



## REVISED AGENDA - SPECIAL VICTORIA CITY COUNCIL

Thursday, August 2, 2018, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

Council is committed to ensuring that all people who speak in this chamber are treated in a fair and respectful manner. No form of discrimination is acceptable or tolerated. This includes discrimination because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or economic status. This Council chamber is a place where all human rights are respected and where we all take responsibility to create a safe, inclusive environment for everyone to participate.

### Pages

A. APPROVAL OF AGENDA

B. READING OF MINUTES

C. REQUESTS TO ADDRESS COUNCIL

D. PUBLIC AND STATUTORY HEARINGS

\*D.1 Rezoning Application No. 00645 for 230 Cook Street

1

*Council is considering a rezoning application to allow for the retail sale of cannabis.*

Addendum: Correspondence

D.1.a Public Hearing & Consideration of Approval

22

- Motion to give third reading to:
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1157) No. 18-074
- Motion to adopt:
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1157) No. 18-074

\*D.2 Development Permit with Variance Application No. 00068 for 1622-1628 Store Street

25

*Council is considering a development permit with variances application to*

*develop a 7 storey residential building with ground floor commercial.*

Addendum: Correspondence

D.2.a Opportunity for Public Comment & Consideration of Approval

- Motion to approve Development Permit with Variances

E. REQUESTS TO ADDRESS COUNCIL

F. UNFINISHED BUSINESS

G. REPORTS OF COMMITTEES

H. NOTICE OF MOTIONS

\*H.1 Addendum: For the August 9, 2018 Council Meeting

138

Council Member Motion: Investigation of Cannabis-Consumption Pilot Program

I. BYLAWS

\*I.1 Bylaw for Amendment to Parks Regulation Bylaw

153

A report recommending:

**1st, 2nd, and 3rd readings of:** Park Regulation Bylaw, Amendment Bylaw (No. 9) No. 18-044

The purpose of the bylaw is to prohibit overnight sheltering in culturally sensitive areas on Coffin Island, and in Reeson Park and Quadra Park.

Addenda: Amended Report and Bylaw.

J. CORRESPONDENCE

K. NEW BUSINESS

L. QUESTION PERIOD

M. ADJOURNMENT

**I.1.b Report from the May 24, 2018 COTW Meeting**

**I.1.b.f 230 Cook Street – Rezoning Application No. 00645 (Fairfield)**

**Moved By** Councillor Loveday

**Seconded By** Councillor Isitt

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be set.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**E.3    230 Cook Street - Rezoning Application No. 00645 (Fairfield)**

Committee received a report dated May 10, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 230 Cook Street by amending the existing zone to include the use of storefront cannabis retailer.

**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. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be set.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

*Committee recessed at 10:01 a.m. and returned at 10:04 a.m.*





## **Committee of the Whole Report**

### **For the Meeting of May 24, 2018**

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**To:** Committee of the Whole **Date:** May 10, 2018

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

**Subject:** Rezoning Application No. 00645 for 230 Cook Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures; the density of the use of the land, building and other structures; the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 230 Cook Street. The proposal is to rezone the property by amending the existing CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Large Urban Village designation in the *Official Community Plan 2012*
- the proposal is consistent with the District Centre designation in the *Suburban Neighbourhoods* policy
- the proposal is consistent with the Large Urban Village designation in the draft *Fairfield Neighbourhood Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools within 200m or permitted storefront cannabis retailers within 400m.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the property by amending the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of storefront cannabis retailer.

The following changes are being proposed and would be accommodated in the amended zone:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to the ground floor
- storefront cannabis retailer would be limited to a total floor area of 77m<sup>2</sup>, which is in keeping with the size of the proposal.

All other requirements within the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District, would remain the same.

### **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 Rezoning Application.

### **Accessibility Impact Statement**

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

### **Land Use Context**

The area is characterized by commercial and mixed-use buildings along Cook Street and multi-unit residential, attached dwellings and single-family dwellings in the surrounding neighbourhood.

### **Existing Site Development and Development Potential**

The site is presently a one-storey commercial building with a restaurant, pharmacy, and medical office operating.

Under the current CR-3M-1 Zone, the property could be developed as a three-storey commercial-residential building with ground floor commercial uses and residential units above. The current zone also permits the use of a liquor retail store; however, provincial regulations would prevent a liquor store from opening on the subject site due to it being within one kilometre of the liquor retail store at 304 Cook Street.

## **Community Consultation**

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the application was referred to the Fairfield Gonzales CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD); as of writing this report, calls for service numbers from VicPD had not been provided.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan*, 2012 (OCP) identifies this property within the Large Urban Village urban place designation, within which ground oriented commercial uses are envisioned.

### **Local Area Plans**

The *Cook Street Village Guidelines* do not address the types of uses envisioned for this property beyond identifying Cook Street Village as having commercial character; however, the existing *Suburban Neighbourhoods* policy identifies the property within the District Centre designation, within which attractive shop fronts are encouraged along Cook Street. In addition, the draft *Fairfield Neighbourhood Plan* identifies the property within the Large Urban Village designation, within which commercial uses on the ground floor are envisioned.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

### **Storefront Cannabis Retailer Rezoning Policy**

The application is for a proposed storefront cannabis retailer. The location is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no schools within 200m and no permitted storefront cannabis retailers within 400m of the property.





## CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the draft *Fairfield Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00645 for the property located at 230 Cook Street.

Respectfully submitted,

*M. Angrove*

Michael Angrove  
Planner  
Development Services

*A. Noye*

*Jonathan Tinney*

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Barbara Jenkins*

Date: May 17, 2018

**List of Attachments**

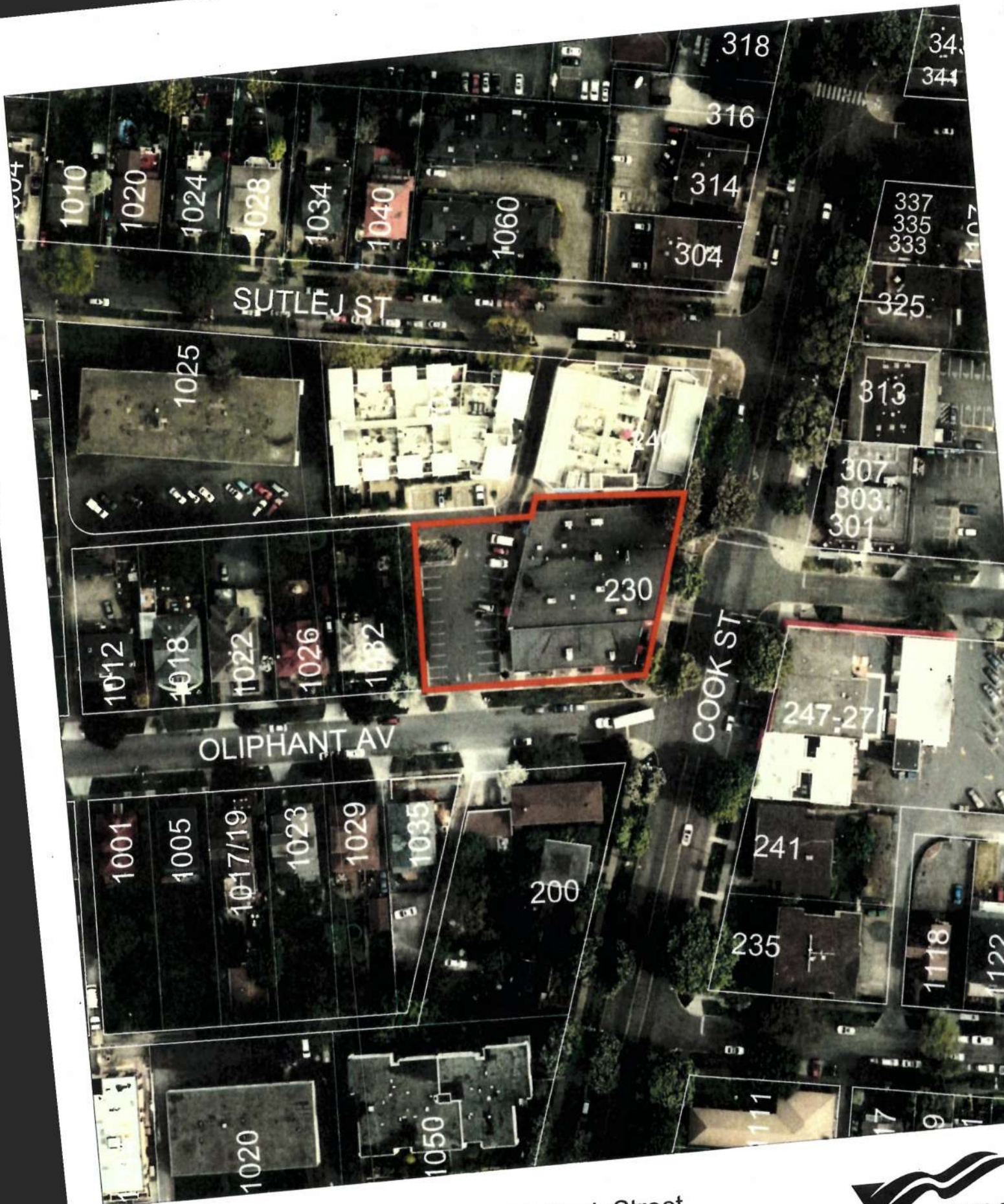
- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped May 8, 2018
- Attachment D – Letter from applicant to Mayor and Council dated April 11, 2018



230 Cook Street  
Rezoning No.00645







230 Cook Street  
Rezoning No.00645





Rezoning to

# TREES, 230 COOK STREET

Alex Robb  
Trees Dispensary  
alex@treesdispensary.com  
Cell: (250) 891-5971  
Office: (778) 265-8733

## LEGEND

- Regulated Fire Hydrant
- Curb
- Residential Parking
- Property Lines
- Time Limited Parking
- No Stopping
- Tree
- Not In Contract

## LIST OF DRAWINGS

### ARCHITECTURAL

- A-000 Drawing List, Legend, Code Review, Project Information Table & Site Plan
- A-001 Site Plan
- A-002 Existing Floor Plan
- A-003 Exterior Photos
- A-004 400m Radius Map

## PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	CR-3M-1
Site Area (sq.m)	2,289.2 sq.m
Unit Floor Area (sq.m)	76.9 sq.m
Parking Stalls (Required)	2 Stalls
Parking Stalls (Provided)	26 Stalls
Bicycle Parking Number (Class 1 and 2)	Class 1: 0, Class 2: 0

### Parking Requirements, Schedule C

Building Class - Commercial  
(4) Retail stores, banks, personal services establishments or similar uses

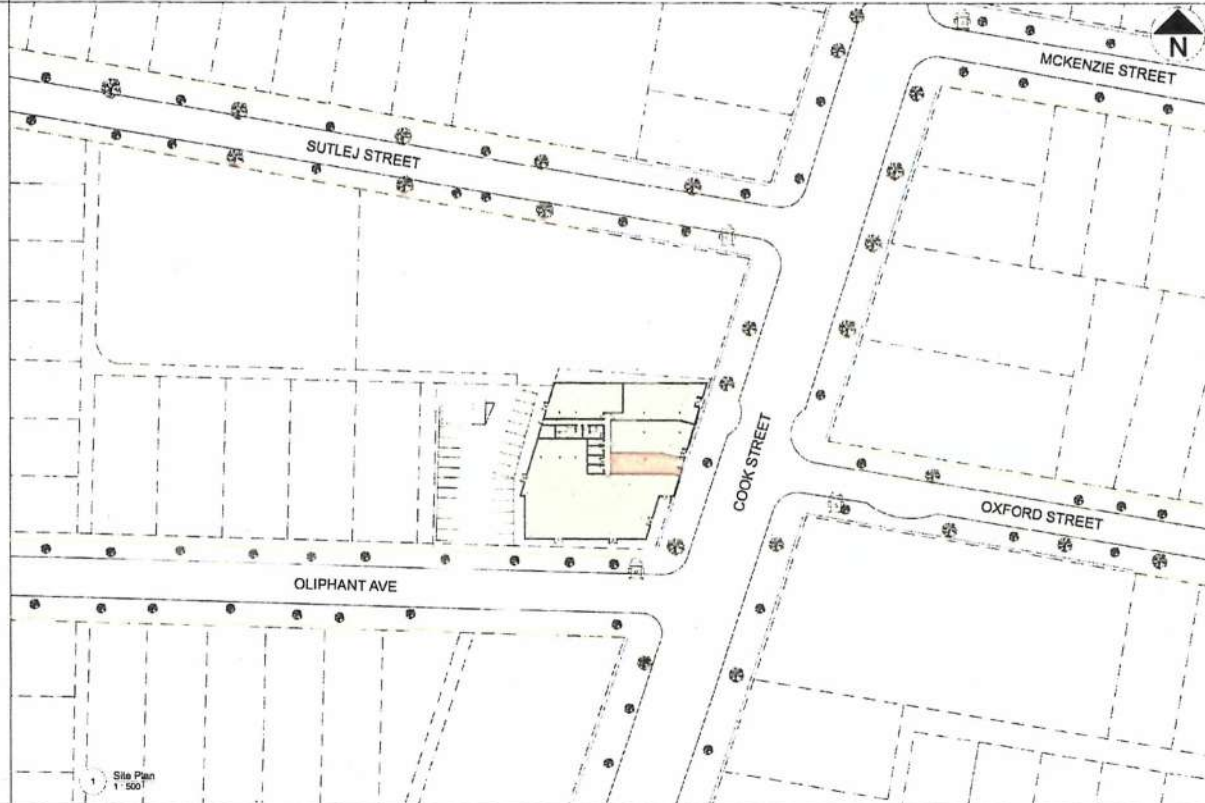
Number of Parking Spaces  
1 space per 37.5m<sup>2</sup> of gross floor area

76.9m<sup>2</sup> floor area/37.5m<sup>2</sup> = 2.0

Required parking spaces = 2

## CODE REVIEW

Item:	2012 British Columbia Building Code, Data Matrix	Page:	BCBC 2012 Reference
1	Address		
2	230 Cook Street, Victoria, BC		
3	Legal Description		
4	Legal Description		
5	Legal Description		
6	Legal Description		
7	Legal Description		
8	Legal Description		
9	Legal Description		
10	Legal Description		
11	Legal Description		
12	Legal Description		
13	Legal Description		
14	Legal Description		
15	Legal Description		



Received  
City of Victoria

MAY 08 2018

Planning & Development Department  
Development Services Division



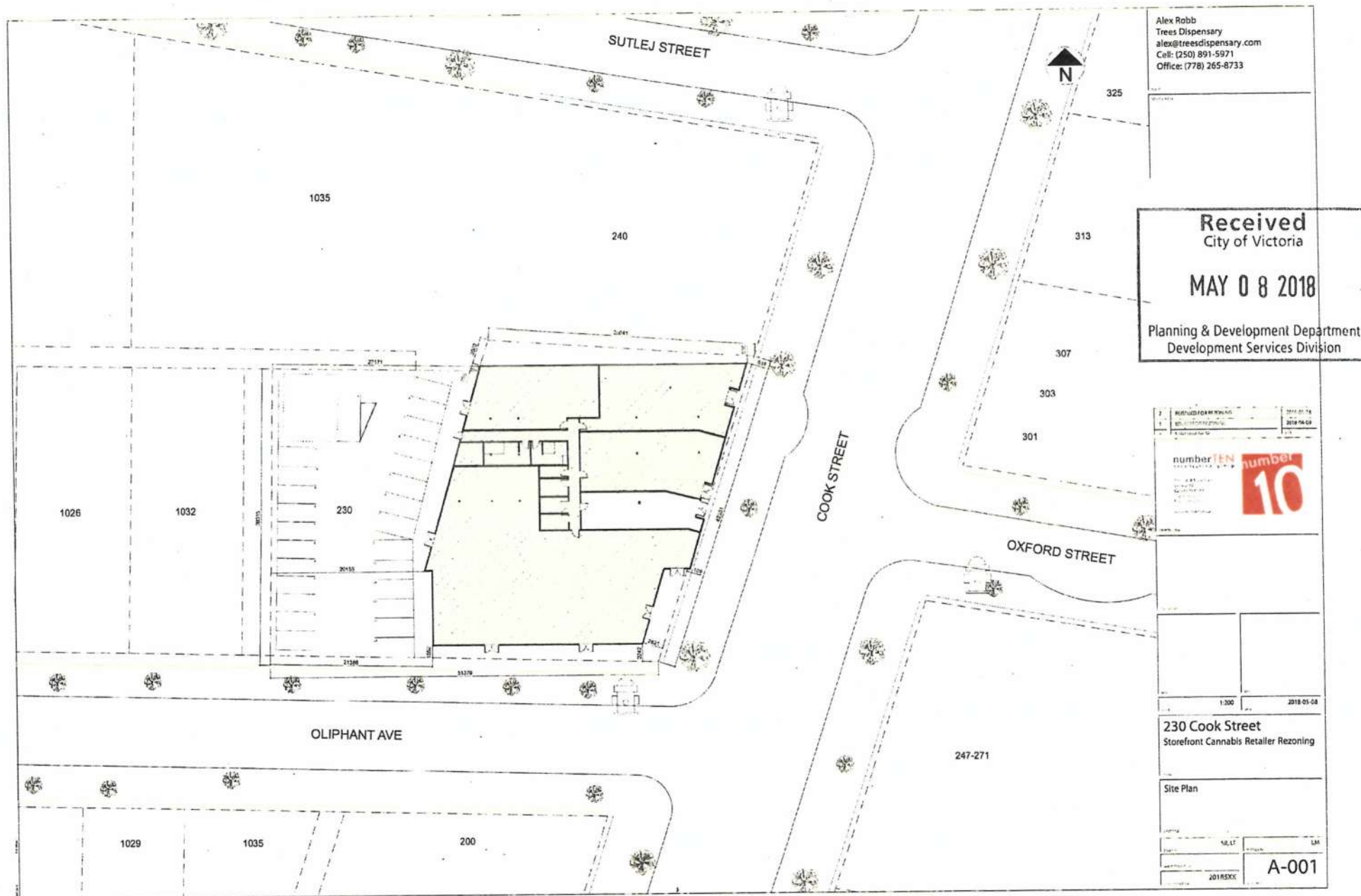
230 Cook Street  
Storefront Cannabis Retailer Rezoning

Drawing List, Legend, Code Review  
Project Information Table, Site Plan

20185XX  
A-000

ATTACHMENT C







Alex Robb  
Trees Dispensary  
alex@treesdispensary.com  
Cell: (250) 891-5971  
Office: (778) 265-8733

Received  
City of Victoria

MAY 08 2018

Planning & Development Department  
Development Services Division

2	RECEIVED FOR RECORDING	2018-05-08
3	RECEIVED FOR RECORDING	2018-05-08



1,100 2018-05-08

230 Cook Street  
Storefront Cannabis Retailer Rezoning

Floor Plan

35, 17	LM
20185XX	A-002

Alex Robb  
Trees Dispensary  
alex@treesdispensary.com  
Cell: (250) 891-5971  
Office: (778) 265-8733



1 East Face of Building



2 East Face of Building - Adjoining Retail Units



3 Main Entrance of Retail Unit



4 East and South Face of Building



5 East and South Face of Building

2	RECEIVED FOR REVIEW	2018-05-08
3	FOR REVIEW	2018-05-08
4	FOR REVIEW	2018-05-08

numberTEN  
number 10

Net to Scale

2018-05-08

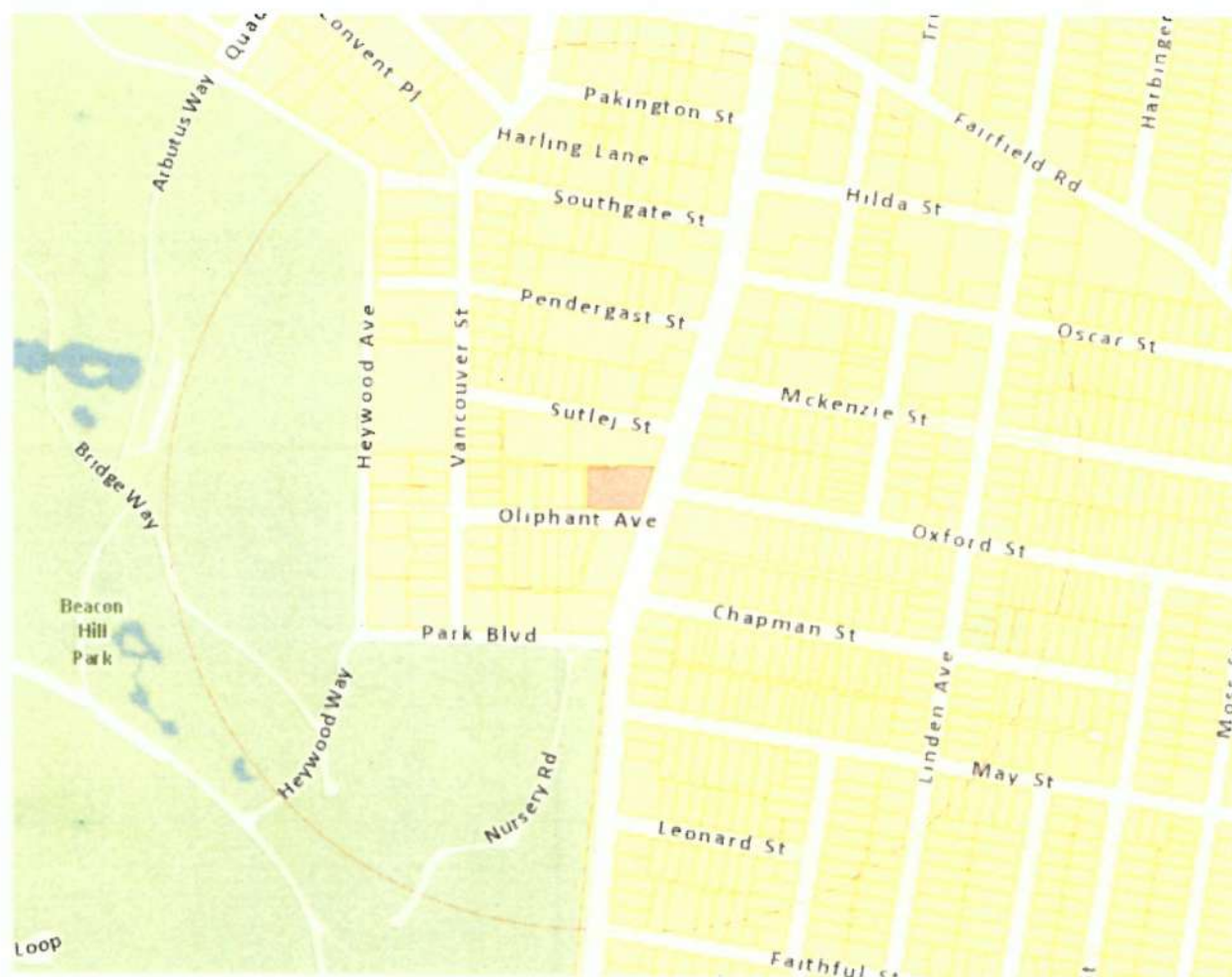
230 Cook Street  
Storefront Cannabis Retailer Rezoning

Exterior Building Images

38.17	LM
20185XX	A-003

Received  
City of Victoria  
  
MAY 08 2018  
  
Planning & Development Department  
Development Services Division





NO CANNABIS DISPENSARIES WITHIN A 400m RADIUS



Alex Robb  
Trees Dispensary  
alex@treesdispensary.com  
Cell: (250) 891-5971  
Office: (778) 265-8733

2	REQUEST FOR ZONING	2018-05-08
1	230 COOK STREET	2018-04-08
4	230 COOK STREET	2018-04-08



1:1000 2018-05-08

230 Cook Street  
Storefront Cannabis Retailer Rezoning

400m Radius Map

DATE	DATE	DATE
2018-05-08	2018-05-08	2018-05-08
2018-05-08	2018-05-08	2018-05-08

A-004

Received  
City of Victoria

MAY 08 2018

Planning & Development Department  
Development Services Division



**To:** Mayor Lisa Helps and members of Victoria City Council

**From:** Alex Robb, General Manager for Trees Dispensary

**Date:** April 11, 2018

**Subject:** Rezoning for Cannabis related business for 230 Cook Street

Dear Mayor and City Council,

It is an honour to be submitting this letter along with our completed application for rezoning for cannabis-related business for the property at 230 Cook Street.

### **Description of Proposal**

The property at 230 Cook Street is located in the Cook Street Village neighbourhood, and this specific unit is a small 891 square foot suite in between Prima Strata Pizza, and the Cook Street Village Medical Clinic. The storefront will be a very small, unobtrusive, boutique cannabis retail store. As has been noted at previous public hearings on cannabis, a location next to a medical clinic or pharmacy is ideal. This would be the first licensed dispensary in the Cook Street Village neighbourhood.

### **City Policy**

This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is further than 200 meters from community centres and schools, and there are no other cannabis storefronts within a 400 meter radius. It is appropriately zoned for the use, and has adequate parking at the rear of the building. No public nuisance is created by its operation, and we will be installing a new rooftop ventilation system to mitigate smell nuisance.

### **Project Benefits and Amenities**

The Cook Street neighbourhood is in need of one cannabis storefront to facilitate access to cannabis in the community. The economic, environmental, and social benefits of this project are numerous. The regulation of this business sector in Victoria is likely to stimulate the local economy, making Victoria a hub of this emerging regulated and taxed business activity in the city and so help transition this industry, (that was previously taking place in an informal, unregulated and untaxed manner), toward a better regulated marketplace. Trees Dispensary has sought to promote education about cannabis as a medicine, adjunct therapy for terminal illness, and harm reduction tool by offering educational workshops in our own facility and at other venues across town. We seek to be an upstanding business in town and this application will support our reputation as the most professional actors in the cannabis retail market.



**Neighbourhood**

The proposed development will contribute significantly to neighbourhood vibrancy by sponsoring and promoting arts and culture events in the neighbourhood. The proximity of the dispensary to the Fairfield and Cook Street Village neighbourhood will make cannabis more accessible to residents of these neighbourhoods, especially those who have mobility issues or do not drive.

**Impacts**

This storefront on Cook Street will be beautifully presented in wood trim and a pleasant and welcoming aesthetic. We intend to maintain a plant-filled, wood laden, earthy aesthetic that is pleasing to walk-by traffic, and complements the visual appeal of the neighbourhood. We mitigate negative neighbourhood impact by maintaining air filtration systems and strictly prohibiting consumption of cannabis on site or in the vicinity of the storefront. We will also maintain 24 hour security camera supervision.

**Design and development permit guidelines**

The current site of 230 Cook Street is zoned for commercial, which allows for the use of the premises as retail sales.

**Safety and security**

Trees Dispensary's presence in the area has contributed to the safety and security of the neighbourhood and may contribute to a decrease in overnight petty crime in the immediate area. The increased foot traffic in the area as a result of Trees business has attracted customers to other nearby businesses, and our staff have kept the area surrounding our business well maintained, clean, and free of litter and other refuse. Our 24-hour high definition camera system can be used to provide information on crimes that may happen in the neighbourhood after hours.

**Transportation**

This rezoning applications meets the parking standards set out in schedule C. There is adequate parking at the rear of the building.

**Heritage**

This property does not have heritage status and no heritage buildings are effected by this application.

Thank you for your consideration and for your efforts to bring about regulation to this business sector in Victoria. I look forward to further developing the Trees business in Victoria and finding other ways to contribute to this vibrant community.

All best wishes,

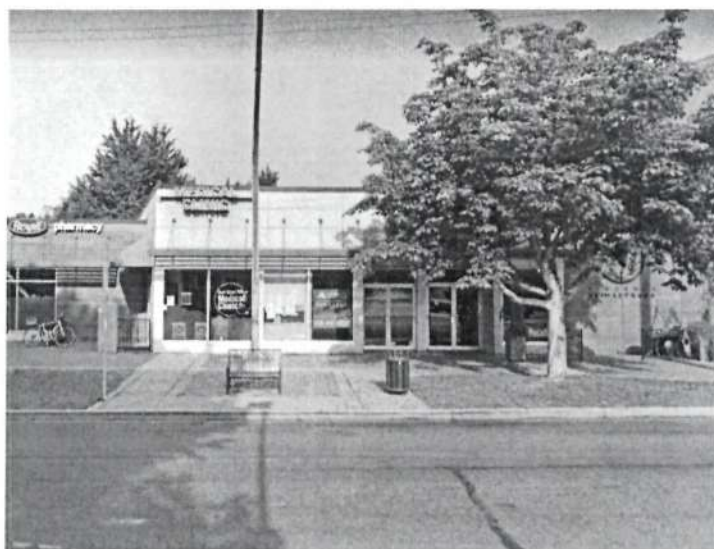
Alex Robb

General Manager, Trees Dispensary

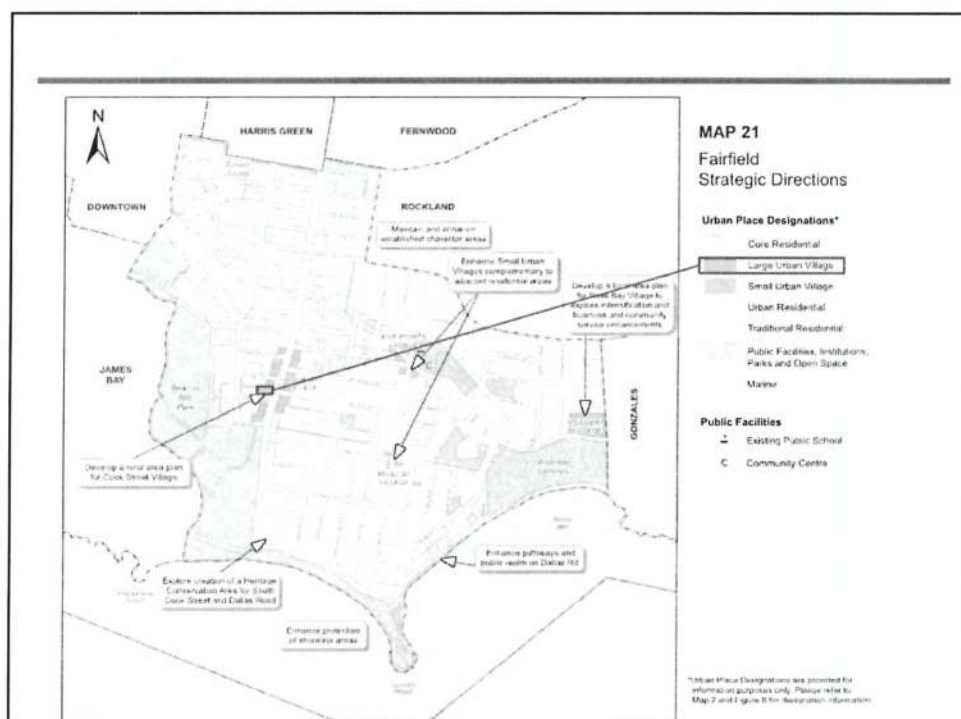
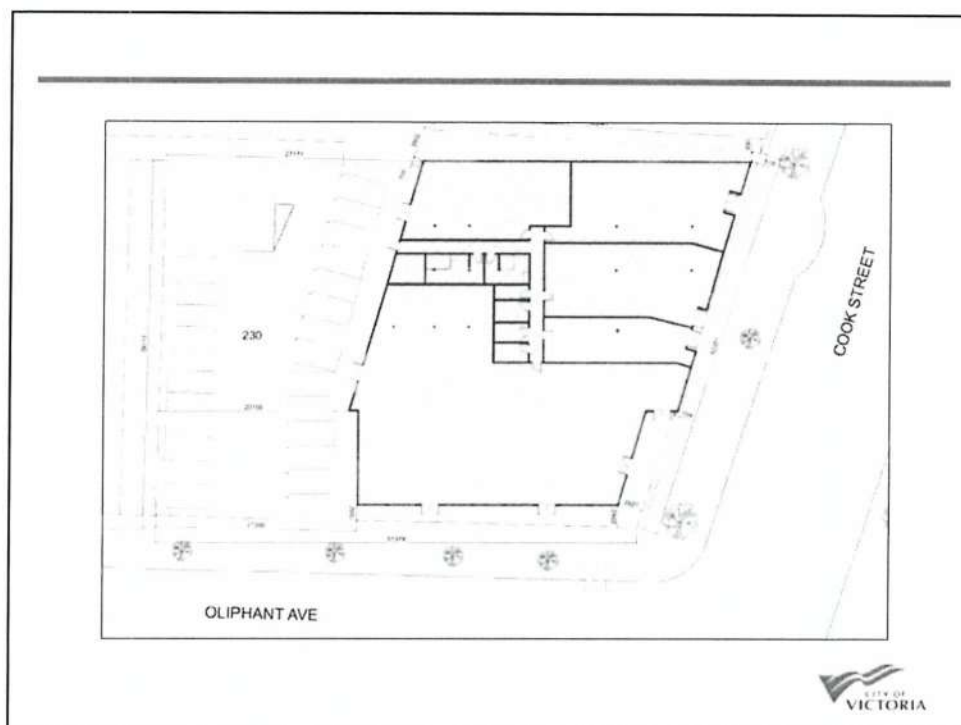
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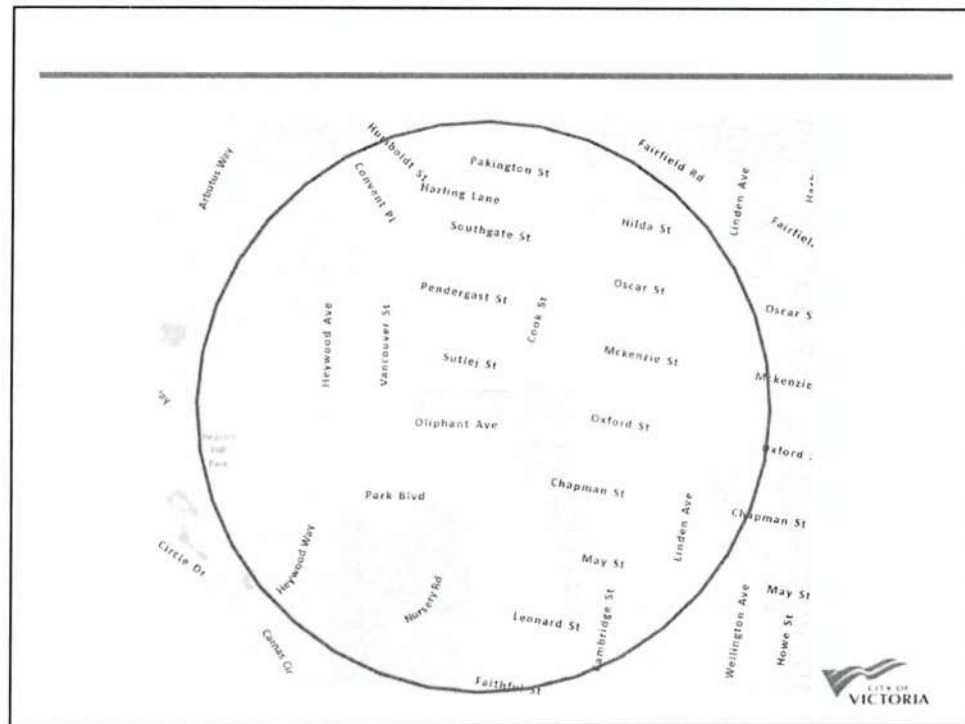
## Rezoning Application for 230 Cook Street











**Pamela Martin**

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**From:** Joan Pink [REDACTED]  
**Sent:** July 30, 2018 10:49 AM  
**To:** Public Hearings  
**Cc:** Tom Pink  
**Subject:** Zoning Reg. Bylaw, Amendment No. 1157 No. 18-074 - 230 Cook Street

Dear Council and Mayor Lisa Helps:

As property owner at 1111 Chapman Street, a six unit rental building; we are in full agreement with this above amendment and Storefront Business. It is a well thought out location and will ensure a vital commercial business within the Cook Street Village.

Regards,

Joan & Tom Pink  
[REDACTED]

NO. 18-074

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by adding storefront cannabis retailer as a permitted use in the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District and to update Part 4.15.1 of Schedule B to the current format.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1157)”.
- 2 The Zoning Regulation Bylaw is amended by replacing Part 4.15.1 of Schedule B with the provisions contained in Schedule 1 of this Bylaw.

READ A FIRST TIME the                      **19<sup>th</sup>**    day of                      **July**                      2018

READ A SECOND TIME the                      **19<sup>th</sup>**    day of                      **July**                      2018

Public hearing held on the                      day of                      2018

READ A THIRD TIME the                      day of                      2018

ADOPTED on the                      day of                      2018

CITY CLERK

MAYOR

**PART 4.15.1 – CR-3M-1 ZONE, COMMERCIAL RESIDENTIAL APARTMENT (COOK STREET VILLAGE) DISTRICT****4.15.1.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the CR-3M Zone, Commercial Residential Apartment Modified District;
- b. Liquor retail store; and
- c. Storefront cannabis retailer provided that only one storefront cannabis retailer is permitted to operate on a single lot.

**4.15.1.2 Size & Location of Uses**

- a. A storefront cannabis retailer must:
  - i) not occupy more than 77m<sup>2</sup>; and
  - ii) be located on the ground floor.
- b. The total area of a liquor retail store must not exceed 127 m<sup>2</sup>.

**4.15.1.3 General Regulations**

- a. Subject to the regulations in this Part 4.15.1, the regulations in the CR-3M Zone, Commercial Residential Apartment Modified District apply in this Zone.



## **H.1.b Report from the June 14, 2018 COTW Meeting**

### **H.1.b.e 1622-1628 Store Street - Development Permit with Variances Application No. 00068 (Downtown)**

**Moved By** Councillor Young

**Seconded By** Councillor Lucas

***Application to construct a seven-storey residential building with ground-floor commercial.***

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, 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 Development Permit Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - ii. increase the height from 15m to 18.00m
  - iii. increase the interior floor area access length from 4.5m to 6.5m
  - iv. allow residential uses below the second storey.
3. Registration of legal agreements on the property's title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.
5. That notification be included in a newspaper ad.
6. Reconsideration of the colour of the metal panels on the west side of the building to provide a more contextual response to the colour pallet of Old Town.

FOR (7): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Isitt

**CARRIED (7 to 1)**



## **E. LAND USE MATTERS**

### **E.4 1622-1628 Store Street - Development Permit with Variances** **Application No. 00068 (Downtown)**

*Mayor Helps withdrew from the meeting at 10:44 a.m. to attend the opening of an employment program. Councillor Loveday assumed the Chair in her absence.*

Committee received a report dated May 24, 2018 from the Director of Sustainable Planning and Community Development regarding an application to construct a seven-storey residential building with ground floor commercial.

**Moved By** Councillor Lucas

**Seconded By** Councillor Young

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, 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 Development Permit Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 15m to 18.00m
  - ii. increase the interior floor area access length from 4.5m to 6.5m
  - iii. allow residential uses below the second storey.
3. Registration of legal agreements on the property's title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.

*Committee discussed:*

- *The willingness of the applicant to address the concerns of the immediate neighbours.*

**Moved By** Councillor Madoff

**Seconded By** Councillor Loveday

#### **Amendment:**

That the motion be amended to include the following point:



**5. That notification be included in news ad.**

*Committee discussed:*

- *Desire for an affordability element.*
- *Height articulation with the neighbouring building and the transition to the waterfront.*

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Madoff

**Seconded By** Councillor Loveday

**Amendment:**

That the motion be amended to include the following point:

**6. Reconsideration of the colour of the metal panels on the west side of the building.**

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Madoff

**Seconded By** Councillor Loveday

**Amendment:**

That the motion be amended in the following point:

**6. Reconsideration of the colour of the metal panels on the west side of the building to provide a more contextual response to the colour pallet of old town.**

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, 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 Development Permit Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 15m to 18.00m
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  - iii. allow residential uses below the second storey.
3. Registration of legal agreements on the property's title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.
5. That notification be included in news ad.
6. Reconsideration of the colour of the metal panels on the west side of the building to provide a more contextual response to the colour pallet of old town.

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report

### For the Meeting of June 14, 2018

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**To:** Committee of the Whole **Date:** May 24, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances No. 00068 for 1622-1628 Store Street

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### RECOMMENDATION

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, 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 Development Permit Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 15m to 18.00m
  - ii. increase the interior floor area access length from 4.5m to 6.5m
  - iii. allow residential uses below the second storey.
3. Registration of legal agreements on the property's title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. 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 *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 revitalization of an area in which a commercial use is permitted, 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 with Variances Application for the property located at 1622-1628 Store Street. The proposal is to construct a seven-storey residential building with ground floor commercial. The variances are related to height, building frontage devoted to interior access, and the location of residential uses within the building.

The following points were considered in assessing this application:

- consistency with the *Official Community Plan*, 2012 (OCP) in terms of proposing to complete a portion of the a Harbour Pathway
- consistency with the *Downtown Core Area Plan* (DCAP) in terms of providing a dual frontage building, high-quality architecture, and landscaping and a contextual design approach
- consistency with the *Old Town Design Guidelines* (2006) respecting the traditional character of the area
- consistency with the *Victoria Harbour Plan* (2001) in terms of proposing residential uses at this location and completing a portion of the Harbour Pathway
- the proposal to increase the permitted height is supportable based on the sensitive infill approach, and the reduced impact to adjacent buildings from the proposed massing of the building, side yard setbacks, and Harbour Pathway setback
- the proposal to permit residential uses below the ground floor is supportable based on the general layout and flexibility of the ground floor, and adjacent exterior landscaping to serve either commercial or residential uses
- the proposal to increase the frontage area devoted to interior accesses is appropriate based on creating a vibrant street frontage.

## BACKGROUND

### Description of Proposal

The proposal is for a seven-storey residential building with ground-floor commercial. Specific details include:

- a sloping site with five storeys at Store Street, with a step back between the fourth and fifth storey, and eight storeys at the harbour edge
- three levels of underground parking at Store Street and one level of underground parking at the harbour edge
- a full-width street frontage with a zero lot line setback
- a narrow main building body with 6.8m to 8.6m setbacks to the adjacent property lines
- a saw-toothed unit floor plan layout to direct views predominantly west, towards the harbour.

Exterior building materials include:

- predominantly stack bond brick at podium level (brown/earth tone mix) with clear glazing
- alternating and articulated mixture of diamond shingle metal and stack bond brick (same as podium) on the Store Street frontage above the first storey
- aluminium composite panel cladding (champagne) on the north and south building body elevations
- predominantly diamond shingle metal cladding on the harbour (west) elevation with aluminium composite panel cladding (champagne) and a central diffuse white glazing element.

Landscaping elements include:

- two boulevard trees (Karpick Red Maple) on Store Street
- ground floor unit planting beds with shade-loving native and adaptive shrubs on the north and south elevations
- metal arbour with twining vines over the residential sidewalk on the south elevation
- sloped planting beds adjacent to the Harbour Pathway among landscaped boulders with native shrubs and ferns (including Shore Pine, Alaska fern, sweet box and sea oats), as well as, an incorporated public bench along the harbour pathway
- flexible unit entrances at the Harbour Pathway, differentiated by unit pavers
- Harbour Pathway to City of Victoria standard.

The proposed variances are related to:

- increasing the building height from 15m to 18m
- allowing residential uses below the second storey
- increasing the amount of frontage devoted to interior access from 4.5m to 6.0m.

### **Sustainability Features**

As indicated in the applicant's letter dated January 23, 2018 the following sustainability features are associated with this application:

- service rough-in for electric vehicle charging stations in all parking levels
- energy modelled to improve energy use efficiency
- Energy Star rated appliances and motion controlled lighting
- low-flow plumbing fixtures
- on-site treated storm-water, diverted from city utilities
- native and adaptive planting.

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

The following public realm improvements are being offered by the applicant in association with this Development Permit Application and would be secured with a Section 219 Covenant:

- construction of the Harbour Pathway, linking the pathway between the Mermaid Wharf building and the Janion building at the north and south respectively with a 5m wide pathway built to City of Victoria standards
- provision of a public seating amenity area at the northern end of the harbour frontage.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed section of the Harbour Pathway included in this application proposes only ramped surfaces (no stairs) at a grade no steeper than 5.8%.

### **Existing Site Development and Development Potential**

The site is presently occupied with a parking lot.

Under the current CA-3C Zone, Old Town District, the property could be developed at a density



of 3:1 Floor Space Ratio (FSR) and with the uses proposed; however, it could also be developed/accommodate office use at a density of 1:1 FSR or transient accommodation at a 3:1 FSR.

### Data Table

The following data table compares the proposal with the existing CA-3C Zone, Old Town District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CA-3C
Density (Floor Space Ratio) - maximum	3:1	3:1
Total floor area (m <sup>2</sup> ) - maximum	10,017.00	10,061.40
Height (m) - maximum	<b>18.0 *</b>	15.0
Site coverage (%) - maximum	N/A	N/A
Residential use on the ground floor	<b>Yes *</b>	Not Permitted
Interior floor area access (m)	<b>6.5*</b>	4.5
Vehicle parking – minimum	132	0
Bicycle parking – minimum		
Class 1	166	133
Class 2	14	6

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 7, 2018 the application was referred for a 30-day comment period to the Downtown Neighbourhood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

### ANALYSIS

The *Official Community Plan*, 2012, identifies this property in Development Permit Area 9 (HC): Inner Harbour. The key objectives of this designation are to enhance the Inner Harbour through high-quality architecture, landscape and urban design that reflects the area's functions as a marine entry, working harbour, and community amenity in scale, massing and character while responding to its historic context.

Design guidelines that apply to Development Permit Area 9 are the *Downtown Core Area Plan*, 2012 (DCAP), *Old Town Design Guidelines* (2006), *Victoria Harbour Plan* (2001), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates and Shutters* (2010).

### **Downtown Core Area Plan**

The DCAP seeks to ensure that new developments complement and respond to the surrounding context as defined by the topography, building spacing, form, height, roofline, massing, setbacks, orientation, façade rhythm, building materials and landscaping.

The application is consistent with the guidelines in the DCAP in terms of its general form and character, particularly in terms of its approach to sensitive infill. More specifically, the area context has been considered insofar as the complementary proportion of street wall, cornice lines, articulation rhythm and scale to its adjacent neighbors. Additionally, the application includes completing portions of the Harbour Pathway which achieve the guideline objectives around improving waterfront access, pathway connectivity and waterfront public outlooks. High-quality materials are proposed, and the design is contemporary while complementary to the traditional urban context, consistent with the guidelines on both counts.

### **Height Variance**

The overall height of the building is measured as seven storeys because of the sloping nature of the site and the definition of storeys in the regulations; however, the building is perceived as eight storeys at the waterfront, and as four storeys with a step back to the fifth storey along the Store Street frontage. The proposal includes increasing the maximum allowable height from 15m to 18m. At the Store Street property line, the proposed building height is 14.26m. The building then steps back from the property line by 8.7m before the fifth storey, at a height of 18m. In terms of the height variance, the DCAP provides a number of policies to assess height variances, including street interface guidelines. Store Street is classified as a commercial street; under this designation, street walls ranging from three to five storeys (10m to 20m) are suggested. The DCAP also recommends maintaining lower-scale building forms adjacent to Store Street and supporting new development with form and character that enhances the heritage value of the Historic Commercial District. The proposed step back between the fourth and fifth storey on Store Street is consistent with the guidelines in terms of height and achieves the desired, low traditional building scale at this frontage.

### **Location Residential Use Variance**

The intent of the *Zoning Regulation Bylaw* with regard to excluding residential uses on the ground floor is to ensure that the commercial streets within this area retain their commercial focus, supporting the vibrancy and activity of downtown. The request to permit residential uses on the ground floor is only related to the Harbour Pathway frontage. The Store Street frontage is divided between commercial and residential lobby functions and the variance does not apply. The relative feasibility of a commercial use along an incomplete Harbour Pathway was cited by the applicant as the rationale for this variance request. For this reason, the proposal includes a flexible design at this location to accommodate either commercial or residential use through the optional addition of landscaping elements.

The key policies related to assessing this variance come from the *Downtown Core Area Plan* (DCAP). It recommends that residential dwellings within the Historic Commercial District are to be located on upper-storeys to retain and accommodate more active commercial uses at the street level. Residential uses are envisioned at street level; however, only in instances when



they are located directly adjacent to, and have direct access to a lane, alley or through-block pathway.

The DCAP recommends more active commercial uses at the street level to encourage increased pedestrian activity and complement the public realm, particularly in relation to tourism and entertainment-related uses, as might be the case along the future Harbour Pathway. Given the unfinished status of the Harbour Pathway, and the design measures to accommodate a future commercial frontage on the harbour side of the building, the proposal satisfactorily meets the guidelines. Additionally, the conditions that would permit residential uses at the ground level in the guidelines (being located next to a lane or through-block) are also relevant, suggesting the proposed flexible use is in accord with what the DCAP envisioned.

### **Old Town Design Guidelines**

The Old Town Design Guidelines encourage new development to reflect the contemporary values at the time they were conceived, while also being responsive to the special characteristics of the heritage area where they are located. The subject property is within the "Waterfront" area in the Old Town Design Guidelines. Old Town is further characterized by a "saw-tooth" streetscape that generally rises and falls between one and five storeys in height with articulated brick and stone facades, buildings located up to the public sidewalk and continuous, street-level storefronts.

The application responds to the special characteristics of this area, namely with regard to achieving industrial aesthetic, high-quality materials, and a dual-aspect building, with attractive front and rear facades. This dual-aspect guideline is also repeated in the DCAP and the proposal is consistent for the same reasons. The proposed rhythm of articulation on the Store Street façade respects the character of the area, provides a continuous street wall and is five storeys in height. On this basis, the general form and character of the building is considered to be consistent with the guidelines.

### **Height Variance**

The *Old Town Design Guidelines* outline a general expectation that buildings will range from one to five storeys at their street frontages. Other guidelines to assess variances relate to:

- inspiring creative developments that contribute to the character or the area
- creating a cohesiveness of buildings and spaces that are neighbourly yet dense.

The applicant's rationale for the height variance is based on creating a narrow building form to provide "breathing room" between the proposal and the adjacent buildings while still achieving the permitted density. This approach is consistent with the Guidelines, as it achieves a four and five storey relationship to the street by distributing the density to the portions of the building that have less impact on adjoining properties. Given that the regulations would permit no side yard setbacks, the proposed approach to redistribute the density is an improved option and is consistent with the guidelines around promoting neighbourly development.

### **Victoria Harbour Plan (2001)**

The Victoria Harbour Plan largely focuses on mitigating conflicts between the variety of uses that occupy the harbour while taking advantage of the myriad of opportunities the harbour presents. The subject property is located within the "Upper Harbour" area in the Plan which specifically references this site as having potential for residential uses and extending the texture of Old Town. The completion of the Harbour Pathway is also a key objective within the Plan,



sections of which are proposed to be completed with this application, linking to the path north and south of the subject property.

The application is consistent with the Design Guidelines within the Plan that promote limiting buildings to five storeys at the Store Street frontage. Additionally, it is consistent with the objectives to provide discrete parking that does not dominate the street frontage. Where the application is inconsistent with the Plan relates to the provision of a mid-block access between Store Street and the Harbour, as well as, responding to the topography with a stepped building to maximize harbour views. Instead, the application follows the design approach of the two adjacent buildings whereby a consistent roofline stretches from Store Street to the harbour, resulting in a taller building at the harbour frontage as compared to the Store Street frontage. This approach is consistent with the immediate context and in reviewing the shadowing studies, results in a negligible impact to adjacent properties. Additionally, the application proposes angled windows for all units to face the harbour, which both better respects neighbouring property harbour views and provides more views of the harbour for the building's occupants.

With respect to the mid-block access from Store Street to the waterfront, the existing pathway connection which was completed in conjunction with the recent revitalization of the Janion building, was not anticipated in the Victoria Harbour Plan. With this connection, spacing between harbour accesses on Store Street is 90m, which is sufficient to meet the intent of the guideline, thus negating the need for an additional pathway on the subject property.

On balance, the consistent harbour frontage as viewed from across the harbour, as well as the approach to maximize and protect harbour views, are perceived as beneficial to the overall contextual response. Access to the waterfront from Store Street is also adequately provided to the level anticipated in the Plan, and on this basis, staff recommend for Council's consideration that the intent of these guidelines are achieved.

### **Response to Context**

The proposal's form and character respects the historic visual relationship of the streetscape and is compatible with the context of the area specific to the proportion of street wall, cornice lines, articulation rhythm and scale to its adjacent neighbors. The application does not negatively impact the district's heritage value and is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

### **Interior Access Variance**

The variance to the regulation limiting the amount of frontage devoted to interior access is supportable based on the OCP objectives around promoting active street frontages. The proposed entrances on Store Street are not excessive and relate well to the adjacent context and frequency of neighbouring property entrances.

### **Advisory Design Panel**

The Advisory Design Panel reviewed the application at the meeting of April 25, 2018 (minutes attached). The application was favorably received and a motion to "accept as presented" was carried unanimously.

## Heritage Advisory Panel

The Heritage advisory Panel reviewed the application at the meeting of May 8, 2018 (minutes attached). The application was favorably received and a motion to "accept as presented" was carried unanimously.

## CONCLUSIONS

The application is consistent with the guidelines in terms of form and character, and the variances do not contradict the intentions of the relevant policy or guidelines. The proposal also provides a significant benefit to the City with the proposed completion of a portion of the Harbour Pathway and additional seating amenity area on the waterfront. On this basis, Staff recommend for Council's consideration that the application be supported.

## ALTERNATE MOTION

That Council decline DPV Application No. 00068 for the property located at 1622-1628 Store Street.

Respectfully submitted,



Miko Betanzo, Senior Planner – Urban Design  
Sustainable Planning and Community  
Development Department



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager.



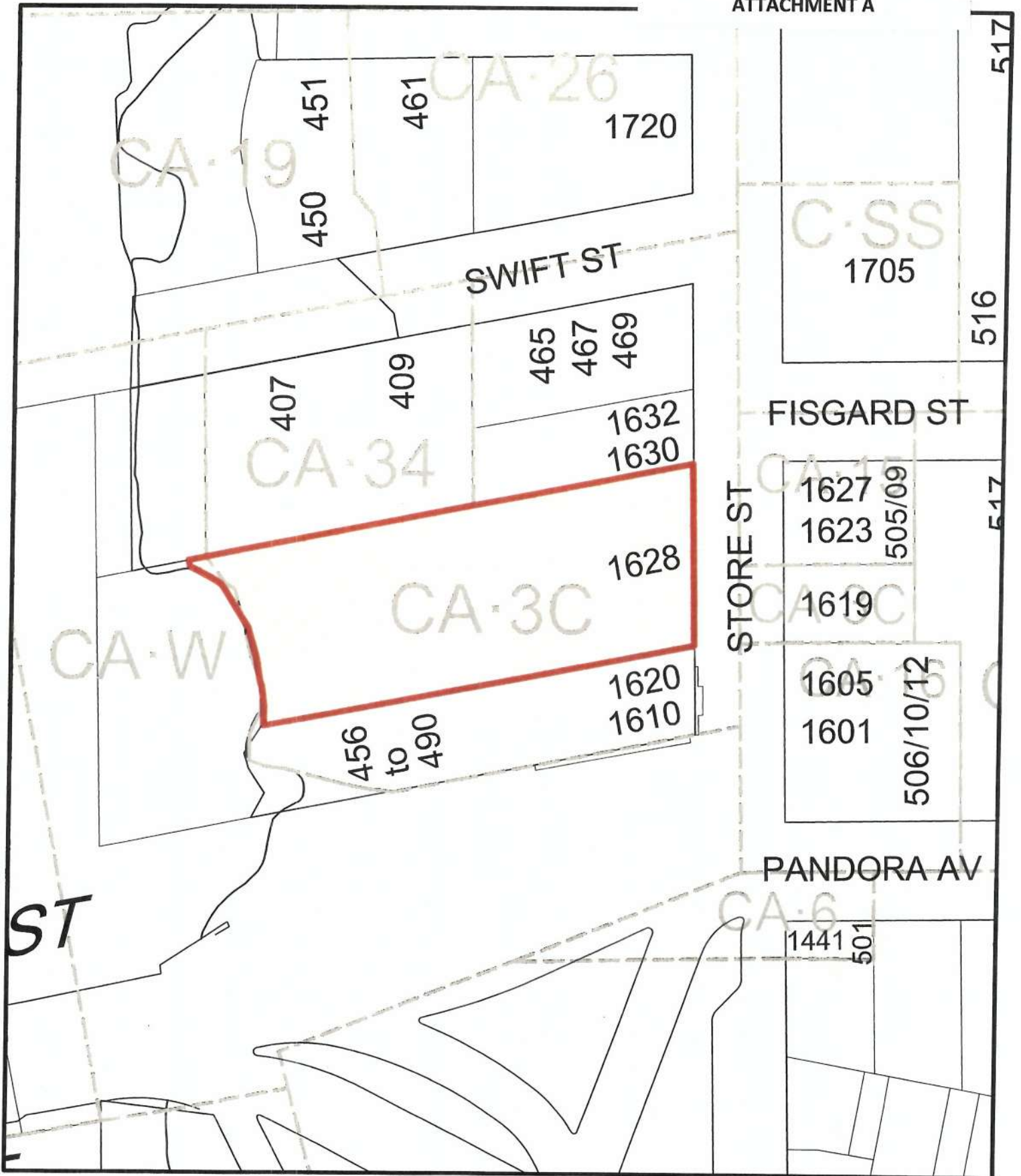
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June 8, 2018

### List of Attachments:

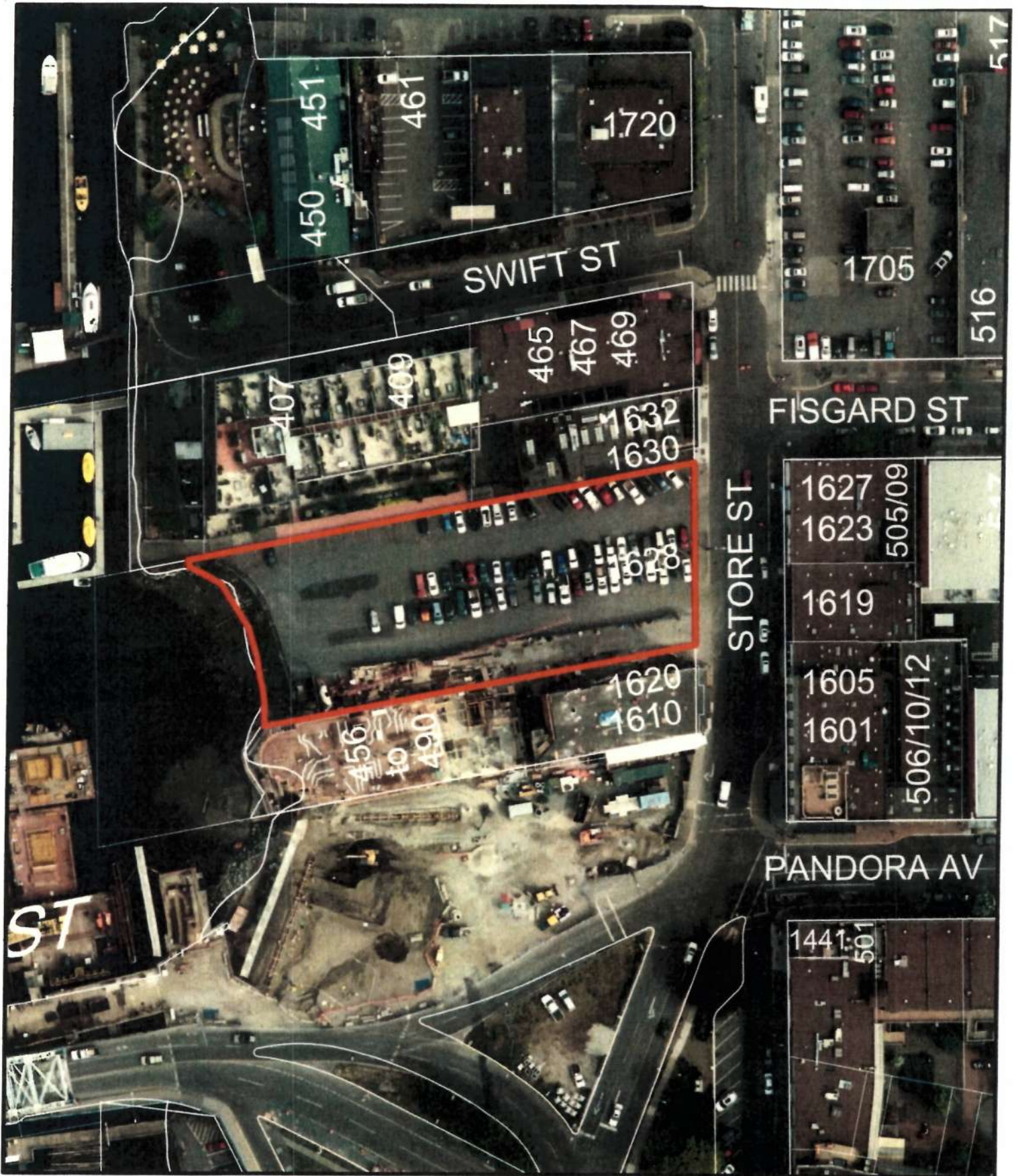
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped March 29, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 22, 2018 and March 29, 2018
- Attachment E: Correspondence (Letters/ emails received from residents)
- Attachment F: Draft Advisory Design and Heritage Advisory Panel minutes





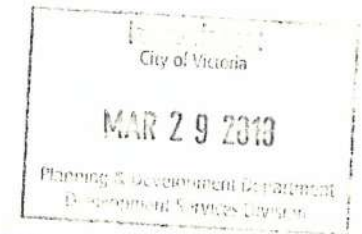
1622 - 1628 Store Street  
Development Variance Permit #00068





1622 - 1628 Store Street  
Development Variance Permit #00068





1628 Store Street  
Victoria, B.C.

**D'AMBROSIO** 1712  
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Victoria BC Canada V8T5K2  
tel 250.384.2400  
email mail@damarc.ca  
web www.damarc.ca

Revised Submission for  
Development Permit  
March 29, 2018

## Contacts

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### Surveyor

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### Environmental Consultant

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Tel: 250.384.2400

## List of Drawings

### Architectural

- A00 Cover Sheet
- A01 Average Grade Calculations
- A02 Gross Floor Area Party Diagrams
- A03 Section Studies
- A04 Section Studies
- A05 View Studies
- A06 View Studies - Detailed Elevation
- A07 View Facade - Detailed Views
- A08 View Facade - Detailed Views
- A09 Site Plan
- A10 P1 Floor Plan
- A11 P2 Floor Plan
- A12 P3 Floor Plan
- A13 L1 Floor Plan
- A14 L2 Floor Plan
- A15 L3 + L4 Floor Plan
- A16 L5 Floor Plan
- A17 L6 Floor Plan
- A18 L7 Floor Plan
- A19 L8 Floor Plan
- A20 East - West Elevation
- A21 North - South Elevation
- A22 Building Section
- A23 Building Section

### Landscape

- L10 Landscape Concept
- L20 Planting Schedule

### Civil

- C100 Site Plan
- C200 Details

### Surveyor

- S1000 Survey of Existing Site Features
- S1001 Floor to Development on Lot A Plan EPP70212

Triad Holdings Ltd.

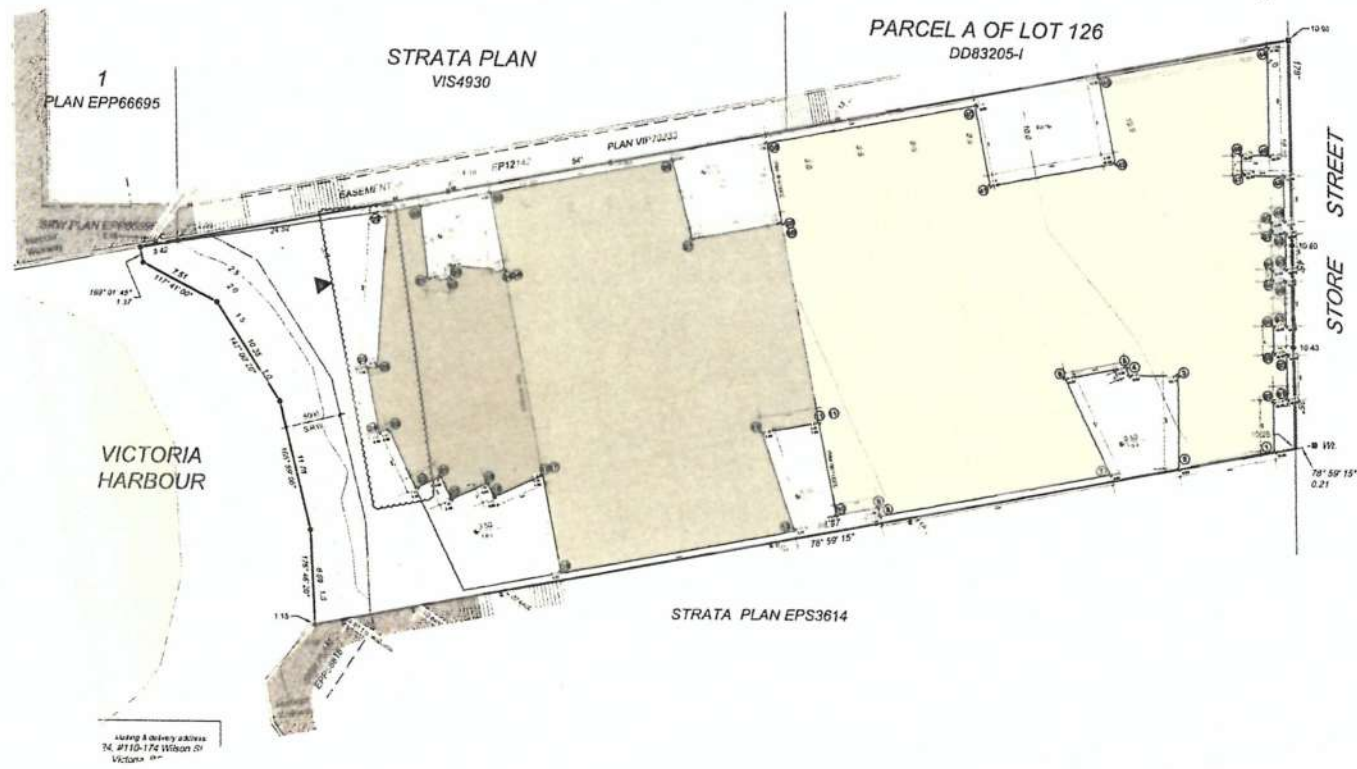


City of Victoria  
**MAR 29 2013**  
 Planning & Development Department  
 Development Services Division

**D'AMBROSIO**  
 ARCHITECTURE + URBANISM

Average Grade Calculations

Area	Area (sq. ft.)	Grade (ft.)	Volume (cu. ft.)
1	100.00	10.00	1000.00
2	200.00	10.50	2100.00
3	300.00	11.00	3300.00
4	400.00	11.50	4600.00
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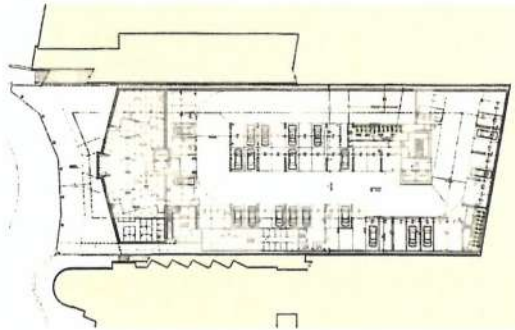
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Average Grade Calculations

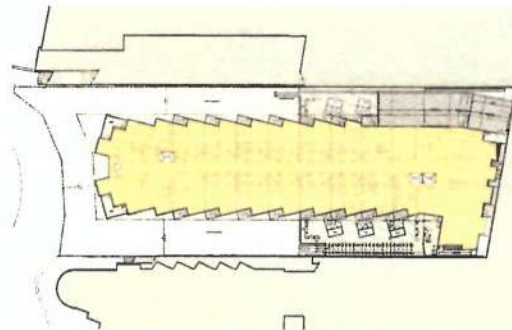
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6	600.00	12.50	7500.00
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58	5800.00	38.50	223300.00
59	5900.00	39.00	230100.00
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61	6100.00	40.00	244000.00
62	6200.00	40.50	251100.00
63	6300.00	41.00	258300.00
64	6400.00	41.50	265600.00
65	6500.00	42.00	273000.00
66	6600.00	42.50	280500.00
67	6700.00	43.00	288100.00
68	6800.00	43.50	295800.00
69	6900.00	44.00	303600.00
70	7000.00	44.50	311500.00
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74	7400.00	46.50	344100.00
75	7500.00	47.00	352500.00
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84	8400.00	51.50	432600.00
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93	9300.00	56.00	520800.00
94	9400.00	56.50	531100.00
95	9500.00	57.00	541500.00
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97	9700.00	58.00	562600.00
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100	10000.00	59.50	595000.00

A0.1

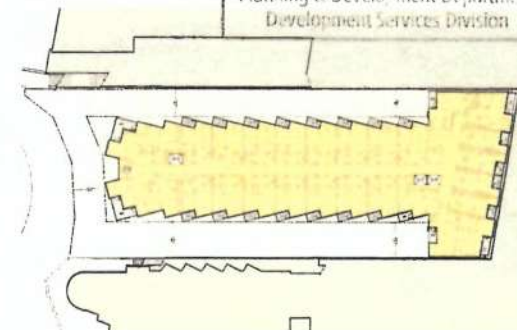
MAR 29 2010

Planning & Development Department  
Development Services DivisionD'AMBROSIO  
ARCHITECTURE + URBANISM

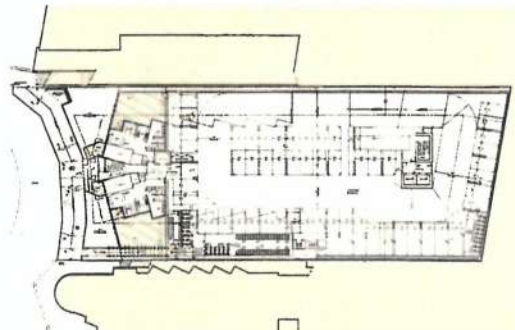
Level P3



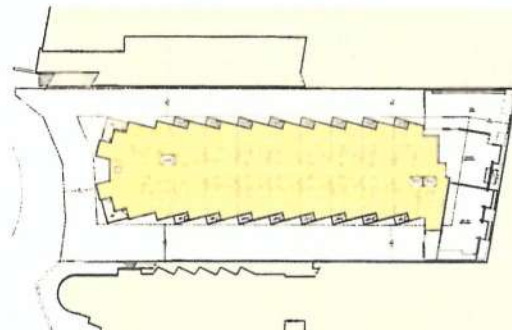
Level L1 - 16,444 s.f. (1,527.7 m2)



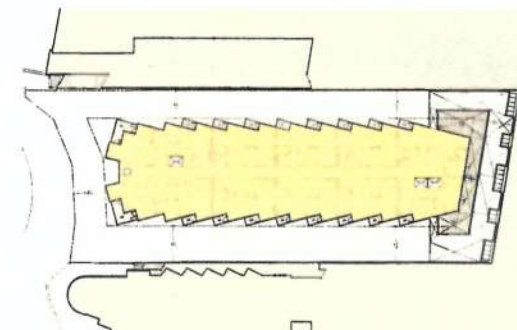
Level L4 - 18,405 s.f. (1,709.9 m2)



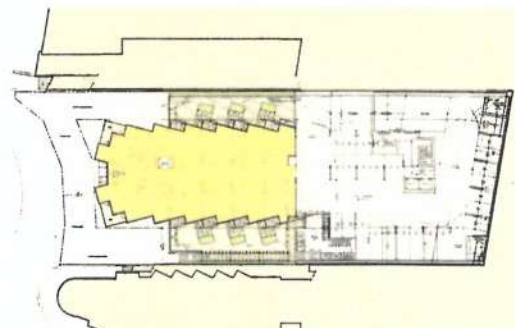
Level P2



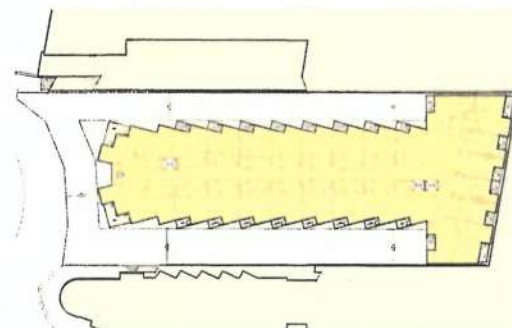
Level L2 - 13,883 s.f. (1,289.8 m2)



Level L6 - 14,433 s.f. (1,340.9)



Level P1 - 7,853 s.f. (729.6 m2)

Level L3 - 18,405 s.f. (1,709.9 m2)  
Level L5 - 18,405 s.f. (1,709.9 m2)

Floor Level	Approx. Gross Floor Area
Level P1	7,853 s.f. (729.6 m2)
Level L1	16,444 s.f. (1,527.7 m2)
Level L2	13,883 s.f. (1,289.8 m2)
Level L3	18,405 s.f. (1,709.9 m2)
Level L4	18,405 s.f. (1,709.9 m2)
Level L5	18,405 s.f. (1,709.9 m2)
Level L6	14,433 s.f. (1,340.9 m2)
<b>Total</b>	<b>107,828 s.f. (10,017.0 m2)</b>
<b>FSR</b>	<b>3.00</b>

## Legend:

Yellow Floor Area as shown on map of Victoria during 2010

Note: This document is a preliminary and provided for information only. It is not intended to be used for any other purpose. Plans and data are subject to change without notice. All rights reserved.

Project Name: \_\_\_\_\_  
 Project No: \_\_\_\_\_  
 Drawing No: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Author: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Approved By: \_\_\_\_\_

pearl  
 Gross Floor Area  
 Diagrams

1712  
 1713  
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MAR 29 2013

Planning & Design Services International  
Development Services Corporation

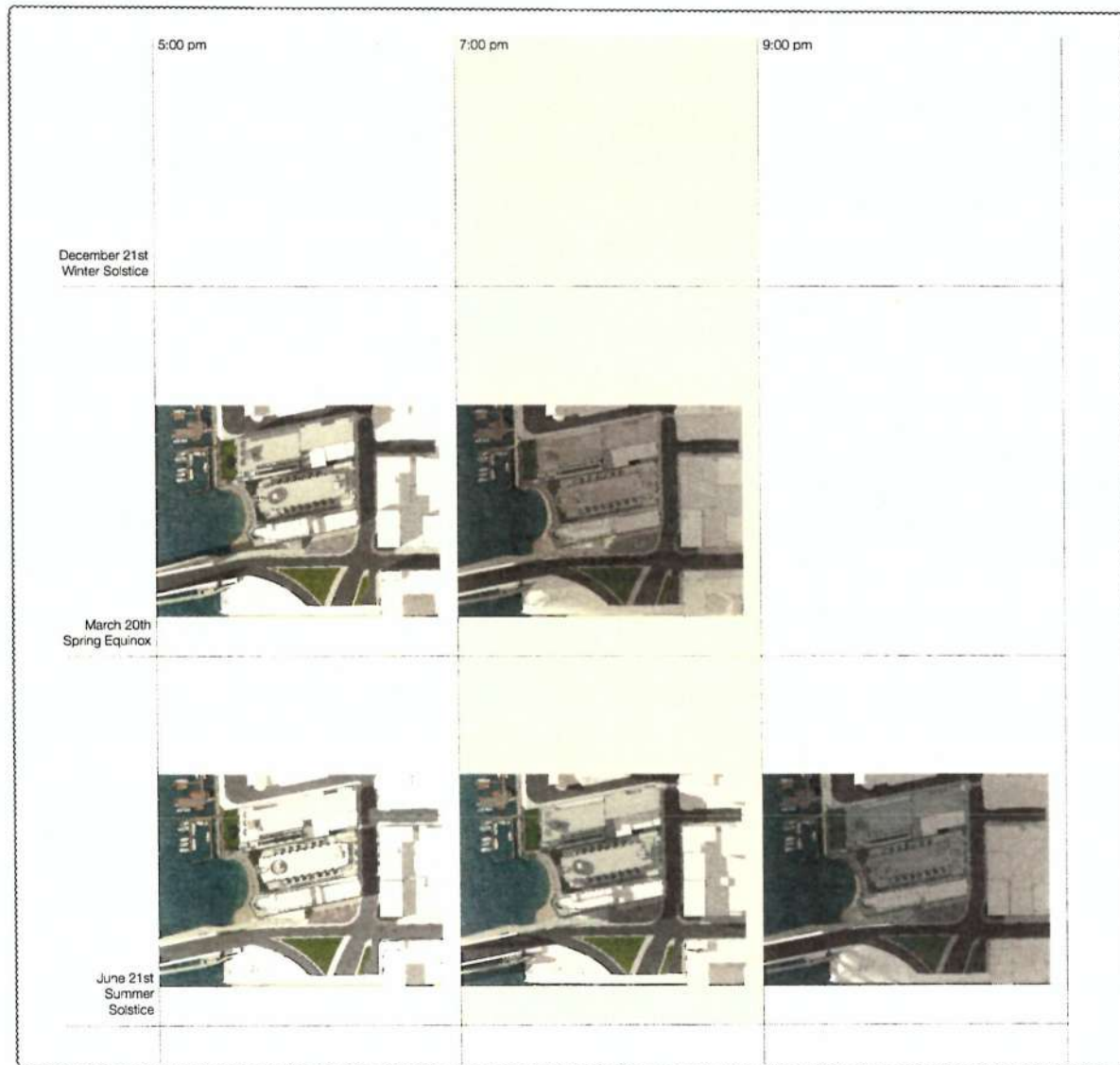
**D'AMBROSIO**  
architecture + urbanism



MAR 29 2013

Planning & Development Department  
Development Services Division

D'AMBROSIO  
ARCHITECTS + URBANISM



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pearl

Shadow Studies

Project No. 1712

Client No. 1712

Date January 14, 2013

Scale 1/8" = 1'-0"

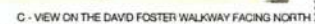
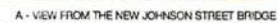
Drawn by JLD

Checked by JLD

Approved by JLD

Sheet No. A 0.3a



[illegible]



City of Miami  
MAR 29 2010

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STORE STREET CONTEXT ELEVATION  
1:100



### KEY PLAN



F - VIEW FROM STORE STREET AT JOHNSON STREET

[illegible]



WEST END OF BUILDING FROM ABOVE



WEST FACADE OF THE BUILDING IN CONTEXT



WEST FACADE WITH NEIGHBORING BUILDINGS



WEST FACADE WITH NEIGHBORING BUILDINGS

City of Houston  
MAR 29 2013  
Planning

D'AMBROSIO  
ARCHITECTS + URBANISM

Project Name	1112
Address	
Client	January 17, 2013
Architect	1112
Engineer	1112
Interior Designer	1112
Exterior Designer	1112
Landscaper	1112
Construction Manager	1112
Other	1112
West Facade Context Views	
Scale	1" = 10' 0"
Author	1112
Checked By	1112
Approved By	1112
Drawn By	1112
Sheet No.	A0.6



## WEST FACADE ILLUSTRATIONS

### 1628 STORE STREET - WEST FACADE POSITIONING TO ACHIEVE SETBACK INTENT

Using the Downtown Core Area Plan - Urban Design street wall setbacks and Building and Street Interface Guidelines.

The proposed various plans are shown in yellow.

Setbacks taken from the new eastern boundary of the proposed DMV for the David Foster Walkway.



A 3m setback at 15m of building height.  
showing a minor elevation at a portion of the proposed west facade.



B 1.5 building setback from a 15m height.  
showing a minor elevation at a portion of the proposed facade.

### 1628 STORE STREET - WALKWAY UNIT FUTURE PROGRAM TRANSITION



A Transparent public.  
Access to future building entry.



B Non-transparent access.  
Access directly from the David Foster Walkway.



### 1628 STORE STREET - WEST FACADE POSITIONING FOR NEIGHBORING VIEW CONSIDERATION

Open neighboring facades highlighted in yellow.



A Marina's Wharf - south facade



B Marina's Wharf - north facade



MAR 29 1933

1. General information: please state the name, address, and telephone number of the person who is to be contacted.
2. Briefly describe the project to be supported and the role of the proposed PI.

© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 395–401

Large Floorplan: Lot A EPP 70042

[illegible]

Conversion Factor: 1 inch = 2.54 cm; 1 foot = 12 inches

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 101–107

[illegible]

Planning & Development Department  
Development Services Division

1630 Store St.

1612 Store St.  
(Approx. Footprint of the  
Janion Building)

Robert L. French, Department of Industrial Engineering, University of California, Berkeley, CA 94720-1780, is the author of *Engineering Management: The Art of Managing the Engineering Process*, published by McGraw-Hill, 1221 Avenue of the Americas, New York, NY 10020-1095. He is also the author of *Engineering Management: The Art of Managing the Engineering Process*, published by McGraw-Hill, 1221 Avenue of the Americas, New York, NY 10020-1095.



Date: September 1, 2019  
 To: ES/AC  
 From: FDA  
 Subject: A2.1



Planning & Development Department  
Development Services Center

1630 Store St.

\* Note: Full-length & short versions available on the Interstate Highway to the University of California, with City of Victoria Planning Parks & Recreation.

For more information, contact the author at the address above or call (800) 441-1511, ext. 222. For a complete listing of all the products and services offered by the company, visit the company's website at [www.mccormick.com](http://www.mccormick.com).



1	Account Name	2000-01-01
2	Account Name	2000-01-01
3	Account Name	2000-01-01

peo

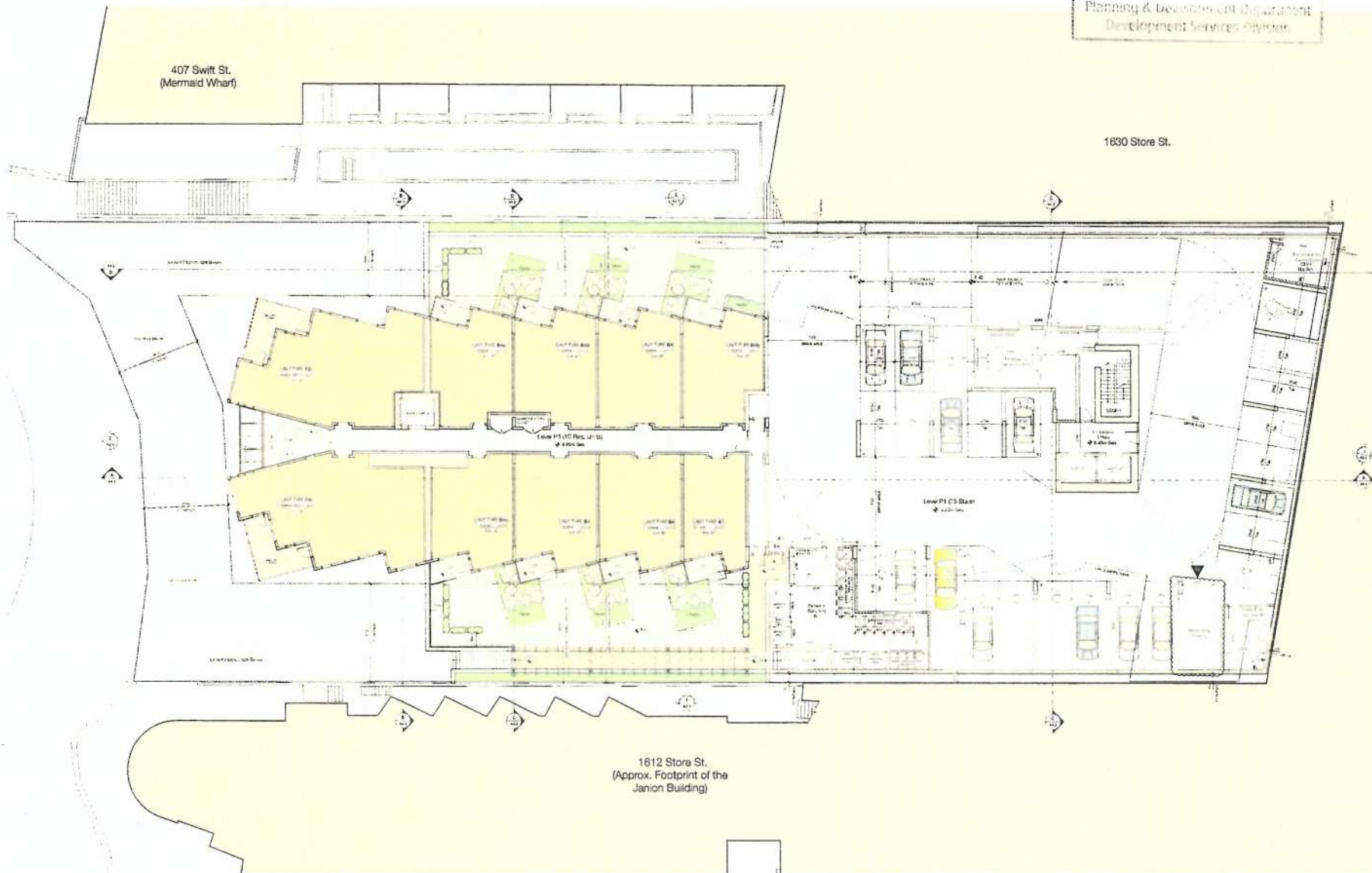
### Parking Level 2 (P2) Floor Plan

Approved By	1712
Reviewed By	
Date	September 1, 2017
Cost	\$ 100
Issued By	CS / AC
Checked By	FDA

**A2.2**



City of Los Angeles  
 MAR 29 2010  
 Planning & Development Department  
 Development Services Division



**D'AMBROSIO**  
 architecture + urbanism

PROJECT: 1612 STORE ST. (APPROX. FOOTPRINT OF THE JANITOR BUILDING)  
 DATE: 03/29/2010  
 SCALE: 1/8" = 1'-0"

**Parking Level 1 (P1)  
 Floor Plan**

DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 03/29/2010

PROJECT NO.: [Number]  
 SHEET NO.: [Number]  
 TOTAL SHEETS: [Number]

2. A2.3



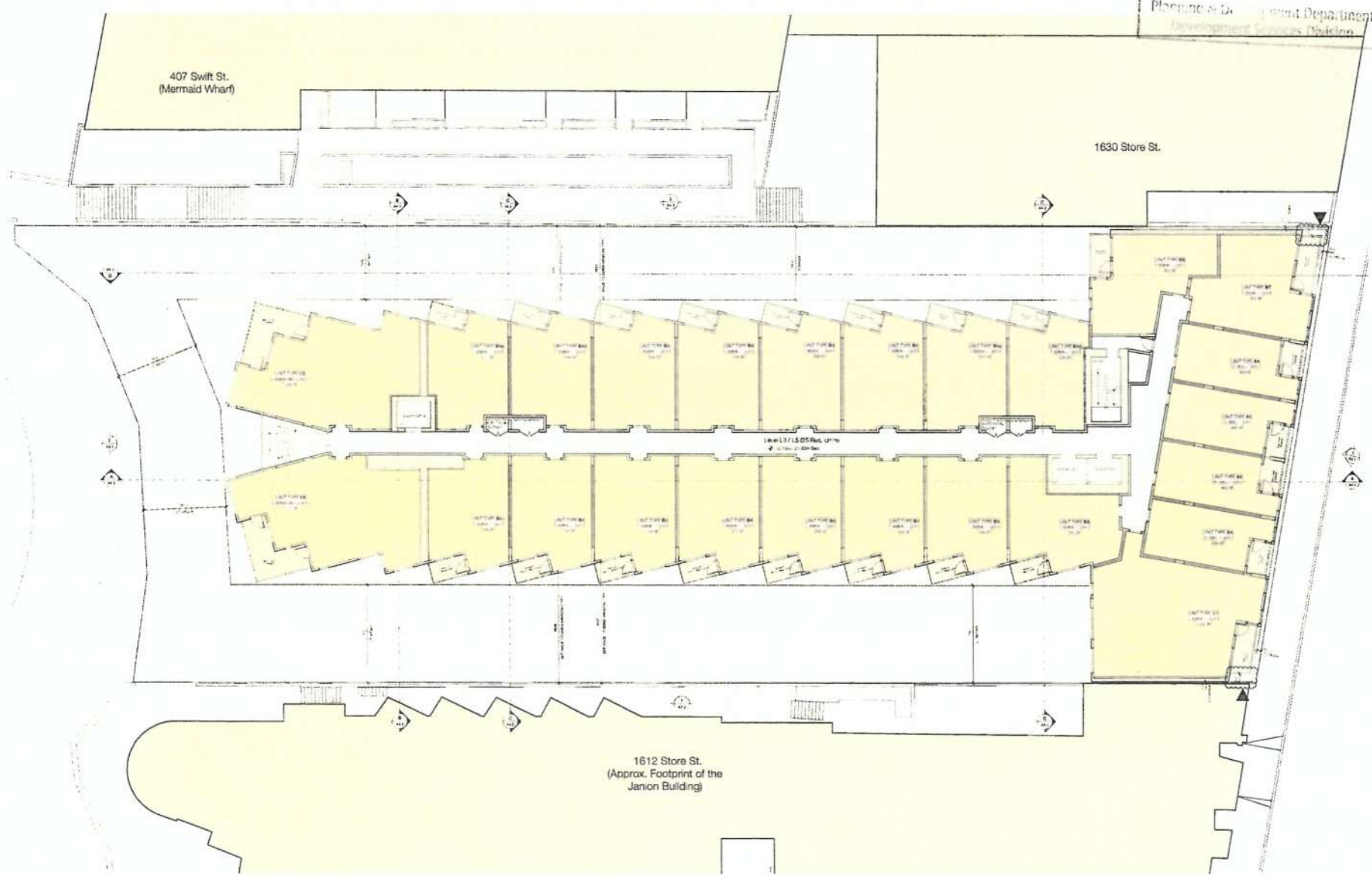




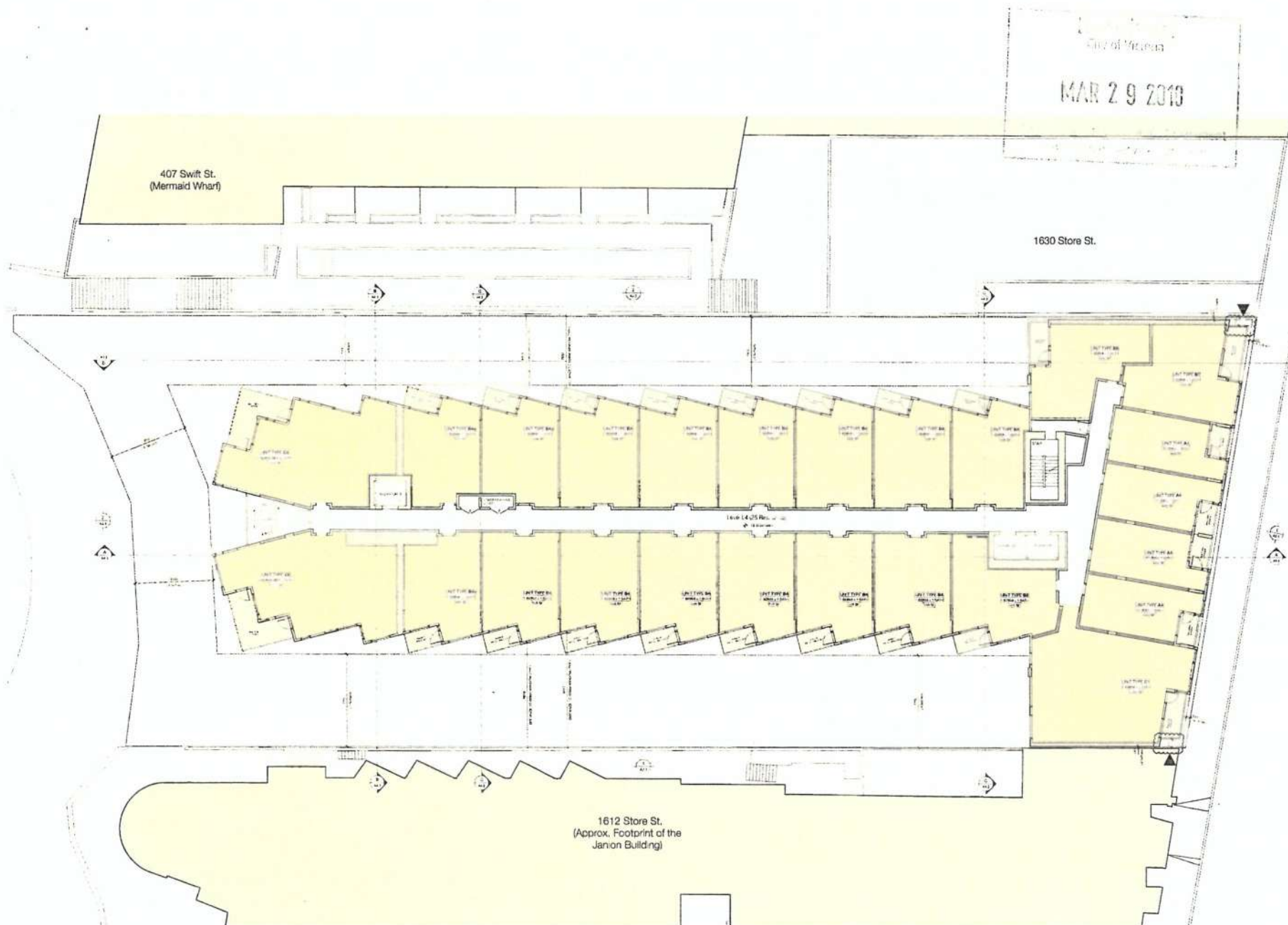
MAR 29 2013

Planning & Development Services Division

D'AMBROSIO  
ARCHITECTURE + URBANISM



Project Name	Level 3 & 5
Project No.	1712
Client	City of Seattle
Scale	1/8" = 1'-0"
Author	CS/AC
Checked by	CS/AC
Drawn by	CS/AC
Sheet No.	A2.6



MAR 29 2013

D'AMBROSIO  
architecture + urbanism

PROJECT  
1612 STORE ST. - PHASE 1  
RENOVATION OF EXISTING BUILDING  
FOR RESIDENTIAL USE  
1612 STORE ST. - PHASE 1  
RENOVATION OF EXISTING BUILDING  
FOR RESIDENTIAL USE  
1612 STORE ST. - PHASE 1  
RENOVATION OF EXISTING BUILDING  
FOR RESIDENTIAL USE



1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

FOR RESIDENTIAL USE

1612 STORE ST. - PHASE 1

RENOVATION OF EXISTING BUILDING

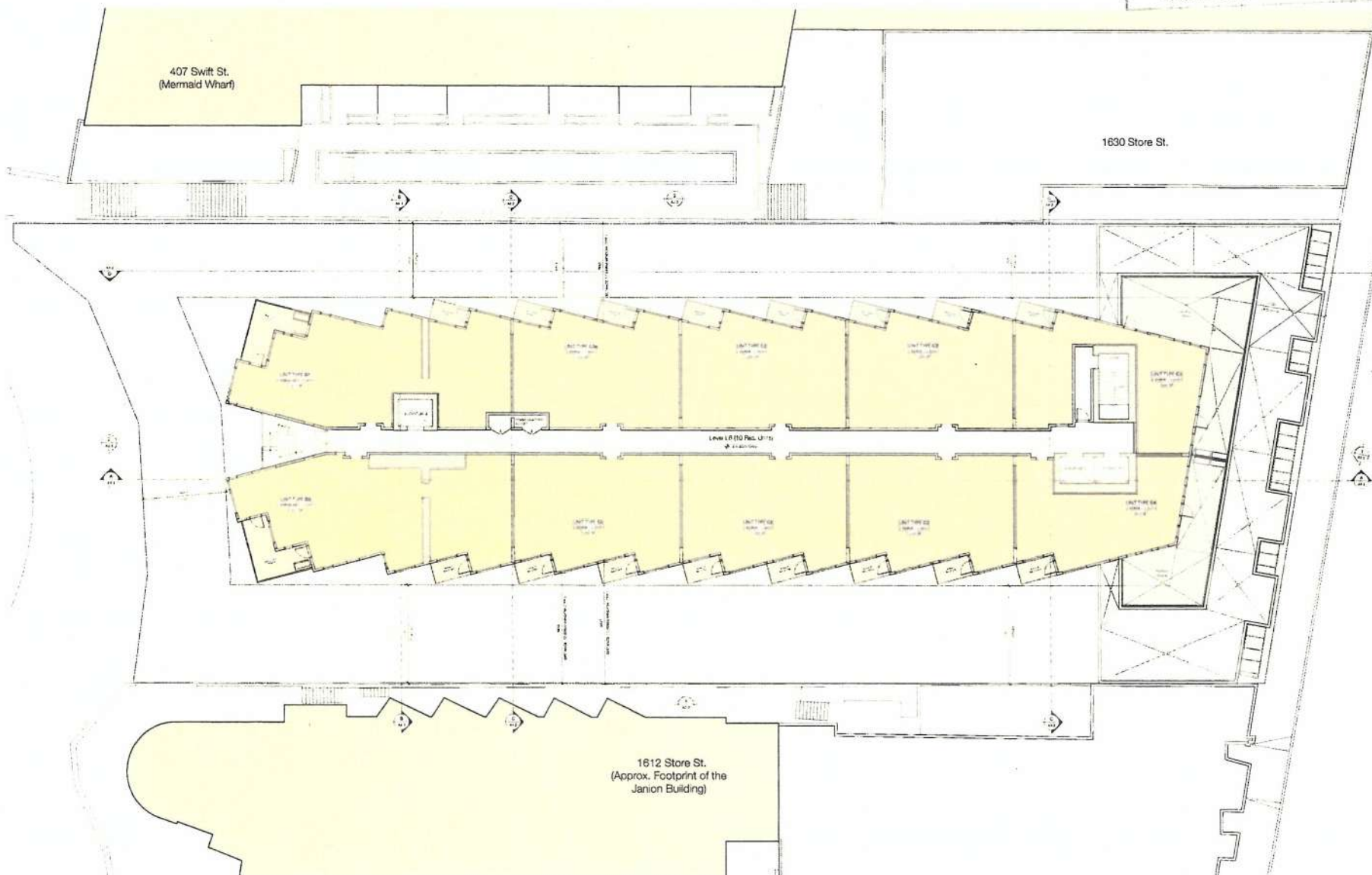
FOR RESIDENTIAL USE

MAR 29 2013

Planning & Development Department  
Development Services Division

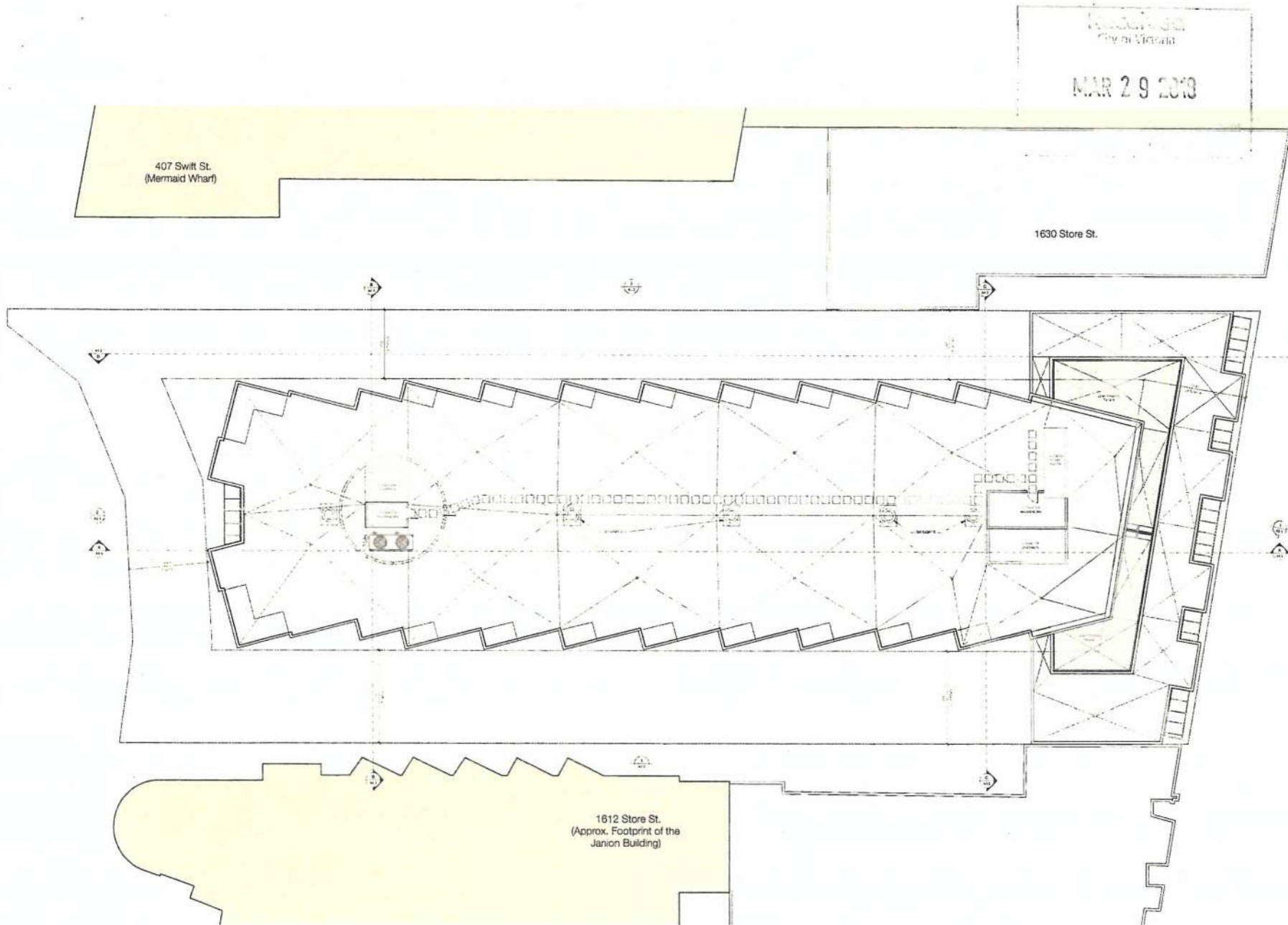
D'AMBROSIO  
architecture + urbanism

Notes:  
1. This drawing is a preliminary floor plan and is not to be used for construction purposes.  
2. All dimensions are approximate and subject to change.  
3. The owner is responsible for obtaining all necessary permits and approvals.  
4. The architect is not responsible for the accuracy of the information provided by the owner.



1	Project Name	1712
2	Project Number	1712
3	Project Address	1712
4	Project City	1712
5	Project State	1712
6	Project Zip	1712
7	Project Phone	1712
8	Project Email	1712
9	Project Website	1712
10	Project Description	1712
11	Project Status	1712
12	Project Date	1712
13	Project Author	1712
14	Project Reviewer	1712
15	Project Approver	1712
16	Project Date	1712
17	Project Version	1712
18	Project Revision	1712
19	Project Change	1712
20	Project Comment	1712

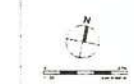




City of Mermaid  
MAR 29 2013

D'AMBROSIO  
architecture + urbanism

Notes:  
1. This drawing is a preliminary design and is not to be used for construction without the approval of the City of Mermaid.  
2. All dimensions are in feet and inches.  
3. The owner is responsible for obtaining all necessary permits and approvals from the City of Mermaid.  
4. The architect is not responsible for the accuracy of the information provided by the owner.  
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10. The architect is not responsible for the accuracy of the information provided by the owner.



1	Owner: City of Mermaid	Architect: D'AMBROSIO architecture + urbanism
2	Project: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
3	Site No: 1612 Store St.	City of Mermaid
4	Project Name: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
5	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
6	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
7	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
8	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
9	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid
10	Project No: 1612 Store St. (Approx. Footprint of the Janion Building)	City of Mermaid

Project Name: 1612 Store St. (Approx. Footprint of the Janion Building)  
City of Mermaid

Project No: 1612 Store St. (Approx. Footprint of the Janion Building)  
City of Mermaid

Project No: 1612 Store St. (Approx. Footprint of the Janion Building)  
City of Mermaid

Project No: 1612 Store St. (Approx. Footprint of the Janion Building)  
City of Mermaid

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City of Mermaid

Project No: 1612 Store St. (Approx. Footprint of the Janion Building)  
City of Mermaid

Planning & Development Department  
Development Services Division



- [illegible]





A3.2  
 Project No.  
 Title  
 Date  
 Drawing No.  
 Scale  
 Project Manager  
 Designer  
 Checker  
 Approver

North and South  
 Elevation  
 Scale 1/8" = 1'-0"  
 Date  
 Project Manager  
 Designer  
 Checker  
 Approver

1. General Notes  
 2. Foundation  
 3. Floor Slab  
 4. Wall  
 5. Column  
 6. Staircase  
 7. Roof  
 8. Mechanical  
 9. Electrical  
 10. Plumbing  
 11. Fire Protection  
 12. Security  
 13. Accessibility  
 14. Sustainability  
 15. Other

Planning & Development Division  
 City of Miami

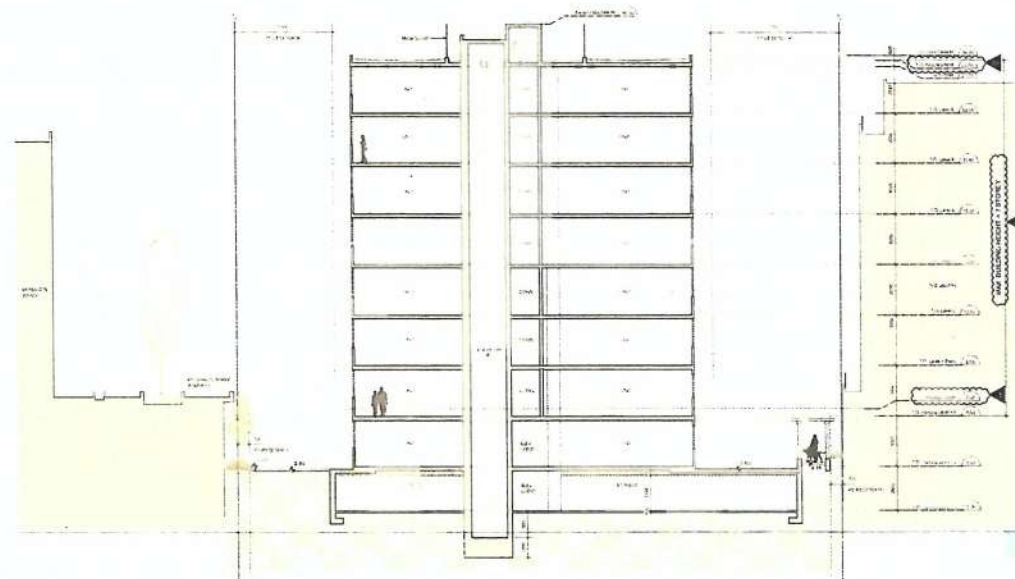
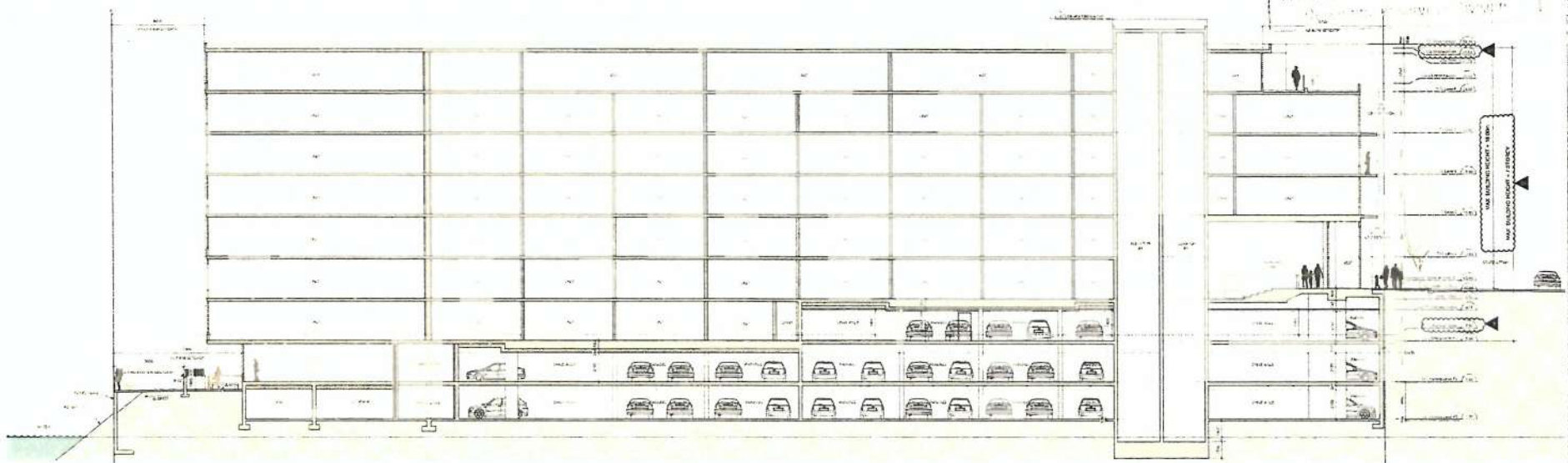
Planning & Development Division  
 City of Miami  
 MAR 29 2013



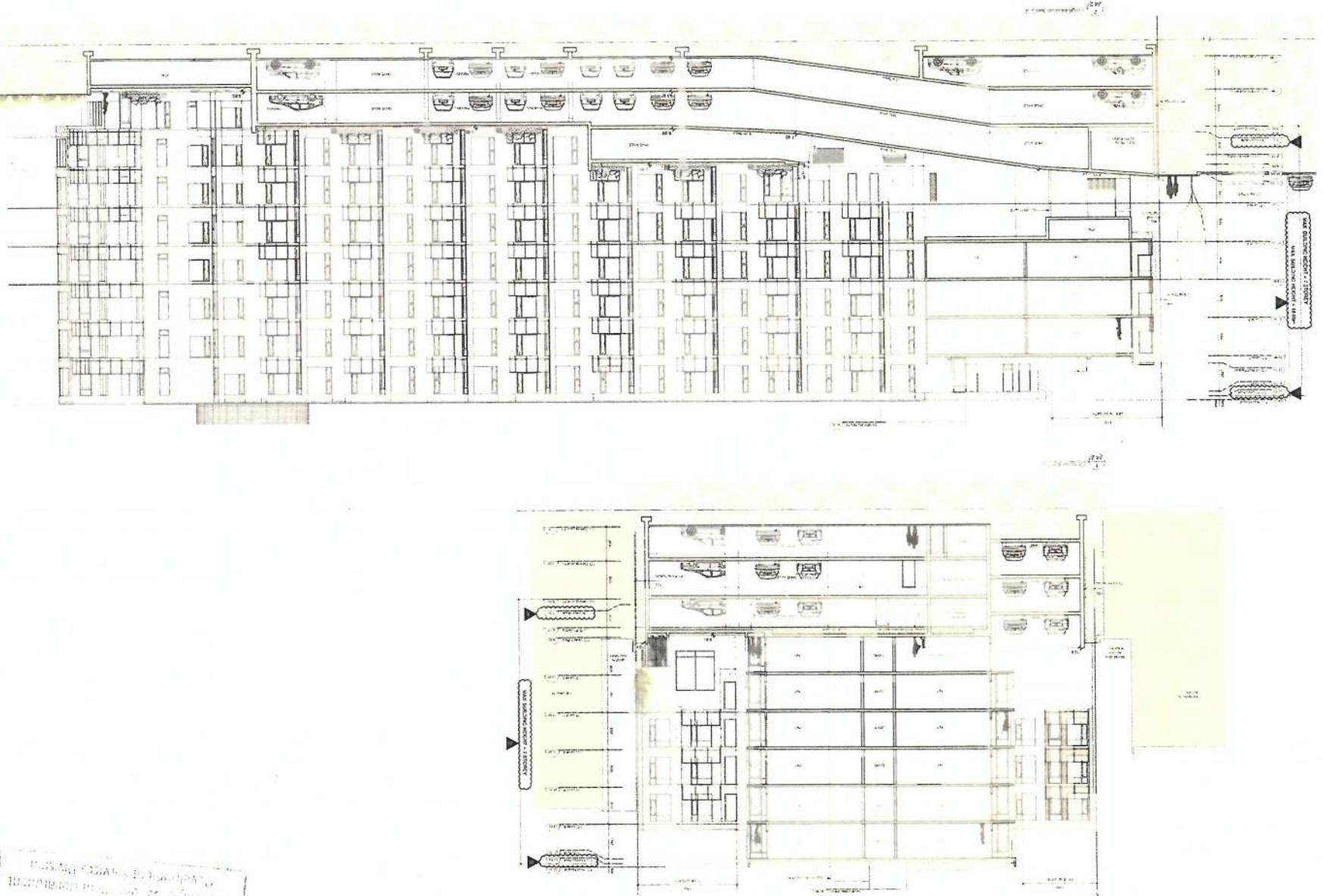


MAR 29 2013

D'AMBROSIO  
architecture + urbanism



Project Name	1712
Client	1712
Architect	1712
Scale	1/8" = 1'-0"
Sheet	AC-102
Discipline	ADA
Author	1712
Checker	1712
Reviewer	1712
Approved	1712
Scale	1/8" = 1'-0"
Sheet	A4.1

D'AMBROSIO  
ARCHITECTURE + DESIGN



2921

GENERAL NOTES:

1. ALL CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH THE CITY OF VICTORIA ENGINEERING STANDARDS AND MANITO
2. PERMITS INCLUDING CONTRACTORS PERMIT AND STREET OCCUPANCY, IF FEASIBLE, TO CONTRACT WITHIN THE CITY OF VICTORIA MAY ONLY BE OBTAINED FROM THE CITY OF VICTORIA ENGINEERING DEPARTMENT PRIOR TO COMMENCING WORK. THESE PERMITS MUST BE ON FILE WITH THE CITY OF VICTORIA ENGINEERING DEPARTMENT.
3. A PRE-CONSTRUCTION MEETING MUST BE ARRANGED AND INCLUDE THE CONSULTING ENGINEER, THE CITY OF VICTORIA PRIOR TO CONSTRUCTION
4. ANY WORK TO REPAIR EXISTING INFRASTRUCTURE AND THE DESIGN CONTRACT THE CONSULTING ENGINEER SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR
5. ALL ELECTRICAL WORK FOR THE CITY OF VICTORIA MUST BE DONE IN ACCORDANCE TO THE CURRENT BC ELECTRICAL CODE. VARIOUS CITY OF VICTORIA SUBSISTENCE UTILITIES ARE LOCATED UNDERGROUND AND THE CONTRACTOR SHALL BE RESPONSIBLE TO BE TAKEN OUT WITH THE CITY OF VICTORIA ELECTRICAL INSPECTORS. REFER TO ELECTRICAL INSPECTORS FOR LOCATION OF UTILITIES
6. EXISTING SERVICES MUST BE EXPOSED AT CROSSING POINTS BEFORE CONSTRUCTION
7. UNDESIGNED LOCATES: 72 HOURS PRIOR TO CONSTRUCTION TO OBTAIN UNDERGROUND INFORMATION FOR ALL UTILITY LOCATES. CONTACT CITY OF VICTORIA AT 250-661-6886
8. CONTRACTOR IS RESPONSIBLE FOR BC ONE CALL. CALL BEFORE YOU DIG: 1-800-468-6886. EXISTING CONDITIONS SHOWN MAY NOT BE ACCURATE. THE ENGINEER OFFERS NO WARRANTIES OR GUARANTEES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SHOWN OR NOT SHOWN UTILITIES
9. ELEVATIONS TO METRIC, CANADIAN DECIMAL METERS
10. INSTALLATION OF NEW ELECTRICAL SERVICE BY CITY OF VICTORIA AT DEVELOPERS EXPENSE
11. INSTALLATION OF NEW SHAW, TELUS AND GAS SERVICES BY AUTHORITIES AT DEVELOPERS EXPENSE
12. LANDSCAPING AND SITE FURNITURE BY OTHERS. REFER TO LANDSCAPE DRAWINGS
13. SITE VISITING BY ARCHITECTS AND ENGINEERS. CONTACT ENGINEER FOR INFORMATION ON THE VISIT
14. ALL WORK AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER
15. CLIENTS REPRESENTATIVE WILL SCHEDULE THE WORKS.

**LEGEND**

[illegible]

**LOCATION PLAN**  
NTS

DISSEMINATION INDEX		
SI SET #	WORKING SI SET #	ACCOMPLISHMENT
1	CRB	SITE PLAN
2	CPN	DETAILS



WORKS AND SERVICES CHECK TABLE			
PLANT SPECIES/GENUS	NAME	SIGNATURE	DATE
CAREX sp.	(CAREX) FORM 1		
	"BULM"		
	FORM 2 GAN		
	or ANY GANGL		
	of all other species and subspecies		
SPERMATOPHYTES	OTHER ...		
	see below		

FOR INFORMATION ONLY



**ONPOINT**  
PROJECT ENGINEERS LTD.

DO NOT SCALE THE DRAWING

ISSUED			REVISIONS		
No.	DESCRIPTION	DATE	No.	DESCRIPTION	DATE
1	ISSUED FOR CONSTRUCTION	10/1/10			
2	ISSUED FOR CONSTRUCTION	10/1/10	A	REVISIONS TO CONSTRUCTION	10/1/10

TECHNIQUE	VS
REVENUE	NR
DANGER	NR

CA5650325

1628 STORE ST

1628 STORE ST  
1628 STORE ST.

SITE PLAN

LA PUBLIC PROJECTS  
119-01  
LA PUBLIC PROJECTS  
119-01-C100





4. EASTING CURB: SOME CURB WITH TYPE A AND B SHOULD BE REMOVED AND REPLACED WITH NEW TYPE C CURB AND DRAINAGE FROM THE STREET BUILDING



- [illegible]



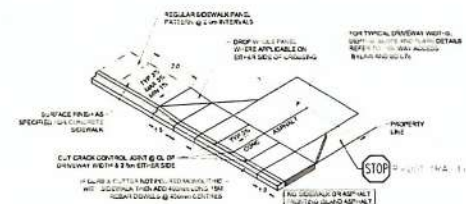
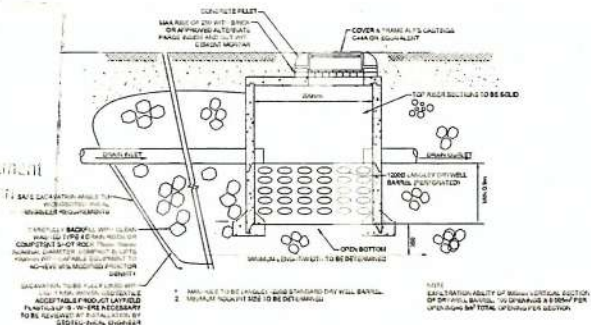
- PHOTOGRAPH C
- NEW YORK, NEW YORK, 1964. PHOTOGRAPH C



- MILL EXISTING ASPHALT ON STONE STREET FRONTING THE DEVELOPMENT TO THE CENTERLINE AND ASPHALT TO THE SIDEWALKS AND TO THE CURB AFTER ALL ADDITIONAL CURBS HAVE BEEN COMPLETED. RESURFACE PAVEMENT SURFACING WITH NEW.

MAR 29 2013

Planning & Development Department  
Development & Planning Division



WORKS AND SERVICES CHECK TABLE				
	PLAN DESIGN	NAME	SIGNATURE	DATE
OWNER	Mr. [Name]			
	Mrs. [Name]			
	Child [Name]			
	Other [Name]			
ARCHITECT	Professional Seal/Signature			
	Stamp			

[illegible]

TECHNICIAN	VO
REVIEWED	RJR
ENGINEER	RJR

1628 STORE ST

FOR INFORMATION ONLY

**1628 STORE ST**  
1628 STORE ST.

**DETAILS**

119-01  
—  
part 2 of 2  
exp. A  
119-01-C200

**D'AMBROSIO**  
architecture + urbanism

2960 Jutland Road  
Victoria, BC, Canada, V8T5K2  
tel 250.384.2400  
eml mail@fdarc.ca  
web www.fdarc.ca

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

January 22<sup>nd</sup> 2018

Re: Development Permit Application for the Multi-Unit Residential Proposal at 1628 Store Street

We are pleased to submit, on behalf of Triad Holdings Inc. / 1101501 BC Ltd., this letter and the enclosed documents that form the application for Development Permit for the property at 1628 Store Street. Under the long-term ownership of our Client, the property has been maintained as a public surface parking lot for over 30 years. The Owners have successfully negotiated with Transport Canada to extend their property ownership to the waterfront, and have tasked our firm with creating an extraordinary design for this distinctive Harbour location.

**Project Summary** The development proposal is a 133 unit residential building with ground floor commercial at the Store Street sidewalk frontage. The building stands at six storeys from the level of Store Street, and terraces down towards the Harbour. Across the Western portion of the site, a new length of the Harbour Pathway will link between the Janion and Mermaid Wharf walkways. The project conforms to the allowable gross floor area with a floor area ratio of 3:1. The building provides a continuous street wall on Store Street, but pulls away from the interior side yard property lines to mitigate shadowing and preserve view corridors to the Harbour. Residential units are arrayed along the length of the building; the building is articulated to provide all units with glimpse views to the West.

**Benefits & Amenities** While the primary amenity of this project is the linking of Harbour Walkway segments, the Development Proposal also contributes positively to all spaces around the building: a richly articulated sidewalk frontage that activates and supports the Store Street public realm; generously proportioned and attractive landscaped plazas buffer between the new building and its neighbours to the North and South; grade changes and an attractive adaptive landscape provides an interesting soft green edge on the water side. The Harbour walkway link encourages public use through comfortable accessibility and connectivity. A wheelchair ramp provides universal access from Mermaid Wharf and the Janion, and oversight from the waterfront residential units and building entrance contributes to walkway safety.

**Neighbourhood** This site is very interesting as it is at the juncture between three distinct places: Old Town, Chinatown, and the Harbour. The site's unique adjacencies have been resolved by a design with two formal massings: a slender linear element along the length of the site and a street-facing element that relates to the fabric of Old Town. The form addresses the dual aspect of the waterfront district, adding to the continuity of the street frontage but pulling away from the side yards to optimize views and daylight between the waterfront buildings. Our intent was that the project would successfully meet the Old Town standards of being 'neighbourly yet dense'. When presented to the community, the project was very favourably received by the attending neighbours.



## Guidelines

The Proposal is consistent with the OCP objectives, in providing multi-family residential and street front commercial in an architectural form and expression that harmonize with the surrounding context. In revitalizing this key waterfront property, the project supports the objectives of DPA9 (HC) Inner Harbour, with a striking architectural expression that resonates with pier building typology. In massing, scale and materiality, the design has been carefully meshed with its two strong contexts: the historic Old Town fabric and the dynamics of the working harbour.

The Proposal conforms to the current CA-3C Old Town District zoning in all but two respects: variances are requested to allow residential use within the first storey of the building, and a requested increase in building height to accommodate six storeys.

The design team has engaged with Development Services staff to review the Proposal from its inception, with meetings held June 26, August 10, August 11 and October 2, all of 2017. As a result of these discussions, the building design has been refined so that the architecture better supports the Store Street frontage, transitions carefully to the adjacent Janion and 1630 Store Street buildings, and is set back from the waterfront to foster an open and inviting feeling along this portion of the Harbour Pathway.

Our engagement with Development Services involved detailed discussions of the proposed building height variance. The rationale for the addition of a sixth storey is based on the importance of providing generous setbacks from the North and South property lines. This important massing decision was made for the mutual benefit of the new building occupants, and present and future residents of the existing adjacent buildings. The narrow building form preserves view corridors and minimizes shadowing between the new and existing buildings. The narrow form, however, restricts the building footprint and the remaining allowable floor area in this zone is proposed to be accommodated within a smaller sixth floor penthouse. Per discussions with the Planners, this penthouse floor is set back substantially from Store Street, so that the penthouse level is not visible from this Old Town frontage. View studies are included in this application to demonstrate this effect.

## Transportation

In terms of the zoning bylaw, there are no requirements for off-street vehicle parking for residential and commercial uses on this property (with the exception of office use, which is not anticipated for this building). Although vehicle parking is not required by the City, market forces compel the developer to provide it. The building has been designed to accommodate vehicle and bicycle parking in the 'dark' below-grade portions of the building: 133 vehicle stalls and 134 Class 1 bicycle storage spaces are provided on three levels of underground parkade. It is anticipated that the vehicle stalls will be highly desirable to building occupants, especially in consideration of how limited long-term parking is in this part of the city. In addition to the off-street parking, 7 Class 2 bike racks are proposed at the Store Street frontage.



Access to the underground parkade is provided from Store Street at the north-east corner of the site. This location was selected to provide separation from the adjacent Janion driveway, and as much distance as possible from the Pandora intersection (where vehicles have been observed to accumulate when the Bridge is raised). The design of the underground parkade conforms to Schedule C requirements.

#### Heritage

While there are no heritage structures on the Development Site, the project was conceived with great respect for the surrounding heritage context. The materiality of the building complements the Old Town context, with a combination of brick and metal cladding. Picket railings and shingled panels enrich the facades with texture and detail. In terms of heritage, we saw the most critical aspects to be the project's façade on Store Street and its relationship to the opposite and flanking street walls, in particular the Janion building. Through a contemporary interpretation of classic window bays, the new building relates to the materiality, proportions and scale of the Janion's front façade. The main structural wall of the new building is clad in brick and set back from the street, behind the projecting window bays. The parapet of this proposed main wall is set lower than the allowable 15m height, in visual deference to that of the Janion. An appropriate relationship between the two facades is achieved through the reduced parapet height and the horizontal offset of the building wall from the property line.

#### Green Building Features

The building will incorporate sustainable building features as follows:

##### Rating System

- While the building is not registered with Canadian Green Building Council, and not intended to apply to be LEED certified, the design team includes experienced, LEED accredited professionals, enabling environmental responsibility to be a natural priority throughout the design.

##### Innovation and Design

- Multi-disciplinary, integrated design team.
- Integration with / extension of the David Foster Walkway.
- Durable building/ cladding materials.

##### Transportation / Green Mobility

- Service rough-in will be installed for electric vehicle charging stations in the parking levels.
- Promote pedestrian access to the building by providing a large and welcoming main lobby, and conveniently located stair and elevator, as well as direct access from the building to the David Foster Walkway.
- Inclusion of programming (CRU, patio seating, lobby seating) at the level of the street will enhance the pedestrian experience, encouraging pedestrian movement along the block.

##### Energy Efficiency / Enhanced Building Performance

- The project will be energy modelled, providing information that will be used to improve the building's energy performance.

- 'Energy Star- rated appliances.
- Motion sensors for common area LED lighting to reduce energy consumption.
- Programmable thermostats.
- Energy efficient heat pumps for heating and cooling.
- Building is designed to manage solar heat gains using high performance glazing and passive solar shading.

#### Water

- Low-flow plumbing fixtures and water efficient appliances will be specified.
- Stormwater volumes will be mitigated, and treated onsite, then discharged directly into the Upper Harbour. As such, it will not be an added load on the City's system.
- Selection of native and adaptive planting and water efficient irrigation techniques (drip, rainwater catchment in planted areas or swales, etc.) to reduce demand on the city's water service.

#### Landscape

- Diverse selection of low maintenance deciduous and evergreen species, both native and adaptive (primarily native) planted throughout the site.
- High efficiency irrigation system
- Removal of invasive species

#### Infrastructure

The Civil Consultant has engaged in discussions with the Engineering Department for this development proposal. Right-of-way improvements have been designed to conform to City standards and to tie in with the adjacent Janion sidewalk. Storm water is anticipated to be treated on site according to the City's storm water bylaw and released into the ocean at a controlled rate. Please refer to the included drawings for more detailed information on site servicing.

In conclusion, the Owners and the design team have worked collaboratively to bring forward a design concept that will add 134 new homes into what is currently a 'missing tooth' on the waterfront and the Old Town streetscape. In preparing this application we have given careful consideration to the objectives of the City guidelines and thoughts expressed by the surrounding community. We look forward to working with staff through the Development Permit process and will be happy to provide additional information as needed.

Sincerely,



Franc D'Ambrosio, Architect AIBC MRAIC LEED AP  
Principal  
D'AMBROSIO architecture + urbanism



Erica H. Sangster, Architect AIBC MRAIC  
Associate Principal  
D'AMBROSIO architecture + urbanism



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

March 29<sup>th</sup> 2018

Re: Revised Development Permit Application for the Multi-Unit Residential Proposal at 1628 Store Street

Mayor and Council,

We are pleased to submit the revised application and supplementary information for the Development Permit Proposal at 1628 Store Street. Design and technical adjustments have been made, in response to the City's Technical Review Report (dated February 13<sup>th</sup> 2018) and discussions with Staff, including the meeting of February 28<sup>th</sup> 2018. The following outlines the revisions and responses from the design team, and are organized to correspond in sequence to the Technical Review Report comments.

Harbour  
Pathway  
Ground  
Floor Use

Balancing the City's goal to create active public waterfront pathway, with the challenges that face commercial use on an as-yet unfinished Harbour Pathway, the revised application positions Work/Live Units on the Pathway level frontage. Direct connections to these units are now provided by gates off the main building access plaza, and future conversion strategy to a more active, non-residential frontage, is now built into the design: screening planters between the entrance patios will be removable, so that more open paved access can be provided to these frontages in the future. Please refer to the attached Sketch 1, (included in this letter) showing the future conversion layout for commercial frontages on the Pathway.

Building  
Massing on  
the Harbour

The building massing has been carefully sculpted to be in scale with the adjacent buildings, both in terms of the building height and the articulation in plan into smaller scaled bay-like forms. A comfortable relationship between the building and the Harbour pathway has been achieved with a generously proportioned landscaped setback. To achieve the intent of partially setting back the upper portions of the building façade, the entire facade is set back to improve view lines, and access to sunlight from adjacent buildings and on-site residential suites. View and shadow studies (including additional detailed studies requested by Planning) demonstrate the proposed building's virtually complete conformance to the intent of the set-back recommendations for the Harbour Pathway. Please refer to the attached Sketch 2 (included in this letter).

The sculpting of the building massing was used to manage the interface with the existing buildings to the north and south. Generous setbacks, as well as a facade angle strategy were employed, in an effort to minimize impacts on views and shadowing, of the adjacent



properties. Please refer to the attached Sketch 3 and 3a (included in this letter).

Harbour  
Pathway  
Accessibility

The existing waterfront Pathways along the waterfront of Mermaid Wharf to the north and the Janion site to the south, are at different grade elevations. This will make connection via a 5% (or less) slope physically impossible within the available length of the proposed Statutory Right of Way across the proposed project site. While the previous design did meet barrier-free requirements, it is understood that the configuration of stair and ramp did not provide an optimal sense of openness to this Public walkway. Accordingly, the stair and ramp have been removed and the Pathway has been regraded to gently slope across the site. Please refer to the revised plans for grades and percentage slopes. As noted, the proposed design meets Pathway guidelines with a width of 5m for its full extent across the western boundary.

The Applicant intends to provide a Statutory Right of Way for the Harbour Pathway on the subject property.

Harbour  
Pathway  
Details

It is understood that the City is working towards a somewhat consistent aesthetic vocabulary for the Harbour Pathway. There are very different existing conditions to either side of the subject site, and an approach has been developed that is compatible with both the design of the proposal and the existing adjacencies. With regards to the Pathway walking surface, textured concrete is proposed in consideration of the following: maintenance and durability; slip resistance, especially on the sloped portions; and constructability in consideration of the bearing soil conditions. We believe concrete paving to be a classic, visually neutral, durable, serviceable, and pedestrian-friendly finish that provides an appropriate transition between the adjacent surfaces. Please refer to the revised Landscape Plan for more detail on the surface finish and pattern of saw-cut joints.

Railings are an identifying element of the public Harbour Pathway system, and a detail has been developed, that harmonizes with the Reeson Park standard, and is adapted to the specific conditions of this Project. Please refer to Sketch 4 (included in this letter) for the proposed detail. The design is intended to be visually compatible with the Reeson Park railings in the key aspects of: spacing, colour, and general form of posts and horizontal elements. It is understood that final approval of the Pathway details and related matters, will be subject to consultation with Development Services, and that this process will occur separately from this Development Permit application.

Store Street  
Vehicle Access

Vehicle access to the building's underground parking, utilities and service spaces, is provided by a 7.0m wide ramp, that includes 1.0 metre more than the minimum required in the guidelines. This is to provide a curb-mounted access pylon between drive aisles for the entering drivers'-side access to the intercom and electric door control. The driveway access also appears to be slightly oversized as a result of accommodation of the site geometries. This means that the angled Store Street frontage, combined with the required visibility safety 'triangles', creates a splayed driveway opening in the façade. A detailed review confirmed that the clearances are important to pedestrian, and driver safety.

Architectural  
Expression

The Technical Review architectural design comments have been reviewed comprehensively, as the issues of scale, articulation and materiality are interconnected, and must be considered as a whole. After due consideration of the review comments a number of design refinements were made, outlined as follows:

- The scale and weight of the Store Street frontage has been modified by introducing additional glazing divisions and more pronounced exterior mullion caps.
- Drawings have been rendered to better illustrate the material colours, and more detail



on the soffit surfaces: all balconies will be cast using a special liner on the undersides, to create a fine-scaled texture and visual interest. These soffits will be painted to lighten their presence on Store Street; over the sidewalk, the soffits of the projecting bays will be clad with metal panels, colour-matched with the cladding.

- The privacy concern regarding overlook from the Store Street balconies has been addressed by offsetting the balcony edges 0.7m away from the property line. The balconies at the Northern end of this façade have also been adjusted for symmetry.

Overall, there is high confidence that the design will have integrity as a contemporary composition, that will be compatible with the scale, articulation and materiality of the Old Town streetscape. The Store Street façade is not imitative of historic architecture but does harmonize effectively with the neighbouring larger Old Town context.

#### Harbour Pathway Amenity Space

In response to the Review Comments, a Public Seating Amenity Area has been added at the Northern end of the Harbour frontage. This location has the best sun exposure on this part of the walkway. There is a generous landscape buffer to effectively transition between the public Pathway and the adjacent private entrances and patios.

#### Advisory Panels

It is understood that the Project will be reviewed by the City's Advisory Design Panel and the Heritage Advisory Panel.

#### Engineering & Public Works

It is understood by the Applicant, on behalf of the Owner, that the Developer will be financially responsible for frontage works attributable to the Project, including those by the City of Victoria. It is also understood that an encroachment agreement will be necessary if underground intrusion for sub-surface anchoring into the City right-of-way, is required.

#### Waste Removal

All residential refuse and recycling removal will conform with City of Victoria regulations and guidelines. Review of the plans is in progress by a qualified waste removal company. Any design changes required by the future service agreement will be undertaken by the team prior to Building Permit application. These potential design adjustments are not anticipated to require visible changes to the building exterior.

#### Streetscape Standards

The frontage improvements on Store Street will conform to City guidelines; the sidewalk design has been revised per the Downtown Public Realm Plan & Streetscape Standards for the Inner Harbour Precinct Please refer to Landscape Drawings for details.

#### Driveway Crossing

As noted under the preceding Engineering & Public Works comments, the driveway crossing width has been maintained out of safety considerations. Please refer to the attached 1628 Store Street – Development Permit Review Engineering Memo, dated March 28<sup>th</sup>, 2018 prepared by On Point Project Engineers Ltd., for detailed comments on proximity to the existing fire hydrant and commercial loading zone.

#### Bicycle Parking

With regards to bicycle parking, the plans have been revised to conform with the new draft guidelines. The revised plans include supply of 166 secure long-term bicycle parking stalls and 14 short-term bicycle parking stalls, consistent with the new guidelines. Where possible, the secure bicycle rooms have been kept smaller, to facilitate easy access and meet emergency exiting requirements. While we understand the recommendation to provide bike rooms within a storey of ground level, their proposed locations have been optimized for overall efficiency in the below grade portions of the building. On Store Street, 11 short-term bicycle stalls have been provided. Also, 3 more short-term bicycle spaces are provided by the Amenity Area, thereby conforming to the new guideline requirements of 14. The revised design fits as many visitor bike spaces as can be accommodated, given the limited sidewalk width and the number of entrances activating

the street frontage.

Parks

The Applicant Team is in full support of street trees and accordingly the revised plans position two columnar trees in tree grates on Store Street. The locations are coordinated with the available information on underground utilities and will be subject to confirmation.

Permits &  
Inspections

As noted by City Inspections, building occupants will be exiting the building either to Store Street or onto the Harbour Pathway. Access from the Pathway to a public thoroughfare will be provided over existing easements. Please refer to Sketch 5, attached to this letter, which shows the exit path around Mermaid Wharf to Swift Street.

With regards to potential exposure between the West Exit Stair and the adjacent residential suites; there is no exposure between these compartments and their separation has been designed in conformance to BCBC 2012. Please refer also to the Preliminary Approach to Building Code Compliance and prepared by DAU on January 22, 2018 and submitted with the original DP application package.

Zoning Plan  
Check

All comments raised in the Zoning Plan Check have been addressed in the revised DP application and are detailed on the accompanying check list.

One plan check item of particular note is the Residential entrance lobby and its presence on the Store Street frontage. The lobby has been carefully designed to be both an entrance and an active lounge space. It integrates seating areas with functional requirements such as the mail room and a gracious ramp for barrier-free access. The revised plans have improved this design by adding a connection between the lobby and the adjacent CRU. This will draw the activity of the commercial use into the lobby, while providing direct access from the residences to the CRU. It is our considered opinion that the revised design meets the spirit of the City Guidelines and is appropriate for consideration as a technical variance.

In conclusion, this revised application for Development Permit makes substantive accommodation to the Staff Review comments while maintaining the cohesiveness of the Project vision. We look forward to continuing our work with staff through the Development Permit process and, as always, are happy to provide additional information as needed.

Sincerely,



Franc D'Ambrosio, Architect AIBC MRAIC LEED AP  
Principal  
D'AMBROSIO architecture + urbanism



Erica H. Sangster, Architect AIBC MRAIC  
Associate Principal  
D'AMBROSIO architecture + urbanism



RECEIVED  
JAN 29 2018

Ms. Lisa Helps, Mayor  
Victoria City Council Members  
Victoria City Hall  
1 Centennial Square

Delivered in person on January 26, 2018

Dear Mayor Lisa Helps and City Council Members:

**RE: 1638 Store Street Development Permit with Variance Application to develop a 6 Storey  
133 Unit Residential Building with Ground Floor Commercial**

For the past number of weeks, I have been gathering signatures of owners and long-term rental residents of the Mermaid Wharf condo building located at 409 Swift Street and adjacent to the proposed development who will be severely affected by the construction of a tall building. Most of the owners on the South (parking lot side) have side signed the petition. Currently, the vacant space is operated as a much-needed parking lot for this area of the city (120 spots).

There are 36 signatures in total, including scans from our building owners who were away at the time. I trust this massive appeal is not be overlooked as you review the application.

I recognize that the architects made their presentation to us in order to minimize the impact of an 8-storey building—and now a 6-storey building. However, only a third party could do that objectively. Clearly, they do not live here and do not seem to pay any attention to actual **lack of privacy, loss of direct sunshine and light**, and added transience--all of which we will be the primary ones to suffer if the project is approved.

Furthermore, and not anecdotally, my consultations with realtors tend to confirm that, due to restricted views (considerably reduced by the Janion already), we may face a decrease of property value of up to 20% on my side of the building. While I understand that the City does not consider private views, I want to point out that we are also concerned about the loss of light that we currently enjoy. The increased darkness will significant impede our quality of life.

You now have the original petition in your hands, I have saved copies, and sent one each to Miko Betanzo and Charlotte Wain by email.

Ultimately, the Council will have to balance revenue against pure quality of life. I trust you will make the right decision.

Sincerely,



Marc Lapprand, owner and resident at Mermaid Wharf  
Cell: [REDACTED]

To: The City Council of Victoria, BC




From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date	Name	Signature	Unit #	email or phone
Dec 28, 2017	Natalie Ledue		414	
28 Dec 2017	SARAH EVANS		418	

Dec 29/2017 Tereza Ryback #506

Dec 29-2017 DEHS WARDWARD #406

Dec 29-2017 Caroline Moore #405

Dec 29<sup>th</sup> 2017 Alex Gillman #404

Dec 29, 2017, Dawn Kollen #51

Dec 29, 2017 Craig Rice #32

Dec 30, 2017 Meghan Glover #2

Dec 30, 2017 ISABEL PENALBA #118

Dec 29, 2017 David Pencl #114

Dec 30, 2017 NEIL GURTON #114

Dec 30 2017 Paul Jamison #15



Dec. 29/17 Colette Nagy & Peggy Struck

Dec 30, 2017. CARLIE STANFORTH. ~~Stanford~~

Dec 30, 2017 Hec. Leonard Unit 414. ~~Leonard~~

Dec 30, 2017 Melissa Blevins Unit 413 ~~Blevins~~

" C Rovel Unit 207

JAN 1 2018 DAVID DATHBERG #216

Jan 3 2018 Daniel Trater #420

JAN 3rd 2018 Judy LARoy #115

Jan 5th Jason Scharf #205

Jan 9th, 2018 Natalia Guzman #510

Jan 9th 2018, Josephine Laughlin #312

Jan 9/18 BOBBIE CANIN #518

May 9/18 Bruce Rowan #519

Jan 10/18 Leigh Pharris #510

Jan 12, 18 Charlene Sim #517

Jan 12, 2018 AUSTINE SIM #517

To: The City Council of Victoria, BC

From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria BC V8W 1S2


We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:


1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

*I ask that the city purchase this lot & consider keeping it as a parking lot or build like park. The parking lot will be a revenue stream for the city.*  
We urge you to take our plea into consideration and to reject the proposal for the new building.

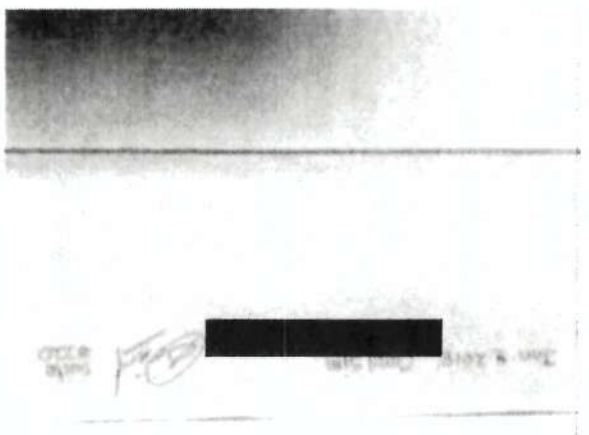
Thank you.

*If the city chooses to accept a building proposal then the building should be no more than 5 stories high and stepped back from the water and a pleasant tree lined wide walkway along the water - set back far from the water.*

Date	Name	Signature	Unit #	email or phone
Jan 1 2018	Lynn Salonen	<i>Salonen</i>	208*	

*I am not at my unit at this time and ask that you accept my signature on this petition. I can be reached at  Lynn Salonen*





To: The City Council of Victoria, BC  
From: Group of Residents from Mermaid Wharf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Wharf, strongly oppose the construction of the new residential building on Store Street proposed by D Ambrosio Architecture + Urbanism, between Mermaid Wharf and the Junction for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date	Name	Signature
Unit #	email or phone	

Jan 13 <sup>th</sup> 2012	# 113-409 Swift St	Susan Bradi
[Redacted]		
I am opposed to a 8 storey development		

To: The City Council of Victoria, BC  
From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC, V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janison for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date	Name	Signature	Unit #	email or phone
Jan. 10, 2018	Dan Bringer (non-resident owner)		308	



To: The City Council of Victoria, BC  
From: Group of Residents from Mermaid Wharf, 409 Swift St., Victoria, BC, V8W 1S2

We, many residents from Mermaid Wharf, strongly oppose the construction of the new 1000 Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Wharf and following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new 1000 Store Street.

Thank you

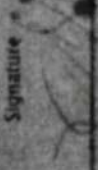
Date: 14/12/18 Name: [Redacted]  
Signature: [Redacted]

72. The City Council of Victoria, BC  
From: Group of Residents from Mermaid Wharf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Wharf, strongly oppose the construction of the new Ross  
Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Wharf and  
following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new bu  
Thank you

Date	Name	Signature	Unit #
June 14/18	Marlene Ann Scott		304

To: The City Council of Victoria, BC


From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date	Name	Signature	Unit #	email or phone
Jan 27, 2018	Alex Nicholls			
<u>Currently away - submitting via email.</u>				



Ms Lisa Helps, Mayor  
Victoria City Hall  
1 Centennial Square

December 5, 2017,

RE: First the Janion, then what?



Dear Lisa Helps,

I'm writing you about serious concerns with regard to the new building proposal between the Janion and Mermaid Wharf, where I presently live and own a unit on the fourth floor.

I went to the information meeting advertised by our management company last week at Swanns, and stayed enough time to measure the extent of the looming catastrophe in our great neighborhood.

I am puzzled by the true motivation, other than profit for multimillion enterprises, which condones the construction of such bunker style massive concrete building, 8 stories high. The proposed building will not only block almost all view from two entire facades (Janion and Mermaid Wharf), but their own as well (that makes four walls facing each other). What an appeal is this for new buyers, not to mention the complete destruction of privacy, light and direct sun for existing dwellers (on two sides facing south)? Furthermore, all people living on the 5<sup>th</sup> floor of Mermaid Wharf will also lose their privacy on their roof top patios, being closely looked over by two full stories on the south side.

What I find astonishing is the complete lack of imagination and absence of beauty in this proposal. There are so many appealing and viable options, with more greenery and breathing space, with, for instance, a building which might look like a large flight of steps looking to the water, and so on (see picture below as an example). But no, let's go for a uniform block type building, square angles, with as many hen-coops as possible. Who cares about quality of living, or aesthetics? Do we really live in a "world class city" if we favor and give the green light to such monstrosities? Frankly I don't think so.

My letter is also motivated by conversations I have had with neighbors and friends; I am earnestly and respectfully writing you to suggest you and your council take serious consideration to what I like to call an insane project, about which quality of life is obviously the least concern of the developers promoting it. In the mouth of Vancouver based big corporations, "urban revival" is the buzz. I have lived 16 years in Chinatown, and have always found it lovely and lively. These people do not live here, obviously.

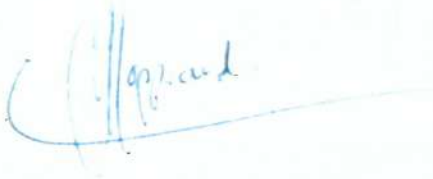
This year I just paid off my mortgage. I now feel like I am being expelled from my place thanks to "urban revival" and lack of vision from greedy developers actively working on degrading the values of our condos, and ultimately our sheer quality of life. With the Janion we lost mountain view, but at least there is breathing space between them and us. With this appalling project nothing much will remain of appeal where I, and many of my neighbors, live. Life will be looking at a dark façade meters away from our balcony (and vice-versa).

I am writing you especially for two reasons:

1. What can I/we do to effectively either block or minimize this poorly thought project?
2. Who should I also specifically write to obtain possible support for this?

Dear Madam, thanks for your help, good advice and for granting this letter serious consideration. Please use freely any part of it if it may help this cause in any way. I will expect an answer from you in some near future.

Kind regards,



Marc Lapprand  
Mermaid Wharf, unit 414.  
409 Swift Street



If developers insist on blocking the view of neighbors, why not build something more appealing:



Is Victoria truly the “Garden City”?



## Lacey Maxwell

---

**From:** Lynn Saliken [REDACTED]  
**Sent:** March 14, 2018 3:27 PM  
**To:** Councillors; Miko Betanzo; Ben Isitt (Councillor)  
**Cc:** Lynn Saliken  
**Subject:** proposed building at 1628 Store St

I strongly object to city approving a Development Permit with the Variance application to develop a 7 storey residential building at 1628 Store St and adjacent to Mermaid Wharf.

I also object to the way in which you would allow sloping of the building to what I understand to be a maximum height of 8 stories.

I would agree that a 4 to 5 storey building would be appropriate on that site.

As our representatives you should be asking, demanding, that we protect height restrictions of the city and the "Old Town".

Our city centre is admired because of the way we, you, and our forefathers have, and have had, the foresight to keep the height of buildings low and to protect heritage nature of our city, and the light and skyline for all your residents.

Lynn

Lynn Saliken  
[REDACTED]

**Monica Dhawan**

---

**From:** marc lapprand [REDACTED]  
**Sent:** Sunday, May 27, 2018 9:28 AM  
**To:** Lisa Helps (Mayor); Councillors; Miko Betanzo; Caroline Moore  
**Subject:** Proposed Development at 1628 Store Street --Fwd: Follow-up--Re: City of Victoria - building policy  
**Attachments:** City Council Whole Scan Jan 2018.pdf

Dear Mayor Lisa Helps and City Council Members,

In the wake of the email below sent to you by my friend and direct neighbor Caroline Moore, I take the liberty of writing you to remind you that on January 26 of this year I delivered to your office at City Hall a petition against this building proposal, signed by 36 concerned residents of Mermaid Wharf (scan attached).

One of Caroline's most relevant points is that cramming condos in the downtown core area, and allowing buildings to become higher and higher, may in the long run make it a less desirable place to live.

We all like to tell the rest of Canada how Victoria is such a beautiful, dynamic, welcoming City. Let's make our best to keep it that way.

Thanks for your kind and thoughtful consideration.

Respectfully,

Marc Lapprand  
Mermaid Wharf, unit 414

**From:** Caroline Moore [REDACTED] >  
**Subject:** Proposed Development at 1628 Store Street --Fwd:  
**Follow-up--Re: City of Victoria - building policy**  
**Date:** May 24, 2018 at 2:07:22 PM PDT  
**To:** [mayor@victoria.ca](mailto:mayor@victoria.ca), [councillors@victoria.ca](mailto:councillors@victoria.ca)  
**Cc:** Miko Betanzo <[mbetanzo@victoria.ca](mailto:mbetanzo@victoria.ca)>

---

Dear Mayor Lisa Helps and Council Members,

I am writing in regard to the proposed condo development at 1628 Store Street—"The Pearl". I am a resident owner of the Mermaid Wharf condo building located at 409 Swift Street. The proposed new condo will replace the existing parking lot situated between the Mermaid Wharf (5 storeys) and The Janion (6 storeys).

While Council is reviewing the Developer's variance application, I would appreciate your consideration of the following:

- Ensuring that the height restrictions are maintained within this Core Historic area as described in the OCP page 41, Section 6 (Referenced below) and the DCAP.



- Assessing the 'shadowing' effect that the new building will have on the owners/residents of Mermaid Wharf and The Janion. Negative effects caused by shadowing can impact quality of life.
- Given the increased gentrification of our area, consider allocating land to build a park for residents and visitors to enjoy. At this time we do not have a park for people and pets.

---

In closing, we must protect this Core Historic area that borders on the upper harbour and Chinatown (a heritage conservation area). If Council continues to allow developers to increase the height of new buildings in this heritage area (one storey at a time) in order to achieve density—this area will no longer be considered a desirable place.

In closing, I would also like to thank Miko for providing me with the relevant city policies and plans to review.

Best regards,  
Caroline Moore

405 - 409 Swift Street (Mermaid Wharf)

### 3.2 Development Permit with Variance No. 00068 for 1622-1628 Store Street

The City is considering a Development Permit with Variance Application to construct a seven-storey residential building with ground-floor commercial.

Applicant meeting attendees:

FRANC D'AMBROSIO	D'AMBROSIO ARCHITECTURE AND URBANISM
ERICA SANGSTER	D'AMBROSIO ARCHITECTURE AND URBANISM
BEV WINDJACK	LADR LANDSCAPE ARCHITECTS
TERRY FARMER	TRIAD HOLDINGS LTD.
DARLENE TAIT	TRIAD HOLDINGS LTD.

Mr. Betanzo provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- the height variance in relation to the overall fit and context of the area, as well as any potential impacts resulting from the height variance
- the suitability and function of the proposed variance to permit ground floor residential units along the Harbour Pathway
- the proposal's overall response to the area context.

Mr. D'Ambrosio and Ms. Sangster provided the Panel with a detailed presentation of the site and context of the proposal, and Ms. Windjack provided the Panel with details of the proposed landscape plan.

Questions of clarification were asked by the Panel on the following:

- is there glass on the inner corridor stairs on the west side?
  - yes, so that there would be light throughout
- what is the location of the security barrier between the commercial space and the lobby?
  - the lobby is semi-private, and is open to the café
  - secured access to the residences is located further west in the lobby
- is the lobby access unrestricted?
  - yes, it is open to the café
- are the Janion's ground floor units at the water commercial or residential?
  - they are commercial
- are the ground floor units at Mermaid Wharf also commercial?
  - there is a combination of residential and commercial
  - recognize desire to have commercial spaces along the David Foster walkway, but there is a time lag to ensure businesses would be viable in this location
  - proposed work-live apartments along the pathway can be converted over time from units with residential patios to commercial spaces with moveable landscaping
- what is the proposed shoreline treatment?
  - the walkway will be cantilevered over a shore-stabilized rock wall to minimize intervention
- is there a sculpture proposed in the stairwell facing the water?
  - no specific piece has been determined yet, but there will be more than just lights in the stairwell
- are the units rentals or condominiums?



- they will be condos
- how does the proposed metal cladding relate to the area?
  - there is a lot of metal typically found in the surrounding industrial and commercial buildings, especially for cornices and fire escapes
  - this long-lasting material also relates to the bay on the Janion

Panel members discussed:

- appreciation for the shadow studies provided
- commend the proposal's careful consideration for access to light and liveability
- support for proposed massing and height variance
- the proposal relates well to its surroundings in scale
- recognition of excellent infill
- limited clearance to the south, obscuring water views for some units
- the proposal's success in being contextual and well-defined
- desire for a long-term vision for the David Foster Harbour Pathway to ensure projects enhance the public realm and relate well to each other
- uncertainty regarding the City's intent for the types of business that would best animate the pathway
- no concern for proposed flexible live-work units along the pathway
- appreciation for well thought-out landscape plan including passive stormwater management and quasi-unarmoured shoreline treatment
- desire for more engagement with and detailing of the public realm along the David Foster Harbour Pathway
- opportunity for soft landscaping on the public side of the retaining wall to improve pedestrian experience and soften the edge
- opportunity to shift the retaining wall to add landscaping to the walkway.

**Motion:**

It was moved by Jesse Garlick, seconded by Jason Niles, that the Development Permit with Variance Application No. 00068 for 1622-1628 Store Street be approved as presented.

**Carried**

For: Jesse Garlick (Chair); Sorin Birliga; Paul Hammond; Jason Niles; Stefan Schulson

Against: Elizabeth Balderston



3. **1622-1628 Store Street**  
**Development Permit with Variance Application No. 00068**

Attendees: Franc D'Ambrosio and Erica Sangstra (D'Ambrosio Architecture and Urbanism), Jim Tait (Triad Holdings Inc.)

Merinda Conley, Senior Heritage Planner, provided a brief summary of the application.

Franc D'Ambrosio and Erica Sangstra provided a presentation of the application.

Panel Comments and Questions

- What was the result of the Advisory Design Panel's review of the application?  
Merinda Conley: The application was supported as presented.
- Is this property included in the Downtown Core Area Plan (DCAP)? Merinda Conley: Yes, it is. It is also located in DPA9 (HC), Inner Harbour.
- Will an archeological assessment be done on the site? Architect: A consultant has been retained. The applicant applied to the Province and has an agreed process.
- How many feet above the water line is the proposed building and how does this compare to the Janion and Mermaid Wharf? The DCAP states that the harbourfront is viewed as an amphitheatre to the city with lower buildings along the water and gradually higher buildings beyond the harbour towards Douglas and Blanshard Streets. The buildings seem to be getting higher along Wharf Street. Architect: We do not have the height information available at this time. The site is on the edge of the downtown core. The architectural height that will occur beyond the site is lower as it is adjacent to Old Town; therefore, the amphitheatre idea defers to the peer building relationship in this location.
- What is the reflectivity of the prefinished steel shingles? Architect: The shingles have a dull lustre without shine. The bays and colour are meant as an echo of the traditional bays on the Janion.
- What is the expected service life of the steel shingles? Architect: We will obtain that information for the Panel.
- Will there be any access to water, i.e. a place to launch a kayak? Architect: There is no water access on the site as the grades are not conducive to this. The site will have kayak storage and join to the walkway that leads to water access on the Ocean River property.
- Will the bay windows project into the public realm? Architect: No.
- What is the specific relationship between the height of the block on the water and the height of the two adjacent buildings and what is the allowable height as per the Zoning Bylaw? Chair: The proposed height is 18m, the zone standard is 15m.
- What is the meaning of "interior floor area access"? Architect: It denotes the size of the lobby.
- It is difficult to conform to all requirements on this site. It is most important to note that the site is in DPA9. Height requirements have been created for a reason; however, each proposal tends to request a height variance to maximize development potential. The site is in a height sensitive area. The request for additional height is not supportable, but the proposed building is strong contextually.
- Is the proposed building 3m higher than the adjacent Janion at the water? Architect: The building is within a metre of height of the Janion at the water. The proposed height and massing increase the liveability for the building residents and respects the existing residents in the adjacent buildings. The deviation from the allowable height is

appropriate due to the narrowness of the building and its robust materials and composition of forms. The aim was to have a building that is contextually appropriate overall, i.e. it fits in with the adjacent buildings.

- Commend the applicant for maintaining the allowable FSR. Changing the shape of the building is a reasonable solution.
- The proposal is a reasonable response in relation to the existing buildings and the massing and addition of height is appropriate. More development will likely occur on the waterfront and it is hoped that the current plan for the waterfront anticipates development that will result in a well-articulated waterfront.

**Moved**

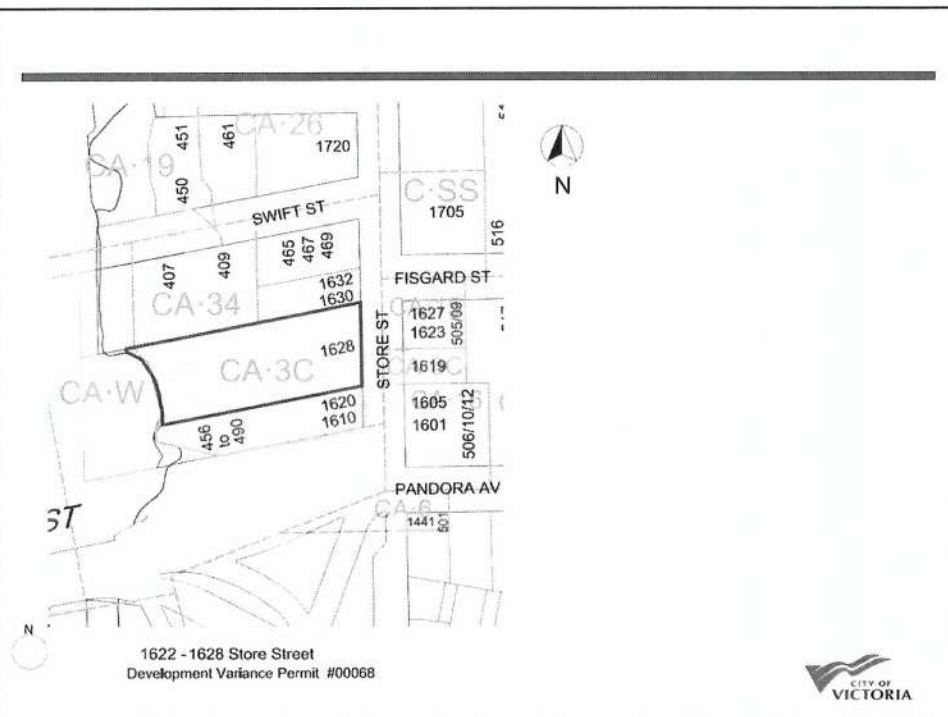
**Seconded**

That the Heritage Advisory Panel recommend to Council that Development Permit with Variances Application No. 00068 for 1622-1628 Store Street be approved as presented.

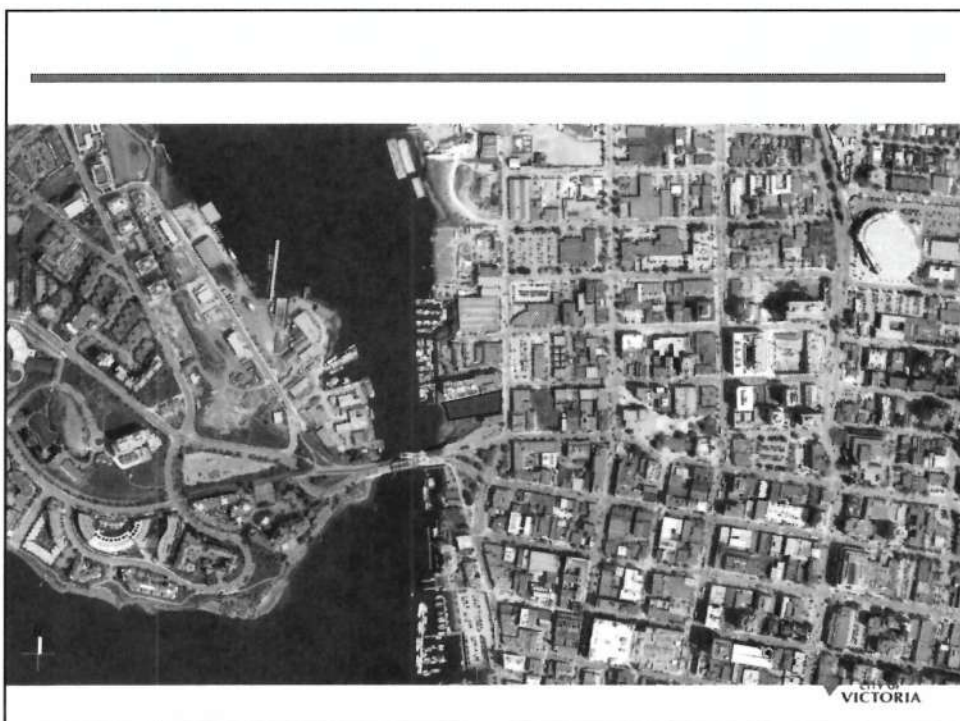
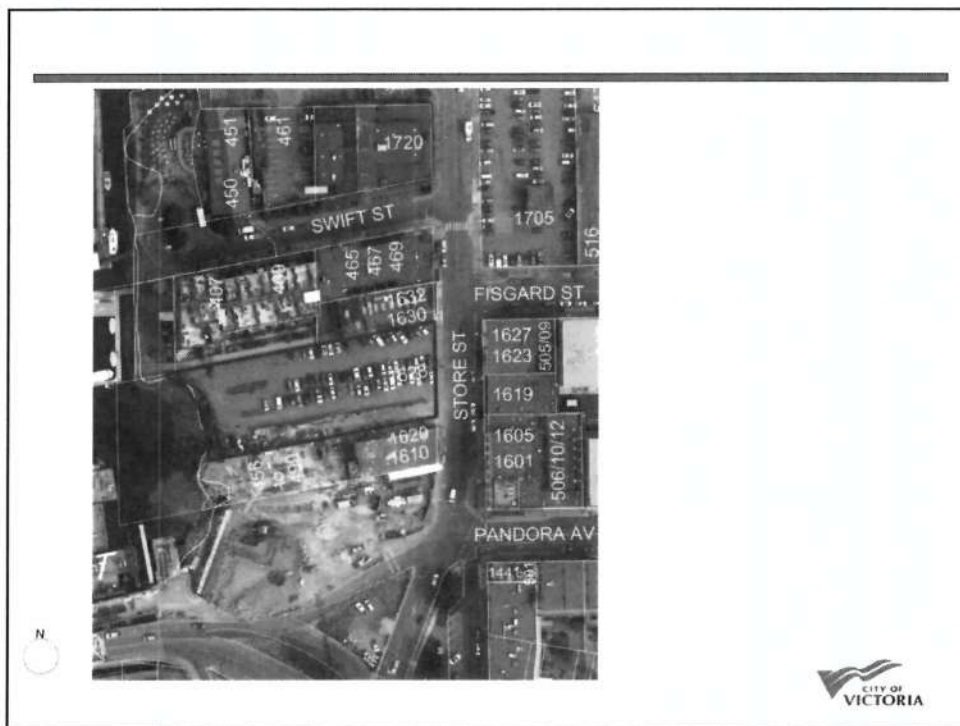
**Carried (unanimous)**

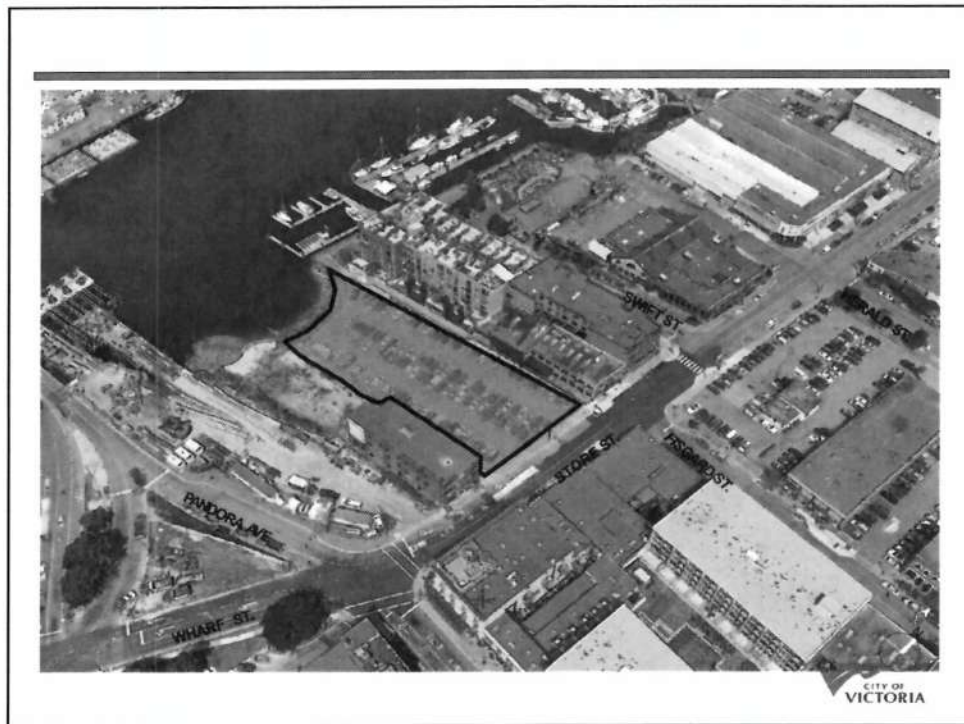
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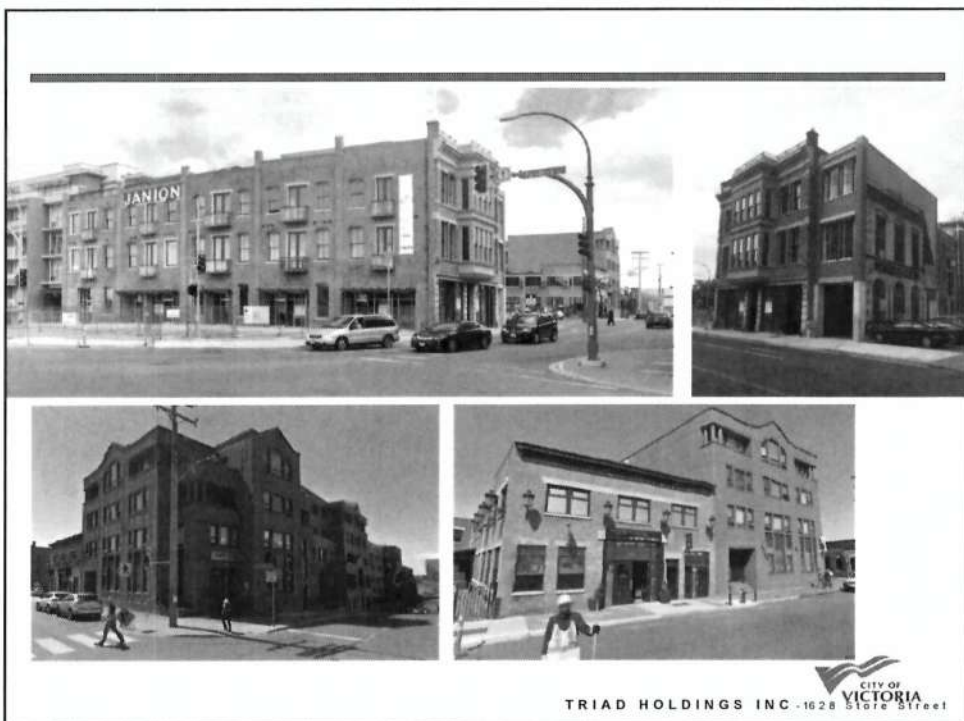
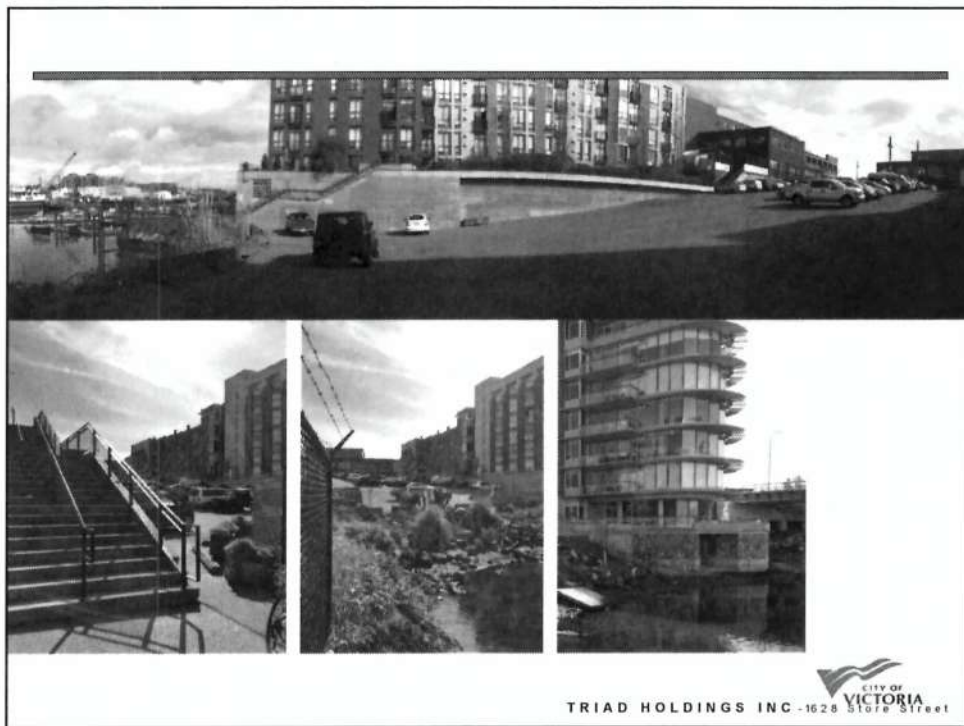
# Development Permit with Variance Application (No.00068) for 1622-1628 Store Street



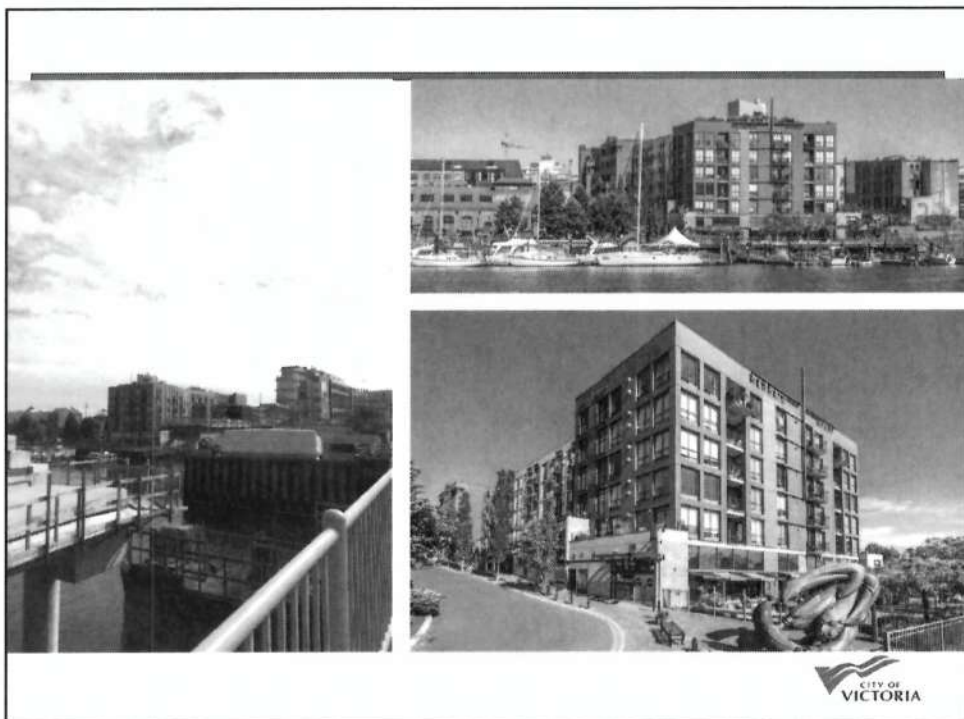
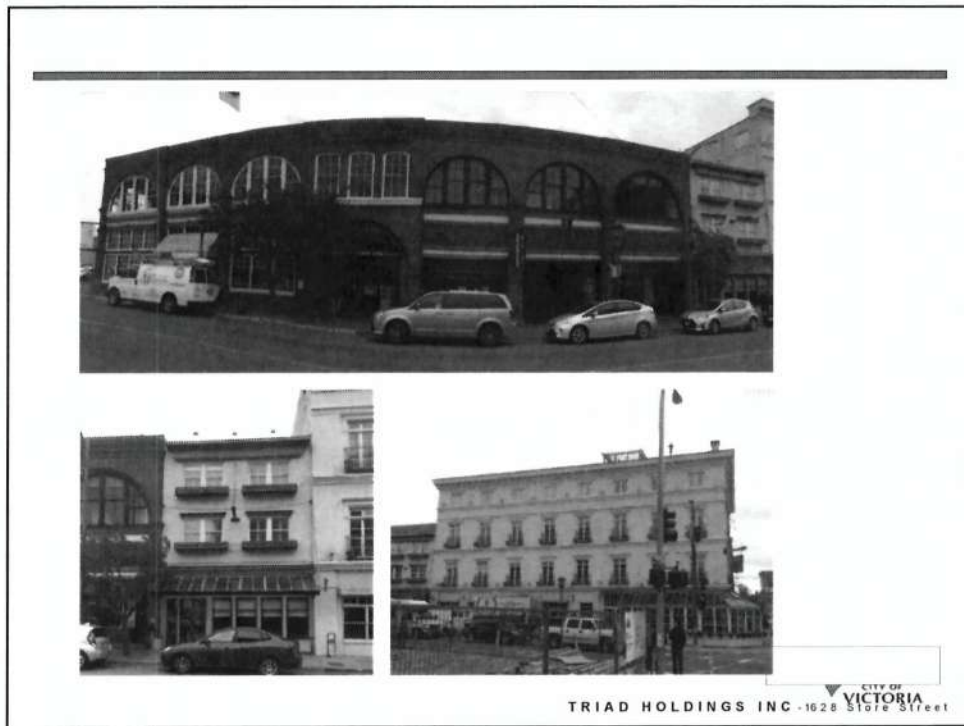


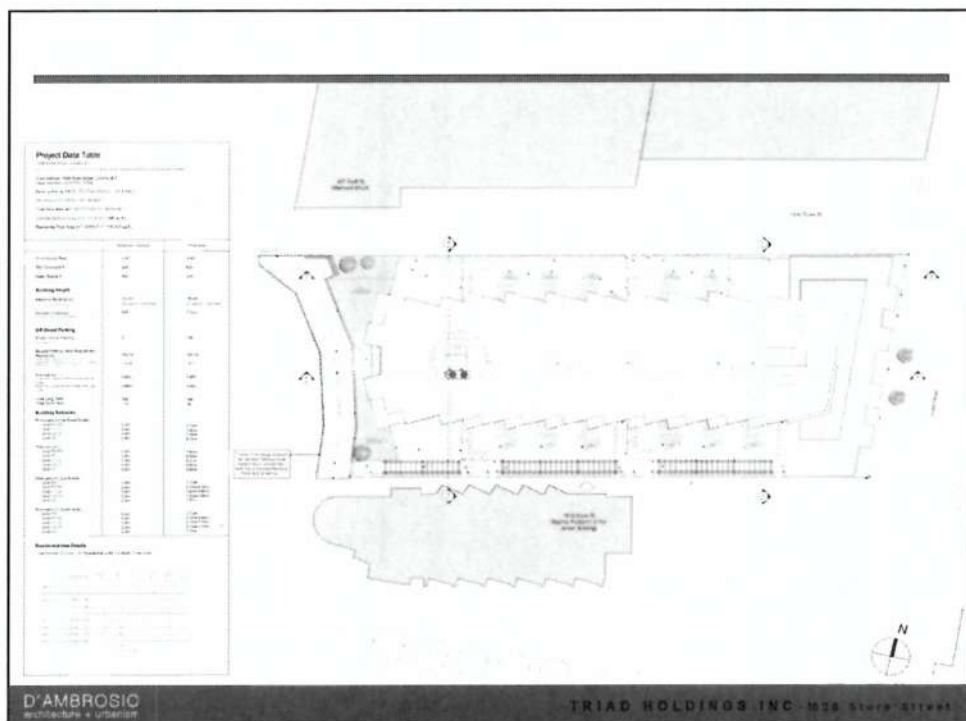
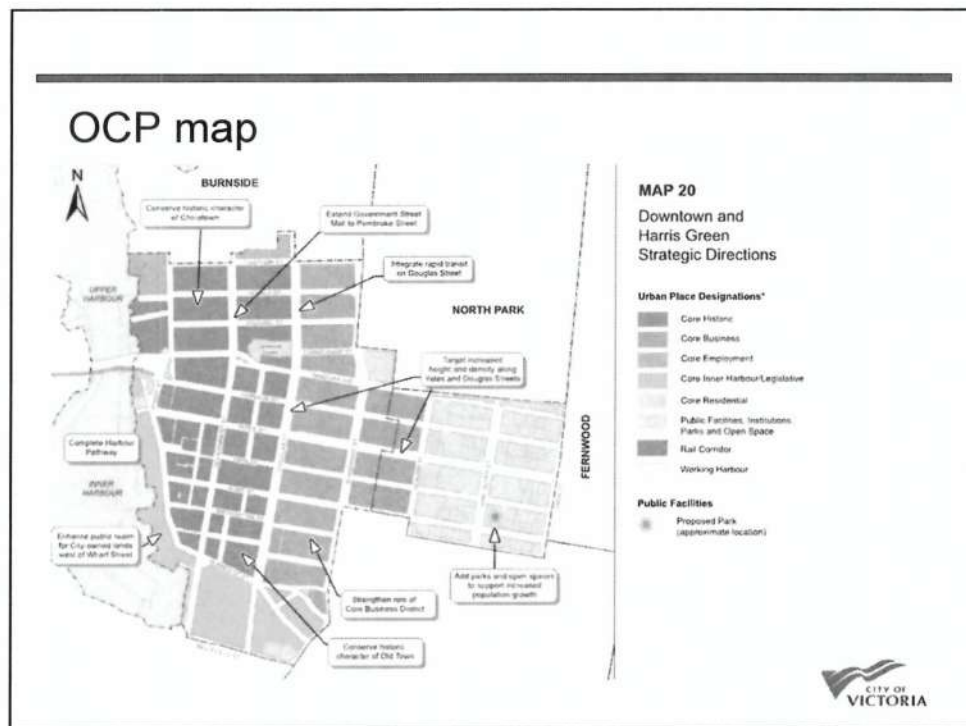


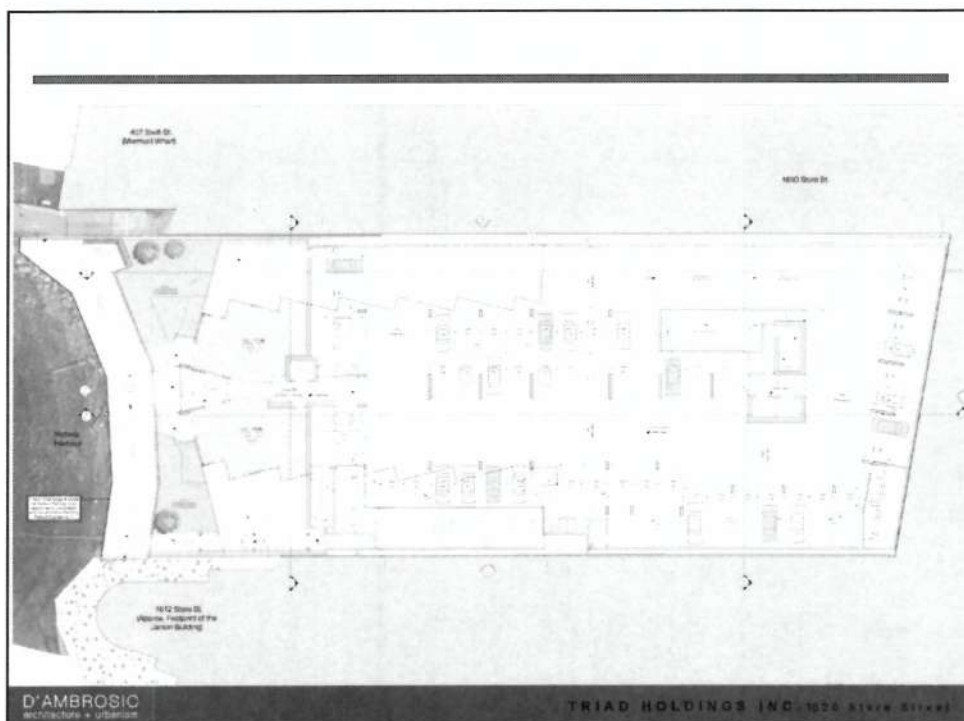
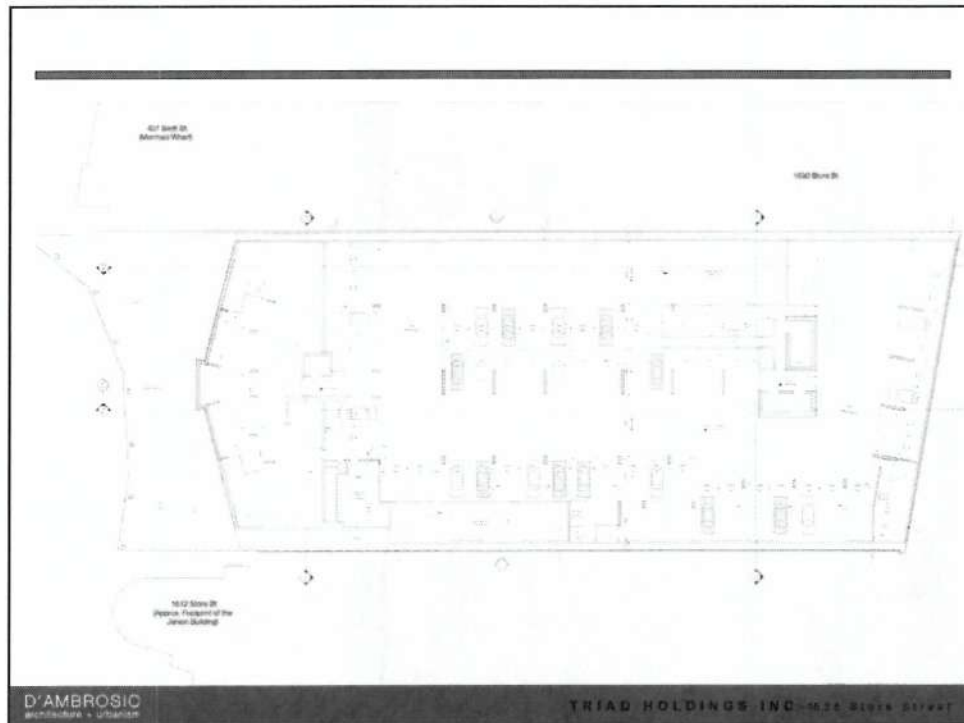




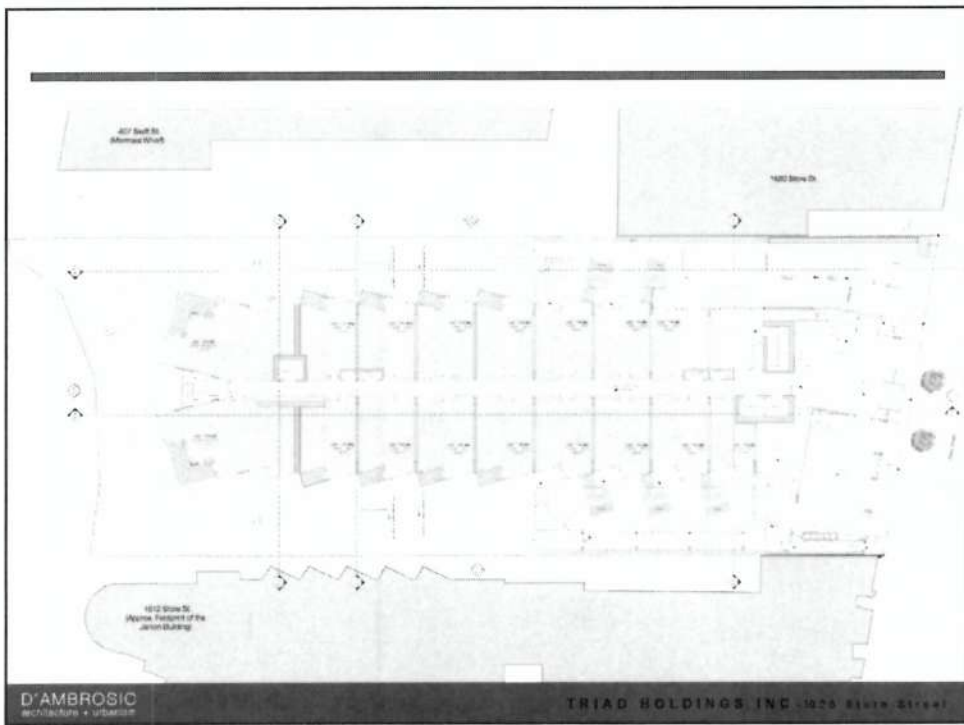
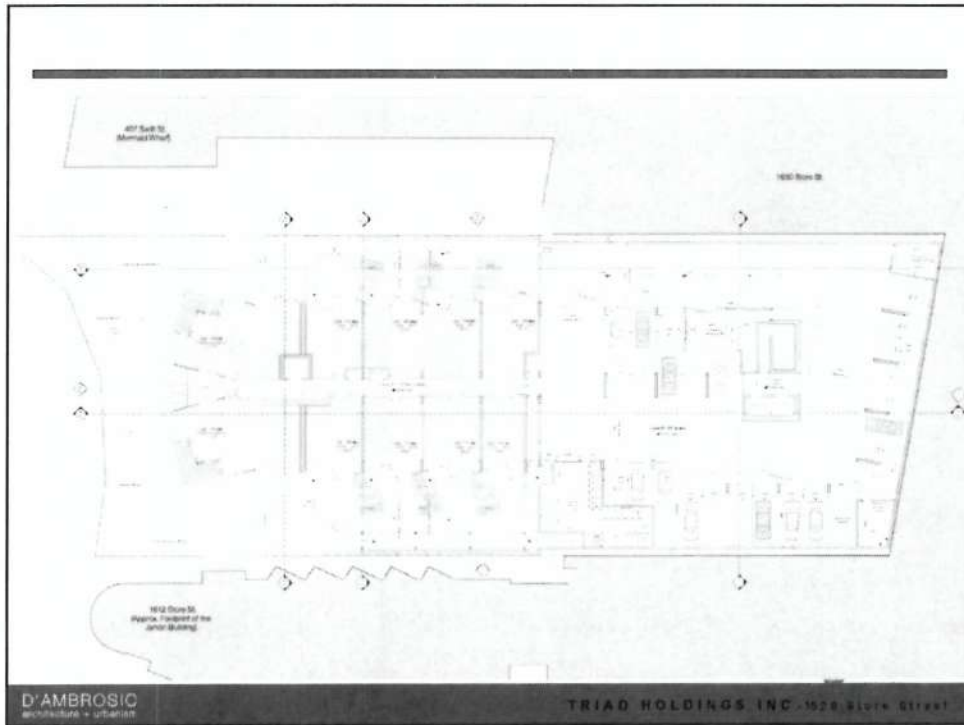


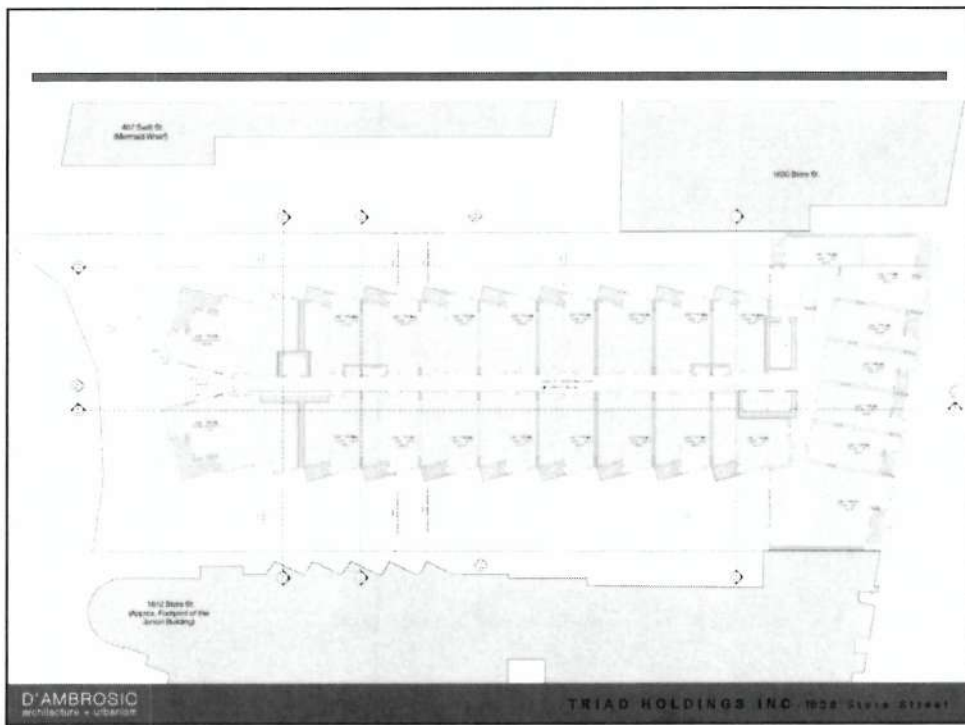
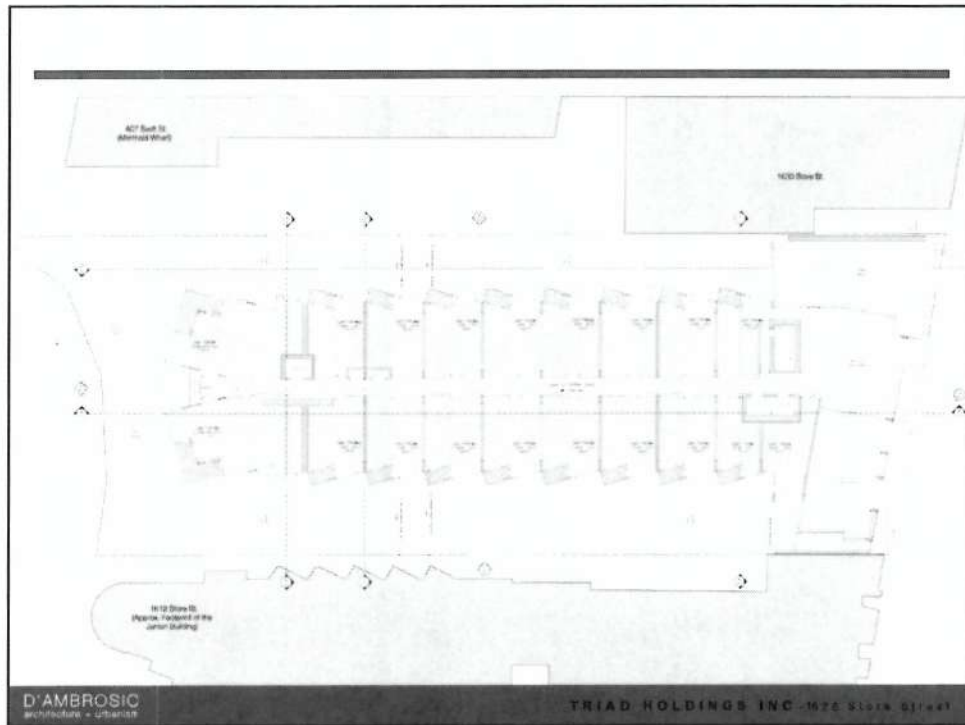


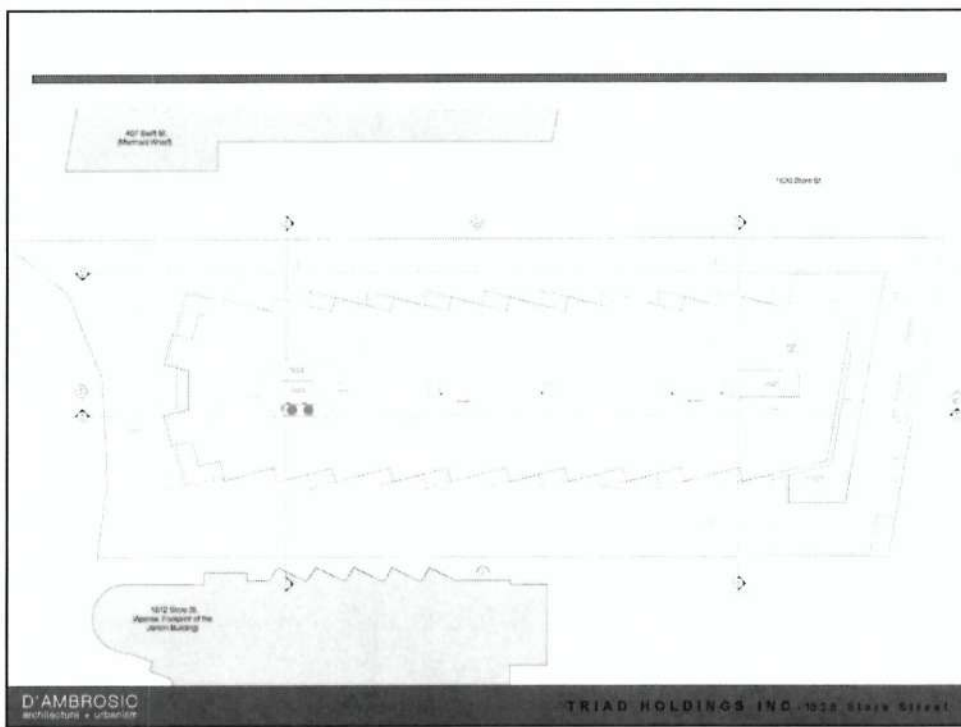
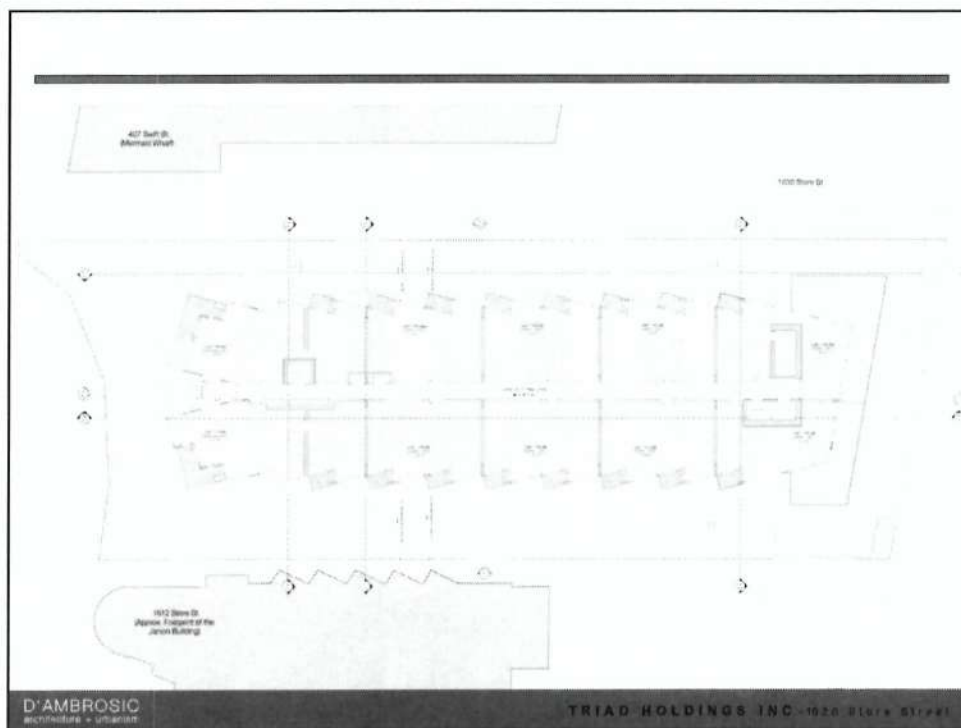




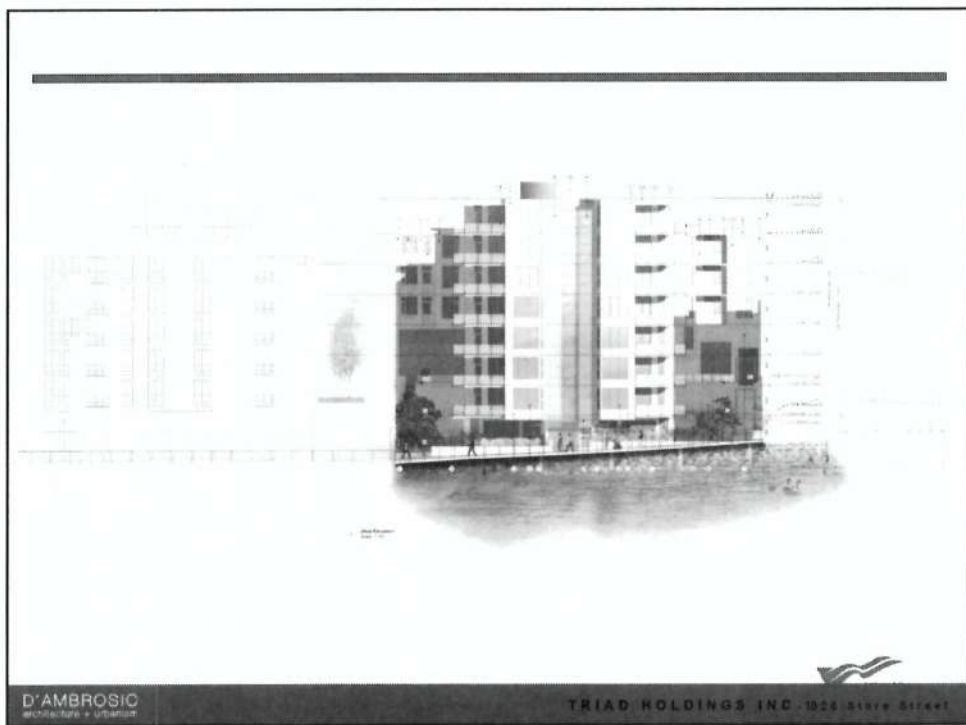


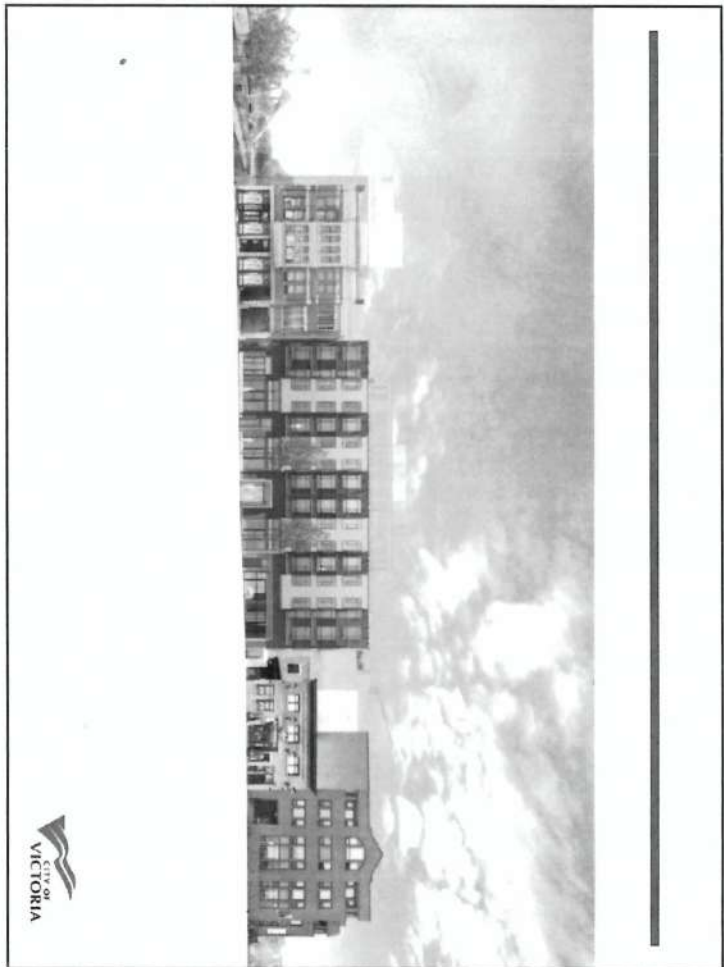
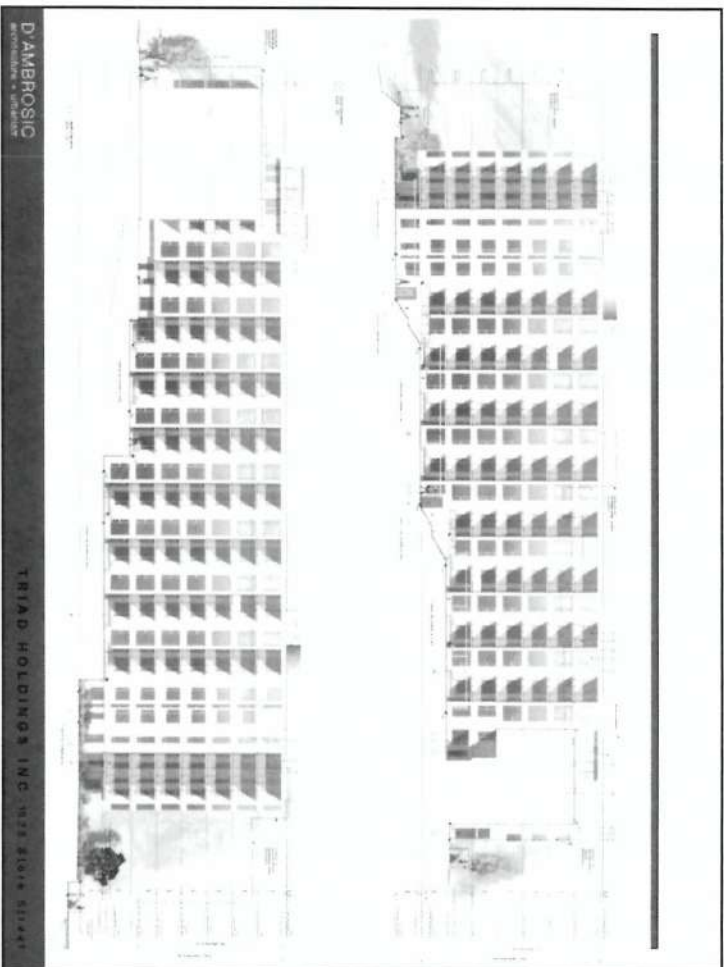


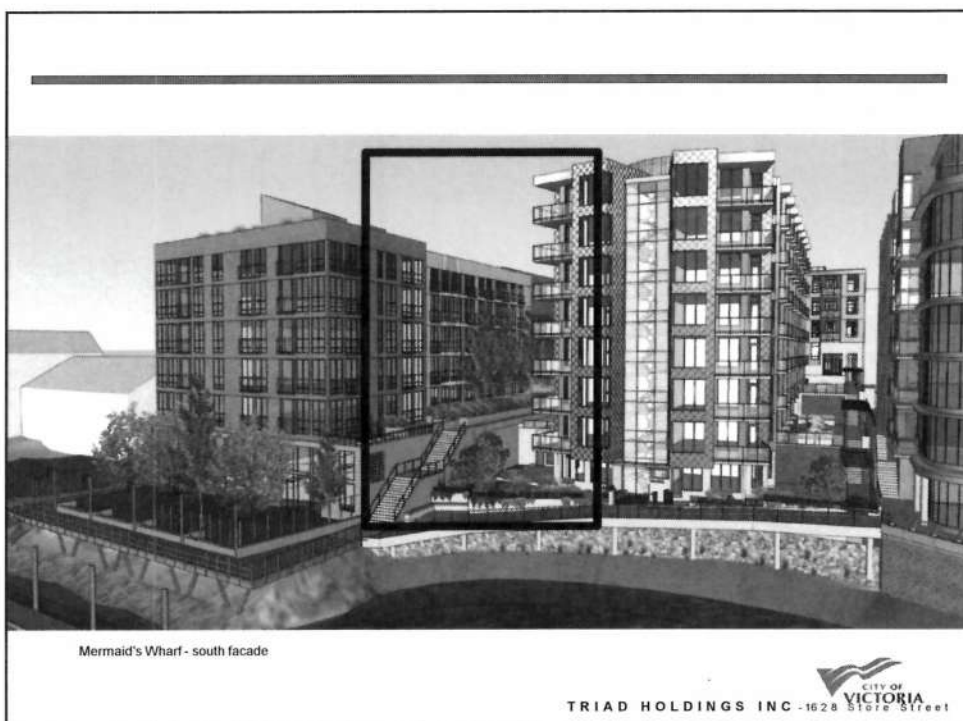
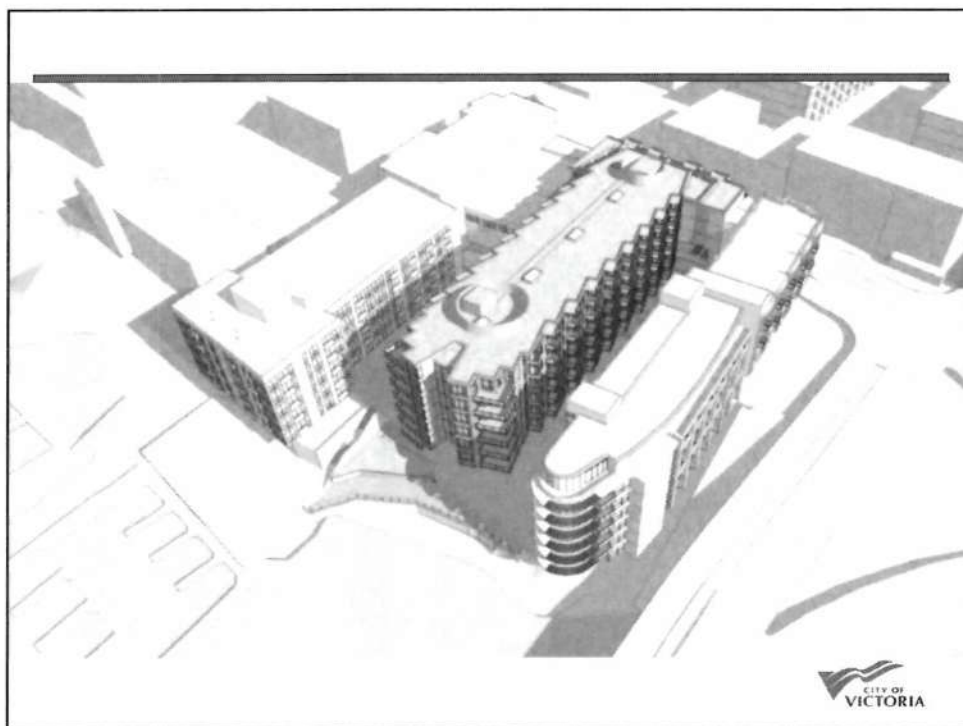












Mermaid's Wharf - south facade

TRIAD HOLDINGS INC - 1628 Store Street



Distance between buildings:

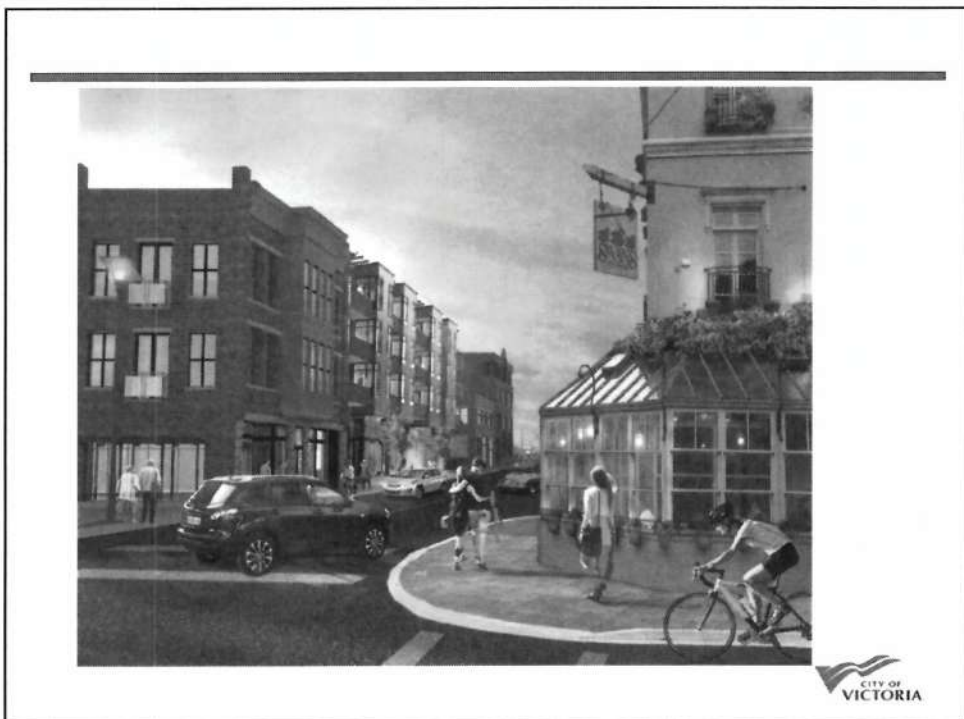


~ 55' balcony to south building face  
~ 45' Harbour Walkway balcony to building



Janion Building- north facade:







View from Store Street:



TRIAD HOLDINGS INC - 1626 Store Street



View on David Foster Walkway towards looking south:

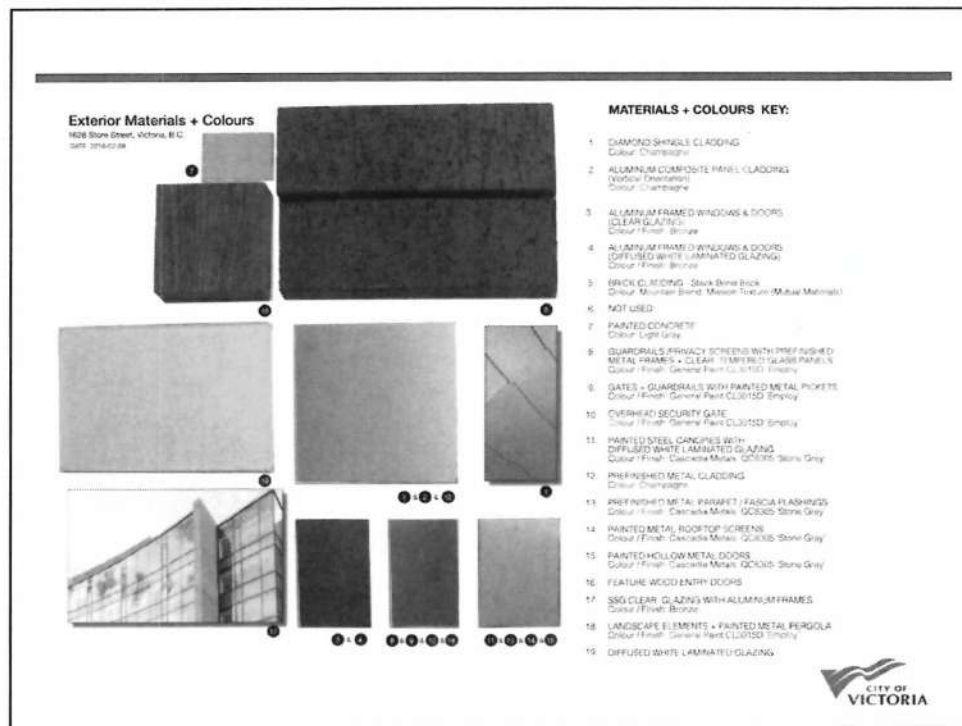


View on David Foster Walkway looking north:



View from the new Johnson Street bridge:



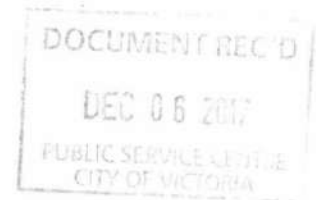




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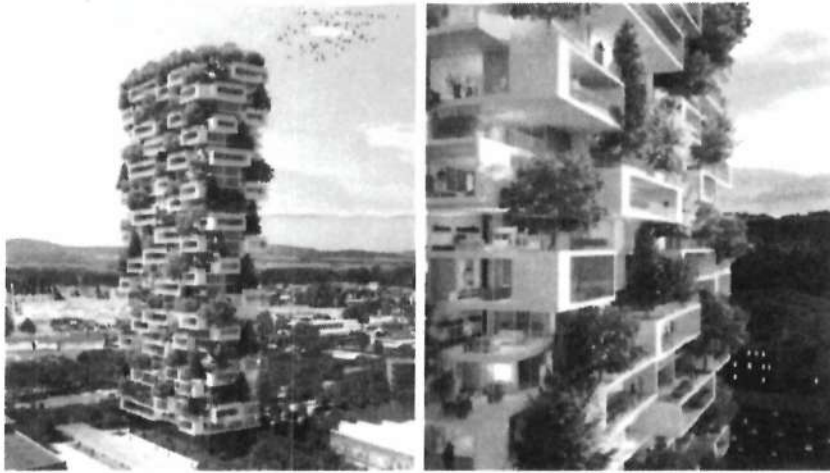
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Marc Lapprand  
Mermaid Wharf, unit 414.  
409 Swift Street



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Is Victoria truly the "Garden City"?



RECEIVED  
JAN 29 2018

Ms. Lisa Helps, Mayor  
Victoria City Council Members  
Victoria City Hall  
1 Centennial Square

Delivered in person on January 26, 2018

Dear Mayor Lisa Helps and City Council Members:

**RE: 1638 Store Street Development Permit with Variance Application to develop a 6 Storey  
133 Unit Residential Building with Ground Floor Commercial**

For the past number of weeks, I have been gathering signatures of owners and long-term rental residents of the Mermaid Wharf condo building located at 409 Swift Street and adjacent to the proposed development who will be severely affected by the construction of a tall building. Most of the owners on the South (parking lot side) have side signed the petition. Currently, the vacant space is operated as a much-needed parking lot for this area of the city (120 spots).

There are 36 signatures in total, including scans from our building owners who were away at the time. I trust this massive appeal is not be overlooked as you review the application.

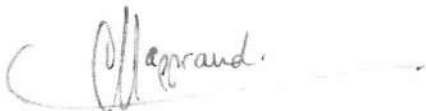
I recognize that the architects made their presentation to us in order to minimize the impact of an 8-storey building—and now a 6-storey building. However, only a third party could do that objectively. Clearly, they do not live here and do not seem to pay any attention to actual **lack of privacy, loss of direct sunshine and light**, and added transience—all of which we will be the primary ones to suffer if the project is approved.

Furthermore, and not anecdotally, my consultations with realtors tend to confirm that, due to restricted views (considerably reduced by the Janion already), we may face a decrease of property value of up to 20% on my side of the building. While I understand that the City does not consider private views, I want to point out that we are also concerned about the loss of light that we currently enjoy. The increased darkness will significantly impede our quality of life.

You now have the original petition in your hands, I have saved copies, and sent one each to Miko Betanzo and Charlotte Wain by email.

Ultimately, the Council will have to balance revenue against pure quality of life. I trust you will make the right decision.

Sincerely,



Marc Lapprand, owner and resident at Mermaid Wharf  
Cell: [REDACTED]

To: The City Council of Victoria, BC




From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date	Name	Signature	Unit #	email or phone
Dec 28, 2017	Natali Leduc		414	
28 Dec 2017	SARAH EVANS		418	

Dec 29/2017 Teresa Ryback #506

Dec 29-2017 DEHS WOODWARD #406

Dec 29-2017 Caroline Moore #405

Dec 29<sup>th</sup> 2017 Alex Gillman #410

Dec 29, 2017, Dawn Kalka #51

Dec 29, 2017 Craig Rice #32

Dec 30, 2017 Meghan Glover Melour #

Dec 30, 2017 ISABEL PENALBA #114

Dec 29, 2017 David Penlha #118

Dec 30, 2017 NEIL GURTON #114

Dec 30 2017 Paul Jamison #15



Dec. 29/17 Colette Nagy E. Nagy Street

Dec 30, 2017. CARLIE STANFORTH. Sanford

Dec 30, 2017 Marc Lagrand Unit 414 (Opposed)

Dec 30, 2017 Melissa Boleau Unit 413 ~~Opposed~~

" C Bowen Unit 207

JAN 1 2018 DAVID DATHBECH #216

Jan 3 2018 Daniel Frater #420


JAN 3rd 2018 Judy Laroy #115

Jan 5th Jason Scharf #205

Jan 9th, 2018 Natalia Guzmán #510

Jan 9th 2018, Josephine Laughlin #312

JUN 9/18 BOBBIE CANN  #518

JUN 9/18 Bruce Brown  #518

JUN 10/18 Leigh Pharris  #510

JUN 12, 18 Charlene Sim  #517

JUN 12, 2018 Austine Sim  #517

To: The City Council of Victoria, BC

From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

*I ask that the city purchase this lot & consider keeping it as a parking lot or green like park. The parking lot will be a revenue stream for the city.*  
We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

*if the city chooses to accept a building proposal then the building should be no more than 5 stories high and stepped back from the water. and a pleasant tree lined wide walkway along the water - set back far from the water.*

Date

Name

Signature

Unit #

email or phone

*be constructed.*

*Jan 1 2018 Lynn Saliken*

*L Saliken*

*208.*

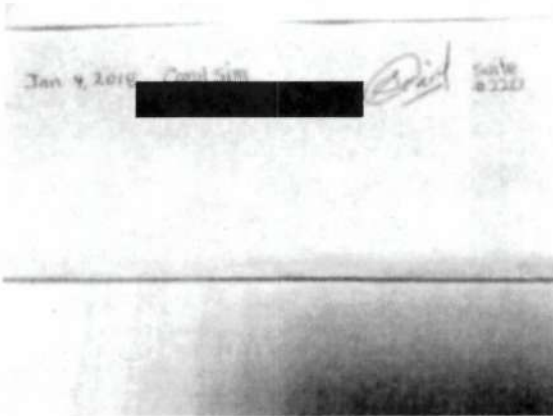


*I am not at my unit at this time and ask that you accept my signature on this petition. I can be reached at*



*Lynn Saliken*





To: The City Council of Victoria, BC

From: Group of Residents from Mermaid Warf, 409 Swift St, Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date

Unit #

Name

email or phone

Signature

Jan 6<sup>th</sup> 2018 # 113-409 Swift St Susan Brodie

I am opposed to a 8 storey Development


To The City Council of Victoria, BC  
From Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 70%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you

Date	Name	Signature	Unit #	email or phone
Jan 10, 2018	Dan Bruger	 (non-resident owner)	308	



To: The City Council of Victoria, BC  
From: Group of Residents from Mermaid Wharf, 409 South St. Victoria, B.C. V8W 1K2

We, many residents from Mermaid Wharf, strongly oppose the construction of the new 1000  
More Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Wharf and  
following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.  
Thank you


Date: January 14/18  
Name: [Redacted]  
Signature: [Redacted]

To: The City Council of Victoria, BC  
From: Group of Residents from Mermaid Wharf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Wharf, strongly oppose the construction of the new residential Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Wharf and following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.  
Thank you

Date	Name	Signature	Unit #
January 15, 2018	Heather Ann Scott		204

To: The City Council of Victoria, BC

From: Group of Residents from Mermaid Warf, 409 Swift St., Victoria, BC V8W 1S2

We, many residents from Mermaid Warf, strongly oppose the construction of the new residential building on Store Street proposed by D'Ambrosio Architecture + Urbanism, between Mermaid Warf and the Janion for the following reasons:

1. Loss of privacy
2. Loss of daylight and direct sunshine
3. Loss of harbour view (almost total)
4. Substantial loss of value of our condominium (up to 20%)
5. Loss of quality of life

We urge you to take our plea into consideration and to reject the proposal for the new building.

Thank you.

Date

Name

Signature

Unit #

email or phone

Jan 27, 2018

Alex Nicholls



Currently away - submitting via email.



## Lacey Maxwell

---

**From:** Lynn Saliken [REDACTED]  
**Sent:** March 14, 2018 3:27 PM  
**To:** Councillors; Miko Betanzo; Ben Isitt (Councillor)  
**Cc:** Lynn Saliken  
**Subject:** proposed building at 1628 Store St

I strongly object to city approving a Development Permit with the Variance application to develop a 7 storey residential building at 1628 Store St and adjacent to Mermaid Wharf.

I also object to the way in which you would allow sloping of the building to what I understand to be a maximum height of 8 stories.

I would agree that a 4 to 5 storey building would be appropriate on that site.

As our representatives you should be asking, demanding, that we protect height restrictions of the city and the "Old Town".

Our city centre is admired because of the way we, you, and our forefathers have, and have had, the foresight to keep the height of buildings low and to protect heritage nature of our city, and the light and skyline for all your residents.

Lynn

Lynn Saliken  
[REDACTED]

**Monica Dhawan**

---

**From:** marc lapprand [REDACTED]  
**Sent:** Sunday, May 27, 2018 9:28 AM  
**To:** Lisa Helps (Mayor); Councillors; Miko Betanzo; Caroline Moore  
**Subject:** Proposed Development at 1628 Store Street --Fwd: Follow-up--Re: City of Victoria - building policy  
**Attachments:** City Council Whole Scan Jan 2018.pdf

Dear Mayor Lisa Helps and City Council Members,

In the wake of the email below sent to you by my friend and direct neighbor Caroline Moore, I take the liberty of writing you to remind you that on January 26 of this year I delivered to your office at City Hall a petition against this building proposal, signed by 36 concerned residents of Mermaid Wharf (scan attached).

One of Caroline's most relevant points is that cramming condos in the downtown core area, and allowing buildings to become higher and higher, may in the long run make it a less desirable place to live.

We all like to tell the rest of Canada how Victoria is such a beautiful, dynamic, welcoming City. Let's make our best to keep it that way.

Thanks for your kind and thoughtful consideration.

Respectfully,

Marc Lapprand  
Mermaid Wharf, unit 414

**From:** Caroline Moore [REDACTED] >  
**Subject:** Proposed Development at 1628 Store Street --Fwd:  
**Follow-up--Re:** City of Victoria - building policy  
**Date:** May 24, 2018 at 2:07:22 PM PDT  
**To:** [mayor@victoria.ca](mailto:mayor@victoria.ca), [councillors@victoria.ca](mailto:councillors@victoria.ca)  
**Cc:** Miko Betanzo <[mbetanzo@victoria.ca](mailto:mbetanzo@victoria.ca)>

Dear Mayor Lisa Helps and Council Members,

I am writing in regard to the proposed condo development at 1628 Store Street—"The Pearl". I am a resident owner of the Mermaid Wharf condo building located at 409 Swift Street. The proposed new condo will replace the existing parking lot situated between the Mermaid Wharf (5 storeys) and The Janion (6 storeys).

While Council is reviewing the Developer's variance application, I would appreciate your consideration of the following:

- Ensuring that the height restrictions are maintained within this Core Historic area as described in the OCP page 41, Section 6 (Referenced below) and the DCAP.



- Assessing the 'shadowing' effect that the new building will have on the owners/residents of Mermaid Wharf and The Janion. Negative effects caused by shadowing can impact quality of life.
- Given the increased gentrification of our area, consider allocating land to build a park for residents and visitors to enjoy. At this time we do not have a park for people and pets.

In closing, we must protect this Core Historic area that borders on the upper harbour and Chinatown (a heritage conservation area). If Council continues to allow developers to increase the height of new buildings in this heritage area (one storey at a time) in order to achieve density—this area will no longer be considered a desirable place.

In closing, I would also like to thank Miko for providing me with the relevant city policies and plans to review.

Best regards,  
Caroline Moore

405 - 409 Swift Street (Mermaid Wharf)

To Development Dept.

July 25/18

I live at 120 409 Swift St and am in favor of this proposal, with the variances, proceeding ahead.

The site is now a parking lot (for over 50 years!!). Yes it provides revenue for owners but it has been the site of car B+E's, street people urinating and defecating, furniture pieces being left, etc. It is a poor use of a premium site.

The proposal by TRIAD is NOT too high, their landscaping is great and better than ours @ 409 Swift. Our area NEEDS new life and people LIVING around here. This proposal facilitates that and even has enough parking. The shadow corridors are fine and the space between buildings is fine. Our area is much better if this goes ahead. The City of Victoria also benefits over time. Thank you.

Gregor Campbell

## Pamela Martin

---

**From:** Mark Paquette [REDACTED]  
**Sent:** August 1, 2018 10:40 AM  
**To:** Public Hearings  
**Subject:** re proposed changes to 1622-1628 store st

Hello my name is Dr. Mark Paquette. I am a resident of 514 Swift st, which sits beside 1622-1628 store st.

This email is in lieu of my personal voice being heard at the special city council meeting Aug 2 2018, as I will not be able to attend

I would like to voice my objection to the permit varying the zoning bylaw: they wish to increase the allowable height from 15 m to 18m.

In our strong tourism based economy, Victoria has a heritage feel to our downtown core, and this ambiance does rely on the buildings that line the streets. Height restrictions are in place for a reason, and it will become a slippery slope if the city of Victoria allows in-place bylaws to be bent by developers wishing to increase our skyline to make more profit.

Access to light is also very important, not only to this lots neighbors, but to pedestrians and tourists on our streets. My unit at 409 swift st faces the lot of 1622-1628 store st, and will very much be affected by a height bylaw being overlooked. In England, they take the "right to light" very seriously, and strictly enforce new building developments not encroaching on a existing residence. Yes, we are not in England, however, our heritage core of Victoria does have strong English roots, in our now multi-cultural community. If we could hang on to any old English traditions....I wish our city would follow the "right to light" example.

If we continue to let our skyline increase, we will soon end up looking like the metropolis that is downtown Vancouver, and loose our "quaint heritage feel"

Thank you for listening.  
Dr. Mark Paquette

--

Dr. Mark Paquette  
Opto-mization Neurovisual Performance  
[www.opto-mization.ca](http://www.opto-mization.ca)  
[REDACTED]



**Pamela Martin**

---

**From:** Forward Automotive [REDACTED] >  
**Sent:** August 1, 2018 1:40 PM  
**To:** Public Hearings  
**Subject:** 1622-1628 store street Variance Application no 0068

To Whom it may concern Please do not grant the variance for change of hieght because the building is very very close to Mermaid Warf and will impacck my quility of life of everyone at that side of our building . the other changes are ok with me. Yours S Evans + G bruce Mermaid Warf

Victoria City Council  
Victoria City Hall  
1 Centennial Square

Dear Mayor and City Council Members:

**RE: Development Permit with Variances Application No. 00068**

I'm writing to encourage and support the City of Victoria approval of the Development Permit with Variances Application No. 66668.

I own the waterfront commercial unit (presently leased by Fishhook restaurant), as well as the adjacent live/work units on the ground floor of the Mermaid Wharf building (407 Swift Street). These units, including my personal residence, are located next door to 1628 Store Street.

I've been living in the unit next door to the proposed development site for almost ten years. It was only a few years ago that the private foreshore land, my front yard, was full of discarded needles, drugs, garbage, and graffiti. In the last couple of years, this area has been revitalized owing, in part, to the cleaning and landscaping of the private foreshore area, the opening of the vibrant Fishhook Waterfront restaurant, the relocation of Ocean River Sports and Harbour Ferries, including the pickup and drop off stop on the local wharf.

All of these factors have played a significant role in bringing life and vibrancy ... and increasing visitors, to our harbourfront and local community. I believe the proposed development will be another positive step towards enhancing the City of Victoria and our local harbourfront for the following reasons:

- **A more pedestrian-friendly community.** The current parking lot located on the proposed development property attracts all kinds of illicit activity. There are discarded needles, lots of graffiti and the area has for some time been a hangout for illegal transactions. Police are frequently called by residents and thankfully respond. I'm confident that the proposed development will positively impact the dynamics of this area. It invites new residents and a sense of shared ownership and community. There will be increased accessibility to the harbourfront with proposed entrances from the new building to the harbourfront walkway - and more commercial businesses will be introduced - adding to the tax base as well as to the vibrancy of the community.
- **Improved harbourfront access.** As a key component of the Official Community Plan, I understand that the developer has been asked to integrate construction of the harbourfront walkway joining the walkway fronting The Janion with the walkway fronting the Mermaid Wharf. In a city as beautiful as Victoria, we absolutely must showcase our waterfront. Our beautiful waterfront is well able to compete with many other waterfront cities around the world. The addition of the walkway along the

development project's waterfront will draw pedestrians along the Inner Harbour from the downtown to our charming city locale ... along a walk-friendly, bike-friendly path that builds on Victoria's reputation as an urban oasis.

- **Adding to the City's desperately needed housing supply.** We all are aware of the desperate need for more housing in Victoria ... period.
- **Augmenting the Victoria aesthetic.** I believe the proposed building plan by the developer's designer fuses modern with heritage and fits wonderfully within the parameters set out by the Official Community Plan. From what I can see in the plans, there is plenty of green space and adequate space between the proposed building and the Mermaid Wharf building. The developers have clearly taken into account maintaining good relations with their neighbours in their plan.

For these reasons, and I could list more, I believe that the proposed development will be a very positive addition to ongoing efforts to increase housing supply in our community and will add to the architectural vibrancy and cultural excitement of our city. I'm very much in favour of the City of Victoria approving the Development Permit with Variances Application No. 66668 ...and enthusiastically encourage Council to approve this application.

Sincerely,

Kal Suurkask  
407 Swift Street





**Council Member Motion  
For the Council Meeting of August 2, 2018**

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**Date:** July 26, 2018

**From:** Councillor Ben Isitt

**Subject:** Investigation of Pilot Program for Safe Consumption Sites for Cannabis Use

---

**Background:**

Jurisdictions including the City and County of Denver, Colorado have introduced a Cannabis Consumption Pilot Program and regulations governing safe consumption sites for cannabis use. (See Attachment 1)

Responding to this regulatory change in other jurisdictions, as well as the pending legalization of cannabis in Canada in October 2018, members of the public have petitioned Victoria City Council to explore regulations for safe consumption sites for cannabis use.

It is therefore recommended that Council provide direction to staff to investigate regulations in place in other jurisdictions, as well as relevant regional, provincial and federal regulations, and report back on the advisability of proceeding with a pilot program or regulatory framework for safe consumption sites for cannabis use in Victoria.

**Recommendation:**

That Council direct staff to report back at the next Quarterly Update on the implications of the following actions:

1. That staff be directed to investigate regulations in other jurisdictions governing safe consumption sites for cannabis use.
2. That this review take into consideration the City and County of Denver, Colorado's Cannabis Consumption Pilot Program, as well as the regulatory context in the City of Victoria arising from regional, provincial and federal regulations.
3. That staff report back to Council on the advisability of initiating a Pilot Program or introducing regulations for safe consumption sites for cannabis use.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Isitt

**Attachments:**

1. City and Country of Denver Cannabis Consumption Pilot Program Regulations

**CITY AND COUNTY OF DENVER  
DEPARTMENT OF EXCISE AND LICENSES**

**RULES GOVERNING MARIJUANA  
DESIGNATED CONSUMPTION AREAS**

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Effective Date: July 1, 2017

Approved as to Form and Legality:

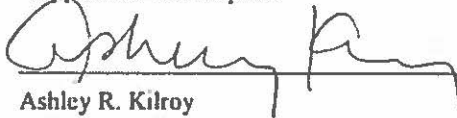


Kristin M. Bronson

City Attorney, City & County of Denver

Date: June 30, 2017

Approved and Adopted:



Ashley R. Kilroy

Executive Director, Excise and Licenses

Date: June 30, 2017

Adopted pursuant to Section 2.7.4 of the Charter of the City and County of Denver, and Article VI, Chapter 2 of the Denver Revised Municipal Code, and C.R.S. Section 12-47-313(1)(d)(III).

Notice of public rulemaking hearing published in The Daily Journal on May 18, 2017

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**DEPARTMENT OF EXCISE AND LICENSES**  
**RULES GOVERNING MARIJUANA DESIGNATED CONSUMPTION AREAS**

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**ARTICLE I. GENERAL PROVISIONS**

**Section 1.01 Authority.**

These rules and regulations are adopted by the City and County of Denver's Director of the Department of Excise and Licenses pursuant to Article IV of Chapter 2, Article VI of Chapter 6, Article V of Chapter 6, and Article I of Chapter 32 of the Denver Revised Municipal Code of the City and County of Denver. These rules and regulations are adopted for the purpose of administering and enforcing the provisions of the Cannabis Consumption Pilot Program and any other ordinances or laws relating to and affecting the issuance and operation of cannabis consumption permits.

**Section 1.02 Severability.**

Should any section, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part declared to be invalid.

**Section 1.03 Definitions.** For purposes of these Rules, the following definitions shall apply unless the section declares otherwise:

- (a) "*Advertise*," "*Advertising*" or "*Advertisement*" means the act of drawing the public's attention to promote the Designated Consumption Area (DCA).
- (b) "*Applicant*" means a person who has applied for a cannabis consumption permit.
- (c) "*Cannabis*," as used in these Rules, shall have the same meaning as the term "marijuana" is defined in section 16(2)(f) of Article XVIII of the Colorado Constitution. This term will be used in conjunction with or as an alternative to marijuana in these rules and regulations.
- (d) "*Cannabis Consumption Accessory*" means a marijuana accessory as that term is defined in section 16(2)(g) of article XVIII of the Colorado Constitution that is used for the consumption of cannabis.
- (e) "*Cannabis Consumption Permit*" means a Cannabis Consumption Business Permit or a Cannabis Consumption Special Event Permit.
- (f) "*Cannabis Consumption Business Permit*" means an annual permit issued by the Director to an individual(s) or entity allowing for the consumption of marijuana in a Designated Consumption Area located inside of or adjacent to a licensed premise or other business.

- (g) "*Cannabis Consumption Special Event Permit*" means a permit issued by the Director to an individual(s) or entity allowing for the consumption of marijuana in a Designated Consumption Area temporarily located: (i) on or adjacent to a licensed premise or other business, or (ii) not located on or adjacent to a licensed premise or other business.
- (h) "*Child Care Establishment*" means any child care establishment as defined by and regulated under chapter 11 of the Code and licensed as such under applicable state and local law.
- (i) "*City*" means the City and County of Denver, State of Colorado.
- (j) "*City-owned Recreational Center*" and "*City-owned Outdoor Pool*" means all recreational centers and pools as defined in Chapter 39 of the Code, and any rules and regulations promulgated thereto.
- (k) "*Code*" means the Denver Revised Municipal Code.
- (l) "*Consumer*" means a person, twenty-one (21) years of age or older, who wishes to engage in the consumption of cannabis within a Designated Consumption Area.
- (m) "*Department*" means the Denver Department of Excise and Licenses.
- (n) "*Director*" means the Director of the Department of Excise and Licenses, or the Director's designee.
- (o) "*Designated Consumption Area (DCA)*" means a specific, designated location where consumption of cannabis is expressly permitted.
- (p) "*Eligible Neighborhood Organization*" means any of the following organizations that includes within its boundaries all or a portion of the property where a Designated Consumption Area is proposed to be located and is: (i) a registered neighborhood organization as defined in the Revised Municipal Code that has been in existence for more than two years; (ii) a business improvement district; or (iii) any other type of association of residents and owners of real property designated by the Director as an eligible neighborhood organization.
- (q) "*Evidence of Community Support*" means any of the following forms of documentation; provided that such documentation is authorized by an officer, director, or agent of one or more Eligible Neighborhood Organizations:
  - (i) A letter of community support or non-opposition;
  - (ii) A document or other written communication indicating community support or non-opposition;
  - (iii) A good neighborhood agreement; or
  - (iv) Any other form of community support or non-opposition that the Director creates, or deems sufficient, for the purpose of demonstrating evidence of community support.

- (r) *"Licensed Marijuana Establishment"* means a medical marijuana center, medical marijuana infused products manufacturer, optional premises, or medical marijuana transporter as those terms are defined in § 12-43.3-104, C.R.S., as amended, or a retail marijuana establishment or retail marijuana transporter as those terms are defined in § 12-43.4-103, C.R.S., as amended.
- (s) *"Liquefied petroleum gas (LPG)"* means a material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylene.
- (t) *"Place Where Children Congregate"* means schools and child care establishments, as defined herein, playgrounds, and other places intended for use primarily by persons under 18 years of age.
- (u) *"Permitted Premises"* means the Designated Consumption Area specified on a Cannabis Consumption Business Permit or a Cannabis Consumption Special Event Permit.
- (v) *"Permittee or Permit Holder"* means a person or entity who receives a Cannabis Consumption Business Permit or Cannabis Consumption Special Event Permit.
- (w) *"Permit"* shall mean a Cannabis Consumption Business Permit or Cannabis Consumption Special Event Permit.
- (x) *"Person"* includes any individual, natural person, firm, company, association, organization, partnership, or corporation.
- (y) *"Public Place"* shall mean a place to which the public or a substantial number of the public have access without restriction, and includes, but is not limited to, streets and highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings or facilities.
- (z) *"Rules"* means these Rules and Regulations Governing Cannabis Consumption Business Permits and Cannabis Consumption Special Event Permits.
- (aa) *"School"* means a public or private preschool or a public or private elementary, middle, junior high, or high school.
- (bb) *"Smoking"* means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains cannabis, but does not include Vaping.
- (cc) *"Vaping"* means the creation of vapor by an electronic cigarette or similar device.
- (dd) *"Waste"* means any marijuana product or marijuana byproduct which remains on the Permitted Premises which has been left, abandoned, or otherwise not consumed.



## ARTICLE II. APPLICATION REQUIREMENTS

### Section 2.01 Application.

- (a) All applications for a Cannabis Consumption Permit shall be made upon forms provided by the Department, and shall include any supplemental information required by the Director.
- (b) The Department will accept only complete applications. Complete applications must include, at a minimum, each of the following:
  - (i) The full address of the DCA.
  - (ii) The name, address, email (if applicable), and date of birth of the applicant, including all officers, partners, members, managers, and any Person who owns 5% or more of the entity or receives 5% or more of the profits of the entity, as well as all entity names and any trade names or assumed names.
  - (iii) For each Person described in this Article II, sSection 2.01(b)(ii), a national criminal history records check conducted by the Federal Bureau of Investigation upon submission of fingerprint records and all required documents.
  - (iv) For each Person described in this Article II, Section 2.01(b)(ii), suitable evidence of proof of lawful presence.
  - (v) A red-lined floor plan of the DCA showing the location of the DCA within the business or event.
  - (vi) A description and supporting evidence that details how the DCA complies with the Colorado Clean Indoor Air Act. C.R.S. § 25-14-201 *et seq.*
  - (vii) Proof of possession of the premises where the DCA is located that encompasses all dates of the DCA's operation and, if the premises are leased, written permission from the Owner of the Premises approving the applicant's use of the DCA for cannabis consumption.
    - (1) *Cannabis Consumption Business Locations.* Application must include a valid zone use permit and the most recent certificate of occupancy for the underlying business in which the DCA will be located.
    - (2) *Cannabis Consumption Special Event Locations.* Application must include a valid zone use permit for temporary use of "Bazaar, Carnival, Circus or Special Event."
  - (viii) Evidence of Community Support, including any additional restrictions on advertising and operational requirements attached thereto, as provided by an Eligible Neighborhood Organization.

- (ix) A description of the proposed hours of operation and, for all special event applications, the proposed duration of the permit.
- (x) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the DCA, driving under the influence of marijuana, the illegal distribution of marijuana or marijuana products within the DCA, and any other potential criminal activity on the premises.
- (xi) A documented employee training program that addresses all components of the responsible operations plan.
- (xii) A health and sanitation plan for sanitization and cleaning of cannabis consumption accessories to be rented or otherwise made available for use, if applicable.
- (xiii) A marijuana waste plan that includes a detailed description of how employees will dispose of any Waste that is left, abandoned, or otherwise not consumed on the premises.
- (xiv) A Community Engagement Plan as provided in D.R.M.C. § 6-210(b).
- (xv) An Odor Control Plan in the same form and substance as would be required in D.R.M.C. § 4-10, and any rules promulgated thereto, if the Applicant intends to allow Smoking or Vaping of marijuana within the DCA.
- (xvi) Additionally, all Cannabis Consumption Special Event Permit applications must include a description and proposed dates of the event.

## **Section 2.02 Additional Information.**

An applicant shall provide any additional information requested by the City. Unless otherwise specified, additional information must be provided to the City no later than seven (7) days after the request is made. Applications that do not contain the additional information shall be deemed incomplete and shall be rejected.

## **Section 2.03 Process for Issuing a New Cannabis Consumption Permit.**

- (a) Each Applicant shall provide, at the time of application, the information required by D.R.M.C. § 6-308 and these Rules.
- (b) Upon receipt of an application, the Director shall give notice to the Department of Community Planning and Development, the Department of Environmental Health, and the Denver Fire Department. Any applicant for a Permit shall obtain all necessary permits, licenses and other regulatory approvals from the other affected city departments and agencies prior to the issuance of a Permit.

- (c) Upon receiving a complete application, the Director shall schedule a public hearing as provided in Article VI of these Rules.

**Section 2.04 Additional Requirements.**

- (a) A Permit issued by the Department constitutes a revocable privilege. The burden of proving an Applicant's qualifications for a Permit rests at all times with the Applicant.
- (b) A Cannabis Consumption Permit is non-transferable. Such Permit is not valid at any other location nor may any other Person exercise the privileges of said Permit, directly or indirectly.
- (c) A Permit for a Cannabis Consumption Special Event may not be issued to any applicant for more than ten (10) days in one (1) calendar year. A Cannabis Consumption Special Event Permit is not valid for any other date except the date or dates listed on the Application.
- (d) An application for a Permit for a Cannabis Consumption Special Event must be submitted at least 120 days prior to the proposed date of the event. An application meeting and presentation of the event may be requested by the City.

**ARTICLE III. RESTRICTIONS ON APPLICATIONS FOR NEW PERMITS**

**Section 3.01 General Permit Restrictions.** A Cannabis Consumption Permit shall be issued only for a DCA that complies with the following requirements:

- (a) All entrances to the DCA are monitored constantly by the Permit Holder or designee at all times when the DCA is being used for cannabis consumption.
- (b) Government-issued identification is required from all patrons before they are allowed access into the DCA.
- (c) Access to the DCA is restricted to persons age 21 and older.
- (d) Cannabis consumption occurring within the DCA is not visible to the public from a Place Where Children Congregate or from any Public Place.
- (e) A Cannabis Consumption Special Event Permit is not proposed to be located at an event that also has a special event liquor permit.

**Section 3.02 Permit Proximity Restrictions.** No Permit shall be issued within 1,000 feet of the following locations:

- (a) Any School, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for the school to the nearest portion of the building in which the DCA is proposed to be located; or



- (b) Any Child Care Establishment, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for the Child Care Establishment to the nearest portion of the building in which the DCA is proposed to be located.
- (c) Any alcohol or drug treatment facility, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for the alcohol or drug treatment facility to the nearest portion of the building in which the DCA is proposed to be located.
- (d) Any city-owned recreation center or city-owned outdoor pools, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for the recreation center or outdoor pool to the nearest portion of the building in which the DCA is proposed to be located.

**Section 3.03 Permit Location Restrictions.** No Permit shall be issued for the following locations:

- (a) Any School.
- (b) Any child care establishment.
- (c) Alcohol or drug treatment facility.
- (d) Any premise licensed pursuant to Title 12, Article 46, Article 47, or Article 48.
- (e) Any location where a liquor license exists, with "location" being defined, for purposes of this paragraph, by a distinct street address assigned by the City in accordance with article IV of chapter 49 of the Code, unless alcohol is not being served at that location while the DCA is operating and the DCA permitted-premises otherwise complies with paragraph (d) above.
- (f) Any Licensed Marijuana Establishment or any location where such Licensed Marijuana Establishment exists, with "location" being defined, for purposes of this paragraph, by a distinct street address assigned by the City in accordance with article IV of chapter 49 of the Code.
- (g) Any location deemed public property and owned by the City.
- (h) Any location that is situated in a residential zone district as defined by the zoning code of the City.

## **ARTICLE IV. INSPECTIONS**

### **Section 4.01 Inspections.**

City inspectors, investigators, and police shall be permitted access to the DCA at all times to inspect the premises in accordance with their duties and to enforce City ordinances and any rules and regulations promulgated pursuant thereto.

### **Section 4.02 Access required.**

It shall be unlawful for a Permittee, or any agent or employee thereof, to refuse access to the premises as provided in section 4.01 or to hinder any investigation, visitation, or inspection.

### **Section 4.03 Records.**

A Permittee must maintain the information required in these Rules for a period of one (1) year and in a format that is readily understood by a reasonably prudent business person. A Permittee must provide access to on-premises records during normal business hours or apparent hours of operation, and must provide access to off-premises records within three (3) business days following a request from the Department.

## **ARTICLE V. OPERATIONAL REQUIREMENTS**

### **Section 5.01 Security.**

- (a) Age Verification & Door Security. A Permittee shall employ sufficient staff so that all entrances to the DCA are constantly monitored during all times when the DCA is being used for cannabis consumption.
  - (i) Government-issued identification must be required from all patrons before they are allowed access into the DCA.
  - (ii) Access to the DCA must be restricted to persons age 21 or older.
- (b) Background Checks. A Permittee shall ensure that a NCIC background check is completed for all owners and managers, including fingerprinting. Background checks shall be kept for a period of one (1) year, and shall be made available to the Department upon request. The Department must be notified of any new managers of the DCA within 30 days of the new manager's hire date, and such notification must include a background check for the new manager, as provided in Article II, Section 2.01(b)(ii).

### **Section 5.02 Waste.**

Permittees shall dispose of Waste in a secured waste receptacle that remains in possession and control of the Permittee.

### **Section 5.03 Odor.**

A DCA shall maintain at all times an Odor Control Plan in the same form and substance as would be required by D.R.M.C. § 4-10, and any rules promulgated thereto, if the Applicant intends to allow Smoking or Vaping of marijuana within the DCA.

### **Section 5.04 Advertising.**

- (a) **Misleading Advertising.** No Permittee shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.
- (b) **Public Advertising.** Except as otherwise provided below, it shall be unlawful for any person to advertise a DCA anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other Public Place, including advertising utilizing any of the following media: Any billboard or other outdoor general advertising device as defined by the Denver Zoning Code; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a Public Place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph shall not apply to:
  - (i) Advertising inside a Licensed Marijuana Establishment or DCA;
  - (ii) Any fixed sign located within a DCA which exists solely for the purpose of identifying the location as a DCA and which otherwise complies with any other applicable city laws and regulations; or
  - (iii) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city; or
  - (iv) Limited advertising which is purely incidental to sponsorship of a charitable event by a Permittee.

### **Section 5.05 Required signage.**

- (a) **Standardized Placard.** Any location operating a DCA must be clearly marked with a standardized placard conspicuously posted at all exterior entrances to the location. The standardized placard shall be posted no later than 3 hours prior to the opening of the DCA and shall be in a format as required by the Department.
- (b) **Access Restriction.** The DCA premises must be clearly marked with conspicuous signage measuring not less than forty (40) square inches in size that includes the statement "NO ENTRY UNDER 21" in all upper-case letters not less than one (1) inch high.



- (c) **Responsible Use.** The DCA premises must post signage that declares, at minimum, that patrons: are responsible for their own actions, will consume responsibly, will not drive impaired, and will not sell or distribute cannabis for remuneration. If applicable, the sign must contain a notice that indoor vaping and/or smoking may be occurring on the premises.

## **ARTICLE VI. PUBLIC HEARING REQUIREMENT**

### **Section 6.01 Authority.**

Section 6-316(b) of the Code authorizes the Director to create additional methods of obtaining community support. Therefore, in addition to the methods of obtaining community support specified in Article VI of Chapter 6 of the Code, applications for a DCA shall be scheduled for a public hearing pursuant to these Rules.

### **Section 6.02 Public Hearing Required.**

- (a) All complete applications for a Cannabis Consumption Business Permit shall be scheduled for a public hearing not less than thirty (30) days from the date of the application, with notice to be provided to all registered neighborhood organizations within the designated area.
- (b) Applications for a Cannabis Consumption Special Event Permit may be scheduled for a public hearing if requested by parties-in-interest, as defined in § 6-212 of the Code. Such request must be submitted at least thirty (30) days prior to the proposed date of the event in the form of a petition prepared by the Department and must contain at least ten (10) valid signatures gathered within ninety (90) days of the event date.

### **Section 6.03 Hearing procedures.**

- (a) **Procedures.** Procedures, posting requirements, and standards for public hearings held for Cannabis Consumption Permits shall be conducted in accordance with §6-212 of the Code and the "Policies and Procedures Concerning Excise and Licenses Hearings."
- (b) **Other Considerations.** In addition to the standards set forth in §6-212(c), the Director shall also consider:
  - (i) Whether the Evidence of Community Support is valid and reliable; and
  - (ii) Whether the Eligible Neighborhood Organization was created for the primary purpose of supporting a Cannabis Consumption Permit.
- (c) **Standards for Denial.** In addition to the grounds set forth in Chapter 32, §6-212 of the Code, and the "Policies and Procedures Concerning Excise and Licenses Hearings," a Permit shall be denied if:
  - (i) The Applicant fails to establish Evidence of Community Support;

- (ii) The Applicant fails to submit a complete application;
- (iii) The Applicant fails to establish, by a preponderance of the evidence, any of the qualifications for the Permit at a public hearing; or
- (iv) The Applicant submits an application that does not comply with all state and local laws, and any rules and regulations adopted pursuant thereto.
- (v) The premises for which application has been made or for which renewal of the permit has been requested is not approved for the purpose by the Department of Environmental Health, Public Works, Community Planning and Development, or the Denver Fire Department.
- (vi) The information and evidence available to and considered by the Director fails to reasonably establish that the proposed procedures for security and admission control will prevent the distribution of marijuana to underage persons.
- (vii) The information and evidence available to and considered by the Director reasonably establishes that the character or reputation of the Applicant, principal of the Applicant, or any manager, or the past record of operation of the establishment or business is such so as not to warrant the confidence of the Director that the DCA will be lawfully operated.
- (viii) The Applicant, principal of the Applicant, or any manager has discharged a sentence for a conviction of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance in the ten years immediately preceding the application date, subject to the provisions of C.R.S. section 24-5-101, as amended, except that the Director may grant a permit if the sentence was for a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the conviction had occurred on the date of application.

## **ARTICLE VII. MODIFICATION OF PREMISES**

### **Section 7.01 Application Required to Change, Alter, or Modify DCA.**

- (a) After obtaining a Permit, the Permittee shall make no physical change, alteration, or modification of the DCA that materially or substantially alters the DCA or the usage of the DCA from the plans originally approved, without the Department's prior written approval.
- (b) All applications to modify the DCA shall be processed in accordance with §6-217 of the Code and the Policies and Procedures Concerning Excise and Licenses Hearings.

### **Section 7.02 Community Support Required.**

The Permit Holder may be required to provide new evidence of community support and the City may require a new public hearing upon any application to modify the DCA or to modify the usage of the DCA, including but not limited to, any modification to the hours of operation or any change to the permitted methods of cannabis consumption.

## **ARTICLE VIII. UNLAWFUL ACTS**

- (a) It is unlawful to operate a DCA without first obtaining a permit as provided in Chapter 6, Article V of the Code, and these Rules.
- (b) It is unlawful to operate a DCA where the consumption of cannabis is visible to the public from a Place Where Children Congregate and a Public Place.
- (c) It is unlawful to cultivate, manufacture, store, sell, or distribute for remuneration marijuana or marijuana products within the DCA. It is unlawful to allow the cultivation, manufacturing, storage, sale, or distribution for remuneration of marijuana or marijuana products within the DCA.
- (d) It is unlawful for any person to possess more than one ounce of marijuana or more than eight (8) grams of marijuana concentrate or more than eighty (80) ten (10)-milligram servings of marijuana product within the DCA.
- (e) It is unlawful for any person to use LPG torches within the DCA.
- (f) It is unlawful for any person to consume or for any owner, manager, or employee of the DCA to allow the consumption of alcohol within the DCA while the DCA is operating and/or while marijuana consumption is occurring within the DCA.
- (g) It is unlawful for any owner, manager, or employee of the Permittee or Permit Holder to consume marijuana or marijuana products while working within the DCA.

## **ARTICLE IX. STANDARDS FOR REVOCATION**

- (a) In addition to the grounds provided in chapter 32 of the Code, a Permit may be suspended or revoked for any violation of these Rules or for any of the standards of denial set forth in these Rules.
- (b) Procedures for investigation of permit violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as provided in chapter 32 of the Code and any rules and regulations promulgated by the Director.





## **Council Report**

**For the Meeting of August 2, 2018**

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**To:** Council **Date:** August 1, 2018  
**From:** C. Coates, City Clerk  
**Subject:** Parks Regulation Bylaw, Amendment Bylaw (No. 9) No. 18-044

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### **RECOMMENDATION**

That Parks Regulation Bylaw, Amendment Bylaw (No. 9) No. 18-044 be given first, second and third readings.

### **BACKGROUND**

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 18-044. This Bylaw amendment implements two different Council initiatives involving the prohibition on Sheltering in Reeson and Quadra Parks, and the motion involving the addition of Coffin Island as a protected area for ecological and cultural significance.

#### **Reeson and Quadra Parks**

The issue first came before Council on March 1, 2018 where the following resolution was approved:

#### **Sheltering Prohibition in Reeson Park and Quadra Park**

That subject to the Province agreeing to keep:

- The Out of the Rain (St Andrew's Presbyterian - 680 Courtney) 30 Mats youth 15-25 only, slated to close April 15th
- And the Cool Aid Seasonal Shelter - 755 Pandora – Mats, Co-Ed, slated to close March 31st – open beyond a seasonal basis

or the equivalent number of spaces at other locations, Council direct staff to amend the Parks Regulation Bylaw to prohibit overnight sheltering (camping) in Reeson Park and Quadra Park.

And that the Mayor be requested to write to the Minister Responsible for Housing, with a copy to the Premier and MLAs from the Capital Region, requesting a commitment from the Provincial Government to ensure an adequate supply of housing with supports to meet the needs in the community for the unhoused population throughout the region.

The issue then came before Council again on July 26, 2018 where the following resolution was approved:

### **Sheltering Prohibition in Reeson Park and Quadra Park**

1. That Council direct staff to amend the Parks Regulation Bylaw to prohibit overnight sheltering in Reeson Park and Quadra Park.
2. That Council direct staff to work with BC Housing to ensure that in the summer of 2019 there is no net loss of sheltering spaces even while the cold weather beds may need to close because of programming considerations of shelter operators.

### **Coffin Island**

On June 28, 2018 Council approved the following motion:

### **Protection of Ecologically and Culturally Significant Areas**

That Council direct staff to:

1. Prepare an amendment to the Parks Regulation Bylaw to add Coffin Island to the areas covered in section 16A of the bylaw;
2. Work with the Esquimalt and Songhees First Nations on potential signage relating to ecologically and culturally significant areas within the municipal parks and greenspace system in the City of Victoria: and
3. Report back to Council following the receipt of advice from the City Family on potential additional tools to increase protection for ecologically and culturally significant areas within the municipal parks and greenspace system.

Respectfully submitted,

Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:

Date: Aug 1, 2018

### **List of Attachments:**

- Bylaw No. 18-044

**PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 9)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to amend the Parks Regulation Bylaw to prohibit overnight sheltering in culturally sensitive areas, on Coffin Island, and in the following parks: Reeson Park and Quadra Park.

Under its statutory powers, including sections 8(3)(b), 62, and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 9)”.

**Amendment**

- 2 The Parks Regulation Bylaw No. 07-059 is amended by

- (a) inserting in section 2, immediately after the definition of “Clover Point Park”, the following:

“culturally sensitive area”

means any part of a park that is

- (a) a heritage site as defined in the *Heritage Conservation Act* whether designated or not; or
  - (b) identified in a plan, map or City bylaw as having historical or cultural significance to British Columbia or an aboriginal people;”;  
and
- (b) repealing section 16A(2)(b) and replacing it with the following:
- “(b) at any time, in
- (i) a playground, sports field, footpath or road within a park,
  - (ii) Bastion Square,
  - (iii) Haegert Park,
  - (iv) Cridge Park,
  - (v) Kings Park,
  - (vi) Arbutus Park,
  - (vii) Reeson Park,
  - (viii) Quadra Park,



- (ix) Coffin Island,
- (x) an environmentally or culturally sensitive area, or
- (xi) any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw.”

READ A FIRST TIME the day of 2018

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2018

CITY CLERK

MAYOR