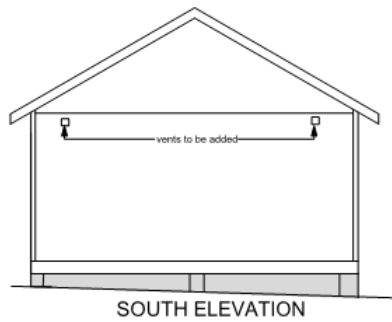
Front Elevation (north)



Front Elevation (north)



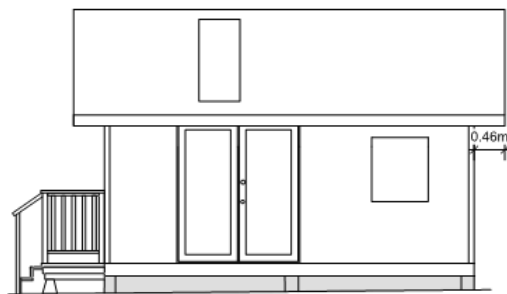
Rear Elevation (south)



2 EXISTING ELEVATIONS
Scale: 1:48



Side Elevation (west)



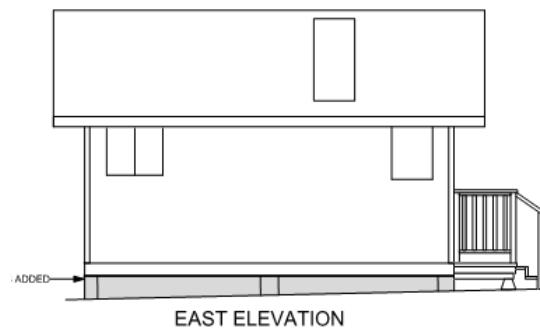
WEST ELEVATION



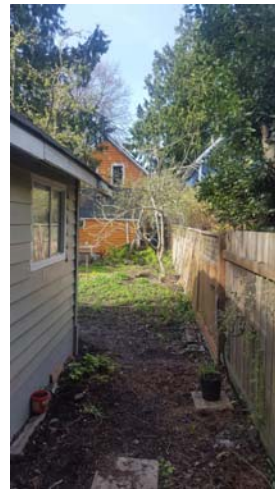
Side Elevation (west)



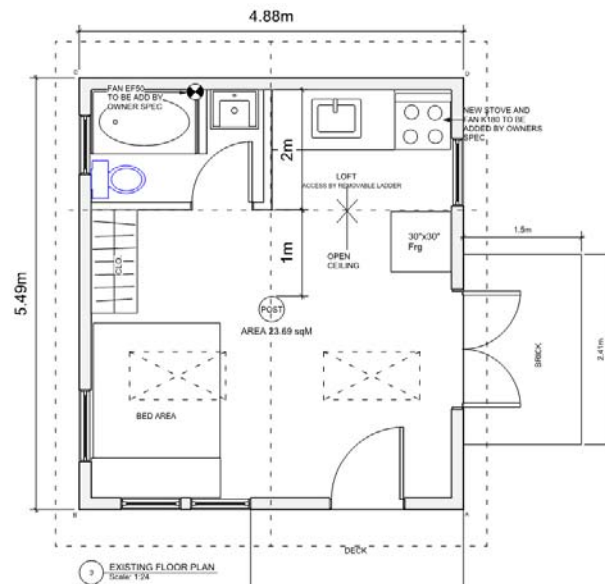
Side Elevation (east)

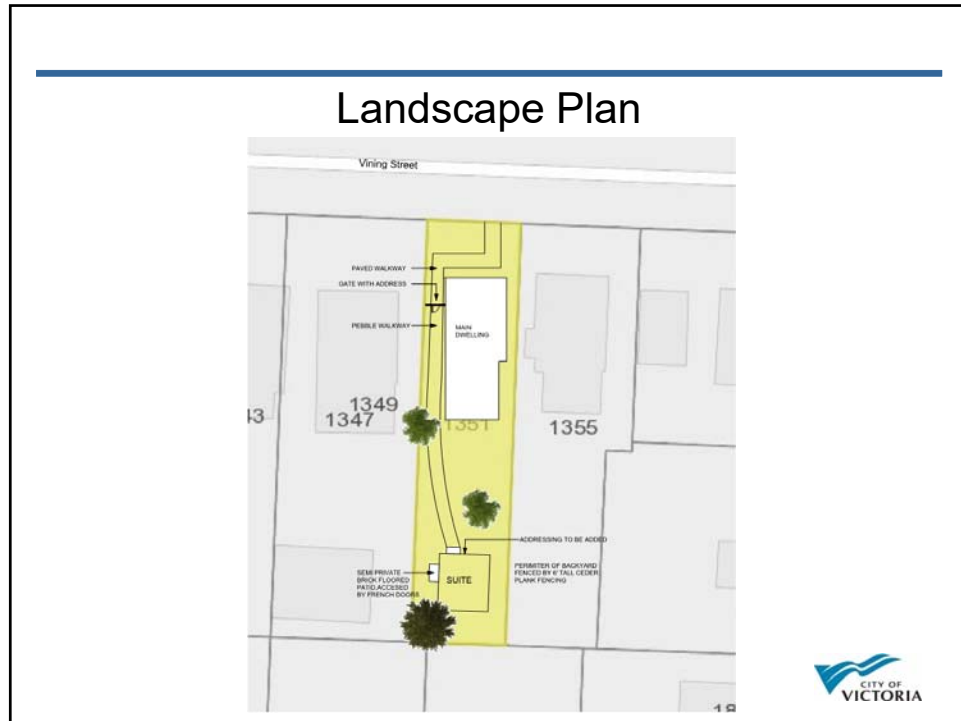


Side Elevation (east)



Floor Plan







Committee of the Whole Report

For the Meeting of July 5, 2018

To: Committee of the Whole **Date:** June 21, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit Application Amendment (DDP No. 00143B) for 1245 Oxford Street

RECOMMENDATION

That Council decline Development Permit Application Amendment (DDP No. 00143B) for the property located at 1245 Oxford Street.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1245 Oxford Street. The proposal is to allow the construction of a garden suite in the rear yard. The garden suite generally meets the *Garden Suite Policy and Guidelines*, however, one window on the east elevation may pose privacy concerns and does not meet the *Guidelines*. An application that is consistent with the *Garden Suite Policy and Guidelines* has been approved by staff through a Delegated Development Permit; however, the applicant does not feel that this is the ideal design. The applicant has applied for an amendment to the application through Council for an alternate design with a bedroom window facing the property at 250 Howe Street.

The following points were considered in assessing this application:

- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy and Guidelines, 2011*; however, a bedroom window on the east elevation faces a neighbouring property, inconsistent with the intent of the design guidelines related to privacy and minimizing impact to neighbouring properties.

- Other aspects of the design and siting of the garden suite are consistent with the *Garden Suite Policy and Guidelines*.
- A design which is consistent with the *Garden Suite Policy and Guidelines* has been approved through a Delegated Development Permit so that applying for Building Permits may commence; however, the applicant is requesting an amendment to this application to approve a bedroom window on the east elevation.
- There are no variances associated with this application.

BACKGROUND

Description of Proposal

The proposal is for a garden suite in the rear yard of the subject property. Specific details include:

- horizontal cement board siding
- one-storey with loft (crawl space)
- pitched roofline
- semi-private outdoor space with permeable pavers.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a single family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to a single family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and Schedule M – Garden Suites. An asterisk is used to identify where the proposal is less stringent than the Zone, and represents a legal non-conforming condition.

Zoning Criteria	Proposal	Zone Standard R1-B

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m ²) - minimum	589.46	460.0
Lot width (m) - minimum	13.72*	15
Parking - minimum	1	1
Parking location	Front yard*	Schedule C
Site coverage (%) - maximum	30.60	40.00
Garden Suite	Proposal	Schedule M 'Plus Site'
Combined floor area (m ²) - maximum	49.80	56.00
Height (m) - maximum	5.36	5.50
Storeys	1.00	1.50
Rear yard site coverage (%) - maximum	24.98	25.00
Setbacks (m) – minimum:		
Separation space from single family dwelling (m)	12.60	2.40
Rear Setback (m)	1.52	0.60
Side (m) - east	1.98	0.60
Side (m) - west	2.29	0.60

Relevant History

There is an existing accessory building located in the side yard of the single family dwelling, which was constructed with permits in 1994. There is no plan to remove this structure at this time.

Community Consultation

In accordance with the City's *Land Use Procedures Bylaw*, Development Permits do not require public consultation, notice or sign posting; however, as per staff's normal practice, the applicant was encouraged to communicate with their neighbours. The applicant has provided a letter signed by residents who would be most impacted by the east facing window (attached). Although they signed that they do not object to the proposal, it should be noted that the intent of the design guidelines is to minimize potential conflicts both over the short and long term, recognizing that neighbours and neighbourhood feelings can change over time. The applicant has also provided a petition of no objection signed by some of the neighbours (attached).

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites.

The *Garden Suite Policy and Guidelines* strongly discourage windows oriented toward neighbouring properties to maintain a level of privacy for adjacent neighbours. In addition, windows should be oriented toward the interior of the site. The proposal is to have a bedroom window with obscured glass located on the east side of the garden suite, 1.98m from the property line.

The rear setback of the neighbour's dwelling is 1.2m, and their outdoor space is a small side yard, which the proposed window would face. The applicant has also proposed a new six foot high fence along this section of the property line. Even though there would be a fence and existing landscaping on the neighbouring property, the *Garden Suite Policy and Guidelines* strongly discourages windows oriented toward neighbouring properties to maintain levels of privacy. There may be exceptions for windows facing neighbouring properties if design features are provided and if other design solutions are not possible. The use of obscured glass may be supportable in instances where there is a small bathroom window, as this would be a room that is not used often and does not generally generate noise. The use of obscure glass goes some distance to mitigating privacy and overlook considerations; however, in habitable rooms (e.g. bedrooms and living rooms) where an opening window is required under the BC Building Code, there are additional considerations related to noise transference and potential overlook when windows are in the open position.

In this situation, there are design solutions available which do not involve orienting a window towards the side yard setback. The applicant has provided plans which meet the *Design Guidelines*, where the bedroom is located on the west side of the garden suite. However, the applicant does not feel this is the most ideal design, and is requesting an amendment to this application to approve a bedroom window with obscured glass on the east elevation.

As noted above, staff recommend that in this instance the garden suite can be configured to meet the design guidelines, with the bedroom located in an area of the building where an operable window can be situated to face a setback interior to the subject site. This would help achieve the aim of the guidelines, which is to minimize the potential for conflict while facilitating a positive neighbourhood "fit" over the short and long term. Should Council wish to proceed with approving the application in accordance with the preferred option of the applicant, an alternate motion to achieve this is provided.

Local Area Plans

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

CONCLUSIONS

This proposal for a garden suite is generally consistent with the *Official Community Plan* objectives and guidelines for sensitive infill; however, the design is inconsistent with the *Garden Suite Policy and Guidelines* related to placement of windows on the elevations facing neighbouring properties. Staff recommend that Council decline the placement of the bedroom window on the east elevation. A design which meets the *Design Guidelines* has been provided by the applicant, and was approved through a Delegated Development Permit. Should Council

wish to consider approving the window on the east elevation, an alternate motion has been provided.

ALTERNATE MOTION

That Council authorize the issuance of a Development Permit Application for 1245 Oxford Street (DDP No.00143B), in accordance with:

1. Plans date stamped June 13, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 13, 2018 (for Council)
- Attachment D: Letter from the applicant to Mayor and Council dated June 13, 2018
- Attachment E: Neighbourhood petition date stamped June 21, 2018
- Attachment F: Letter from the applicant and signed by the neighbours, date stamped April 5, 2018.



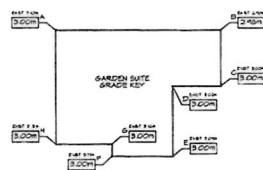


1245 Oxford Street
Delegated Development Permit #00143

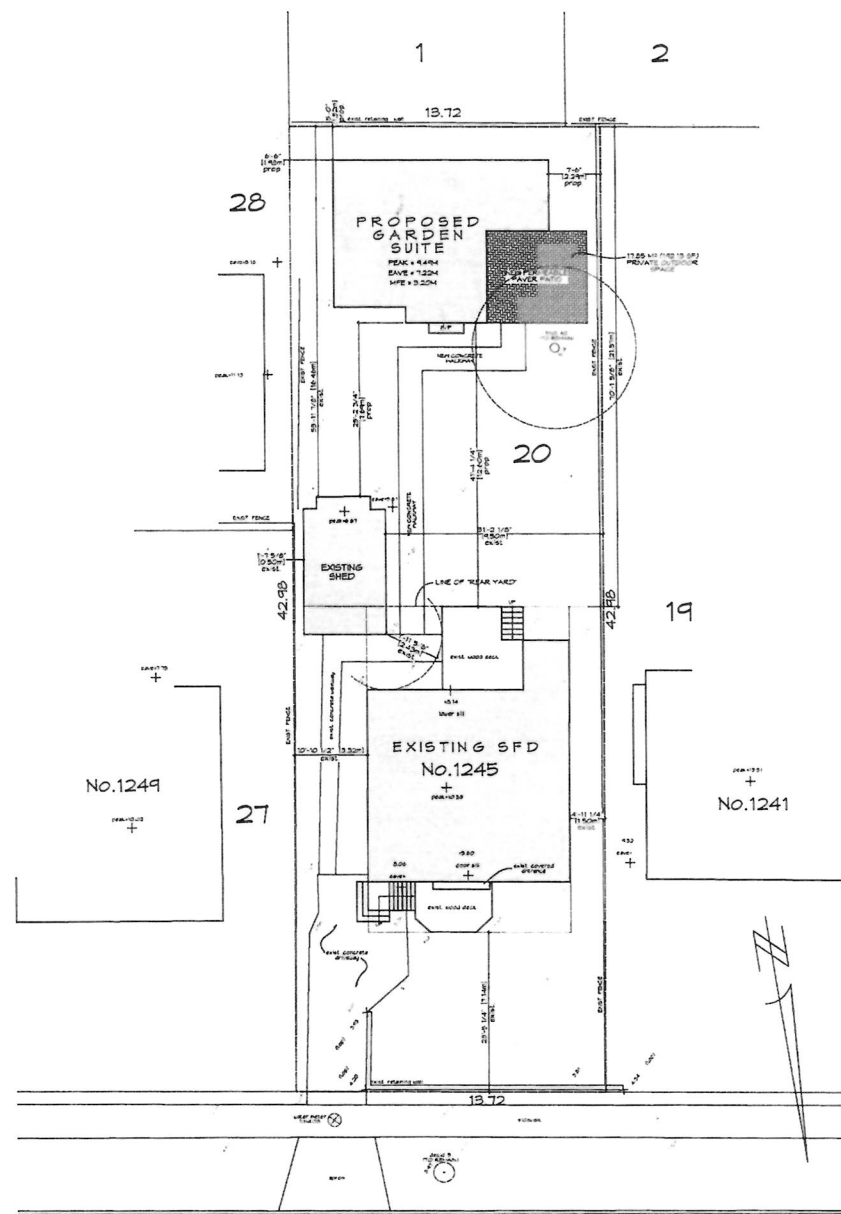


SITE DATA - 1245 Oxford St., Victoria (*PLUS SITE*)		
LEGAL DESCRIPTION - AMENDED LOT 20 (DO 144349) BLOCK B, FAIRFIELD FARM ESTATE, VICTORIA CITY, PLAN 949		
ZONING - R1-B		
LOT AREA	460.00 M ²	EXISTING 589.46 M ² (6344.86 FT ²)
LOT WIDTH	15.00 M	EXISTING 13.72 M (45.01')
LOT DEPTH (AVG.)		EXISTING 42.95 M (141.01')
SETBACKS		
FRONT	7.50 M	7.14 M (23.43') ENG.
REAR	10.75 M (25.59')	21.81 M (71.71')
SIDE (E)	3.00 M	3.32 M (10.89')
SIDE (W)	1.50 M	1.50 M (4.92')
SIDE (COMBINED)	4.50 M	4.82 M (15.81')
AVG. GRADE		EXIST.
STOREYS	2 + BSMT	EXIST.
BUILDING HEIGHT	7.60 M	EXIST.
TOTAL FLOOR AREA		EXIST.
SITE COVERAGE	40.00 %	30.60 % (180.40 M ²) INCLUDING BOTH EXISTING AND PROPOSED
PARKING	1 SPACE	1 SPACE ENG. LOCATED IN FRONT YARD
ACCESSORY SHED		
SETBACKS		
TO HOUSE	2.40 M	2.43 M (7.97')
REAR	0.60 M	16.48 M (54.00')
SIDE (E)	0.60 M	0.50 M (1.64') ENG.
SIDE (W)	0.60 M	4.50 M (14.78')
AVG. GRADE		3.32 M (10.89')
BUILDING HEIGHT	3.50 M	2.82 M (9.25')
FLOOR AREA	37.00 M ²	14.74 M ² (159.00 FT ²)
REAR YARD COVERAGE	25.00 % OF REAR YARD	5.40 M ² (58.17 M ²) ONLY PORTION IN REAR YARD PARTIALLY LOCATED OUTSIDE REAR YARD
GARDEN SUITE		
SETBACKS		
TO HOUSE	2.40 M	12.60 M (41.34')
TO SHED	2.40 M	1.64 M (5.38')
REAR	0.60 M	1.52 M (5.00')
SIDE (E)	0.60 M	1.45 M (4.76')
SIDE (W)	0.60 M	2.24 M (7.35')
AVG. GRADE		3.00 M (9.84')
BUILDING HEIGHT	5.50 M	5.36 M (17.58')
FLOOR AREA	56.00 M ²	48.80 M ² (526.00 FT ²) STORAGE LOFT EXCLUDED (1.1M CEILING)
REAR YARD COVERAGE	25.00 % OF REAR YARD	24.45 M ² (263.21 M ²) INCLUDING PORTION OF SHED IN REAR YARD

NOTE:
ALL ENG.'S NOTED ARE LEGAL NON-CONFORMING PER CITY OF VICTORIA RECORDS

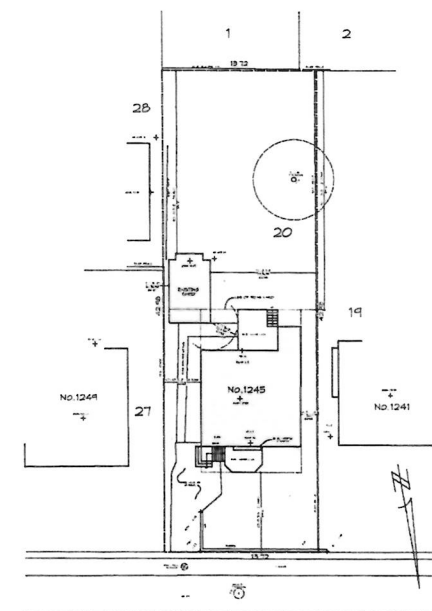


1245 OXFORD (SHED) - Average Grade Calculation									
Segment	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)	
AB	3.00	2.98	2.99	0.48	28.24				
BC	2.98	3.00	2.99	2.20	9.57				
CD	3.00	3.00	3.00	2.74	8.22				
DE	3.00	3.00	3.00	4.04	12.12				
EF	3.00	3.00	3.00	3.51	10.53				
FG	3.00	3.00	3.00	0.69	2.67				
GH	3.00	3.00	3.00	3.20	9.66				
HA	3.00	3.00	3.00	8.55	19.65				
TOTAL				33.38	100.01				



Oxford Street

Site Plan - Proposed
Scale: 1:100



Oxford Street

Site Plan - Existing
Scale: 1:200

DRAWING LIST:
 DP01 SITE PLAN AND DATA
 DP02 PLANS & SECTIONS
 DP03 ELEVATIONS
 DP04 STREETScape
 DP05 LANDSCAPE
 DP06 COLOUR BOARD

Received
City of Victoria

JUN 13 2018

Planning & Development Department
Development Services Division

ISSUED FOR DP
JUNE 05, 2018

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. KOSMAN/
C. COLLINS

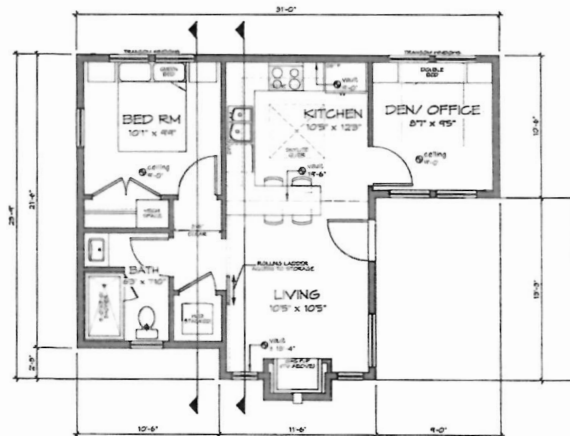
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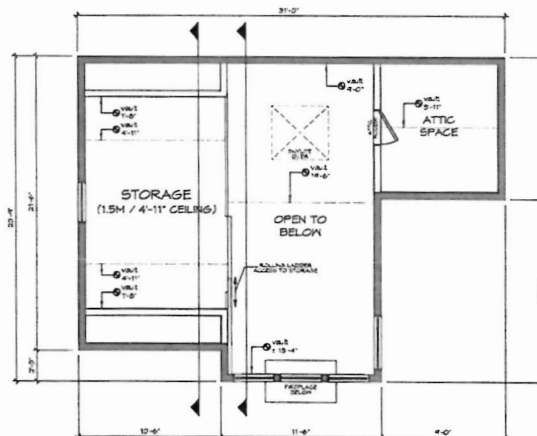
Project:
PROPOSED
GARDEN SUITE
1245 OXFORD ST.

Title:
SITE PLAN &
SITE DATA

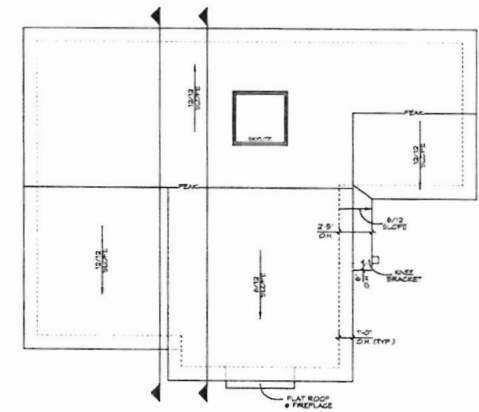
Revision: Sheet:
DP
01
Proj No. TBD



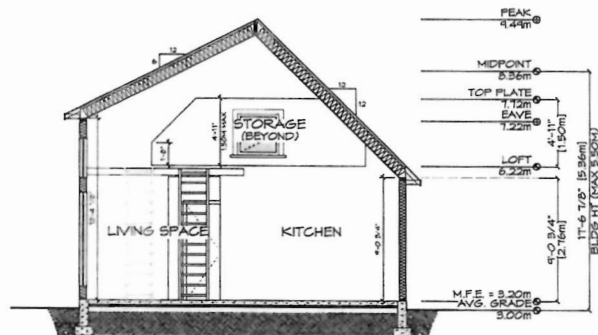
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Scale: 1:50



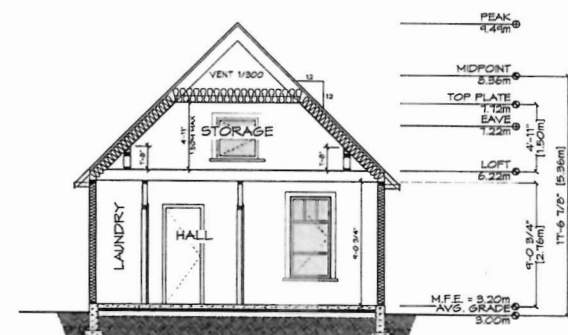
○ Loft Storage Plan
Scale: 1:50



○ Roof Plan
Scale: 1:50



○ Section (at living space)
Scale: 1:50



○ Section (at storage space)
Scale: 1:50

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City of Victoria

JUN 13 2018

Planning & Development Department
Development Services Division

ISSUED FOR DP
JUNE 05, 2018

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E5
Phone: (250) 360-2144
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Drawn By: K. KOSHMANN/
S. GILLING

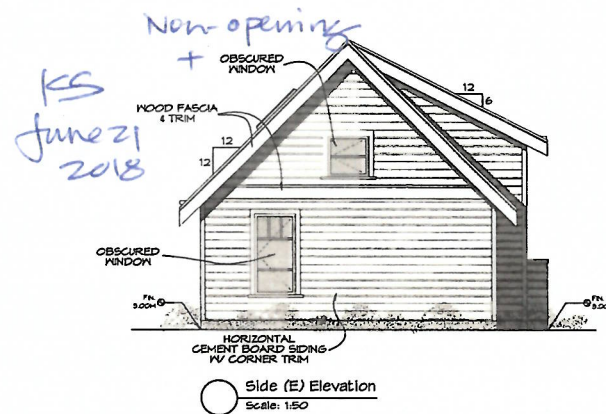
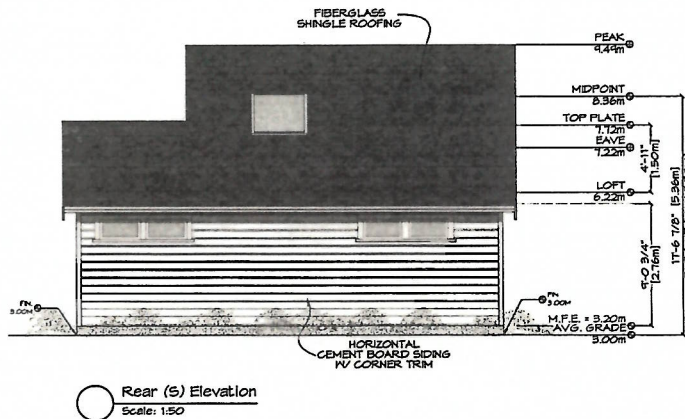
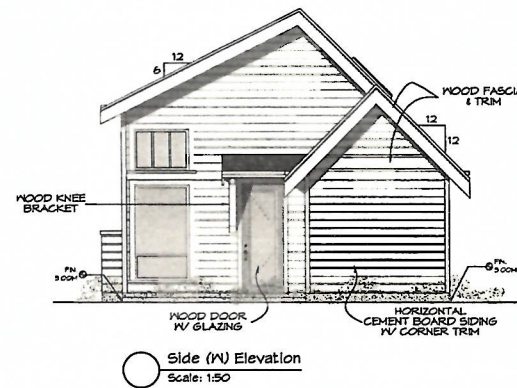
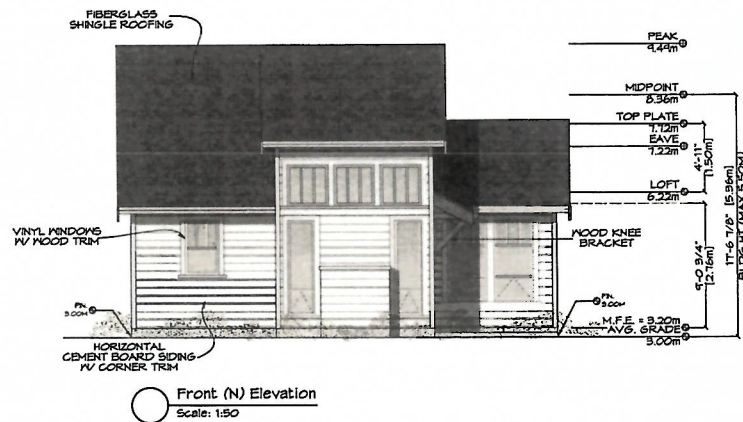
Date: Sept. 22, 2017

Scale: AS NOTED

Project:
PROPOSED
GARDEN SUITE
1245 OXFORD ST.

Title:
PLANS &
SECTIONS

Revision: Sheet:
DP
02
Proj No. TBD



Received
City of Victoria

JUN 13 2018

Planning & Development Department
Development Services Division

ISSUED FOR DP JUNE 05, 2018	
ZEBRADESIGN	
1161 NEWPORT AVE Victoria, B.C. V8S 5E6 Phone: (250) 360-2144 Fax: (250) 360-2115	
Drawn By: K. KOSHMAN/ C. COLLINS	
Date: Sept. 22, 2017	
Scale: AS NOTED	
Project: PROPOSED GARDEN SUITE 1245 OXFORD ST.	
Title: ELEVATIONS	
Revision:	Sheet: DP 03
	Proj. No. TBD

1249 OXFORD

1245 OXFORD
(PROJECT LOCATION)

1241 OXFORD



1249 OXFORD



1245 OXFORD
(PROJECT LOCATION)



1241 OXFORD

Received
City of Victoria

JUN 13 2018

Planning & Development Department
Development Services Division

ISSUED FOR DP
JUNE 05, 2018

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Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. KOSHMAN/
C. COLLINS

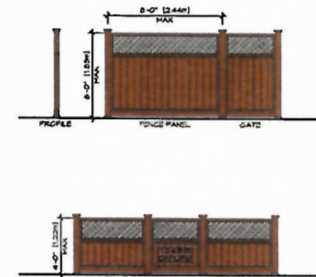
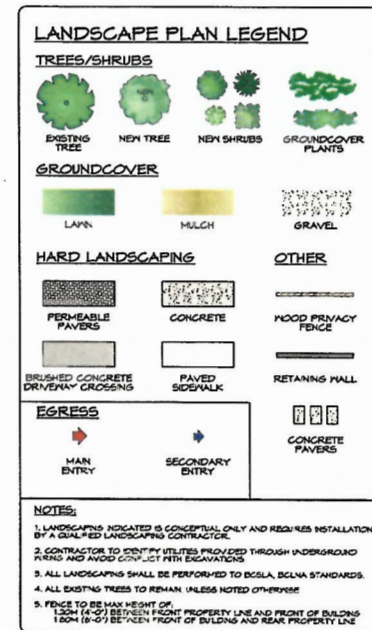
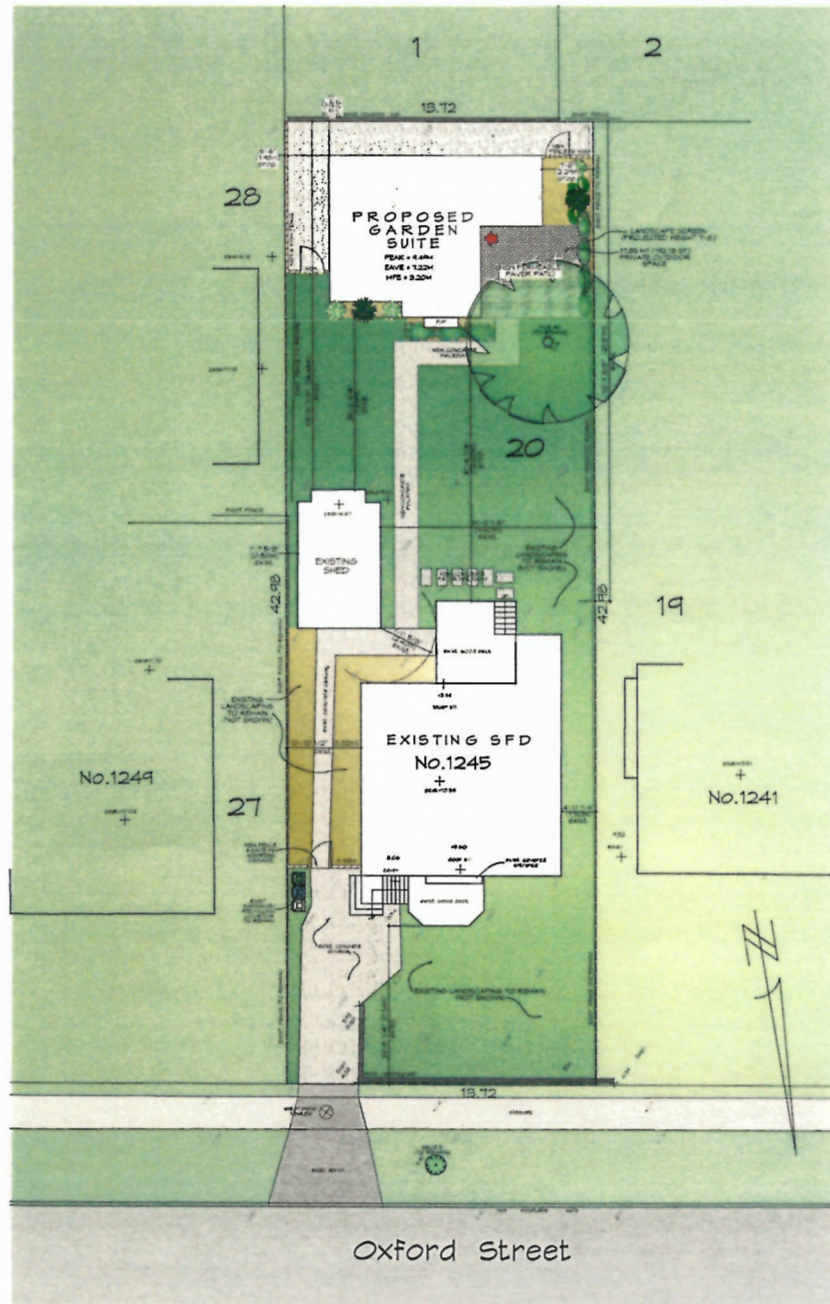
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Scale: AS NOTED

Project:
PROPOSED
GARDEN SUITE
1245 OXFORD ST.

Title:
STREETSCAPE

Revision:	Sheet:
	DP 04
Proj No. TBD	



Fence & Gate Designs
 Scale: 1/4" = 1'-0"

Landscape Plan - Proposed
 Scale: 1:100

Received
 City of Victoria

JUN 13 2018

Planning & Development Department
 Development Services Division

ISSUED FOR DP
 JUNE 05, 2018

ZEBRADESIGN

1161 NEWPORT AVE
 Victoria, B.C. V8S 5E6
 Phone: (250) 360-2144
 Fax: (250) 360-2115

Drawn By: K. KOSHMAN/
 C. COLLINS

Date: Sept. 22, 2017

Scale: AS NOTED

Project:
 PROPOSED
 GARDEN SUITE
 1245 OXFORD ST.

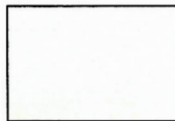
Title:
 LANDSCAPE

Revision: Sheet:
 DP
 05

Proj. No. TBD



HARDIE PLANK LAP SIDING
CEDAR MILL FINISH
"COBBLESTONE"
CEMENT BOARD
HORIZONTAL SIDING



SHERWIN WILLIAMS PAINTS
"EXTRA WHITE" SK1006
WOOD FASCIA, TRIM, BELLY BAND
& KNEE BRACKET



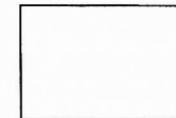
Front (N) Elevation
Scale: 1:50



Side (W) Elevation
Scale: 1:50



MALARKEY SHINGLES
"MIDNIGHT BLACK"
ROOF SHINGLES



VINYL
"WHITE"
WINDOWS



GLOVERDALE FEATHERONE
SEMI-TRANSPARENT STAIN
"NATURAL TONE CEDAR" ST010
WOOD FRONT ENTRY DOOR



ISSUED FOR DP
JUNE 05, 2018

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 9E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. KOSHMANN/
C. COLLINS

Date: Sept. 22, 2017

Scale: AS NOTED

Project:
PROPOSED
GARDEN SUITE
1245 OXFORD ST.

Title:
COLOUR BOARD

Revision:	Sheet:
	DP 06
Proj. No. TBD	

Proposed 'Garden Suite' at 1245 Oxford St.
June 11, 2018



To whom it may concern:

Background

The above property has been owned by myself (Michael Ryan) since 1978. My wife (deceased) and I raised 2 children at this address. Lillie and Max. The kids went to local schools and university/college before moving on to other cities to pursue careers.

Like many young people who originated here, they have wanted to move 'home' and raise their families in Victoria. However housing prices have climbed well out of reach.

We think we have a solution to the housing problem for my son and his burgeoning family, (2 new arrivals in the last 3 years) and for myself as a retiree. We have proposed building a Garden Suite for myself in our back yard and to this end have been dealing with the City Planning department since the middle of last year.

All our neighbors are firmly behind the idea of providing living space for 3 generations of our family on our lot. Housing difficulties are currently much in the news.

Request for Exception

We hired Zebra Design to create our plans and also to help get the proposal through the appropriate channels. Over the intervening year we have altered the design several times as suggested by the Planning Dept. However, the process has now come to an impasse over our wish to place a bedroom window on one or the other of two walls. (Code requires a window for egress in a bedroom). The placement of this window has been rejected by the Planning Dept.

We are asking for an exception to the Planning Depts rejection of our window placement, as is provided for in the following excerpt from the '*Garden Suite Policy and Guidelines 2017 Final*':

Exceptions for windows oriented towards adjacent properties may be considered if design features are provided that mitigate privacy concerns. For example, windows with opaque glass that permit light into the garden suite but prevent overlook into adjacent yards, or other design solutions may be acceptable.

Opaque glass was actually suggested to us by the Planning Dept (Jan. 4, 2018) as a solution for any privacy concerns. After agreeing to the use of obscured glass and altering our plans, the Planning Dept changed their minds and decided this was unsupportable.

Our currently proposed placement of the window (facing east) would look at an agreed upon 6 foot fence and plantings that completely obscures any overlook from the neighboring property. We have also agreed to make this window opaque. As a secondary option, the window could be placed on the south wall of the bedroom. In this location it would face an existing 6 foot cement wall that is approximately 50' from the back wall of the house to the south.

We have a signed letter from the neighbors to the east stating they are in agreement with the window facing their tiny back yard.

The placement of an opaque window on the south side of the bedroom, facing a 6' high cement wall, should also offer no concern about 'overlook'. Again, some tall plantings could help in this location. The house on this neighboring property is approximately 50' away from the boundary.

The planning Dept has suggested moving the bedroom to another location within the cottage. Our designer, Rus Colins of Zebra Design, met with City staff and explained how detrimental this major design change would be; it compromises the functionality of the whole design. Access to the only bathroom would be through the bedroom. Such an alteration would ruin the design for the kitchen, virtually eliminating a wall to support cupboards. The additional costs involved with a total redesign would be financially unsupportable.

We are hopeful the City will grant us the exception as offered in the Guidelines and permit us to install an obscured window in the bedroom.

Thank you for your attention to this matter.

The Ryan family and Zebra Design.

July 2017

City of Victoria
 Building and Development
 1 Centennial Square
 Victoria, B.C. V8W 1P6

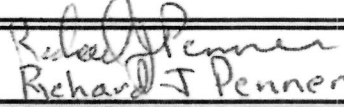
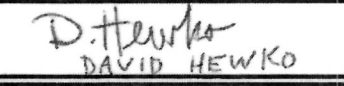
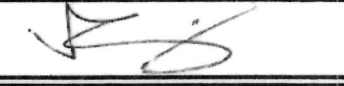


Received
 City of Victoria

JUN 21 2018

Planning & Development Department
 Development Services Division

Re: 1245 Oxford Street, Victoria B. C. – Garden Suite proposal

After reviewing the site plan and photographs of the property at 1245 Oxford Street, we the undersigned have no objections to the proposed variance request to retain the existing storage shed as well as construct a new garden suite in the rear of the property.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
 Richard J Penner	1241 Oxford St Victoria BC V8V2V6	Jun 13/17
 DAVID HEWKO	1249 Oxford Street Victoria, BC V8V2V6	June 13 /17
VICTORIA MAIL 	1240 OXFORD ST VICTORIA BC V8V2V5	JUNE 13/17
MICHAEL LAW 	250 HOWE ST. VICTORIA B.C. V8V4K8	June 19/17
Ingrid Hilyer H INGRID HILYER	250 Howe St Victoria V8V4K8	June 19/17
 BRAD SPRINGMORE	1237 Oxford St Victoria, BC V8V 2V6	June 25/17

Feb. 20, 2018

Max Ryan

Tue 2018-02-20 9:44 AM

To: Dad [REDACTED];



Feb. 20, 2018

Dear Mike and Ingrid;

As you know, we have been trying to get approval for the design of our proposed Garden suite for a long while.

In our design the cottage is at the rear of our yard, the bedroom is at the rear of the new cottage, facing East, towards Howe Street ... it will look at the (proposed) new 6' high fence, along our joint property line, towards your little yard under your back steps. The city is concerned this may be a privacy issue for you folks. To alleviate any concerns we have agreed to use obscured glass in the window. Even though the view from the window will be almost entirely of the new fence.

We would appreciate knowing if you have any concerns with this design. There also is a space for any comments you may have. If this design and window placement is acceptable, please sign below where we've left a spot for your signatures.

We are all appreciative of your help in this matter.

Max, Maddie, Clare, and Mike Ryan

Comments:

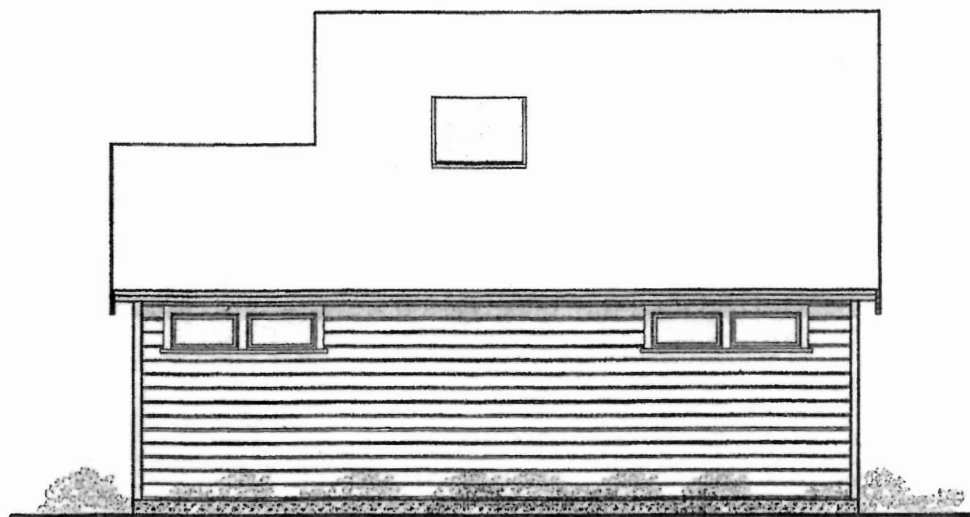
We, the owners of 250 Howe St., have no objection to the placement of the bedroom window in the new Garden Suite being proposed at 1245 Oxford St.

Owner:

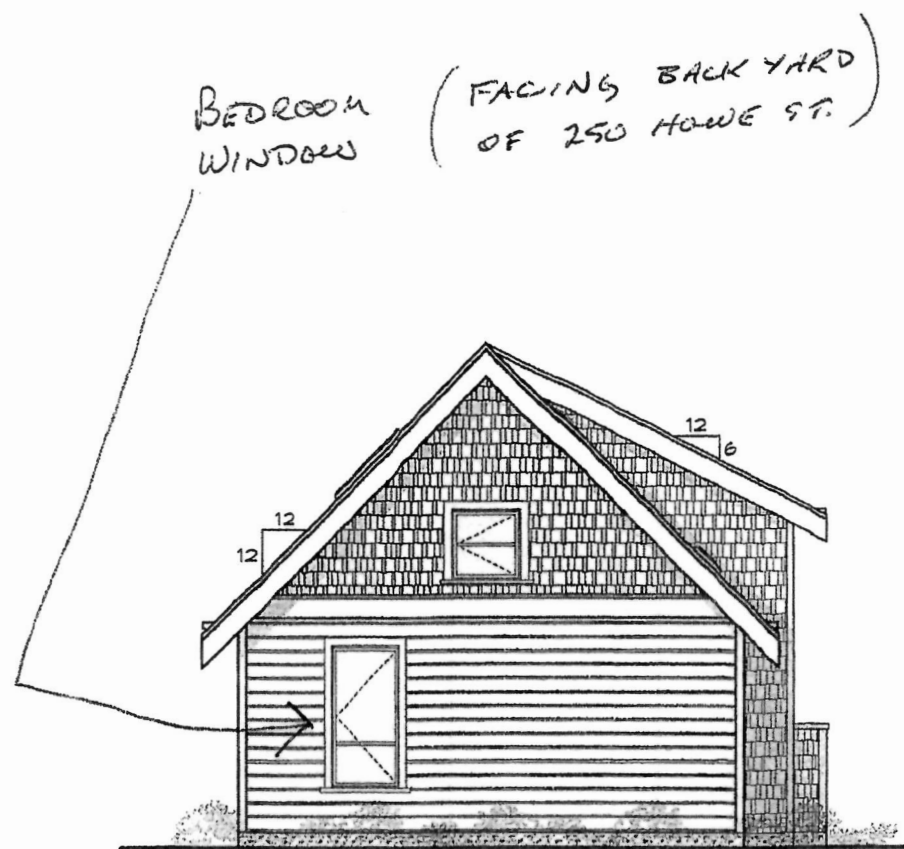
Ingrid Hilger
INGRID HILGER

Owner:

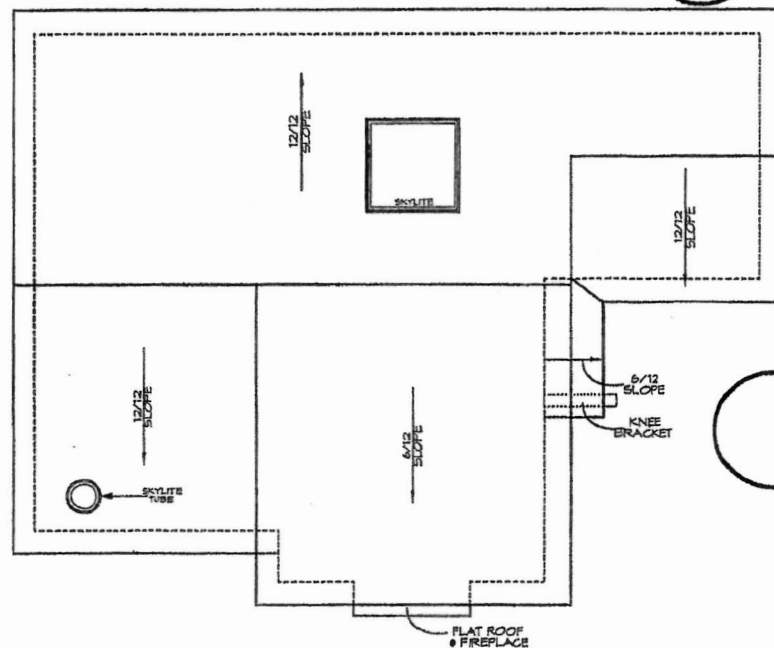
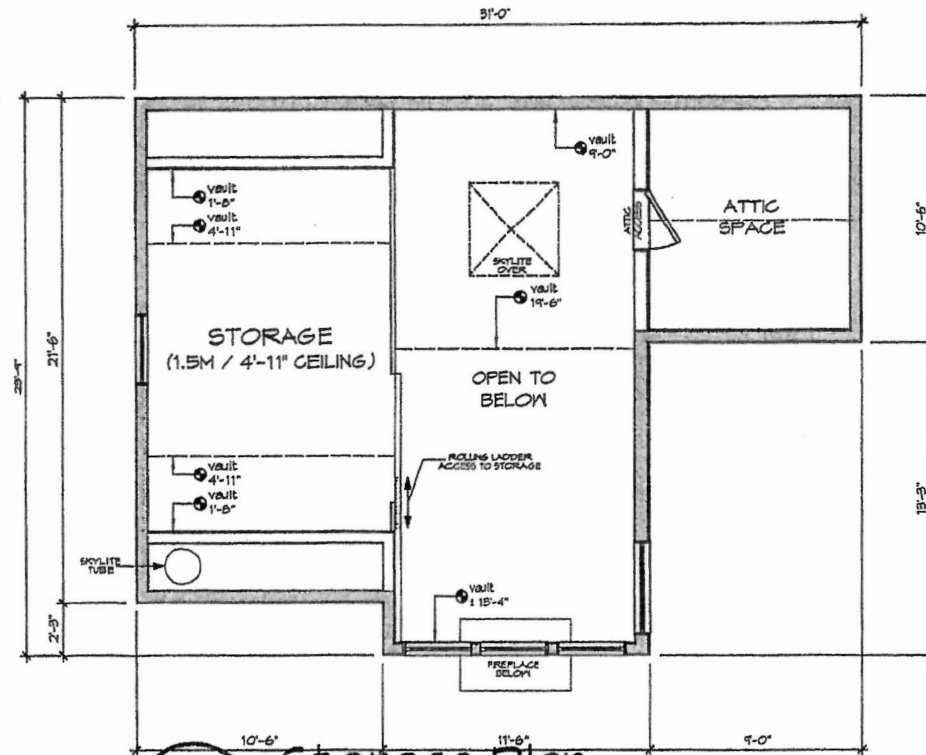
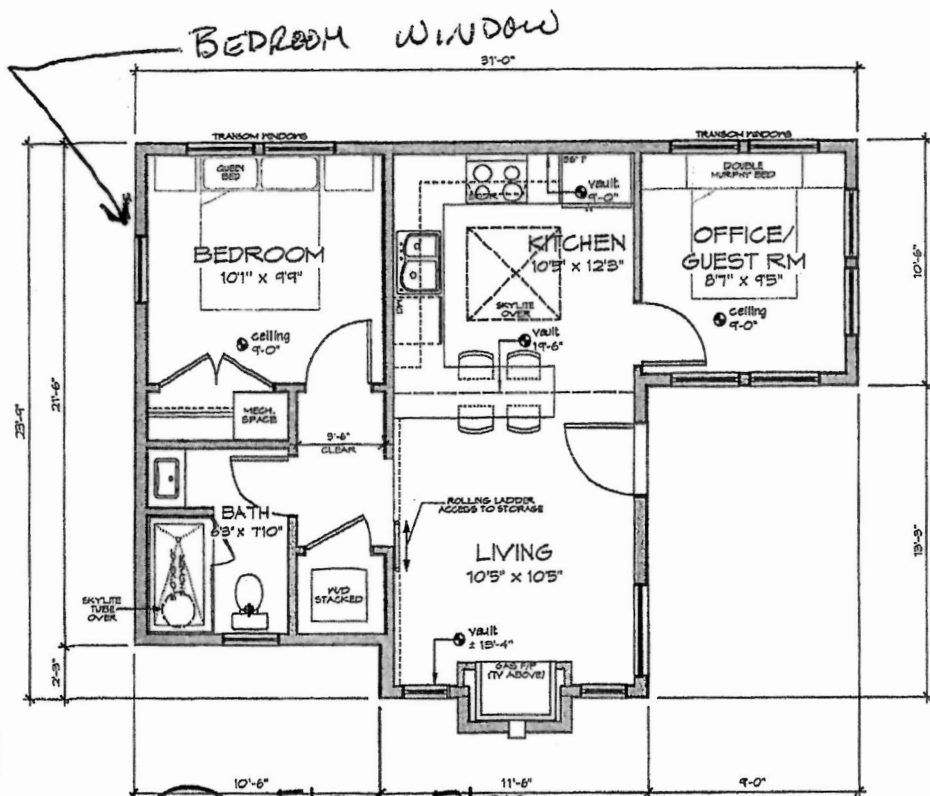
Michael Law
MICHAEL LAW



○ Rear (S) Elevation
Scale: 1/8" = 1'-0"



○ Side (E) Elevation
Scale: 1/8" = 1'-0"



Development Permit Application for 1245 Oxford Street



1245 Oxford Street (subject property)



1249 Oxford Street (east)



1241 Oxford Street (west)



1236 Oxford Street (north-west)



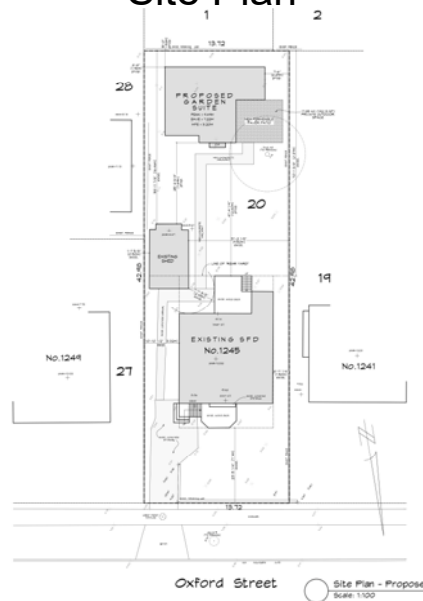
1240 Oxford Street (north)



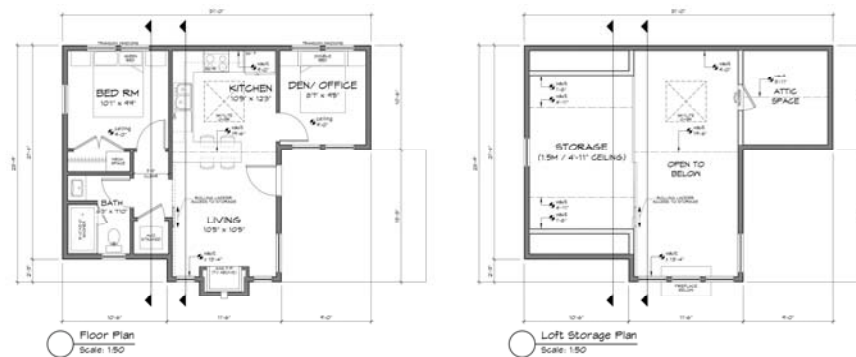
1244 Oxford Street (north-east)



Site Plan



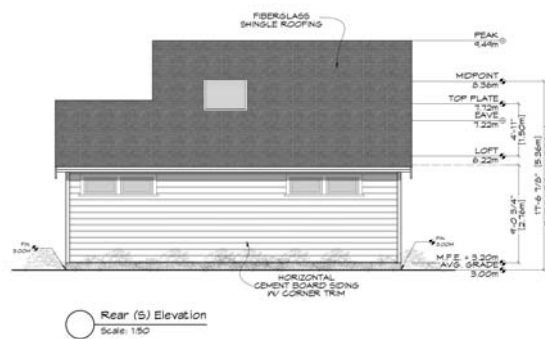
Floor Plan



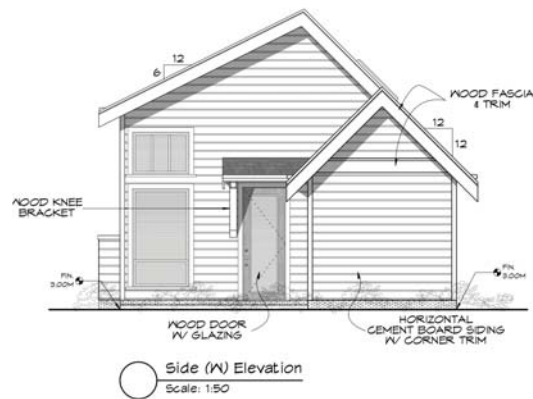
Front Elevation (north)



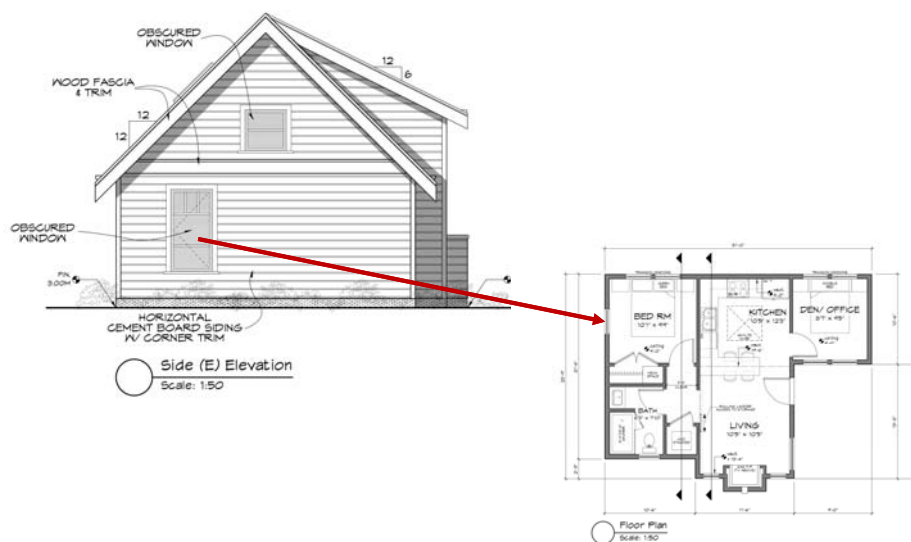
Rear Elevation (south)



Side Elevation (west)



Side Elevation (east)







**Council Member Motion
For the Committee of the Whole of July 5, 2018**

Date: June 29th, 2018

From: Councillor Jeremy Loveday and Mayor Helps

Subject: Supporting the creation of more childcare spaces in Victoria West

Background

There is an acute need for more childcare spaces in the City of Victoria. In response to this urgent need and at the request of childcare providers, Mayor Helps convened the “Childcare Solutions Working Group”, which has been meeting regularly for the past year. The Working Group is comprised of non-profit childcare providers, a representative from the Province, representatives from Island Heath, including the Chief Medical Officer, representatives from the school district, including the Superintendent of School District 61, and the business community including the CEO of the Chamber of Commerce.

Working collaboratively, the “Childcare Solutions Working Group” has identified a number of short, medium and long-term solutions including the addition of Modular Learning Studios to accommodate the increase in childcare capacity. It recently agreed that Victoria West should serve as the pilot project neighbourhood in which to first implement a Modular Learning Studio solution in 2019. Meanwhile, the Victoria West Community Association has been working to expand childcare offerings in Victoria West, exploring opportunities for funding, and the possibilities available to them for expanding the number of childcare space they offer at the Victoria West Community Centre.

To fully explore these options, and to prepare to make the most of available Provincial funding, City Staff support is needed. The Victoria West Community Centre is City owned and is located within Banfield Park so any changes or enhancements to the Victoria West Community Centre will need to be executed collaboratively by the City of Victoria and the Victoria West Neighbourhood Association.

It is recommended that Council authorize City Staff to assist the Victoria West Community Association with the exploration of upgrades and the associated City approval processes needed to increase the number of childcare spaces at the Victoria West Community Centre. Once the scale of staff assistance has been defined, Council will be advised of any material impacts to existing workload commitments or financial resources.

Recommendation

Council direct staff to assist the Victoria West Community Association with the exploration of upgrades and the associated City approval processes needed to increase the number of childcare spaces at the Victoria West Community Centre.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Loveday'.

Councillor Jeremy Loveday

A handwritten signature in black ink, appearing to read 'L. Helps'.

Mayor Lisa Helps