



## REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, June 13, 2019, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt 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. Music Performance

Performances by the Victoria Conservatory of Music:

- The VCM Reed Ensemble: Liz Bass, Ken Cooley, David Reihm, and Janis Thorkelssohn
- Solo Clarinet: Camilo Aybar, accompanied by Sandra Fletcher on Piano

Coached/Taught by Dr. Jack Edwards.

#### B. APPROVAL OF AGENDA

#### C. READING OF MINUTES

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### D. REQUESTS TO ADDRESS COUNCIL

- D.1 Kristy Luttmann, Cleo Hunt, Justin Lan, and Joelle Lo: Single-Use Plastic Reduction Strategy in Victoria 34
- D.2 Luke Mari: Victoria Rental Housing Stats
- D.3 Geraldine Glattstein: Summer Access to Gonzales Beach for Dogs
- D.4 Helen Leslie: Horse Carriage Industry
- D.5 Elise Wren: Revitalization of 2713 Quadra Street - Parking Variance Application
- D.6 Callum Haslam: Single Use Plastic Ban
- D.7 Megan Ingram: Single Use Plastics in Victoria

### E. PROCLAMATIONS

- \*E.1 "Small Business Month" - June 2019 47  
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### F. PUBLIC AND STATUTORY HEARINGS

- \*F.1 1068 Chamberlain Street: Development Permit with Variance Application No. 00110 50  
  
*Council is considering an application to construct a duplex with a secondary suite.*  
  
Addendum: Correspondence
- F.1.a Opportunity for Public Comment & Consideration of Approval
- Motion to approve development permit with variances
- F.2 2832 and 2838 Shakespeare Street: Rezoning Application No. 00656 and Development Permit with Variances Application No. 00116 157



*Council is considering an application to subdivide and rezone the existing two lots, and create a new small lot facing Morley Street.*

**F.2.a Public Hearing & Consideration of Approval**

243

- **Motion to give 3rd reading to:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1188) No. 19-056
- **Motion to adopt:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1188) No. 19-056
- **Motion to approve development permit with variances**

**F.3 553 Raynor Avenue: Rezoning Application No. 00616**

245

*Council is considering an application for additional floor area in the existing house for a single-family dwelling with a secondary suite.*

**F.3.a Opportunity for Public Comment & Consideration of Approval:**

288

- **Motion to give 3rd reading to:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1190) No. 19-059
- **Motion to adopt:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1190) No. 19-059

**G. REQUESTS TO ADDRESS COUNCIL**

**G.1 Victoria Wheatley: Sustainable Plastics and Need for a Single Use Plastic Ban**

**\*G.2 Ruben Anderson: Fernwood Solar Bulk Buy**

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Addendum

**\*G.3 Sean Kahil: Cyrstal Pool**

Addendum

**\*G.4 Lena Toncev: North Park**

Addendum

**\*G.5 Keith Rosenberg: Remembrance Day**

Addendum

**\*G.6     Carol Lewis: Single-Use Plastic Ban**

**Addendum**

**H.     UNFINISHED BUSINESS**

**H.1     Letter from the Minister of Municipal Affairs and Housing     293**

A letter of response dated May 10, 2019, regarding a recent resolution on the extension of a vacancy taxation authority to all local governments.

**H.2     Letter from the Mayor of the Town of View Royal     295**

A letter of response dated May 13, 2019, regarding Climate Action through a Major Expansion of Public Transit Ridership.

**H.3     Letter from the President of the Union of BC Municipalities     296**

A letter of response dated May 14, 2019, regarding the 2019 resolutions endorsed by City Council.

**\*H.4     Letter from the Minister of Environment and Climate Change Strategy     309**

**Addendum**

A letter of response dated June 3, 2019, regarding Provincial climate leadership.

**H.5     Rise and Report**

**H.5.a     From the September 6, 2018 Closed Council Meeting**

That Council authorizes the Mayor and City Clerk to execute a lease renewal with the Canadian Pacific Lawn Bowling Club for part of 720 Belleville Street for a period of three years commencing September 21, 2018, in a form satisfactory to the City Solicitor, subject to the publication of the statutory notices required by the Community Charter.

**H.5.b     From the September 20, 2018 Closed Council Meeting**

That Council authorizes the Mayor and City Clerk to execute a licence, in a form satisfactory to the City Clerk, for a portion of the land located at 1321 Waddington Alley with Il Terrazzo Ristorante Ltd. (Inc. # BC0652303) for a period of five years commencing October 1, 2018 at a base rent of \$5,800.00 per annum, plus GST, subject to the publication of the statutory notices required by the Community Charter.

#### **H.5.c From the September 20, 2018 Closed Council Meeting**

That Council authorizes the Mayor and City Clerk to execute an easement with School District 61, in a form satisfactory to the City Clerk and the City Solicitor, for access and egress of a City lot at 3017 Quadra Street, adjacent to Quadra Elementary School.

### **I. REPORTS OF COMMITTEES**

#### **I.1 Committee of the Whole**

##### **I.1.a Report from the June 6, 2019 COTW Meeting**

311

[Link to the June 6, 2019 COTW Agenda](#)

- I.1.a.a 902, 906 & 910 McClure Street (Abigail's Hotel) - Rezoning Application No. 00648, Development Permit with Variance Application No. 000530, & Heritage Designation Application No. 00181 (Fairfield)**
- I.1.a.b Mayor Helps Travel Request- Tour of Ambrose Place, Edmonton, Alberta on June 17-18**
- I.1.a.c Mayor Helps Travel Request - Wellbeing Cities Forum, Montreal, Quebec on June 18-20**
- I.1.a.d Greater Victoria Harbour Authority Presentation**
- I.1.a.e North Park Neighbourhood Association Presentation**
- I.1.a.f 1708 Coronation Avenue - Rezoning Application No. 00663 and Development Permit with Variances Application No. 00663 (North Jubilee)**
- I.1.a.g 2921 Gosworth Road - Update Report for Rezoning Application No. 00649 and Development Permit with Variances Application No. 00096 (Oaklands)**
- I.1.a.h 589 Toronto Street - Rezoning Application No. 00661 (James Bay)**
- I.1.a.i 561 & 565 Toronto Street - Development Permit with Variances Application No. 00091 (James Bay)**
- I.1.a.j 701 Tyee Road (Railyards) - Development Permit with Variances Application No. 00080 (Victoria West)**
- I.1.a.k 2713 Quadra Street - Development Permit with Variance Application No. 00112 (Hillside/Quadra)**

I.1.a.l	Update: Growing in the City Urban Food Program	
I.1.a.m	Food Bearing, Pollinator and Native Plant Species Landscape Design Guidelines	
I.1.a.n	Topaz Park Improvement Plan and Victoria High School Sport Field Project	
I.1.a.o	Police Board Special Events Budget	
I.1.a.p	Jobs for the Future 2041 Action Plan	
*I.1.b	Report from the June 13, 2019 COTW Meeting	316
	<a href="#">Link to the June 13, 2019 COTW Agenda</a>	
	<b><u>Addendum: Report</u></b>	
*I.1.b.a	Conference Attendance Request for Councillor Dubow at the Federation of Canadian Municipalities	
*I.1.b.b	1st Quarter Update - VicPD	
*I.1.b.c	External Grant Review Committee - Grant Allocations	
*I.1.b.d	Presentation: City Family - Janice Simcoe	
*I.1.b.e	1712 and 1720 Fairfield Road (Rhodo) - Update on Rezoning Application No. 00618 and Development Variances Application No. 00098 (Gonzales)	
*I.1.b.f	603-607 Pandora Avenue (Plaza Hotel) - Heritage Alteration Permit Application No. 00235 (Downtown)	
*I.1.b.g	Application of Equity and Affordability Policies	

## J. NOTICE OF MOTIONS

## K. BYLAWS

K.1	<b><u>Bylaws for 919 and 923 Caledonia Avenue, Rezoning Application</u></b>	318
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A report recommending:

- 1st and 2nd readings of:
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1192) No. 19-061
  - Heritage Designation (919 Caledonia Avenue) Bylaw No. 19-044

- **1st, 2nd, and 3rd readings of:**
  - Housing Agreement (919 and 923 Caledonia Avenue) Bylaw (2019) No. 19-062

The application is ready to proceed to Public Hearing and proposes to retain and heritage-designate the existing single-family dwelling and construct a multiple-dwelling building consisting of residential rental units and an underground parkade.

## **K.2     Bylaws for 210 Gorge Road East, Rezoning Application**

332

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1167) No. 18-095
- **1st, 2nd, and 3rd readings of:**
  - Housing Agreement (210 Gorge Road) Bylaw (2019) No. 18-096
- **Consideration of updated development permit with variances motion**

The application is ready to proceed to Public Hearing and proposes to construct a six-storey, multiple-dwelling building consisting of rental units and supportive housing units.

## **K.3     Bylaw for Miscellaneous Bylaws Consequential Amendments**

390

A report recommending:

- **1st, 2nd, and 3rd readings of:**
  - Miscellaneous Bylaws Consequential amendments Bylaw 2019, No. 19-067

The purpose of the bylaw is to amend a number of City Bylaws as a consequence of the adoption of the Zoning Bylaw 2018, No. 18-072.

## **K.4     Land Use Procedures Bylaw**

396

Adoption of:

- Land Use Procedures Bylaw, Amendment Bylaw (No. 10) No. 19-037

The purpose of the bylaw is to amend the *Land Use Procedures Bylaw* to:

1. clarify certain provisions in relation to fees and process;
2. add row numbers for ease of reference in Schedule D;
3. add a type of parking variance and Development Permit Area 15F to the list of delegated permits in Schedule D; and
4. update and clarify the items required in a landscape security estimate in Schedule E.

**\*K.5      Bylaw for Vancouver Island Inter-Community Business Licensing**

406

**Addendum**

A report recommending:

- **1st, 2nd, and 3rd readings of:**
  - Vancouver Island Inter-Community Business Licensing Bylaw No. 19-064

The purpose of the bylaw is to establish the City of Victoria's participation in an inter-community business licensing framework on Vancouver Island.

**L.      CORRESPONDENCE**

**\*L.1      Letter from the Mayor of the District of Sechelt**

428

**Addendum**

A letter dated June 5, 2019, regarding a call to Action from the Town of Gibsons Mayor Bill Beamish, shíshálh Nation Chief Warren Paull, Sunshine Coast Regional District Chair Lori Pratt, and the District of Sechelt Mayor Darnelda Siegers to help promote naloxone distribution and training in B.C. communities.

**M.      NEW BUSINESS**

**\*M.1      Solar Panels for 1240 Gladstone Avenue**

**N.      QUESTION PERIOD**

**O.      ADJOURNMENT**



## MINUTES - VICTORIA CITY COUNCIL

February 7, 2019, 1:41 p.m.  
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE  
VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting  
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Loveday

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance

A. **CONVENE COUNCIL MEETING**

B. **APPROVAL OF AGENDA**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the agenda be approved.

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

**Amendment:**

That Council convene a special closed Committee of the Whole Meeting at 8:00 a.m. on February 14, 2019.

**MOTION TO CLOSE THE FEBRUARY 14, 2019, COMMITTEE OF THE WHOLE MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.*

**Main motion as amended:**

**CARRIED UNANIMOUSLY**

**C. REPORTS OF COMMITTEE**

**C.1 Committee of the Whole**

**C.1.a Report from the February 7, 2019 COTW Meeting**

**C.1.a.a Observed Inhalation Sites for Overdose Prevention**

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministers responsible for Local Government, Health, Mental Health and Addictions, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Observed Inhalation Sites for Overdose Prevention

WHEREAS British Columbia is currently experiencing an unprecedented public health emergency due to an unpredictable and highly-toxic drug supply;

WHEREAS smoking or inhalation is the second most common mode of consumption among all people who have died from a suspected illicit drug overdose and the most common mode of consumption among men and those between the ages of 15 and 29;

WHEREAS observed consumption services (i.e. supervised consumption services and overdose prevention services) are evidence-based harm reduction approach shown to reduce overdose-related harm;



WHEREAS there is not adequate access to observed consumption services that provide space for inhalation where communities are facing crisis;

THEREFORE BE IT RESOLVED THAT to ensure that people at risk of overdose across B.C. have access to observed consumption services that provide space for inhalation, that the Province of British Columbia work through local communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions and the Ministry of Health to fund and provide these services as part of a holistic response to the public-health, emergency, including prevention, treatment, and recovery.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**C.1.a.b**

### **Revitalizing Island Rail**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Minister of Transportation, Members of the Legislative Assembly representing constituencies on Vancouver Island, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, and member local governments within the Capital Region and AVICC, requesting favourable consideration and resolutions of support:

#### Resolution: Revitalizing Island Rail

WHEREAS one of the conditions of the original Order-in-Council establishing the Esquimalt and Nanaimo (E&N) now Island Corridor Foundation (ICF) railway corridor is that if the corridor is no longer needed or used for railway purposes, it goes back to the original owner;

AND WHEREAS assembling a similar multi-modal corridor connecting the Alberni Inlet to the Comox Valley to Greater Victoria in the context of current land values and land uses would be impossible to replicate;

AND WHEREAS repair of the railway infrastructure can only reasonably be accomplished by way of capital investment from senior levels of government, in co-operation with First Nations and local governments and respecting First Nations interests

AND WHEREAS rail transport and a parallel trail system are integral sustainable transportation options for Indigenous and non-indigenous peoples in the context of climate change, including the option of electrified rail for the sustainable movement of people and goods on the island;

THEREFORE BE IT RESOLVED that the Province of British Columbia take immediate actions to provide sufficient funding in a timely manner to restore the railway infrastructure of Vancouver Island and ensure that the corridor remains intact and available to future generations of Indigenous and non-indigenous peoples.

**CARRIED UNANIMOUSLY**

**C.1.a.c**

**To Seek Council Support to Allow Permanent Residents to Vote in BC Municipal Elections**

**Moved By** Councillor Dubow

**Seconded By** Councillor Collins

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministry of Municipal Affairs and Housing, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Permanent Residents to vote in BC municipal elections.

WHEREAS the Province of British Columbia has the governing authority to implement electoral legislative changes including allowing for Permanent Residents to vote in municipal elections;

AND WHEREAS more than 45 countries have granted Permanent Residents some form of voting rights — including seven jurisdictions in the U.S. and 25 European Union countries; and 11 municipalities in Canada are working toward extending local election voting rights to Permanent Residents;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia to make the necessary changes to allow Permanent Residents to vote in municipal elections in Victoria and other municipalities.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**C.1.a.d Youth Voting in Local Government Elections**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

THAT Council endorse the following resolution for consideration at the 2019 annual conventions of the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities, and directs staff to forward this resolution to member local governments requesting favourable consideration and resolutions of support:

**Resolution: Youth Voting in Local Government Elections**

WHEREAS youth have a strong interest in the future of local communities;

AND WHEREAS empowering young people to participate in democratic processes fosters ongoing and active civic participation;

THEREFORE BE IT RESOLVED that the Province of British Columbia revise the voting age for local government elections to 16 years of age.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**C.1.a.e Support Transformational Improvements to Transit Across BC**

*Councillor Thornton-Joe recused herself from the meeting at 1:47 p.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.*

**Moved By** Councillor Collins

**Seconded By** Councillor Isitt

THAT Council endorse the following resolution for consideration at the 2019 annual convention of the Association of Vancouver Island and Coastal Communities, and directs staff to forward this resolution to

member local governments requesting favourable consideration and resolutions of support:

**Resolution: Support Transformational Improvements to Transit**

WHEREAS the transportation sector is the second-largest contributor of GHG AND WHEREAS some of the largest reductions in GHGs are possible through facilitating a mode shift to low carbon mobility options, such as increased ridership of emissions-free transit.

AND WHEREAS transforming regional public transit could drastically increase mode-shift to clean public transit system.

THEREFORE BE IT RESOLVED that local governments call on the Government of British Columbia and the Victoria Regional Transit Commission to support transformational improvements to transit infrastructure to promote and enable rapid mode shift to transit, including transitioning transit fleets to zero emissions as early in the 2020s as possible, and where applicable consider:

- i. Introduction of "tap" payment-systems common to multi-modal service providers, to support rapid loading of buses and align with Smart Mobility goals.
- ii. Introduction of real-time, digital bus information to enable super-convenient, accessible transit operational information.
- iii. Installation of Traffic Signal Priority (TSP) sensors in buses
- iv. Installation of 'all door loading' capabilities for busses
- v. Increases in dedicated bus lanes
- vi. Completion of the business-case to determine the most effective investments in public transportation to realize the highest potential mode-shift and ridership, including but not limited assessing commuter ferry, public transit along rail corridors and highways, bus rapid transit (BRT) or light-rail transit (LRT).
- vii. Reporting of annual regional transit GHG and combustion pollutants, mitigation priorities, progress and business cases for investments.

**CARRIED UNANIMOUSLY**

*Councillor Thornton-Joe returned to the meeting at 1:47 p.m.*

**C.1.a.f Provincial Universal School Food Program**

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Minister of Education, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

WHEREAS almost 500,000 individuals in BC experience food insecurity, and Canada remains one of the only Organization for Economic Co-operation and Development (OECD) nations without a national school food program. And, Canada's current patchwork of school food programming reaches only a small percentage of students.

WHEREAS school food programs have been shown to increase children's consumption of vegetables, fruits and other healthy foods and decrease the consumption of unhealthy ones; improve students' mental health, including reductions in behavioural and emotional problems; improve cognitive skills and increase scholastic success.

THEREFORE BE IT RESOLVED that UBCM and the Federation of Canadian Municipalities advocate to the provincial government for a Universal Healthy School Food Program that will enable all students in BC to have access to healthy meals at school, building on existing programs and including food education to serve culturally appropriate, local, sustainable food to the fullest extent possible.

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

**Amendment:**

THEREFORE BE IT RESOLVED that UBCM advocate to the provincial government for a Universal Healthy School Food Program that will enable all students in BC to have access to healthy meals at school, building on existing programs and including food education to serve culturally appropriate, local, sustainable food to the fullest extent possible.

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

**CARRIED UNANIMOUSLY**

**D. CLOSED MEETING**

**Moved By** Councillor Collins

**Seconded By** Councillor Isitt

MOTION TO CLOSE THE FEBRUARY 7, 2019, COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

*Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*

*Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED UNANIMOUSLY**

**A. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Alto

That the closed agenda be approved.

**CARRIED UNANIMOUSLY**

**G. UNFINISHED BUSINESS**

**G.1 Appointment - Community Charter Section 90(1)(a)**

Council received a confidential report dated January 24, 2019, from the City Clerk regarding appointments.

The discussion and motion were recorded and kept confidential.

**I. NEW BUSINESS**

**I.1 Law Enforcement - Community Charter Section 90(1)(f)**

Council received a verbal update from the Police Chief regarding law enforcements matters.

The discussion was recorded and kept confidential.

**I.2     Legal Advice - Community Charter Section 90(1)(l)**

Council received a confidential report dated February 1, 2019, from the City Solicitor regarding legal advice.

The discussion was recorded and kept confidential.

**I.3     Legal Advice - Community Charter Section 90(1)(l)**

Council received a verbal update from the City Solicitor regarding legal advice.

*Councillor Isitt left the meeting at 1:59 p.m.*

**K.     ADJOURNMENT**

**Moved By** Councillor Dubow

**Seconded By** Councillor Collins

That the Closed Council Meeting be adjourned at 3:01 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR



## MINUTES - VICTORIA CITY COUNCIL

March 21, 2019, 11:04 A.M.  
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE  
VICTORIA, BC

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT FOR A PORTION OF THE MEETING: Councillor Isitt

PRESENT VIA TELECONFERENCE: Councillor Dubow

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Soulliere - Director of Parks, Recreation & Facilities, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor, J. O'Connor - Deputy Director of Finance, J. Paul - Assistant Director of Engineering, L. Milburn, Housing Planner, D. Manak - Chief Constable, H. Follis - Customer Service Advisor

A. **CONVENE COUNCIL MEETING**

C. **PUBLIC & STATUTORY HEARINGS**

C.1 **Remedial Action Requirement 1176 Yates - Request for Reconsideration**

Council received a report dated February 14, 2019 from the Lead of Bylaw and Licensing Services, regarding Remedial Action Requirement for the property located at 1176 Yates Street. The owner of the property requested an opportunity to address Council and request they reconsider the Remedial Action Requirement.

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That the hearing be adjourned.

**CARRIED UNANIMOUSLY**



*Council recessed at 11:05 a.m. and returned at 11:12 a.m.*

*Mayor Helps opened the hearing.*

Mr. Kimpton, the owner of the premise, advised he was in attendance and was ready to proceed.

The City Clerk outlined the process and the issues relating to the property.

Mr. Kimpton provided details on his position to reconsider the demolition and requested that the decision on the demolition be postponed until approximately June 14-15, 2019.

The City Solicitor provided legal advice relating to granting an extension.

*Council asked questions of Mr. Kimpton to clarify the owner's plans to remediate the property and inquire as to the factors contributing to the buildings current condition.*

The Head of Bylaw Services provided an overview of the issues leading to the recommendation for demolition if the necessary permits are not satisfied within the 60-day time period.

Mr. Kimpton responded to concerns outlined by bylaw services.

*Council asked questions of Mr. Kimpton to determine a reasonable date to satisfy the conditions of the order.*

*Mayor Helps closed the hearing.*

*Committee recess at returned at 12:11 p.m. and returned at 12:46 p.m.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Young

That the order be amended to provide for the demolition of the building no later than June 30, 2019.

*Council discussed:*

- *Costs for the City to demolish the property and desire for property owner to achieve compliance.*

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

**Amendment:**

**, on the condition that all required permits are submitted by April 14, 2019.**

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

**CARRIED UNANIMOUSLY**

**B. APPROVAL OF AGENDA**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Collins

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**D. REPORTS OF COMMITTEE**

**D.1 Committee of the Whole**

**D.1.a Report from the March 21, 2019 COTW Meeting**

**D.1.a.a2019 Victoria Police Budget**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Loveday

That Council approves the following measures to cover costs incurred by VicPD in relation to introduction of the Employer Health Tax and the decision of the Director of Police Services to mandate the hiring of 6 new officers, in order to avoid the layoff of any existing VicPD employees:

(a) That Council approves cost-savings and efficiencies in Non-Staffing Expenditures outlined in pages 5 and 6 of the March 14<sup>th</sup> report from VicPD (\$212,000 savings from the Provisional Budget);

(b) That Council supports deferring consideration of funding for the proposed new Service Desk position until 2020, and does not approve this position for 2019 (\$75,000 savings from the Provisional Budget);

(c) That Council approves an amount of \$400,000 for Departmental Retirements (Code 2520 4096) consistent with the 2018 expenditure, and does not approve the \$300,000 proposed increase (\$300,000 savings from the Provisional Budget).

(d) That Council approves an amount of \$756,000 for Capital Transfer, and does not approve the proposed amount of \$1,156,000 (\$400,000 savings from the Provisional Budget).

(e) That Council approves the allocation of any funds remaining, as a result of these adjustments, to the capital transfer or departmental retirements.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

**CARRIED (7 to 2)**

**D.1.a.b 2558 Quadra Street - Victoria Housing Reserve Fund Application (Forest Heights)**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council approve a Victoria Housing Reserve Fund grant application from the Greater Victoria Housing Society in the amount of \$440,000 to assist in the construction of 40 units of housing for low-income seniors, working adults, adults with disabilities and small families at Forest Heights located at 2558 Quadra Street, subject to the following conditions:

1. The applicant receives Council approval for the required rezoning and development permit applications for 2558 Quadra Street and the applicant executes a Housing Fund Agreement and Housing Agreement in the form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development;
2. The applicant fulfills the requirements of the Victoria Housing Reserve Fund Guidelines.
3. All existing tenants of 2558 Quadra are offered alternate rental housing at rent levels that are affordable to them.

**CARRIED UNANIMOUSLY**

**D.1.a.c 330 - 336 Michigan Street - Victoria Housing Reserve Fund Application (Michigan Square)**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council approve a Victoria Housing Reserve Fund grant application from the Capital Region Housing Corporation in the amount of \$1,395,000 to assist in the construction of 98 units of affordable housing for seniors, adults with disabilities, working singles and small families at Michigan Square located at 330-336 Michigan Street, subject to the following conditions:

1. The applicant receives Council approval for the required development permit applications for 330-336 Michigan Street and the applicant executes a Housing Fund Agreement and Housing Agreement in the form satisfactory to the City Solicitor and the Director of

Sustainable Planning and Community Development;  
and

2. The applicant fulfills the requirements of the Victoria Housing Reserve Fund Guidelines.
3. That staff be requested to report back on options for basing City grant programs on net additions to the affordable housing stock.

**CARRIED UNANIMOUSLY**

**E. BYLAWS**

**E.1 Bylaw for 1303 Fairfield Road**

*Councillor Young recused himself from the meeting at 1:38 p.m. due to a pecuniary conflict of interest as he lives in proximity to the property in the next item.*

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That the following bylaw **be adopted**:

1. Housing Agreement (1303 Fairfield Road) Bylaw No. 18-047

**CARRIED UNANIMOUSLY**

**F. Motion Arising: 430 Parry Street**

Council Isitt provided Notice of Motion for the Council Meeting of March 28, 2019 to reconsider the Zoning Regulation Bylaw, Amendment Bylaw No. 19-006 for 430 Parry Street.

**G. CLOSED MEETING**

**Moved By** Councillor Loveday

**Seconded By** Councillor Collins

**MOTION TO CLOSE THE MARCH 21, 2019 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED UNANIMOUSLY**

**I. CONSENT AGENDA**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the following items be approved without further debate.

**CARRIED UNANIMOUSLY**

**J. READING OF CLOSED MINUTES**

**J.1 Minutes from the closed meeting held January 24, 2019**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the minutes from the meeting held January 24, 2019, be adopted.

**CARRIED UNANIMOUSLY**

**M. NEW BUSINESS**

**M.1 Land - Community Charter Section 90(1)(e)**

Committee received a confidential report dated March 5, 2019, from the Head of Strategic Real Estate regarding a land item.

The motion was recorded and kept confidential.

**K. UNFINISHED BUSINESS**

**K.1 Legal Advice - Community Charter Section 90(1)(i)**

Committee received a confidential report dated March 11, 2019 from the Assistant City Solicitor providing legal advice.

The discussion and motion was recorded and kept confidential

**K.2 Appointment - Community Charter Section 90(1)(a)**

Committee received a confidential report dated March 6, 2019 from the City Clerk regarding the appointments.

The discussion and motion was recorded and kept confidential.

*Councillor Isitt joined the meeting at 1:58 p.m.*

**K.3    Legal Advice - Community Charter Section 90(1)(i)**

Committee received a confidential report dated March 20, 2019 from the City Solicitor regarding the legal advice.

The discussion and motion was recorded and kept confidential.

**H.    ADJOURNMENT**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That the Closed Council Meeting be adjourned at 2:22 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

MAYOR



## MINUTES - VICTORIA CITY COUNCIL

April 18, 2019, 10:06 A.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Loveday, Councillor Thornton-Joe, Councillor Dubow, Councillor Potts

ABSENT: Councillor Isitt, Councillor Young

ABSENT FOR A PORTION OF THE MEETING: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, A. Meyer - Assistant Director of Development Services, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor, R. Morhart - Manager, Permits & Inspections, J. O'Connor - Deputy Director of Finance, C. Royle - Deputy Fire Chief, J. O'Reilly - Heritage Planner

**A. CONVENE COUNCIL MEETING**

**C. CLOSED MEETING**

**Moved By** Councillor Dubow

**Seconded By** Councillor Potts

MOTION TO CLOSE THE APRIL 18, 2019, COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*

*Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED UNANIMOUSLY**

**F. UNFINISHED BUSINESS**

**F.1 Legal Advice - Community Charter Section 90(1)(i)**

Council received a confidential report dated March 29, 2019, from the Assistant City Solicitor regarding legal advice.

The discussion and motion were recorded and kept confidential.

**H. NEW BUSINESS**

**H.1 Land - Community Charter Section 90(1)(e)**

Council received a confidential report dated March 25, 2019, from the Director of Parks, Recreation and Facilities regarding a land item.

The discussion and motion were recorded and kept confidential.

**H.2 Law Enforcement - Community Charter Section 90(1)(f) and (i)**

Council received a confidential report dated April 1, 2019 from the City Clerk regarding law enforcement.

The discussion and motion were recorded and kept confidential.

**H.3 Land - Community Charter Section 90(1)(e)**

Council received a verbal update from the Head of Strategic Real Estate regarding a land item.

The discussion and motion were recorded and kept confidential.

**H.4 Land - Community Charter Section 90(1)(e)**

The City Solicitor provided a verbal overview regarding legal advice.

The discussion and motion were recorded and kept confidential.

**J. ADJOURNMENT**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

That the Closed Council Meeting be adjourned at 11:57 a.m.

**CARRIED UNANIMOUSLY**



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CITY CLERK

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MAYOR

DRAFT



## MINUTES - VICTORIA CITY COUNCIL

May 2, 2019, 11:22 A.M.

**COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE**

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

**PRESENT:** Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Young, Councillor Dubow, Councillor Collins, Councillor Potts

**ABSENT:** Councillor Loveday, Councillor Thornton-Joe

**STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor, P. Rantucci - Head of Strategic Real Estate

### **A. APPROVAL OF AGENDA**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **B. BYLAWS**

#### **B.1 Business Improvement Area Bylaw, 2019**

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

That Council rescind **third reading** of the following bylaw:

1. Business Improvement Area Bylaw, 2019 No. 19-045

**CARRIED UNANIMOUSLY**

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

That the Business Improvement Area Bylaw, 2019 No. 19-045 be amended to permit borrowing specifically for the seasonal animation project with repayment to take place within the five-year term of the bylaw.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the following bylaw **be given third reading, as amended:**

1. Business Improvement Area Bylaw, 2019 No. 19-045

**CARRIED UNANIMOUSLY**

**B.2 Tax Bylaw, 2019**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the following bylaw **be adopted:**

1. Tax Bylaw, 2019 No. 19-047

**CARRIED UNANIMOUSLY**

**B.3 Boulevard Tax Bylaw, 2019**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Collins

That the following bylaw **be adopted:**

1. Boulevard Tax Bylaw, 2019 No. 19-042

**CARRIED UNANIMOUSLY**

**B.4 Business Improvement Area Rate Bylaw, 2019**

**Moved By** Councillor Potts  
**Seconded By** Councillor Alto

That the following bylaw **be adopted:**

1. Business Improvement Area Rate Bylaw, 2019 No. 19-043

**CARRIED UNANIMOUSLY**

**B.5 Streets and Traffic Bylaw**

**Moved By** Councillor Collins  
**Seconded By** Councillor Young

That the following bylaw **be adopted:**

1. Streets and Traffic Bylaw, Amendment Bylaw (No. 8) No. 19-048

**C. CLOSED MEETING**

**MOTION TO CLOSE THE MAY 2, 2019 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.*

**Moved By** Councillor Potts

**Seconded By** Councillor Collins

**MOTION TO CLOSE THE MAY 2, 2019 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

*Section 90(1)(c) labour relations or other employee relations;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*Section 90(1)(g) litigation or potential litigation affecting the municipality;*

Section (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

**CARRIED UNANIMOUSLY**

**D. CONSENT AGENDA**

That the following items be approved without further debate:

**D.1 Minutes from the closed meeting held January 24, 2019**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the minutes from the closed meeting held January 24, 2019, be adopted.

**CARRIED UNANIMOUSLY**

**D.2 Minutes from the Closed Meeting held April 25, 2019**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the minutes from the closed meeting held April 25, 2019, be adopted.

**CARRIED UNANIMOUSLY**

**D.3 Appointment – Community Charter Section 90(1)(a)**

Council received a confidential report dated April 17, 2019, from the City Clerk regarding an appointment.

The motion was recorded and kept confidential.

**E. UNFINISHED BUSINESS**

**E.1 Land - Community Charter Section 90(1)(e)**

Council received a verbal update on a land item.

The discussion was recorded and kept confidential.

**F. NEW BUSINESS**

**F.1 Appointment - Community Charter Section 90(1)(a)**

Council received a confidential report dated May 2, 2019, from Councillors Alto and Thornton-Joe regarding an appointment.

The discussion was recorded and kept confidential.

**F.3 Intergovernmental Relations – Community Charter Section 90(2)(b)**

Council agreed that the item be discussed at the closed meeting on May 9, 2019.

*All staff except the City Manager, Deputy City Manager/CFO, City Clerk, and Head of Human Resources were excused from the meeting at 12:03 p.m.*

**J.5 Employee Relations/Potential Litigation - Community Charter Section 90(1)(a) & 90(1)(g)**

Council discussed an employee relations/potential litigation matter.

The discussion and motion were recorded and kept confidential.

**L. ADJOURNMENT**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the Closed Council Meeting be adjourned at 12:43 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

DRAFT



## MINUTES - VICTORIA CITY COUNCIL

May 16, 2019, 2:07 P.M.  
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE  
VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting  
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Collins, Councillor Potts

ABSENT: Councillor Alto

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor, C. Moffatt - Assistant City Solicitor, A. Hudson - Acting Director of Sustainable Planning & Community Development, A. James - Head of Strategic Operations, P. Bellefontaine - Assistant Director of Transportation

A. **CONVENE COUNCIL MEETING**

C. **CLOSED MEETING**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Collins

MOTION TO CLOSE THE MAY 16, 2019, COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) *labour relations or other employee relations;*

Section 90(1)(e) *the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

Section 90(1)(g) litigation or potential litigation affecting the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED UNANIMOUSLY**

**D. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Potts

**Seconded By** Councillor Thornton-Joe

That the closed agenda be approved.

**Amendment:**

That the agenda be amended to defer item no. F. 1 - Land to the closed meeting on June 6, 2019.

*Councillor Collins joined the meeting at 2:12 p.m.*

*Councillor Isitt left the meeting at 2:12 p.m.*

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

**CARRIED UNANIMOUSLY**

**E. READING OF CLOSED MINUTES**

**E.1 Minutes from the closed Meeting held February 7, 2019**

**Moved By** Councillor Collins

**Seconded By** Councillor Potts

That the minutes from the closed meeting held February 7, 2019, be adopted.

**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**H.1 Litigation/Legal Advice - Community Charter Section 90(1)(g)&(i)**

Council received a verbal update from the City Solicitor regarding litigation and legal advice.

The discussion was recorded and kept confidential.

*Councillor Isitt joined the meeting at 3:05 p.m.*

*Councillor Collins withdrew from the meeting at 3:18 p.m. and returned at 3:25 p.m.*



*All staff except for the City Manager were excused from the meeting at 3:36 p.m.*

**H.2 Employee Relations - Community Charter Section 90(1)(c)**

Council discussed an employee relations matter.

**I. ADJOURNMENT**

**Moved By** Councillor Collins

**Seconded By** Councillor Dubow

That the Closed Council Meeting be adjourned at 3:38 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR



## MINUTES - VICTORIA CITY COUNCIL

May 23, 2019, 3:46 p.m.

**COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE  
VICTORIA, BC**

**To be held immediately following the Committee of the Whole Meeting  
The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

**PRESENT:** Councillor Potts in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Collins

**ABSENT:** Mayor Helps

**STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, K. Sidhu - Committee Secretary, J. O'Connor - Deputy Director of Finance,

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Potts  
**Seconded By** Councillor Collins

Post pone Item E.3 to June 6, 2019 Closed Council Meeting

**CARRIED UNANIMOUSLY**

**C. CLOSED MEETING**

**Moved By** Councillor Alto

**Seconded By** Councillor Dubow

**MOTION TO CLOSE THE MAY 23, 2019 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(c) labour relations or other employee relations;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*Section 90(1)(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];*

**H. NEW BUSINESS**

**H.1 Land/Legal - Community Charter Section 90(1)(e)**

Council received a closed report regarding land.

The discussion was recorded and kept confidential.

*All staff were excused from the meeting at 3:52 p.m.*

**H.2 Employee Relations - Community Charter Section 90(1)(c)**

Council received a closed report regarding employee relations.

The discussion was recorded and kept confidential.

**J. ADJOURNMENT**

**Moved By** Councillor Young

**Seconded By** Councillor Alto

That the Closed Council Meeting be adjourned at 4:10 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

DRAFT



## **MINUTES - VICTORIA CITY COUNCIL**

**June 6, 2019, 4:03 P.M.**

**COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE VICTORIA, BC**

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

**PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Potts, Councillor Collins

**STAFF** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, C. Medd - Planner, J. Paul - Assistant Director of Engineering, K. Sidhu - Committee Secretary

### **A. CONVENE COUNCIL MEETING**

### **B. REPORTS OF COMMITTEE**

#### **B.1 Renewal of the Regional Housing First Program**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

1. Agrees in principle to renewal of the Regional Housing First Program upon completion of the initial 2000 homes, through an additional regional contribution of \$30-million subject to matching contributions from federal and provincial partners.
2. Requests that the Mayor write, on behalf of Council, to the Chair of the Capital Regional District and to the federal and provincial Ministers responsible for housing, indicating the City of Victoria's support for renewal of the Regional Housing First Program upon completion of the initial 2000 homes, through an additional regional contribution of \$30-million subject to matching contributions from federal and provincial partners

**CARRIED UNANIMOUSLY**

### **C. APPROVAL OF AGENDA**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**D. CLOSED MEETING**

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

**MOTION TO CLOSE THE JUNE 6, 2019 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

*Section 90(1)(c) labour relations or other employee relations;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

*Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third part.;*

**I. NEW BUSINESS**

**I.1 Appointment - Community Charter Section 90(1)(a)**

Council received a report regarding an appointment.

The discussion was recorded and kept confidential.

**I.2 Land - Community Charter Section 90(1)(e)**

Council received closed correspondence regarding a land matter.  
The discussion was recorded and kept confidential.

**I.3 Land - Community Charter Section 90(1)(e)**

Council received closed correspondence regarding a land matter.  
The discussion was recorded and kept confidential.

**I.4 Legal Advice - Community Charter Section 90(1)(i)**

Council received a verbal update on a matter regarding legal advice.  
The discussion and motion were recorded and kept confidential.

**I.5 Intergovernmental Relations - Community Charter Section 90(2)(b)**

Council received a verbal update on a matter regarding intergovernmental Relations.  
The discussion and motion were recorded and kept confidential.

**I.6 Employee Relations - Community Charter Section 90(1)(c)**

Council received a verbal update on a matter regarding employee relations.  
The discussion and motion were recorded and kept confidential.

**K. ADJOURNMENT**

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

That the Closed Council Meeting be adjourned at 4:27 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

# Single-Use Plastics

*"Think about it. Why would you make something that you're going to use for a few minutes out of a material that's basically going to last forever, and you're just going to throw it away. What's up with that?"* **Jeb Berrier, [BagIt Movie](#)**



# Single-use plastics found on our beaches



**Foamed plastic food containers**

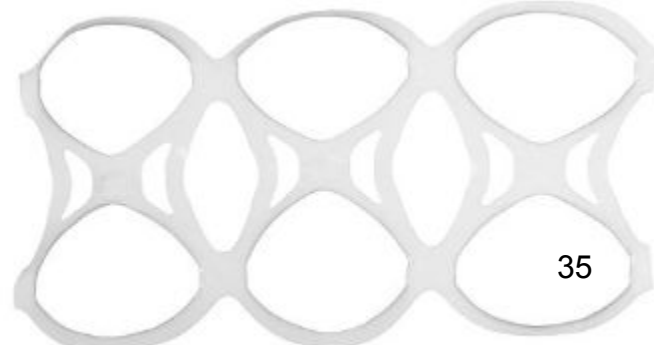
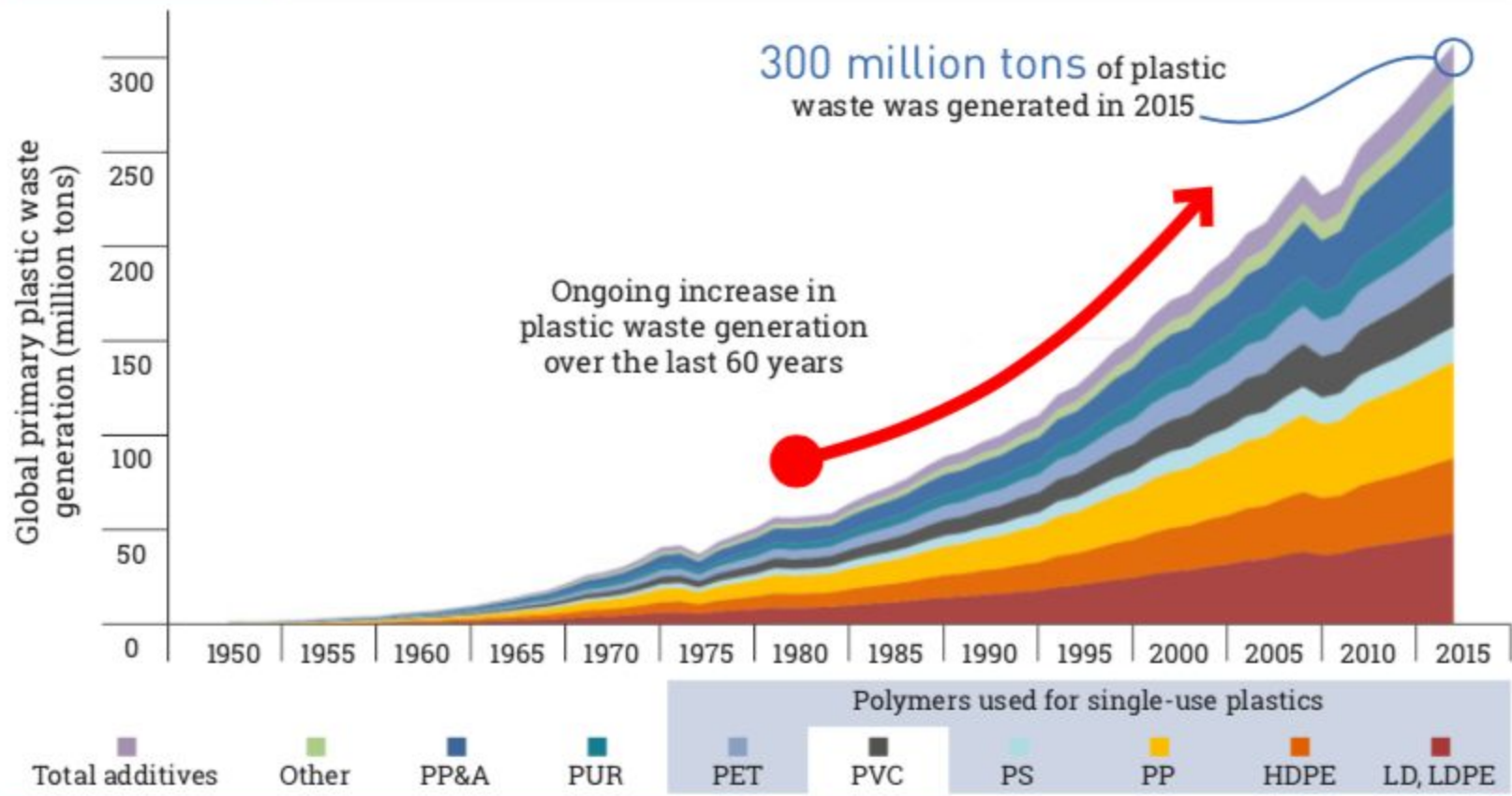


Figure 1.4. Global primary plastics waste generation, 1950 - 2015<sup>16</sup>



Source: Adapted from Geyer, Jambeck, and Law, 2017

# Single use plastics have devastating environmental consequences



# What can we use instead?

Paper plastic lined coffee to-go cup with plastic lid



Metal reusable coffee to-go mug with silicone lid



Plastic check-out bag



Jute bag





Plastic straws



Bamboo straws



Styrofoam take-out food container



Paper take-out food container



Plastic bottled water



Stainless steel  
Water bottle





# Is recycling the answer?

## Less than 10% of plastics is recycled

Due to contamination that makes it useless, and consumers who throw it away.

BC does recycle a high percentage of what is collected in the Blue boxes, but most never makes it into the boxes.

Despite more public awareness campaigns about recycling over the past 25 years, the rate has decreased.

Reduce Rethink Reuse



# Are compostable plastics the answer?

To breakdown compostable plastics need high temperatures. No facilities exist on Vancouver Island that can do this, and there are few anywhere in BC.

This means they end up in landfills or the ocean where they have just as serious environmental effects as regular plastics.

Most are made from plant material. Growing plants to make plastics will take land from food production.

If compostable plastics are mixed with normal plastics they cannot be recycled.

Single-use plastics are starting to be banned around the world for example: The European Union 2019.

# European parliament votes to ban single-use plastics

**Vote by MEPs paves way for law to come into force by 2021 across EU**



Please support us by adding styrofoam, plastic straws, plastic take-out containers and cutlery to the existing plastic bag by-law.

Members of our class visited businesses in the CRD area and got lots of support.



**“SMALL BUSINESS MONTH”**

**WHEREAS** *small businesses are at the heart of Victoria, leading innovation and adding to the vibrancy of our city; and*

**WHEREAS** *small businesses are essential to our local, provincial, and national economic wellbeing and provide numerous jobs; and*

**WHEREAS** *small businesses make up 98 percent of all business in BC; and*

**WHEREAS** *the City of Victoria recognizes and values the small businesses within our community and their contributions to this beautiful city; and*

**WHEREAS** *the Downtown Victoria Business Association has coordinated a campaign to promote small businesses and highlight they're importance to our economy and community; and*

**WHEREAS** *we expand the concept of “Small Business Week” to encompass a month, as we recognize small businesses as a pillar of our community.*

**NOW, THEREFORE** *I do hereby proclaim the month of June 2019 as “SMALL BUSINESS MONTH” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 13<sup>th</sup> day of June Two Thousand and Nineteen.*

\_\_\_\_\_  
**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**Christine Wood**  
**Downtown Victoria**  
**Business Association**

**“INTERNATIONAL MEDICAL MARIJUANA DAY “**

**WHEREAS** *Cannabis has been used as a medicine since the beginning of recorded history; and*

**WHEREAS** *Governments around the world have commissioned many large, comprehensive studies on medical cannabis, with everyone today recommending legalization, decriminalization and/or more research; and*

**WHEREAS** *Science is proving that cannabis is an anti-inflammatory, muscle relaxant, anti-biotic, anti-septic, anti-fungal, anti-emetic, and pain reliever, amongst other medical benefits; and*

**WHEREAS** *Courts have recognized basic human rights include the right to access to cannabis for people suffering from incurable diseases and chronic pain; and*

**WHEREAS** *Governments and community groups around the world are growing, distributing, and researching cannabis for medical purposes.*

**NOW, THEREFORE** *I do hereby proclaim Tuesday, June 11<sup>th</sup>, 2019 as*  
***“INTERNATIONAL MEDICAL MARIJUANA DAY” on the***  
***HOMELANDS of the Lekwungen speaking ESQUIMALT AND***  
***SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL***  
***CITY of the PROVINCE of BRITISH COLUMBIA.***

**IN WITNESS WHEREOF**, *I hereunto set my hand this 13<sup>th</sup> day of June Two Thousand and Nineteen.*

---

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**SPONSORED BY:**  
**Ted Smith**  
**President**  
**Victoria Cannabis Buyers Club**



**“WORLD REFUGEE DAY”**

**WHEREAS** *World Refugee Day, 20 June every year, is dedicated to bringing attention to the plight of the world’s refugees; and the City of Victoria is extremely proud of our long successful history of welcoming, settling, retaining and continuing to welcome refugees to our community; and*

**WHEREAS** *Canada is signatory to the 1951 Convention and its 1967 Protocol; and*

**WHEREAS** *in 2000, the United Nations General Assembly established June 20<sup>th</sup> as World Refugee Day; Since 2001, people around the world have celebrated the day with events that honour the world’s more than 25 million refugees and raise awareness around refugee issues; and*

**WHEREAS** *on 20 June 2019, the City of Victoria and its people join the rest of the world as they commemorate the strength, courage, and resilience of millions of refugees; and*

**NOW, THEREFORE** *I do hereby proclaim the day June 20<sup>th</sup>, 2019 as*  
***“WORLD REFUGEE DAY” on the HOMELANDS of the Lekwungen speaking***  
***ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF***  
***VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.***

**IN WITNESS WHEREOF**, *I hereunto set my hand this June 13<sup>th</sup>, Two Thousand and Nineteen.*

---

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**Sari Alesh**  
**World Refugee Day Committee Victoria**

**I. REPORTS OF COMMITTEES**

**I.1 Committee of the Whole**

**I.1.b Report from the May 9, 2019 COTW Meeting**

**I.1.b.b 1068 Chamberlain - Development Permit with Variance  
Application No. 00110 (Gonzales)**

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

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 with Variance Application No. 00110 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped March 28, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the rear yard setback from 12.7m to 10.26m.
3. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**



**F.2     1068 Chamberlain - Development Permit with Variance Application No. 00110 (Gonzales)**

Committee received a report dated April 26, 2019 from the Acting Director of Sustainable Planning and Community Development proposing a duplex with a secondary suite by amending the existing Development Permit with Variance permit by reducing the rear yard setback from 12.7m to 10.26m and recommending it be forwarded to an opportunity for public comment.

**Moved By** Councillor Young

**Seconded By** Councillor Thornton-Joe

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 with Variance Application No. 00110 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped March 28, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the rear yard setback from 12.7m to 10.26m.
3. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report For the Meeting of May 9, 2019

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**To:** Committee of the Whole **Date:** April 26, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variance Application No. 00110 for 1068 Chamberlain Street

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### RECOMMENDATION

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 with Variance Application No. 00110 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped March 28, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the rear yard setback from 12.7m to 10.26m.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

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

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

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1068 Chamberlain Street. The proposal is to build a duplex with a secondary suite, using new construction for the entire building instead of renovating the pre-existing single family dwelling and adding an addition as per the Council-approved Development Permit with Variances (No. 000488). The building was



demolished during construction without proper permits in place. This Development Permit with Variance Application would authorize a change from renovation to new construction. Other changes to the approved Development Permit with Variances include altering the roofline as well as changes to materials and windows. The variance for this application is related to reducing the rear yard setback.

The following points were considered in assessing this application:

- The proposal is generally consistent with the design approved by Council on December 6, 2017. The original proposal was to raise and renovate the existing single family dwelling and add an addition; however, the building was demolished during construction. This proposal is to revise the Council approved Development Permit in order to permit the entire building to be new construction and to authorize changes to the materials and the roofline.
- The proposal is generally consistent with the *Neighbourliness Guidelines for Duplexes* and fits in with the existing neighbourhood scale and massing.
- The proposal is also generally consistent with many of the goals in the *Gonzales Neighbourhood Community Plan* (2002). The Plan encourages retaining existing housing and additions that fit with the scale of the neighbourhood, which in part led to staff's recommendation of support for the original proposal.
- The variance is to reduce the rear yard setback from 12.7m to 10.26m for a deck. A variance to allow parking in the front yard, approved as part of the Development Permit with Variances Application (No. 000488), is no longer necessary with the change in Schedule C: Off-Street Parking Regulations approved by Council in July 2018. The increase in floor area for the first and second storey was addressed in the site-specific R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a duplex with a secondary suite. This application is to amend the existing Development Permit with Variance (DPV). The design of the building is nearly the same as that of the earlier application which was approved by Council; however, the building that was to be retained was dismantled, therefore this application proposes new construction as well as changes to the proposed roofline and windows.

The proposed variance is to reduce the rear yard setback from 12.7m to 10.26m.

### **History**

On December 6, 2017, Council approved Rezoning Application No. 00541 and Development Permit with Variances Application No. 000488 to permit the construction of an addition to create a duplex with a secondary suite.

After the applicant submitted a building permit, they submitted a development permit application for proposed changes to the Council-approved Development Permit. The changes included altering the roof type from a hip roof to a gable roof, altering the accessory building setbacks and windows, altering the window sizes and changing the fence height. Those changes fell within the scope of authority delegated to the Director. The Development Permit and Building Permit plans submitted by the applicant were consistent with the Council-approved Development Permit plans, which showed that the existing house would be "raised, moved and renovated with a finished basement."



On November 23, 2018, staff became aware that the existing building had been demolished without permits. This was inconsistent with the Building Permit and Development Permit, which stated that the building was to be raised and renovated. The applicant has indicated in their letter dated March 28, 2019, that there were structural deficiencies that were revealed after stripping the existing house which according to the applicant made the retention of the house not feasible. A stop work order was placed on the property on January 8, 2019, and at that time, construction was allowed to progress solely for the purpose of installing a vapor barrier that would mitigate weather damage. On April 2, 2019, the applicant requested that the stop work order be partially lifted to allow completion of the exterior roof assembly installation to further protect from moisture and prevent mould and material damage caused by condensation. On April 5, 2019, the City confirmed that these aspects could be completed.

The *Land Use Procedures Bylaw* authorizes the Director to approve minor amendments to plans attached to or referenced in existing permits when the proposed amendments are substantially in accordance with terms and conditions of the original permit. The change from renovation to new construction is not in accordance with plans approved by Council; therefore, it requires Council approval through a development permit with variance application. The Delegated Development Permit Application has been retired, and all the proposed changes are included for Council's consideration in the Development Permit with Variance Application.

The attached letter to Mayor and Council dated March 28, 2019 describes the proposal and history.

### **Affordable Housing Impacts**

The applicant proposes the creation of two new residential units, which would increase the overall supply of housing in the area.

### **Sustainability Features**

The applicant has identified several sustainability features in their letter dated March 28, 2019, including following Passive House design principles with the goal of achieving certification.

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

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

### **Accessibility Impact Statement**

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

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

The site is presently a partially constructed building. Under the current R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District, the property could be developed as a single family dwelling with secondary suite or garden suite, or a duplex with secondary suite, at a density of 0.5 to 1 Floor Space Ratio (FSR).

## Data Table

The following data table compares the proposal with the R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing R2-55 Zone
Site area (m <sup>2</sup> ) – minimum	709.00	709.39
Site area per unit (m <sup>2</sup> ) – minimum	236.46	236.00
Floor Space Ratio – maximum	0.36	0.50
Combined floor area (m <sup>2</sup> ) – maximum	359.80	380.00
Floor area, first and second storey (m <sup>2</sup> ) – maximum	359.80	360.00
Lot width (m) – minimum	19.44	15.00
Height (m) – maximum	6.88	7.60
Storeys – maximum	2	2
Site coverage (%) – maximum	36.00	40.00
Open site space (%) – minimum	60.00	30.00
<b>Setbacks (m)</b>		
Front – minimum	8.09	7.50
Steps and Porch – maximum	2.24	3.50
Rear – minimum	<b>10.26 *</b>	12.70
Side (north) – minimum	2.58	1.94
Side (south) – minimum	3.29	3.00
Combined side yards – minimum	5.23	4.50
Parking – minimum	2	2
<b>Accessory Building</b>		
Location	Rear Yard	Rear Yard
Combined floor area (m <sup>2</sup> ) – maximum	21.07	37.00
Height (m) – maximum	2.16	3.50



<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing R2-55 Zone</b>
Rear setback (m) – minimum	0.66	0.60
Side setback (m) – minimum	0.65	0.60
Separation space from main building – minimum	5.93	2.40
Rear yard site coverage (%) – maximum	15.00	25.00
Rear Open Site Space (%) – minimum	85.00	33.00

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on February 6, 2019 the application was referred for a 30-day comment period to the Fairfield and Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes a variance; 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**

### **Official Community Plan**

The Official Community Plan has objectives for the retention and re-use of buildings, as well as passive building systems and energy efficient design. The building is no longer proposed to be renovated and will be new construction; however, the applicant has stated that building materials will be reused where possible. The applicant has indicated in their letter dated March 28, 2019 that the building will be constructed to Passive House design standards, with the aim of achieving certification. While this is the stated goal of the applicant, there is no legally binding commitment in the absence of a covenant, therefore, compliance with any specific design standard is not guaranteed.

### **Development Permit Area and Design Guidelines**

The proposal is generally consistent with the design guidelines in the *Neighbourliness Guidelines for Duplexes*; however, it is not consistent with the allowed uses as it includes a secondary suite. The property was rezoned to a site-specific zone in 2017, which allowed a duplex and secondary suite as permitted uses.

The design of the building in this application is essentially the same as the approved Development Permit; however, the building that was to be retained is proposed to be new construction, and there are changes to the proposed roofline and windows.

The roofline is proposed to be changed from a hipped roof to a gable roof, which is consistent with other buildings in the immediate neighbourhood. The change in roof type would increase the height of the building slightly, from 6.83m to 6.88m. A gable roof may increase the overall massing slightly; however, the change is marginal and the building massing would be similar to other buildings in the neighbourhood, including the multiple dwelling to the north of the property.

### **Gonzales Neighbourhood Community Plan**

The property is located within the Residential designation in the *Gonzales Neighbourhood Plan* (2002). The plan encourages retention of existing housing stock and additions that are sensitive to the neighbourhood. It also encourages minimizing the impacts of new houses on existing houses, density and green character of the neighbourhood. The proposal is to build a new building on the original footprint of the original single family dwelling, with an addition.

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

Since excavation and construction activity occurred near a large Garry oak on the neighbour's property to the south without protection measures, an impact assessment was undertaken by Talbot Mackenzie & Associates. In the Arborist Report dated March 28, 2019, the Project Arborist states the following: "we do not feel that any significant impacts have occurred to either the health or stability of the tree." Tree protection recommendations in the report are required to continue work on the site.

### **Regulatory Considerations**

The proposed variance for this application is to reduce the minimum rear yard setback from 12.7m to 10.26m.

The previous Development Permit with Variances Application No. 000488 approved by Council had the following variances to:

- i. allow parking in the front yard
- ii. reduce the minimum rear yard setback 12.7m to 10.26m.

The minimum rear yard setback is requested to be reduced from 12.7m to 10.26m. The reduced setback is measured from a new raised deck for one side of the duplex (Suite 1). The main structure does not intrude in the setback, and staff therefore consider this variance supportable.

The variance for parking location is not required in this application due to the changes to Schedule C: Off-Street Parking Regulations adopted in July 2018, which allow parking in the front yard for two-family dwellings. The driveway would be screened from neighbours by landscaping as well as a perimeter fence on each side.

### **CONCLUSIONS**

This application is to change the existing Development Permit for a duplex with secondary suite, and to utilize new construction instead of renovating the existing house. The existing house was demolished without proper permits in place. The applicant states that there were challenges with adapting and reusing the building and these challenges were realized after construction began. When the City became aware that it was not in accordance to the approved Development Permit or Building Permit plans, a stop work order was placed on the property. Minor amendments to Council-approved plans attached to a Development Permit can be approved by the Director, if in accordance to the terms of the original permit. However, the change from renovation of the



existing building to new construction is not in accordance to the plans approved by Council; therefore, this proposal would replace the existing approved plans. This proposal utilizes a similar design as previously approved, with a change in the roof type, windows, materials, and a change from a renovation to new construction. Staff recommend Council consider supporting this application.

#### **ALTERNATE MOTION**

That Council decline Development Permit with Variance No. 00110 for the property located at 1068 Chamberlain Street.

Respectfully submitted,



Chelsea Medd, Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager



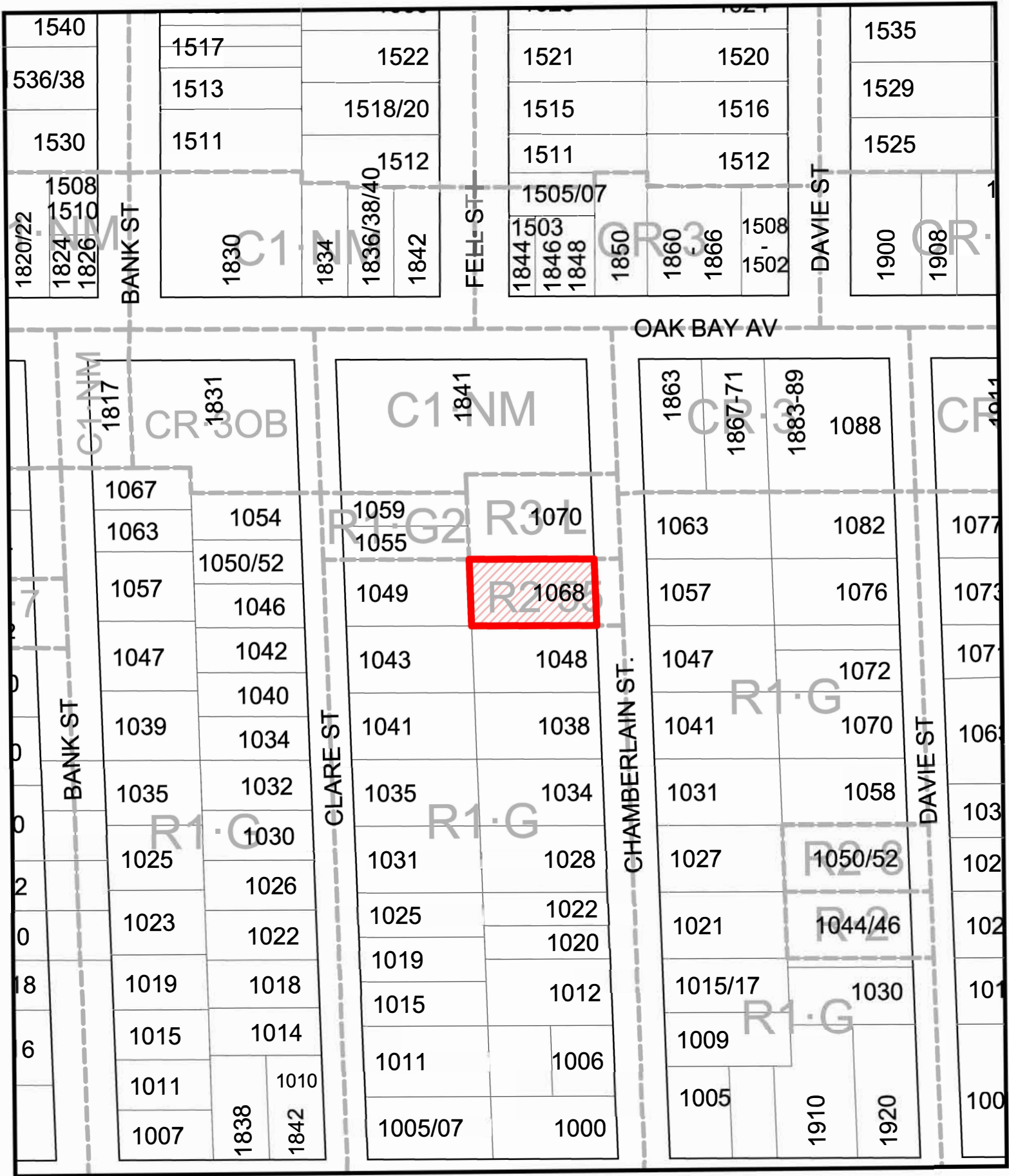
Date:

May 3, 2019

#### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 28, 2019
- Attachment D: Letter from applicant to Mayor and Council dated March 28, 2019
- Attachment E: Arborist report dated March 28, 2019
- Attachment F: Committee of the Whole Rezoning and Development Permit with Variances reports for the meeting on August 3, 2017
- Attachment G: Council report for the meeting on October 26, 2017.

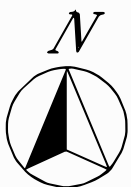
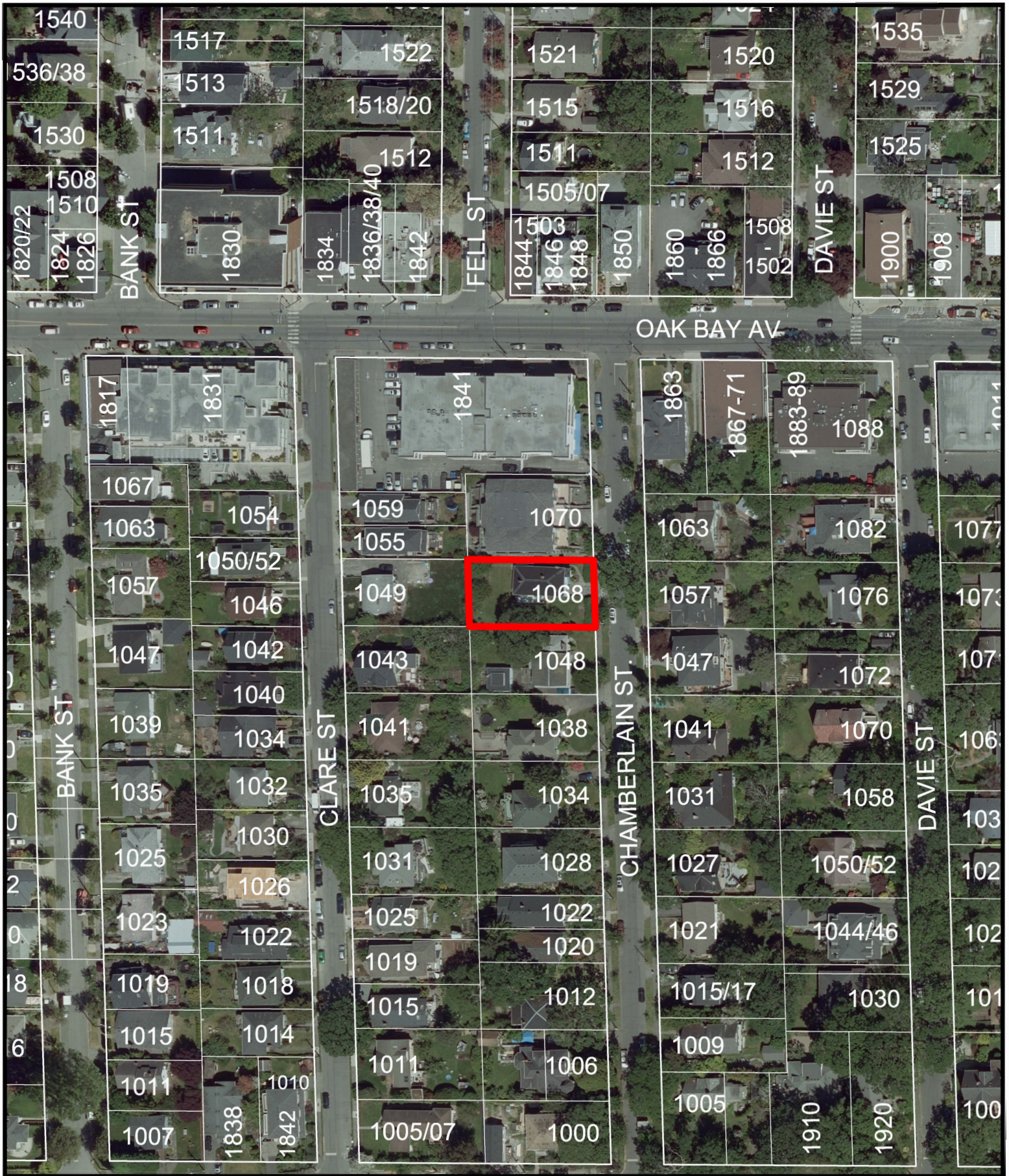




1068 Chamberlain Street  
Development Permit with Variance No.000110



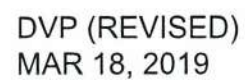




1068 Chamberlain Street  
Development Permit with Variance No.000110







A003	OVERLOOK STUDY
A101	SITE PLAN
A101.1	ACCESSORY SITE PLAN
A102	AREA PLANS
A103	ANALYTICAL RENDERINGS
A104	CONTEXT STUDY
A105	RENDERINGS
A201.1	ACCESSORY PLANS
A202	LOWER FLOOR PLANS
A203	UPPER FLOOR PLAN
A204	ROOF PLAN
A401	ELEVATIONS
A402	ELEVATIONS
A501	SECTIONS
A502	SECTIONS

CITY OF VICTORIA

RECEIVED

APR 13 2019

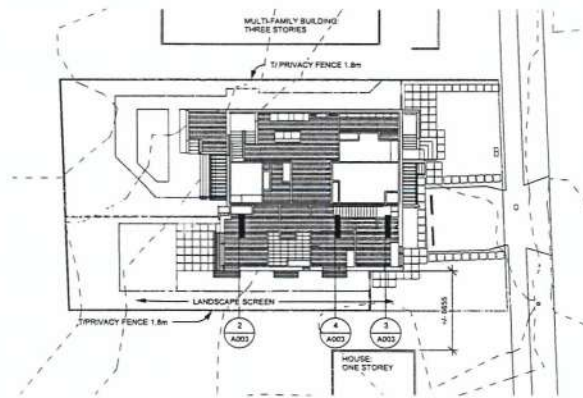
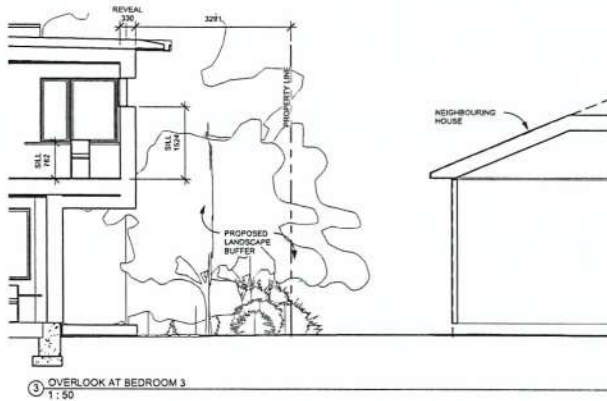
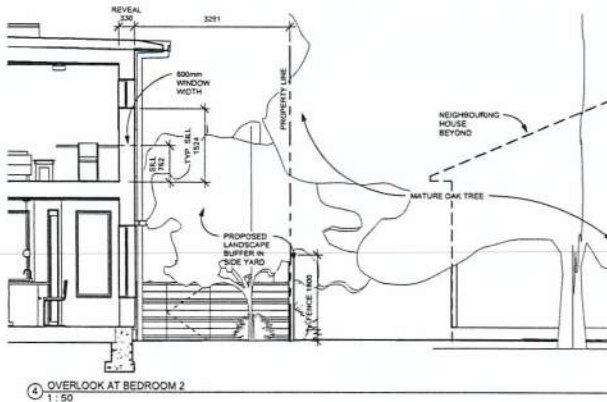
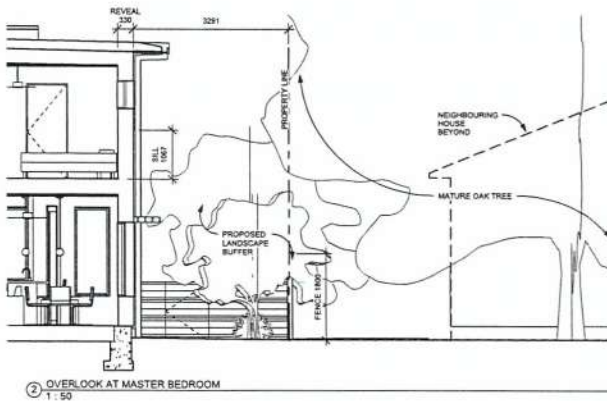
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MAR 28 2019

[illegible]

Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
COVER

Project number	201
Date	JULY 25,
Drawn by	
Checked by	
A000	
Scale	As in



① OVERLOOK ANALYSIS PLAN  
1:200

**MARK ASHBY**  
ARCHITECTURE

1370 Bedford Avenue  
Nanaimo, BC V9S 4A6  
1250.244.3705  
www.markashbyarchitecture.com

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Do not scale these drawings.

No.	Description	Date
4	Revisions	Mar 1, 2017
5	DDP Revision	June 15, 2017
10	DDP Revision	See 20, 2018
12	DDP Application	Feb 1, 2018

Love-Mahoney  
**CHAMBERLAIN LOW**  
**ENERGY DUPLEX**  
**OVERLOOK STUDY**

Project number 2015 008  
Date JULY 25, 2016  
Drawn by MA  
Checked by MA

**A003**

Scale As indicated  
Printed 05/01/2019 12:10:45 PM

**CITY OF VICTORIA**

**RECEIVED**

**DEEMED**

**APR 13 2019**

**MAR 28 2019**





LOCATION PLAN

# LOW-ENERGY DUPLEX

Address: 1098 Chamberlain  
 Layer: Lot 16, Section 14, Victoria District, Plan 252  
 PID: 030-195-030

Zoning: R2-55 Duplex with Secondary Suite\* (Chamberlain)

Property area: 709.4 sq.m.

Property frontage: 15.44m

## Proposed

The single-family home will be DEMOLISHED, RECONSTRUCTED\* and expanded to intensify residential opportunity in the neighbourhood.

An attached, two-storey, single-family addition will be constructed on the southern portion of the property.

The existing single-storey, single-family residence with basement will be DEMOLISHED AND REPLACED\* to include a second suite\*.

ALL SUITES will be constructed to a high energy-performance standard with the aim to achieve Passive House Certification.

\*Per BCRC 2012, all suites will be constructed in accordance with the requirements for a multi-unit residential duplex.

\*Demolition of the existing home is necessitated by the condition of the existing structure and structural demands of the current building code. Parts of the existing home will be salvaged and reused for non-structural purposes in the new building. Portions of the new building will resemble the existing home in proportion and layout, aiming to be the original intent to reuse part of the original structure.

## Area:

Property area: 709.39 sq.m.  
 Frontage: 15.44 m  
 Basement (Suite 1/2): 107.7 sq.m.  
 Main floor (Suite 1): 107.7 sq.m.  
 Lower floor (Suite 2): 70.2 sq.m.  
 Upper floor (Suite 2): 74.2 sq.m.  
 Total area: 259.1 sq.m. (excludes basement)  
 FSR: 0.26

## Setbacks:

Required:	Proposed:
Front: 7.37 m*	8.09 m (F-house)
Front yard: 3.80 m	6.70 m (7.0 m W. 5.1m A.F.D.)
Rear: 3.80 m	6.70 m (Eaves 14' varies)
Star: 3.80 m	5.33 m (MEETS GRADE)
North Side: 1.95 m	2.58 m (BUILDING) 1.94 (HEAT PUMP)
South Side: 3.80 m	3.20 m
Combined: 4.95 m	5.23 m
Rear House: 12.64 m*	12.70 m
Rear Deck: 12.80 m	10.26 m

\* 0.15m allowance for exterior insulation

Eaves projection into required setback: (0.75 m encroachment permitted)

Front porch	8.81 m
Front of house (not over porch)	8.82 m
North Side	NONE
South Side	0.28 m
Rear	0.70 m

## Height:

Permitted:	Proposed:
7.6 m	6.61 m to top of parapet
	6.86 m to mid-height of gable roof
	7.58 m to roof peak

Number of storeys: Two

Parking: Two stalls in front-yard

Bicycle Parking: Three Class 1 in accessory buildings

Site Coverage: 284 sq.m/253.4 sq.m. (38%)

Open Site Space:

Lot: 213 sq.m/222.7 sq.m. (80%)

Rear yard area: 19.44 x 10.26 = 199.30 sq.m. (15%)

Rear coverage: 31.2 sq.m. (15%)

Rear Open: 66 sq.m. 168.1 sq.m. (85%)

Total number of units: 2 + secondary suite\*

Unit types: Three bedroom, 144 sq.m.

Two bedroom + den, 164 sq.m.

studio, 52 sq.m.

Total floor area: 350 sq.m.

All units ground oriented

## AVERAGE GRADE PER VICTORIA ZONING DEFINITION

HOUSE	EL.1	EL.2	LENGTH (m)
A-B	20.02	19.95	15.18
B-C	19.88	19.88	5.51
C-D	19.88	19.28	6.96
D-E	19.28	19.47	3.40
E-F	19.47	19.47	1.09
F-G	19.47	20.84	0.78
G-H	20.84	20.99	1.00
H-I	20.99	20.11	0.52
I-J	20.11	20.14	1.64
J-K	20.14	20.96	2.38
K-L	20.96	20.33	19.43
L-M	20.33	20.28	3.57
M-N	20.28	20.19	1.11
N-P	20.19	19.27	1.26
P-Q	19.27	19.27	1.02
Q-R	19.27	19.27	5.52
R-S	19.27	20.96	0.90
S-T	20.96	20.96	1.47
T-U	20.96	20.97	0.54
U-V	20.97	20.92	4.58

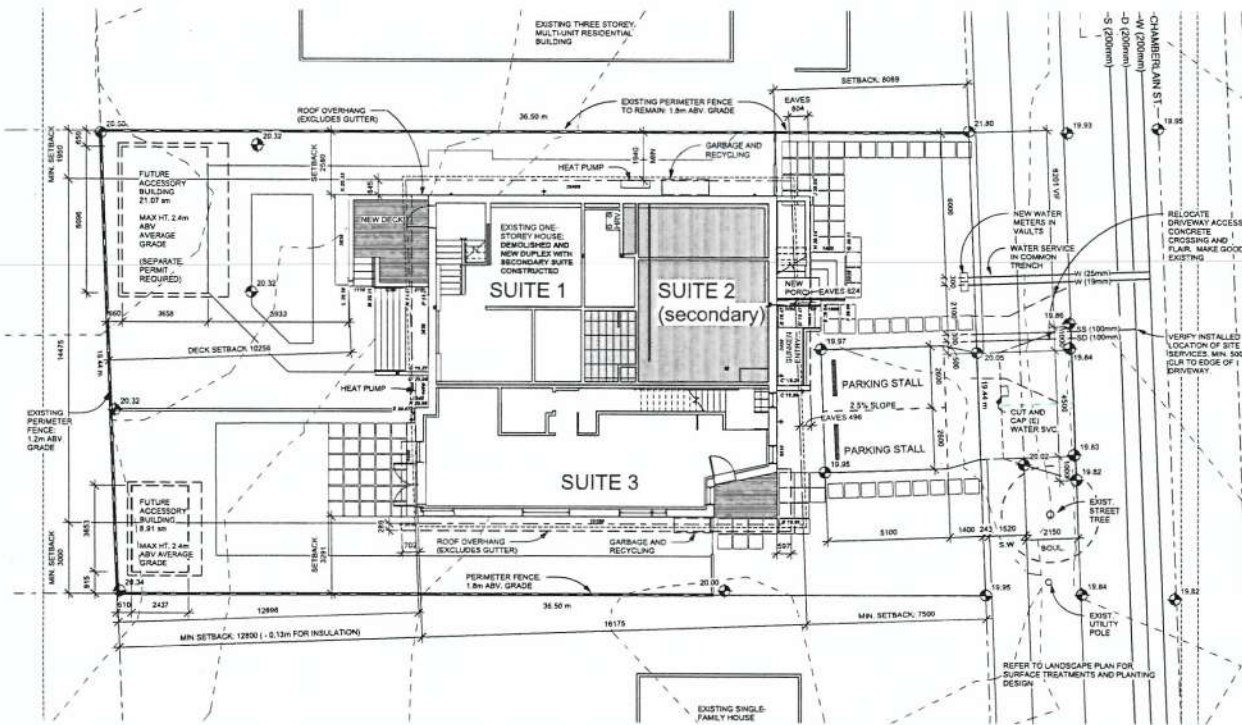
Total perimeter: 69.67m

Average grade: EL. 19.58m

Maximum permitted height: 7.50m EL. 27.08m

## ACCESSORY BUILDINGS TO CONFORM TO A MAXIMUM HEIGHT OF 2.4m AVE. AVERAGE GRADE

Elevations shown above geodetic datum.



## Building Code: 2012 BCBC Part 1

Major occupancy classification: C - Residential

Building Area: 252.12 m<sup>2</sup>  
 Basement Area: 107.70 m<sup>2</sup>  
 Total Area: 359.82 m<sup>2</sup>

Facing Slope: (1)

Construction: Combustible

Building Height: 2 storeys + Basement

Fire suppression: Non-attached

Fire alarm: Interconnected smoke detectors within suites only

Assemblies:

Walls between suites: 1.0 hr

Floors between suites: 1.0 hr

Roof: None

Occupancy:

Suite 1 - Existing house principle dwelling: C - Residential

Suite 2 - Existing house second dwelling: C - Residential

Suite 3 - New dwelling: C - Residential

Total: 360 m<sup>2</sup> 10

Fire separations:

1-2: 1.0 hr

1-3: 1.0 hr

2-3: 1.0 hr

Spatial Separation: Per BCBC 9.10.14

Elevation	LD	FR	Construction	Cladding	Area (sq.m)	Permitted	Designated
North (Suite 2)	2.58 m	1.0h	Combustible	Non-Comb.	11.5 m <sup>2</sup>	15.5%	2.2 m <sup>2</sup>
North (Suite 1)	2.58 m	1.0h	Combustible	Non-Comb.	53.2 m <sup>2</sup>	15%	10.8 m <sup>2</sup>
East	8.06 m	1.0h	Combustible	Non-Comb.	75.8 m <sup>2</sup>	100%	-
South	3.29 m	1.0h	Combustible	Non-Comb.	87.9 m <sup>2</sup>	16.4%	14.1 m <sup>2</sup>
West	9.28 m	1.0h	Combustible	Combustible	75.8 m <sup>2</sup>	100%	-

(Areas of unprotected openings incorporated per Appendix A using linear interpolation between assigned values for limiting distance and area of opening building back.)

## UNDERGROUND SERVICE INFORMATION

DEPTH (PL) 1.42m

DEPTH (PL) 1.52m

MAXIMUM DEPTH REQUESTED FOR BOTH SERVICES

INSTALL STORM DRAIN AND SANITARY SEWER IN A COMMON TRENCH

NOTE:

Location of services in Chamberlain Street are approximate. Verify locations and depth in field.



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No.	Description	Date
1	SUBDIVISION	FEB 7, 2018
2	Revising	July 25, 2018
3	Revising Revision	Nov 17, 2018
4	Revising Revision	Mar 1, 2019
5	DP Revision	June 18, 2019
6	DP Revision	July 12, 2019
7	BP	Feb 8, 2018
8	BP Revision	Mar 2, 2018
9	BP Revision	Apr 25, 2018
10	DDP Revision	Sep 20, 2018
11	DDP Revision	Nov 1, 2018
12	DVP Application	Feb 1, 2019
13	DVP Revision	Mar 5, 2019
14	DVP Revision	Apr 17, 2019

## CHAMBERLAIN LOW ENERGY DUPLEX SITE PLAN, INFO & SERVICING

Project number	2015 008
Date	JULY 25, 2018
Drawn by	MA
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Scale	As Indicated
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LOCATION PLAN

#### ACCESSORY BUILDING

Address: 1068 Chamberlain  
Legal Lot 18, Section 74, Victoria District, Plan 252  
P.O. 003-785-599

Zoning: R2-55 - Duplex with Secondary Suite\* (Chamberlain)

Property area: 708.4 sq.m

Property frontage: 18.44m

Proposed:  
A 21.07 m<sup>2</sup> accessory building will be constructed in the back part of the existing development as an unconditioned storage and workshop.

Building Code: 2012 BCBC Part 9

Major occupancy classification: C - Residential (Accessory Building)

Building Area: 21.07 m<sup>2</sup>

Facing Street: (1)

Construction: Combustible

Building Height: 1 Storey

Fire suppression: Non-sprinklered

Fire alarm: N/A

Assemblies:

Walls: 0.75 hr

Floors between suites: N/A

Mezzanine floors: N/A

Roof: None

Spatial Separation: Per BCBC 9.10.15.4, 9.10.15.5(3) (Accessory building to residence)

Elevation	LD	FRR	Construction	Cladding	Area (m <sup>2</sup> )	Permitted %	Permitted m <sup>2</sup>	Designed m <sup>2</sup>
North	3.54 m	0.75h	Combustible	Non-Combustible 7.5 m <sup>2</sup>	0.0%	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>
East	4.35 m	N/A	Combustible	Combustible	16.6 m <sup>2</sup>	39%	6.5 m <sup>2</sup>	4.6 m <sup>2</sup>
South	4.98 m	N/A	Combustible	Combustible	7.4 m <sup>2</sup>	39%	2.9 m <sup>2</sup>	0 m <sup>2</sup>
West	5.03 m	0.75h	Combustible	Non-Combustible 10.7 m <sup>2</sup>	0%	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>

Spatial Separation: Per BCBC 9.10.15.4, (Residence to Accessory Building)

Elevation	LD	FRR	Construction	Cladding	Area (m <sup>2</sup> )	Permitted %	Permitted m <sup>2</sup>	Designed m <sup>2</sup>
Suite 1 West	4.03 m	N/A	Combustible	Combustible	42.1 m <sup>2</sup>	37%	15.6 m <sup>2</sup>	12.7 m <sup>2</sup>
Suite 3 West	4.35 m	N/A	Combustible	Combustible	31.9 m <sup>2</sup>	36%	12.2 m <sup>2</sup>	10.1 m <sup>2</sup>

(Values of unprotected openings interpolated per Appendix A using linear interpolation between assigned values for limiting distance and area of adjoining building face.)

#### Area

Property area: 708.25 sq.m

Footprint: 18.44 m

Accessory building: 21.07 m<sup>2</sup>

Principal building: 252.13 sq.m (includes basement)

PSR: 0.38

Setbacks:

East Side: 6.70 m (to principal building back railing)

North Side: 0.65 m (to side property line)

South Side: 4.81 m (to fence line)

West Side: 12.68 m (to side property line)

West Side: 0.65 m (to rear property line)

Recess projection into setback: (0.15 m)

#### Height

Permitted:

Proposed:

2.4 m

2.4 m to HP shed roof

(2.2 m to shed roof)

Number of storeys:

One

Parking:

NA

Biocycle Parking:

NA

Site Coverage:

254 sq.m

253.40 sq.m

(30%)

Open Site Space:

213 sq.m

422.7 sq.m

(90%)

Rear yard area:

13.44 x 10.20

136.1 sq.m

(85%)

Rear Open:

86 sq.m

166.1 sq.m

(85%)

Total number of units:

2 + secondary suite\*

Unit types:

Three bedroom:

144 sq.m

Two bedroom + den:

124 sq.m

studio:

52 sq.m

Total floor area:

359 sq.m

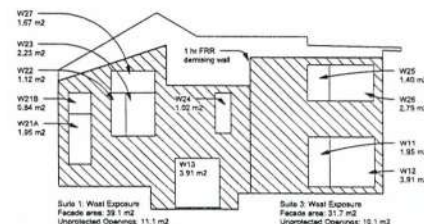
#### AVERAGE GRADE PER VICTORIA ZONING DEFINITION

Accessory	EL1	EL2	LENGTH (m)	74.02
A-B	20.47	20.31	3.63	74.02
B-C	20.31	19.72	1.54	74.02
C-D	19.72	19.72	4.28	74.02
D-E	19.72	20.34	0.50	74.02
E-F	20.34	20.31	0.80	74.02
F-A	20.31	20.34	0.83	74.02
Total perimeter:	20.50	20.47	6.15	125.95
			19.53	395.55

Average grade: EL: 20.25m

Maximum permitted height: 2.40m EL: 22.65m

Elevations shown above geodetic datum.



3 West House Elevation Diagram  
1:100

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ARCHITECTURE

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#### DRAWING LIST

A101.1	SITE PLAN, INFO & SERVICING
A102	GENERAL NOTES
A201.1	ACCESSORY BUILDING PLAN
A501	DETAILS

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No.	Description	Date
1	BP	July 8, 18
2	BP REVISION	Aug 8, 18
3	BP REVISION	Aug 8, 18
4	CCP REVISION	Nov 1, 18
5	CCP Application	Feb 1, 19
6	CCP Revision	Apr 17, 2019

Love-Mahoney  
**ACCESSORY BUILDING**

**SITE PLAN, INFO & SERVICING**

Project number: 2015 008  
Date: JULY 25, 2016  
Drawn by: MA  
Checked by: MA

**A101.1**

Scale: As indicated  
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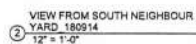


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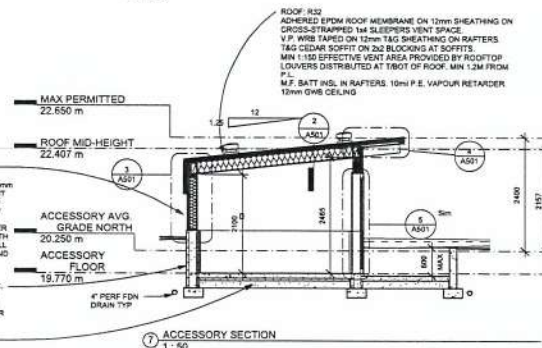
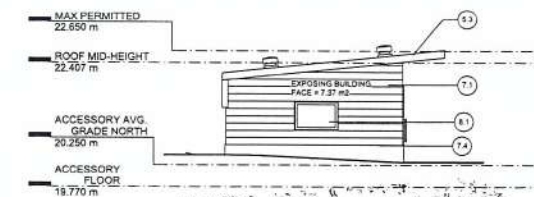
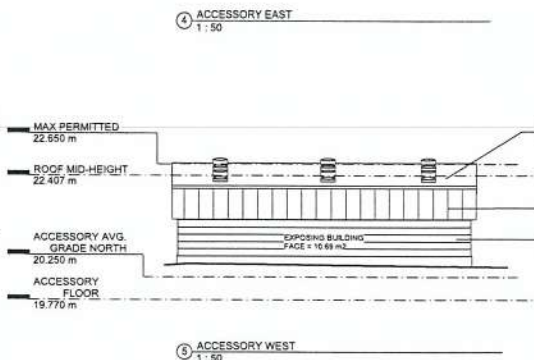
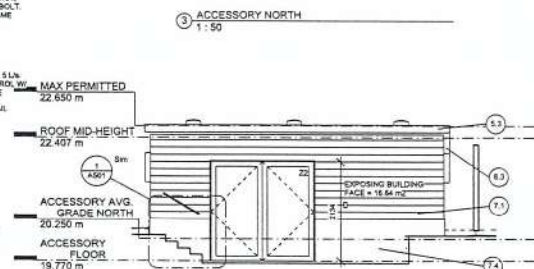
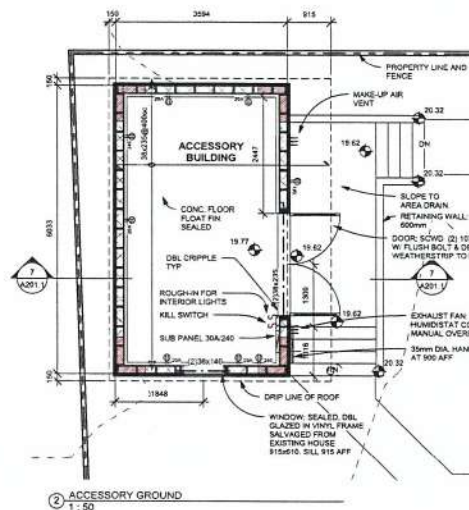






68





**FLOOR PLAN NOTES AND LEGEND:**

1. REFER TO STRUCTURAL DRAWINGS FOR LOAD BEARING AND LATERAL SYSTEM
2. REFER TO RCP FOR ELECTRICAL VENTILATION AND FIRE SAFETY EQUIPMENT
3. WINDOWS DENOTED EGRESS SHALL BE SASH-TYPE WITH A MINIMUM CLEAR OPENING DIMENSION OF 360mm AND 0.35 m<sup>2</sup>

**FLOOR PLAN LEGEND:**

- IN-FLOOR ELECTRIC RADIANT HEATER
- RADIANT HYDRONIC ZONE
- THERMOSTAT
- ELECTRIC HEATER ROUGH-IN
- HOSE BIB

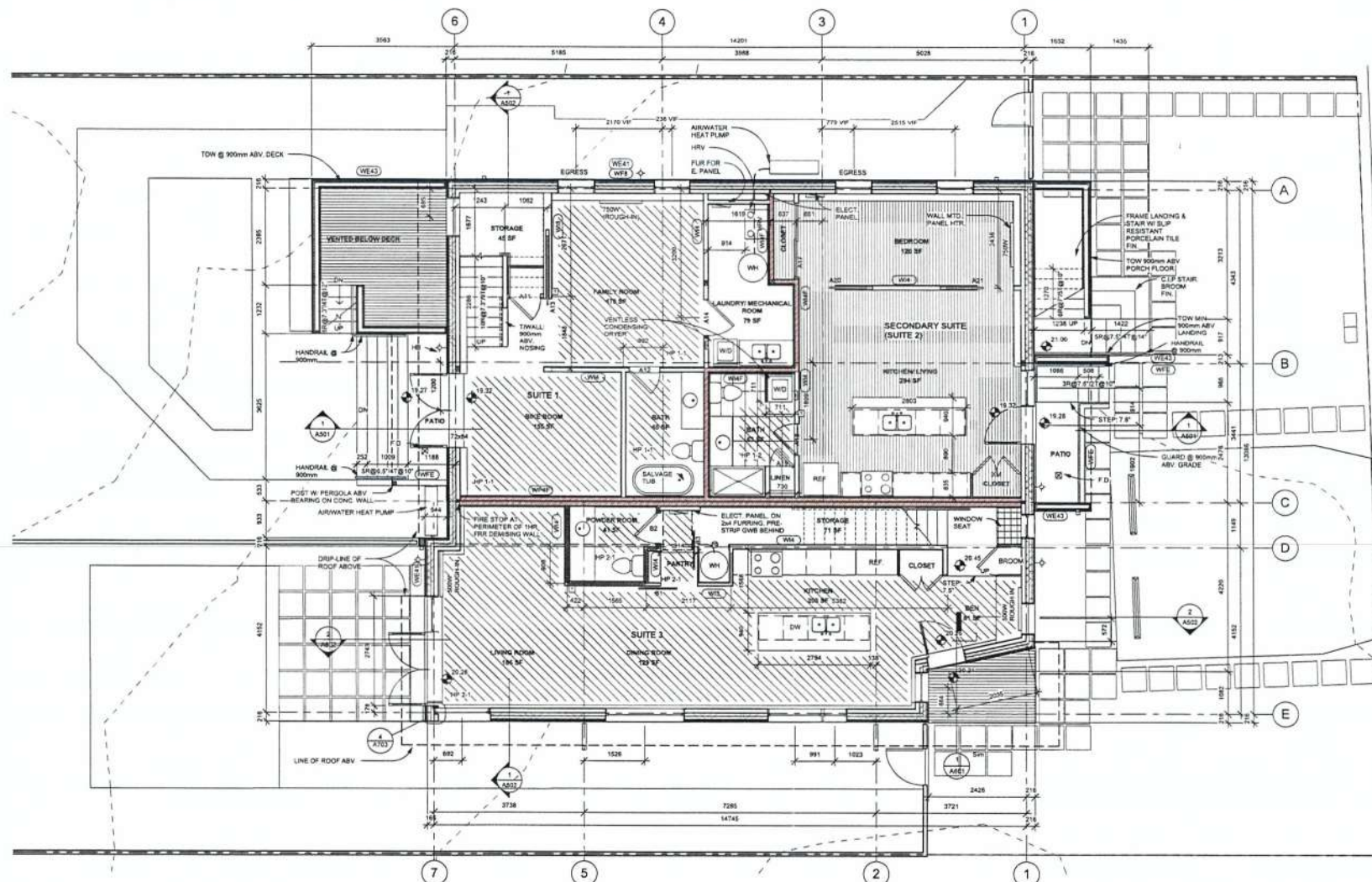
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No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Reasoning	JULY 25, 2016
3	Reasoning Revision	NOV 17, 2016
4	Reasoning Revision	MAY 1, 2017
5	CDP Revision	JUNE 15, 2017
6	CDP Revision	JULY 12, 2017
7	SP	FEB 9, 2018
8	SP Revision	MAY 2, 2018
9	SP Revision	APR 25, 2018
10	CDP Revision	SEP 20, 2018
11	CDP Revision	NOV 1, 2018
12	CDP Application	FEB 1, 2019

Love-Mahoney	
<b>CHAMBERLAIN LOW ENERGY DUPLEX</b>	
<b>LOWER FLOOR PLANS</b>	
Project number	2015 008
Date	JULY 25, 2016
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① LOWER FLOOR PLANS  
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**FLOOR PLAN NOTES AND LEGEND:**

1. REFER TO STRUCTURAL DRAWINGS FOR LOAD BEARING AND LATERAL SYSTEM
2. REFER TO RCP FOR ELECTRICAL, VENTILATION AND FIRE SAFETY EQUIPMENT
3. WINDOWS DESIGNATED EGRESS SHALL BE SASH-TYPE WITH A MINIMUM CLEAR OPENING DIMENSION OF 560mm AND 0.35 m<sup>2</sup>.

**FLOOR PLAN LEGEND:**

- IN-FLOOR ELECTRIC RADIANT HEATER
- RADIANT HYDROIC ZONE
- THERMOSTAT
- ELECTRIC HEATER ROUGH-IN
- HOSE BIB

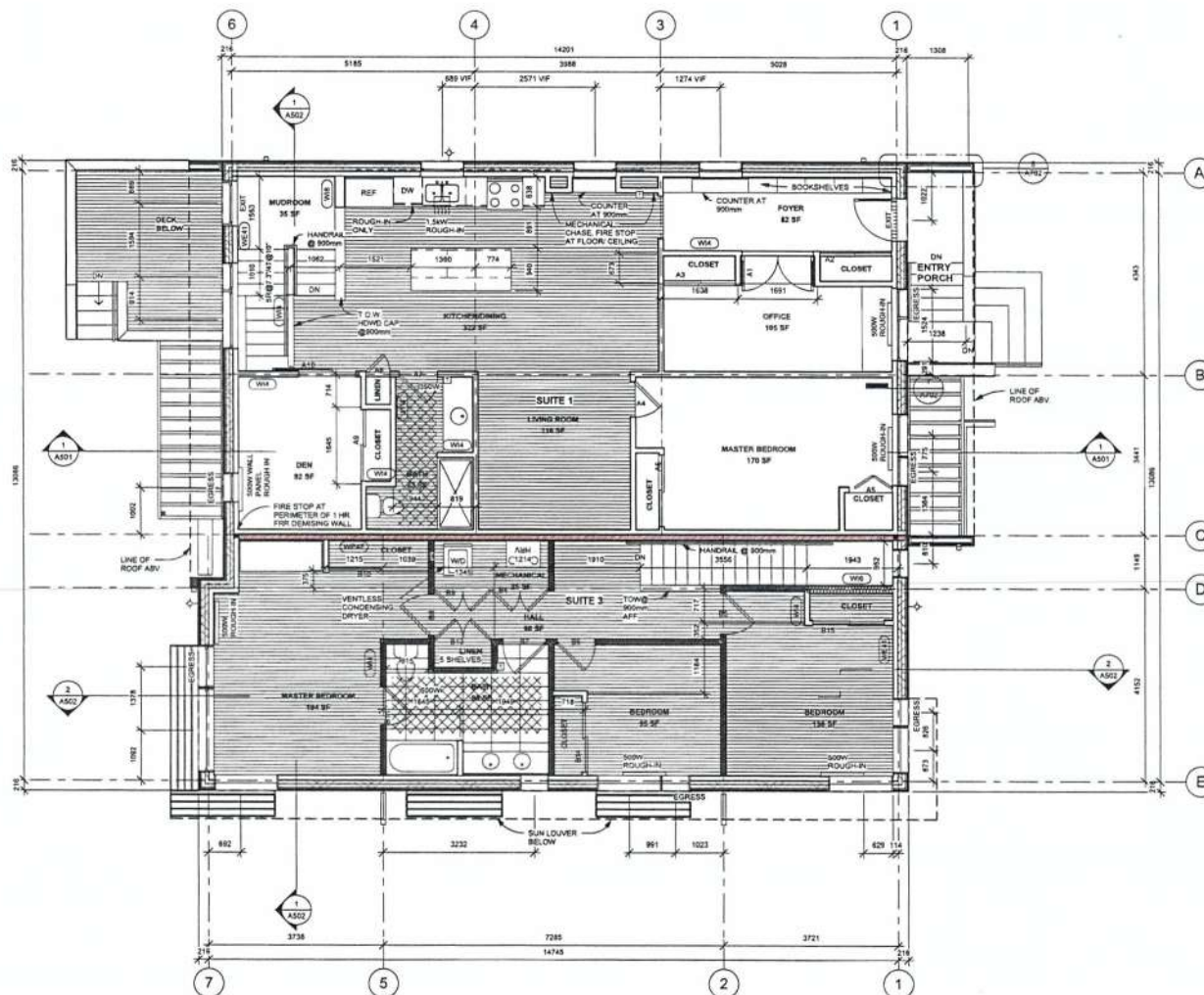
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No.	Description	Date
1	SUBDIVISION	FEB 9, 2016
2	Revison	Aug 25, 2016
3	Revison	Nov 17, 2016
4	Revison	Mar 1, 2017
5	GP Revision	June 15, 2017
6	GP Revision	July 12, 2017
7	GP	Feb 9, 2018
8	GP Revision	Mar 2, 2018
9	GP Revision	Apr 26, 2018
10	DDP Revision	Dec 20, 2018
11	DDP Revision	Nov 1, 2018
12	DDP Application	Feb 1, 19

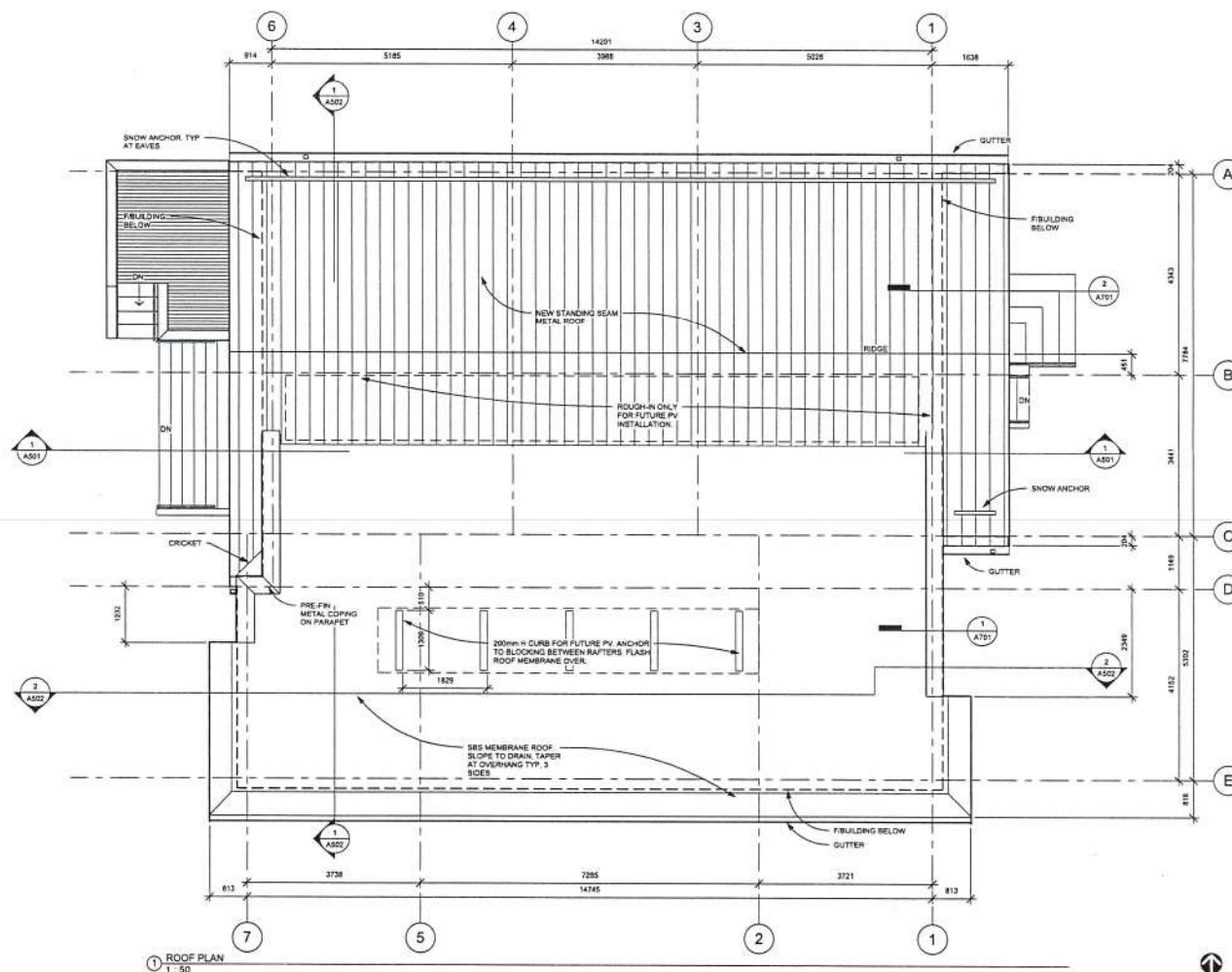
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**CHAMBERLAIN LOW ENERGY DUPLEX**  
**UPPER FLOOR PLAN**

Project number	2015 008
Date	JULY 25, 2016
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UPPER FLOOR PLANS  
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1 ROOF PLAN  
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No.	Description	Date
5	CDP Revision	July 12, 2015
7	BP	Feb 3, 2016
8	BP Revision	Mar 2, 2016
10	CDP Revision	Sep 20, 2016
11	CDP Revision	Nov 1, 2016
12	CDP Application	Feb 1, 2017

Love-Mahoney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX**  
**ROOF PLAN**

Project number	2015 008
Date	JULY 25, 2016
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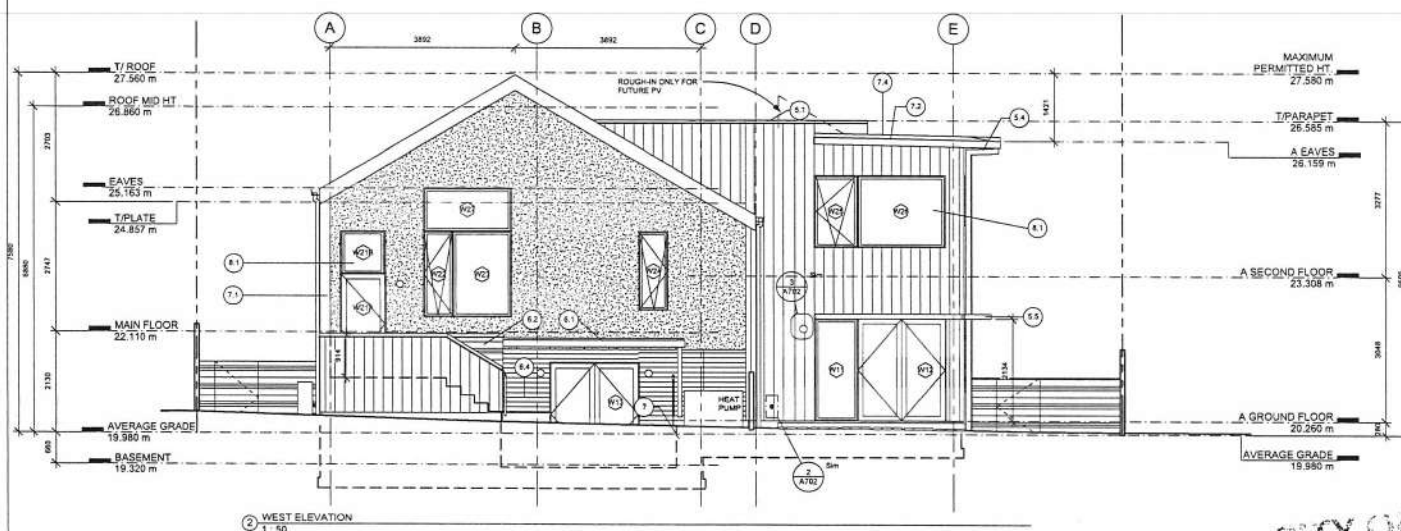
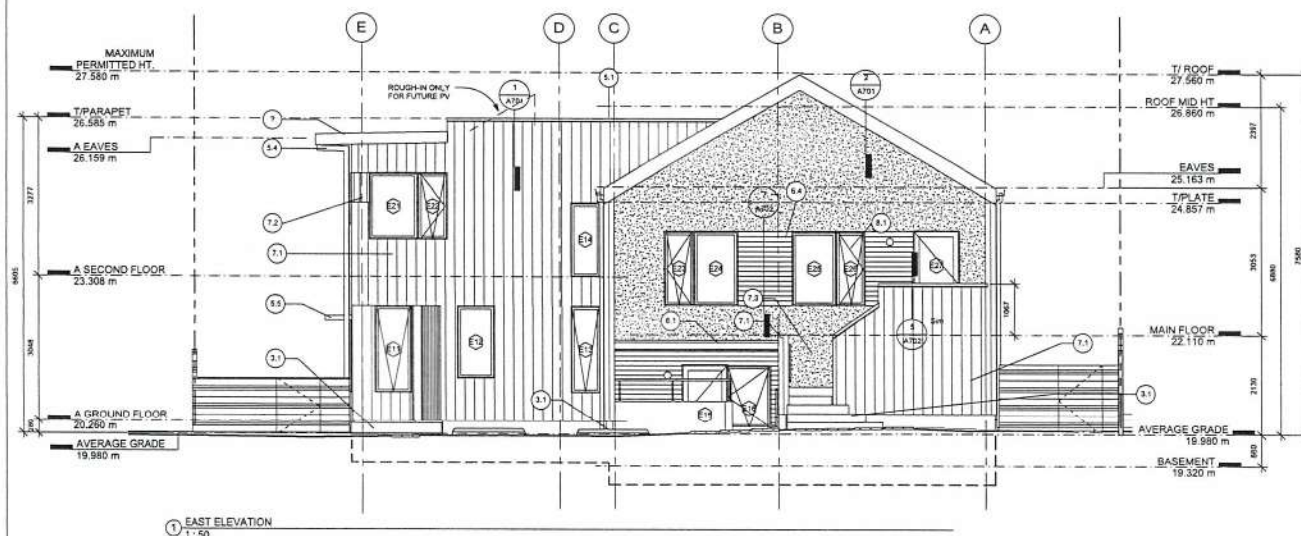
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No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Re zoning	JUN 28, 2016
3	Re zoning Revision	Nov 17, 2016
4	Re zoning Revision	Mar 1, 2017
5	DP Revision	JUN 15, 2017
6	DP Revision	JUN 12, 2017
7	SP	FEB 5, 2018
8	SP Revision	MAR 2, 2018
9	SP Revision	APR 26, 2018
10	GDP Revision	SEP 26, 2018
11	GDP Revision	NOV 1, 2018
12	GVP Application	FEB 1, 2019

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**CHAMBERLAIN LOW  
ENERGY DUPLEX**  
ELEVATIONS

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
Scale	1:50



**EXTERIOR FINISH SCHEDULE**

- 3.1 ARCHITECTURAL CONCRETE
- 5.1 BREAK-FORMED METAL GUTTER - GALVANIZED FINISH
- 5.2 STANDING SEAM METAL ROOF - GALVANIZED FINISH
- 5.3 METAL FASCIA - GALVANIZED FINISH
- 5.4 PRE-FINISHED METAL RAIN-WATER LEADER S.W. 7028
- 5.5 LOUVERED WINDOW SHADE
- 5.6 PRE-FINISHED METAL DOWNPOUT
- 6.1 STRUCTURAL TIMBER VARIOUS DIMENSIONS
- 6.2 STRUCTURAL-SELECT CLEAR FIR, CLR. STAIN FIN.
- 6.3 SCREEN AND FENCE CEDAR CLEAR SEALANT FINISH
- 6.4 SOFFIT: 1x6 CEDAR CLEAR SEALANT FINISH
- 6.5 CEDAR DECK, CLR. FIN.
- 7.1 INVERTED BOARD AND BATTEN CEMENT PANEL SIDING
- 7.2 SP REVEAL, SMOOTH PAINT FINISH S.W. 7028
- 7.3 CEMENT PANEL SIDING WITH ARCHITECTURAL REVEALS PAINT FINISH S.W. 7028
- 7.4 STUCCO SIDING
- 7.5 BUILT-UP ROOF MEMBRANE
- 8.1 TRIPLE-GLAZED THERMAL WINDOWS AND DOORS
- 8.2 ALUMINUM CLADDING W/ 7028
- 8.3 THERMAL DOOR WITH ACCENT COLOUR
- 8.4 THERMAL DOOR WITH ACCENT COLOUR (ROUGH IN)

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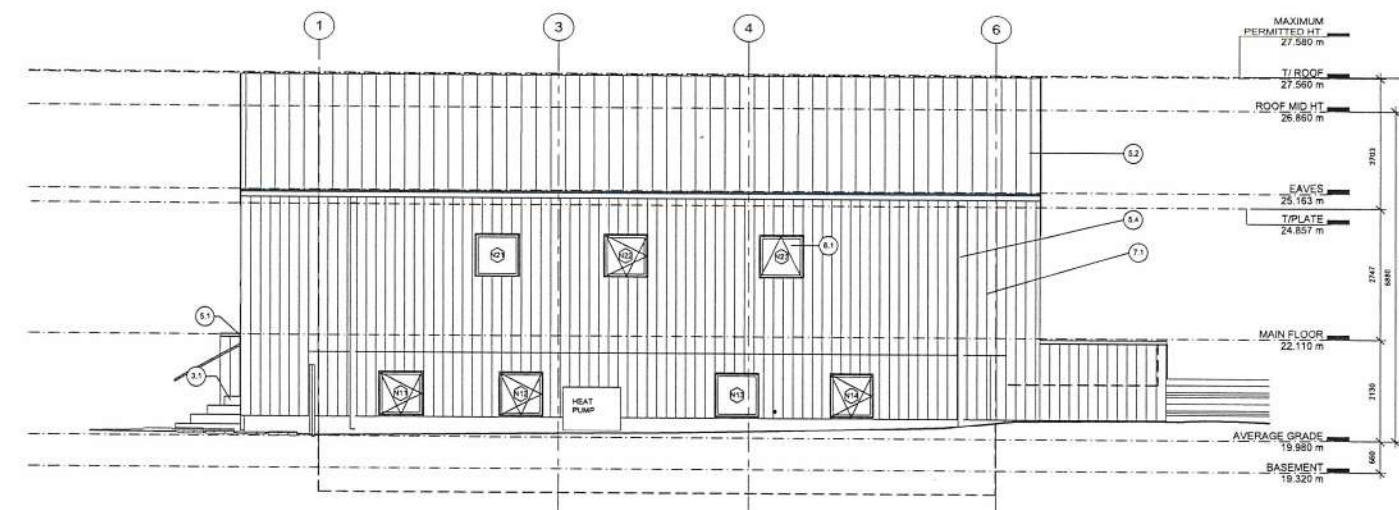
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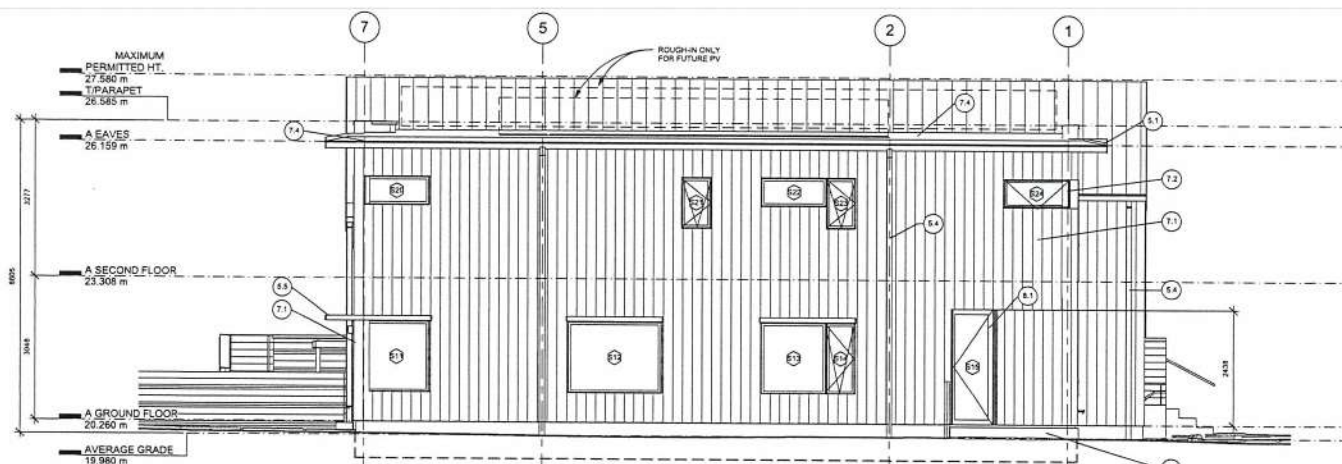
No.	Description	Date
1	SUBDIVISION	1 Feb 7, 2016
2	Reboring	July 25, 2016
3	Reboring Revision	Nov 17, 2016
4	Reboring Revision	Mar 1 2017
5	CDP Revision	June 15, 2017
6	CDP Revision	July 12, 2017
7	BP	Feb 9, 2018
8	BP Revision	Mar 2, 2018
9	BP Revision	Apr 25, 2018
10	CDP Revision	Sep 20, 2018
11	CDP Revision	Nov 1, 2018
12	CDP Application	Feb 1, 19

Love-Mahoney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX  
ELEVATIONS**

Project number 2015 008  
Date JULY 25, 2016  
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**A402**  
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1 NORTH ELEVATION  
1:50



2 SOUTH ELEVATION  
1:50

**EXTERIOR FINISH SCHEDULE**

- 5.1 ARCHITECTURAL CONCRETE
- 5.1 BREAK-FORMED METAL GUTTER - GALVANIZED FINISH
- 5.2 STANDING SEAM METAL ROOF - GALVALUME FINISH
- 5.3 METAL FLASHING - GALVALUME FINISH
- 5.4 PRE-FINISHED METAL RAIN WATER LEADER: S.W. 7025
- 5.5 LOUVERED WINDOW SHADE
- 5.6 PRE-FINISHED METAL DOWNSPOUT
- 6.1 STRUCTURAL TIMBER: VARIOUS DIMENSIONS.
- 6.2 STRUCTURAL SELECT CLEAR FIR: CLR. STAIN FIN.
- 6.3 SCREEN AND FENCE: CEDAR CLEAR SEALANT FINISH
- 6.5 SOFFIT: T&G CEDAR CLEAR SEALANT FINISH
- 6.5 CEDAR DECK, CLR. FIN.
- 7.1 INVERTED BOARD AND BATTEN CEMENT PANEL SIDING
- 7.2 REVEAL: SMOOTH, PAINT FINISH S.W. 7025
- 7.2 CEMENT PANEL SIDING WITH ARCHITECTURAL REVEALS: PAINT FINISH: S.W. 7025
- 7.3 STUCCO SIDING
- 7.4 BUILT-UP ROOF MEMBRANE
- 8.1 TRIPLE-GLAZED THERMAL WINDOWS AND DOORS
- 8.2 ALUMINUM CLAD: S.W. 7025
- 8.2 THERMAL DOOR WITH ACCENT COLOUR
- 10.1 PHOTO-VOLTAIC SOLAR PANEL (ROUGH IN)

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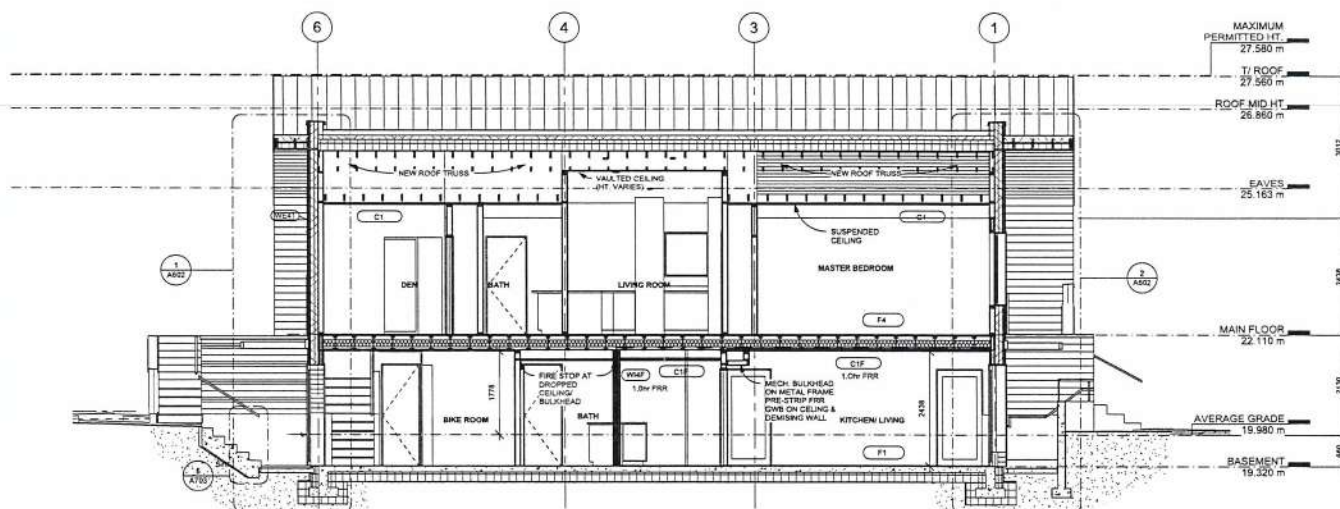
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Do not scale these drawings.

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Revising	July 25, 2016
3	Revising Revision	Nov 17, 2016
4	Revising Revision	Mar 1, 2017
5	DP Revision	June 15, 2017
6	DP Revision	Apr 12, 2017
7	BP	Feb 9, 2018
8	BP Revision	Mar 5, 2018
9	DP Revision	Sep 20, 2018
10	DP Revision	Nov 1, 2018
11	DP Revision	Feb 1, 2019
12	DP Revision	Feb 1, 2019

Love-Mahoney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX  
SECTIONS**

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
<b>A501</b>	
Scale	1 : 50



1 NORTH LONGITUDINAL SECTION  
1 : 50

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APR 13 2019

MAR 28 2019

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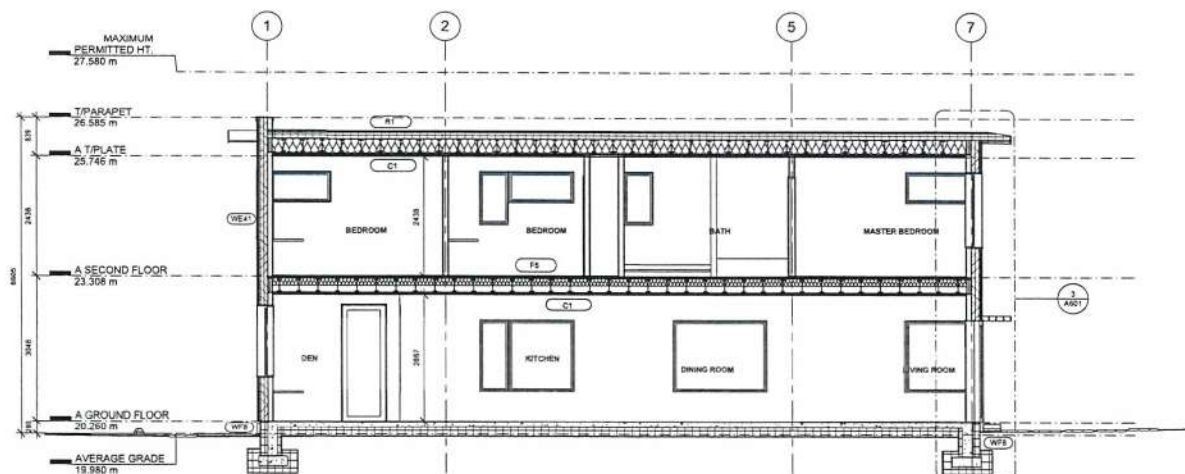
Do not scale these drawings.

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Reconciling	APR 25, 2016
3	Reconciling Revision	Nov 17, 2016
4	Reconciling Revision	Mar 1, 2017
5	CDP Revision	June 15, 2017
6	CDP Revision	July 12, 2017
7	SP	FEB 8, 2018
10	CDP Revision	SEP 20, 2018
11	CDP Revision	Nov 1, 2018
12	CDP Appraisal	FEB 1, 19

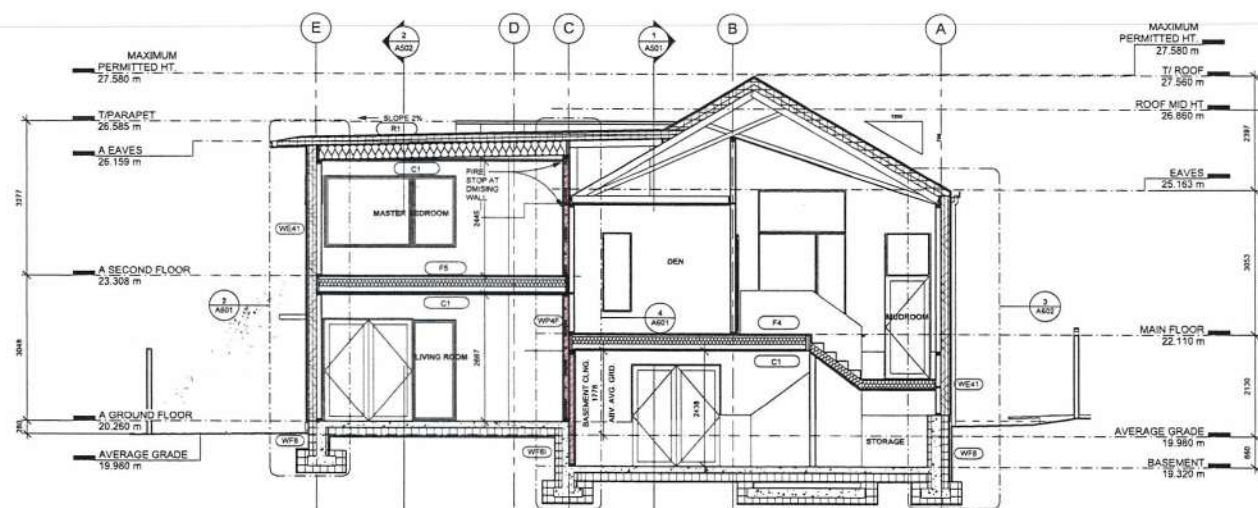
Love-Mahoney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX  
SECTIONS**

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
<b>A502</b>	
Scale	1 : 50

9/28/2019 11:59:59 AM



2 SOUTH LONGITUDINAL SECTION  
1 : 50



1 CROSS SECTION  
1 : 50

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**DEEMED**

APR 13 2019

MAR 28 2019

# KATE STEFIUK STUDIO

1070 Nelson St Nanaimo BC V9S 2K2  
250 753-8383  
kate.stefiuk@gmail.com

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NO.	DATE	ISSUE
1	10/11/14	FOR REVIEW
2	11/03/15	REVISIONS

## PROJECT

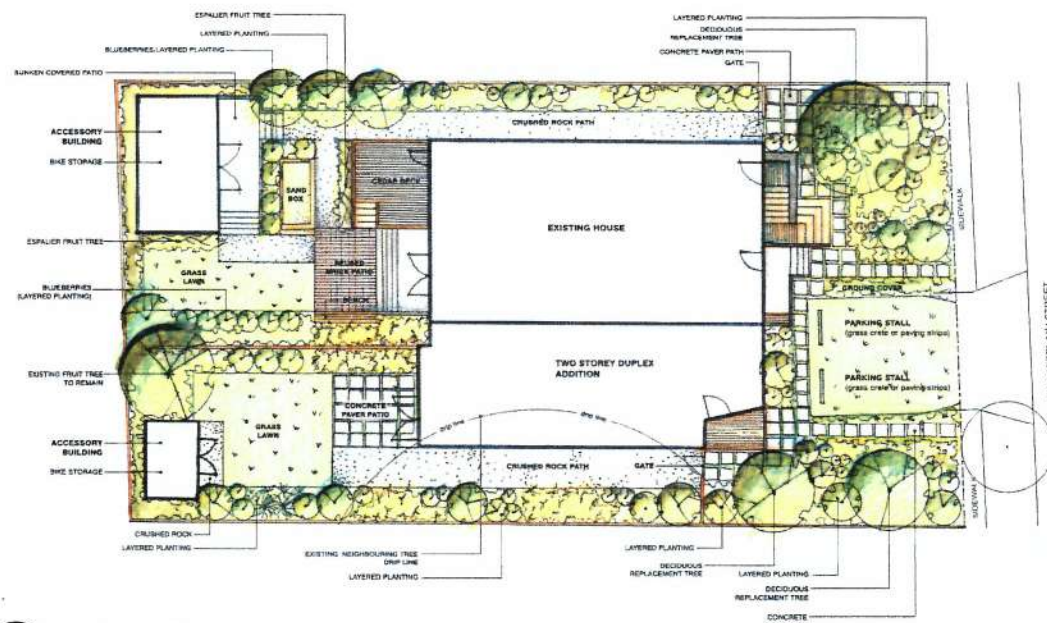
**CHAMBERLAIN  
LOW ENERGY DUPLEX**  
1068 CHAMBERLAIN ST  
VICTORIA, BC

## LANDSCAPE PLAN

PROJECT	LOW ENERGY DUPLEX
DB:	AS
CB:	KS
SCALE	VARIES
DATE	2017-03-08

**L1**

PLANTING NOTES:	
Two existing fruit trees will be removed and replaced with:	
<ul style="list-style-type: none"> <li>• 2 espaliered fruit trees</li> <li>• 3 flowering dogwood</li> <li>• 4 service berry</li> <li>• 1 crabapple</li> </ul>	
Plants chosen are primarily native species, drought tolerant, hardy, and provide necessary screening from neighbours.	
PLANT LIST:	
Deciduous Trees	Groundcovers
Serviceberry (Amelanchier canadensis)	Kiwiduck (Lupinus albus)
Flowering Dogwood (Cornus florida)	Wild Strawberry (Fragaria virginiana)
Crabapple (Malus domestica)	Sedums
Various Fruit Trees	Creeching Thyme
	Wild Ginger
Evergreen Shrubs	Ferns
Strawberry Bush (Fragaria vesca)	Japanese Painted Fern (Athyrium filix-femina)
Salei (Sedum spectabile)	Autumn Fern (Dryopteris erythorhoea)
Duff Oregon Grape (Mahonia repens)	Ukioke Fern (Adiantum species)
Evergreen Huckleberry (Lonicera japonica)	Sword Fern (Polystichum species)
Deciduous Shrubs	Perennials & Grasses
Saskatoon Berry (Amelanchier canadensis)	Evergold Sedge (Carex oshrota)
Red Osier Dogwood (Cornus alternifolia)	Lavender (Lavandula angustifolia)
Heavenly Bamboo (Nephrolepis exaltata)	Maiden Grass (Miscanthus sinensis)
Red Flowering Currant (Ribes sanguineum)	Calamint (Calamintha Nepeta)
Blueberries (Vaccinium)	Fountain Grass (Festuca arundinacea)
	Sage (Salvia nemorosa)
	Showy Stonecrop (Sedum spectabile)
	Blue Moor Grass (Lolium perenne)



**1 Landscape Plan**  
Scale 1:100

Plan



**2 Front**  
Scale NTS  
Elevation



**3 Front Yard**  
Scale NTS  
Perspective

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APR 13 2015  
DEEMED  
MAR 28 2019



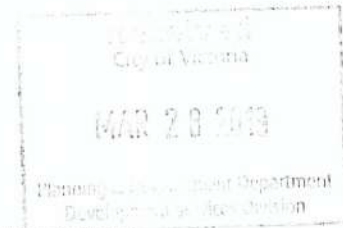
## CHAMBERLAIN LOW ENERGY DUPLEX

March 28, 2019

To: Mayor Helps and Victoria City Council  
 Victoria City Hall 1 Centennial Square  
 Victoria BC V8W 1P6

Re: **Development Permit Application for 1068 Chamberlain Street**

Dear Mayor Helps and Victoria City Council,



This proposal is to issue a new Development Permit for 1068 Chamberlain Street. This application is for proposed changes that were included in the previous DDP No. 00275 (now retired), as well as a change from major renovation and addition to all new construction.

Our original proposal, approved in November 2017, was to modestly increase density in one of Victoria's most walkable neighbourhoods, in a manner that exemplifies efficient design and construction practices and respects the fabric of the existing established neighbourhood. The project is shaped by the following fundamental values:

- We believe that we have the skills, materials, and available technologies – *right now* - to build homes that are significantly more energy efficient, comfortable, healthy and long-lasting than most of what is being built today.
- We believe that environmental outcomes are at least as important as financial ones.
- We believe that thoughtfully designed infill is critical to supporting a walking and biking culture.
- We believe that sustainable design is compact design.

Our goal is to create housing for 2.5 families that uses less energy than the existing single family home on the property. Our intention is to live in the north half of the duplex, with extended family in the suite, and to call this vibrant neighbourhood our home for the long-term.

While the original proposal was to retain the existing home structure and complete a major renovation and addition, structural deficiencies only fully revealed and understood after stripping down the existing house made retention of the existing home as structure infeasible. The proposal has therefore been rewritten accordingly. The existing house was not a designated heritage building.

We previously submitted a Delegated Development Permit for a change to the roof shape. This current proposal includes the new roof design; the change from existing + new to all-new structure; minor window changes, and other minor changes that came through the Building Permit process and do not impact form and character. Floor areas, building size and siting etc are per the original design.

The project is mid-construction and currently subject to a stop work order until the new Development Permit is approved.

#### Description of Proposal:

The proposal is to construct a new strata duplex with a secondary rental suite in one half. The design is sensitive to the existing single family character of the neighbourhood. The rental suite will keep that half of the duplex affordable to families and offer additional rental accommodation in the neighbourhood. The rental suite will not be a separate strata unit.

The south half of the duplex will be a 145 sq.m. (~1560 sq.ft.), 3-bedroom, 2-storey home. The 1.5-story north half of the duplex will contain a 163 sq.m (~1750 sq.ft.) 2-bedroom main suite plus a 52 sq.m (~560

# CHAMBERLAIN LOW ENERGY DUPLEX

sq.ft.) secondary rental suite in the lower level. The suite is intended as an independent rental accommodation particularly suited to multi-generational living.

Design will follow passive design principles (emphasis on super insulation, high performing windows, and airtight construction with no thermal bridging), with goals of achieving net-zero energy consumption, zero carbon emissions, and Passive House certification. The design is practical and compact, suitable for a family, and intended to be extremely comfortable and low impact. The location is highly desirable for its established character, natural beauty, proximity to high quality schools, and proximity to Oak Bay Avenue.

Materials from the existing house have been carefully retained and will be re-used for interior finishes.

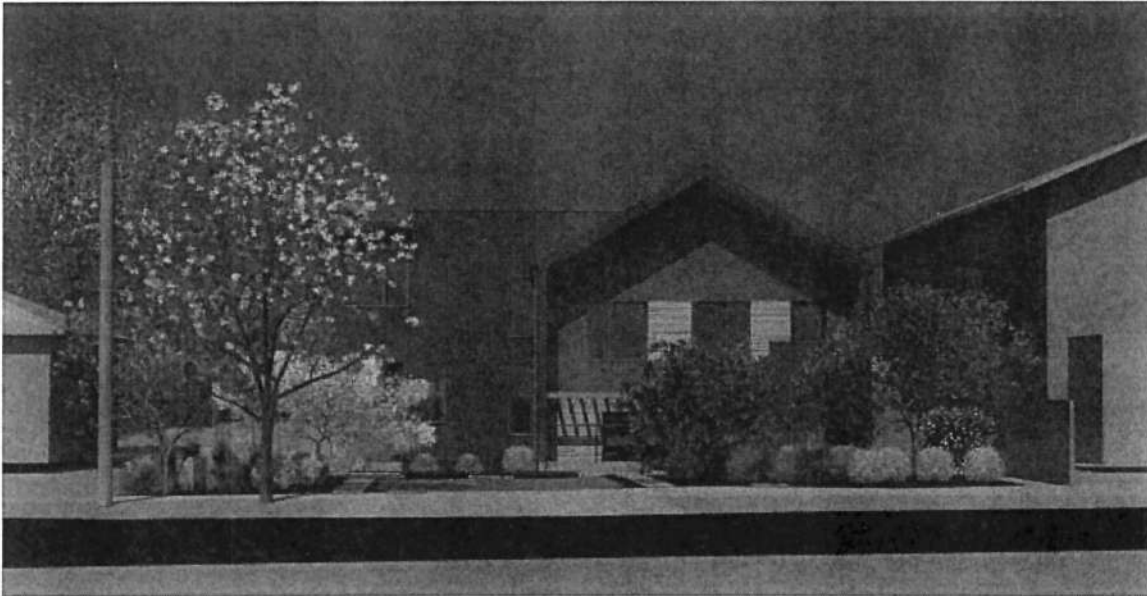


Figure 1: Rendering of proposed design

## Policy Support: Land Development and Management

The proposal supports the Official Community Plan's (OCP) goal to create compact development patterns that use land efficiently. The lot is large (709.4 m<sup>2</sup>) and is the third property south of Oak Bay Avenue, adjacent to a 6-unit townhouse on the north side and a single family dwelling on the south. Our proposal will create additional housing that supports walking to Oak Bay Avenue's "Small Urban Village" economic center. The property is also a short walk to bus stops and a short walk or bike ride to neighbourhood schools.

The property was rezoned for duplex + suite as part of the original application.

The addition of the suite to the duplex diversifies the range of housing options available in this Traditional Residential neighbourhood, creating an option for extended family to remain closely connected, access amenities within a short walk, and age in place.

The immediate neighbourhood is characterized by a mixture of single family homes, house conversions, and multi-family dwellings. Many of the houses in the area have rental suites and several are house conversions.



# CHAMBERLAIN LOW ENERGY DUPLEX

## Policy Support: Climate Change and Energy

The proposal supports all five of the City's strategic goals around climate change and energy, as follows:

1. Increased resilience to climate change, energy scarcity and costs: By designing for Passive House certification, the new building will use very little energy. Because of the emphasis on constructing an airtight and highly insulated building envelope, the homes will also remain comfortable year-round, with very little need for additional heating or cooling. In the face of a natural disaster, the homes will stay warm longer without power.
2. Both halves of the duplex will be built solar PV ready and both will be all-electric. BC's hydro power supply has a much lower carbon footprint than combustion fuel. By building all-electric, both homes will also have the potential to generate and store all of their own power on-site.
3. The homes are sited in a location where cars are not needed. All amenities can be accessed within a short walk. Downtown is accessible by a short bike or bus ride.
4. The re-use of materials from the existing house will reduce construction waste and reduce the need for raw materials.
5. As outlined in 2. above, both sides of the proposed duplex will be solar PV ready, increasing Victoria's access to clean, renewable, and efficient energy sources.

## Neighbourhood Consultation:

Neighbours were consulted extensively during the original rezoning/DP application process, with unanimous support expressed by both the public and council at the public hearing. Since then, we have sent updates directly to those neighbours who wished to be informed of such – including notifying them of this process. Project progress has also been reported in detail on the project blog, [stretchdeveloper.com](http://stretchdeveloper.com). All comments received express continued support for our project.

## House Design:

The new building is designed to be extremely energy efficient and to use low embodied carbon materials to the extent possible. Significant resources are focused toward making the building envelope of the structure highly insulated and airtight. High efficiency heat recovery ventilators will be installed to ensure very high quality distributed ventilation air.

The design strategy presents a contrast between the two duplex halves, to distinguish the two homes while referencing the gable roof shape that is so common in this neighbourhood. The original design maintained the existing hip roof shape. With the need to rebuild the roof, the shape was modified to a gable roof, which is also consistent with the common typologies in the neighbourhood, but also improves the design of the structure, simplifies the roof transitions, and improves its environmental performance by reducing heat loss through the simpler shape.

The design uses vertical siding, cedar accents and stucco that reference traditional material choices evident on the block. Deep window reveals introduced by the thicker Passive House walls add visual interest and depth to the facade. The roof slope of the new addition is nearly flat, to minimize intrusion on neighbouring properties, facilitate the addition of solar panels, and allow maximum sun penetration to the north half of the duplex. These features, along with welcoming, street-facing entries for both halves of the duplex, adhere to the Neighbourliness Guidelines for Duplexes.

Refer to Appendix C for a description of the architectural rationale for the design.

## Variances:

The proposed duplex meets the R2 requirements with the following requested variance:

# CHAMBERLAIN LOW ENERGY DUPLEX

- A. Rear yard setback: from 12.8m to 10.26m to accommodate a deck on the north half.

This is the same variance requested and granted on the original proposal. The original proposal also requested a variance for front yard parking, consistent with the R1-G preference. We understand this is no longer considered a variance.

## **Project Benefits:**

### **Economic:**

- Locally owned and financed construction project
- Infill development supports economic vitality of the Oak Bay Village Small Urban Village

### **Social:**

- Improved streetscape
- Addition of rental housing (suite)
- Facilitates multi-generational living and aging in place
- Educational opportunities for sustainable construction practices
- Site selection that supports walking and biking culture

### **Environmental:**

- Building material re-use
- Site selection that supports biking and walking
- Permeable paving for parking strips and patio space
- Landscaping that prioritizes edibles, natives and plantings with minimal irrigation demand
- High efficiency plumbing fixtures
- All LED lighting
- Ultra low energy consuming buildings (targeting net zero energy, zero carbon emissions, and Passive House certification)

## **Conclusion:**

The proposed project prioritizes environmental sustainability, carbon reduction and energy efficiency. It creates a modest increase in density in keeping with the OCP's goal to provide additional housing in the city's most walkable/bikeable neighbourhoods. The design is sensitive to the existing single family character of the neighbourhood.

Thank you for your thoughtful consideration of this proposal.

Best Regards,



Christy Love and Matthew Mahoney  
Owners/Occupants of 1068 Chamberlain Street



## APPENDIX C: Architectural Rationale

The 1000 block of Chamberlain Street is comprised of an eclectic mix of character homes. Existing homes range from 1 1/2 to 2 1/2 stories in height and exhibit a broad range of architectural styles reflecting their year of construction. The majority of homes draw broadly on traditional house forms and materials including horizontal wood siding, stucco, and they generate visual interest with expressed massing and projecting roof fascia and eaves.

Existing houses reflect their unique history of addition and renovation work identifiable through changes in material and style.

Roof profiles are predominantly hipped and gable styles, often with complex dormers. Deep overhangs and eaves expressed with dentil patterns contribute to the character of the homes. Asphalt shingles are the dominant choice.

Authentic materials predominate with ornate timber posts and railings in conjunction with lapped wood siding, stone and stucco. Occasional insertions of brick and galvanized, corrugated metal add to the eclectic flavour of the neighbourhood.

Colour is used extensively in the neighbourhood with vibrant hues, contrasting trim and natural accents. Grades vary considerably along the block with several houses and front yards elevated above the grade of the street. The natural grade in the zone of the project is moderately flat.

Dense, mature landscaping is the dominant feature of the street. Several houses are virtually concealed by front-yard vegetation. Grass appears selectively in front yards along with a mix of bed planting, shrubs, mature trees, textured paved areas and natural rock.

The proposed house offers a contemporary interpretation of the patterns and forms of the street. The intention of this project is to honour the architectural legacy of the neighbourhood with homes that reflect contemporary values and design. This is achieved through sympathetic scale, texture and massing.

Additional wall thickness will introduce deep reveals at window and door openings, enhancing the façade of the building with deep shadow lines.

The north half will be clad primarily in stucco, with cedar accents, similar to many homes throughout the neighbourhood.

The south half stands two stories with a grade entry and flat roof. The linear shape is a response to the narrow property. The south side yard setback has been increased to mitigate impact on the neighbouring property and existing mature tree and to create useable yard space adjacent to the house. The roof, which presents a parapet to the street, projects to shade south facing windows while maximizing solar penetration to the existing house to the north.

Front yard setbacks are aligned to adjacent houses. The characteristically shallow front yards of Gonzales contribute to the friendly character of the neighbourhood.

Similar to other houses in the neighbourhood, the massing of the building will be expressed to create visual interest and to improve connection to the front garden and the street. In addition to deeply expressed windows and extended roof soffits, the entries of both houses are expressed with massing and materials. The projecting mass of the north half's porch is enhanced with a projecting roof overhang and sculptural concrete steps. The lower entrance is defined with a shallow roof overhang and partially enclosed with a timber pergola. The alcove entry of the south half is recessed, creating a sculpted massing



## CHAMBERLAIN LOW ENERGY DUPLEX

of the house's façade and a semi-enclosed, landscaped courtyard entry. A large street-facing window announces the entry.

The addition will be clad with fibre cement siding due to code non-combustibility requirements.

The houses are conceived together with their front yard landscaping. Entry, porch, stoop, windows, surface treatments, planting, fences and screens work together to create gardens that are beautiful, functional and seamlessly integrated with the homes.

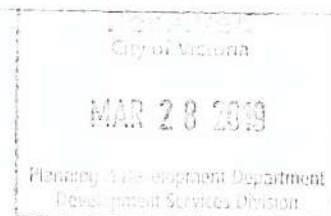
Colour is chosen in the context of natural wood accents and front-yard landscaping of both houses. The dark French-grey hue mediates between the industrial sensibility of the metal roof and gutter and the natural tone and texture of natural wood, landscape and permeable paved surfaces. Vibrant colours are introduced in the glazed front doors of the houses and basement suite as a contemporary reference to the traditional use of colour in the street.



## Talbot Mackenzie & Associates

Consulting Arborists

Box 48153 RPO Uptown  
Victoria, BC V8Z 7H6  
Ph: (250) 479-8733 ~ Fax: (250) 479-7050  
Email: tmtreehelp@gmail.com



March 28, 2019

Christy Love  
1068 Chamberlain street  
Victoria, BC V8S 4B9

Attention: Christy Love

### **Re: 1068 Chamberlain Street**

**Assignment:** To visually examine the recent excavation for house construction at 1068 Chamberlain Street that has occurred within the critical root zone of a 100 cm d.b.h. Garry oak tree located on the property at 1048 Chamberlain Street and comment on how it may have impacted the health or stability of the tree. Provide recommendations for mitigating any impacts the excavation may have had on the tree.

**Methodology:** Although we were not present during the excavation and the house foundation had been backfilled prior to our site visit on March 15, 2019, we obtained pictures of the excavation from the construction company and client. We have based our findings on these pictures, along with information collected during our site visit.

**Observations and findings:** Based on our site visit and review of the pictures taken during excavation, we do not feel that any significant impacts have occurred to either the health or stability of the tree. There is no evidence of large structural roots being severed that would lead us to believe that the trees stability has been compromised. Only a portion of smaller feeder roots within the critical root zone have been severed to accommodate the house excavation. At the time of our site visit, we observed some construction materials stored and minor soil compaction from foot traffic over the remaining portion of the critical root zone on the subject property, but boards had been placed to walk on to minimize any disturbance. A temporary power service has been installed by the fence near the tree, and although the conduit supplying the service could not be fully seen due the material being stored, it is our understanding that there was no excavation for this service within the critical root zone of the tree. We anticipate that if the measures in this report are followed, the tree will recover from the minor root loss and compaction.



Picture 1: View of edge of excavation showing no large roots exposed (picture supplied by client).





Picture 2: View of excavation from second angle showing no large roots exposed (picture supplied by client).



Picture 3: View of the area during our March 15, 2019 site visit.

**Recommendations:**

Prior to construction commencing and during the remaining construction activity, we recommend the following course of action:

- Remove all the construction material from the critical root zone of the tree and fence the area that has not been disturbed by the excavation. Alternatively, if the area must be used for construction foot traffic, a layer of hog fuel or coarse wood chips at least 20 cm in depth must be installed and maintained in good condition until construction is complete.
- To improve the health and chances of recovery, we recommend supplemental watering during the spring and summer months within the CRZ of the tree for the next year, especially during periods of drought. During periods of low rainfall, where it is observed soil is dry within the garden bed, we recommend watering with a long and slow enough water dispersal that saturation occurs deep within the soil horizons. This could be done once or twice a week potentially, depending on soil moisture levels. Generally, less frequent deep watering is more beneficial than frequent, shallow watering, especially for deeply rooted species like Garry Oaks. The water should be directed away from the trunk of the tree and evenly throughout the root zone.



Talbot Mackenzie & Associates

After construction is complete:

- The project arborist will take soil samples with a soil probe to determine if there has been significant soil compaction warranting any remedial measures to amend or aerate the soil.
- Any planting of new trees or shrubs or in-ground irrigation systems that are part of the new landscape must take the tree's critical root zone into consideration and no further excavation should occur that may impact critical roots.

Please do not hesitate to call us at 250-479-8733 should you have any questions.

Thank you,



Graham Mackenzie  
ISA Certified # PN-0428  
TRAQ – Qualified

Talbot Mackenzie & Associates  
ISA Certified & Consulting Arborists

**Disclosure Statement**

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks. Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk. Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.



## Committee of the Whole Report For the Meeting of August 3, 2017

---

**To:** Committee of the Whole **Date:** July 21, 2017

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

**Subject:** Rezoning Application No. 00541 for 1068 Chamberlain Street

---

### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment(s) that would authorize the proposed development outlined in Rezoning Application No. 00541 for 1068 Chamberlain Street, that first and second reading of the Zoning Regulation Bylaw Amendment(s) 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 1068 Chamberlain Street. The proposal is to rezone from R1-G Gonzales Single Family Dwelling District to a new site specific zone to allow for a duplex with a secondary suite, through an addition onto the existing home. The Traditional Residential Designation in the *Official Community Plan, 2012 (OCP)* envisions ground-oriented residential including single family, duplex and attached dwelling (3 or more units), but does not envision secondary suites in duplexes. However, this proposal supports many of the objectives in the Official Community Plan around housing affordability, sustainability and energy. Taking this all into consideration, staff recommend that Council support this Rezoning Application.

The following points were considered in assessing this application:

- either a duplex or attached dwelling is consistent with the Traditional Residential Urban Place Designation within the OCP; however, a duplex with secondary suite is not consistent within the Zoning Bylaw
- a two family dwelling with secondary suite would ensure the existing secondary suite would remain as rental, whereas, attached dwellings could be individually owned



that it retains the existing housing stock, and the addition keeps in scale of the neighbourhood.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the property from R1-G Zone, Gonzales Single Family Dwelling District, to a site specific zone based on R-2 Zone, Two Family Dwelling District, to permit an addition of one unit onto an existing detached dwelling with secondary suite. With the new addition, the lot would have a duplex with secondary suite.

The following difference from the standard R-2 Zone is being proposed and would be accommodated in the new zone: allowing for a secondary suite when the principle use is two family dwelling. Additionally, variances are being proposed to parking location, combined floor area of first and second storey, rear yard, and minimum lot width. These variances will be reviewed in relation to the concurrent Development Permit with Variances Application No. 000488.

### **Affordable Housing Impacts**

The applicant proposes the creation of one new residential unit, as well as retaining and renovating the existing secondary suite, which will remain as rental.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit with Variances Application for this property.

### **Active Transportation Impacts**

The application proposes a bike room and two accessory buildings for residents and tenants, which supports active transportation choices.

### **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 characterised by mainly two-storey single family dwellings, duplexes, house conversions; and a six-unit, three-storey residential building directly adjacent. The lot is just south of Oak Bay Avenue which is designated as a Small Urban Village, characterized by commercial and mixed-used buildings.

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

The site is presently a one-storey dwelling with a secondary suite. Under the current R1-G



Zone, Gonzales Single Family Dwelling District the property could be developed as a single family dwelling with a secondary suite or garden suite.

### Data Table

The proposal will be a site specific zone, based on the closest zone, R-2. The following data table compares the proposal with the R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the zone that the site specific zone will be based on. The site specific zone would vary the use, and the Development Permit will vary parking location, maximum floor area on the 1<sup>st</sup> and 2<sup>nd</sup> floor, and minimum rear yard setback.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R-2</b>
Site area (m <sup>2</sup> ) - minimum	709.39	555.00
<b>Number of units</b>		
Maximum	2	2
Secondary suites	1*	0
Density (Floor Space Ratio) - maximum	0.36 to 1	0.50 to 1
1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	<b>359.80*</b>	280.00
Total floor area (m <sup>2</sup> ) - maximum	359.80	380.00
Lot width (m) - minimum	19.44	15.00
Height (m) - maximum	6.83 mid-point on hip roof 6.47 top of parapet on flat roof	7.60
Storeys - maximum	2	2
Site coverage % - maximum	36.00	40.00
Open site space % - minimum	55.60	30.00
<b>Setbacks (m) – minimum:</b>		
Front	7.39 building 4.61 steps	7.50 building 3.50 porch
Rear	<b>10.26*</b>	12.78
Side (north)	2.58	1.94
Side (south)	3.29	3.00
Combined side yards	5.87	4.50
Parking - minimum	2	2
Parking location	<b>front*</b>	side or rear

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on October 20, 2016. Meeting minutes are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The property is located in the Traditional Residential Urban Place Designation within the *Official Community Plan, 2012 (OCP)*. This designation envisions ground-oriented residential buildings, including duplexes and attached dwellings (defined as a building designed for three or more residential units).

The OCP currently envisions secondary suites as legal rental suites to be located within single-family detached houses, as noted by its definition. However, the designation also envisions attached dwellings, which could be separately titled and owned. From a land use perspective, both options function the same; however, a duplex with secondary suite would meet the objectives set out in the OCP more closely, with respect to rental housing retention.

The OCP supports affordable home ownership by permitting residential rental units in primary structures, and having a range of housing choices for an inclusive and multi-generational community. These objectives are supported with this proposal, by the secondary suite providing a mortgage-helper and rental housing.

The OCP has objectives for the re-use of buildings, energy efficient design, and having onsite renewable energy generation. The proposal makes an addition to and upgrades the existing house to Passive House design standards, drought resistant plants, and utilizes renewable energy sources.

### **Gonzales Neighbourhood Community Plan**

The property is located within the Residential designation in the *Gonzales Neighbourhood Plan*. The Plan encourages retention of existing housing stock, and additions that are sensitive to the neighbourhood. It also encourages secondary suites to provide more affordable housing and retain a diversity of housing.

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

There is a protected Garry Oak tree on the neighbour's property to the south that has been reviewed by the consulting project arborist. Its trunk is 7 meters from the duplex foundation. It has a large overhanging canopy that may require some pruning of small limbs for building clearance of the proposed duplex. The pruning will not have a significant impact on the Garry Oak tree. Protection measures will be put in place during construction of the new home, for the critical root zone of this protected tree.

### **Parking Regulations**

The parking is non-compliant with Schedule C(4) of the *Zoning Regulation Bylaw*. Parking is reviewed in the Development Permit with Variance report.



## CONCLUSIONS

The proposal to rezone the property from the R1-G Zone, Gonzales Single Family Dwelling District, to a site specific zone based on the R-2 Zone, Two Family Dwelling District, would permit the construction of an additional unit. While attached dwellings (defined as three or more units) would be consistent with the OCP in the Traditional Residential designation, the proposal to include a secondary suite in a duplex (also three units, but one would be rental) is not envisioned in the *Official Community Plan, 2012* (due to the secondary suite definition), nor permitted by the *Zoning Regulation Bylaw*. However, defining it as a duplex with secondary suite ensures the retention of an already existing rental unit. Additionally, this proposal supports many of other OCP objectives around sustainability and energy, and affordable housing. Taking this all into consideration, staff recommend that Council support this Rezoning Application No. 00541.

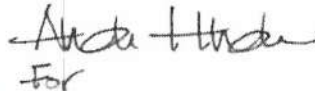
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00541 for the property located at 1068 Chamberlain Street.

Respectfully submitted,



Chelsea Medd, Planner  
Sustainable Planning and Community  
Development Department



For  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: July 25, 2017

## List of Attachments

- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans dated/date stamped July 14, 2017
- Attachment D - Letter from applicant to Mayor and Council dated July 20, 2017
- Attachment E - Community Association Land Use Committee Comments dated October 20, 2016
- Attachment F - Correspondence (letters received from residents)



## Committee of the Whole Report For the Meeting of August 3, 2017

---

**To:** Committee of the Whole  
**Date:** July 21, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 000488 for 1068 Chamberlain Street

---

### RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00541, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000488 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped July 14, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. allow parking in the front yard
  - ii. increase the maximum combined floor area on the first and second floor 280m<sup>2</sup> to 359.8m<sup>2</sup>
  - iii. reduce the minimum rear yard setback 12.78m to 10.26m
3. The Development Permit lapsing two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*, 2012 (OCP). A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

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



## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1068 Chamberlain Street. The proposal is to permit an addition of one unit onto an existing detached house with secondary suite. With the new addition, the lot would have a duplex with secondary suite. The variances are related to parking location, increasing combined floor area on the first and second floor, and reducing the rear yard setback.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Neighbourliness Guidelines for Duplexes* as it is in scale with the adjacent buildings, with street fronting entrances, however, a modern roofline has been proposed for the addition for differentiation and energy efficiency
- consistency with many of the goals in the *Gonzales Neighbourhood Community Plan, 2002* with regards to retaining existing housing and secondary suites, and additions that fit with the scale of the neighbourhood
- the variances related to parking location, increasing combined floor area on the first and second floor, and reducing the rear yard setback are supportable. The existing parking location in the front yard conforms in the current zone; however, it is not allowed in the standard R-2 Two Family Dwelling District Zone. The increased rear yard setback would allow for a private deck. The increase in combined floor area is supportable in that it takes into account the secondary suite, and the overall area of the lot is larger than the minimum size required for two-family dwelling zoning
- duplexes with secondary suites are not permitted within current Zoning Bylaw nor envisioned in the OCP; however, the proposal is supportable when taking into consideration design, housing, sustainability and other objectives in the OCP.

## BACKGROUND

### Description of Proposal

This proposal is to alter an existing single family dwelling with a secondary suite to create a duplex with a secondary suite.

Specific details include:

- Passive House
- Renovation of existing house and an addition
- Contrasting, contemporary addition with flat roofline
- Cedar siding and stucco
- Street-fronting entries
- Permeable paving on driveway
- Semi-private outdoor space for each unit, with fence separating rear yards
- Improved street relationship through plantings that are more welcoming to street.

## **Sustainability Features**

As indicated in the applicant's letter dated July 20, 2017 the following sustainability features are associated with this application. These features include:

- Building retention and re-use of a residential building
- Designed with Passive House principles
- Building envelope highly insulated and airtight
- High efficiency heat recovery ventilators
- LED lighting
- Solar panels.

The applicant intends on achieving Passive House Certification. A Section 219 Covenant was declined and instead, the applicant proposed to provide the City with a letter from a Passive House reviewer at Design Stage Review indicating that the building will achieve certification provided it is constructed as designed.

## **Active Transportation Impacts**

The application proposes Class 1 (secure, indoor) bike parking for residents and tenants.

## **Public Realm Improvements**

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

## **Accessibility Impact Statement**

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

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The proposal is generally consistent with the design guidelines in the *Neighbourliness Guidelines for Duplexes*; however, it is not consistent with the uses allowed, as it includes a secondary suite.

The design of the existing house and new addition is in scale with the existing houses along Chamberlain Street. It creates a gentle transition from the single family home to the South, to the walk-up townhouse building to the North. The height of the existing house is being slightly raised to accommodate a more liveable basement suite. Visual interest along the front has been added through varying façade articulations, with the front of the building broken up into small parts creating the illusion of a smaller building. The flat roofline on the addition is not consistent with the design guidelines in that it is in sharp contrast to the existing house; however, the modern design does help break up the building face and differentiates the addition from the original structure. The front yard will be landscaped to a more open design to improve the relationship to the street. Front entrances to all three units will be oriented toward the street, each with porches and overhangs. Windows have been minimized on both sides to reduce overlook concerns. Private outdoor space at the rear of the building will be associated with each of the duplex units, and a private sunken patio at the rear for the secondary suite.



Notwithstanding a secondary suite not being permitted in a two family dwelling, the proposal is generally consistent with the *Secondary Suite Design Guidelines*. The existing garage door is being refinished as the entrance, creating an entrance at the front of the building. The house is being raised 0.8m to create a higher ceiling height in the basement. Windows at ground level will have a fence adjacent, helping to bring light while also providing privacy for the neighbours. The secondary suite will have a private outdoor space in the rear yard, as well as, access to a bike room. The sunken entrance and patio will have a protective awning to clearly delineate the suite.

### **Gonzales Neighbourhood Community Plan**

The *Gonzales Neighbourhood Community Plan* considers additions in scale with existing buildings. This lot would be an appropriate transition between the walk-up townhouses to the North, and single family dwelling to the South. Additionally, the Plan encourages renovating existing housing stock to keep character, while allowing design diversity in new development. This proposal renovates a 100-year old house, and a modern addition in scale with the neighbourhood. Front yard parking is allowed in Gonzales for single family dwellings; however, not for two-family dwelling district or attached dwelling. That being said, the proposal uses the existing front yard parking configuration, while improving the street relationship by bringing the driveway to at-grade, and adding landscape screening to reduce the visual impact.

### **Regulatory Considerations**

The proposed variances are related to maximum combined floor area, minimum rear yard setback, and parking location.

The maximum combined floor area permitted in the R-2 Zone is 280m<sup>2</sup>. The proposed combined floor area would be 359.8m<sup>2</sup>. This increase is due to the addition of a secondary suite of 51.61m<sup>2</sup> which makes up 14% of the entire building, or 24% of the side of the duplex it is within. The total site area is 709.39m<sup>2</sup>, and is well over the minimum site area for a duplex of 555m<sup>2</sup>. The floor space ratio is 0.51:1 and therefore, the lot can conceivably support a larger floor area.

The minimum rear yard setback is requested to be reduced from 12.78m to 10.26m. The reduced setback is measured from a raised deck. The main structure does not intrude in the setback, and therefore, this variance is supportable.

Parking in the front yard is considered in the *Gonzales Neighbourhood Community Plan* for single family dwellings. Additionally, the existing R1-G Zone allows for parking in the front yard, however, the R-2 Zone does not allow parking in the front yard. The proposal would raise the current front yard sloping driveway to be at-grade with the front yard, and another parking spot would be added, for a total of 2 parking spaces. The at-grade driveway would improve the street relationship and functionality of the front yard for residents and pedestrians. The driveway would be grass-crete to soften the appearance and reduce surface runoff. Additionally, the driveway would be screened from neighbours by a perimeter fence. Rear yard parking was considered, but in consideration for neighbour concerns, permeability of landscaping, and the preservation of the boulevard tree, parking in the front yard is a suitable solution.

### **CONCLUSIONS**

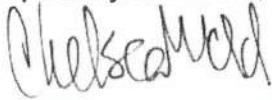
While the proposal is inconsistent with the land use policies for two-family dwellings, since a secondary suite is also proposed, it is fairly consistent with the guidelines for Development Permit Area 15D: Intensive Residential – Duplex. The proposal follows the guidelines related to

exterior design considerations, specifically, the addition fits within the established scale of the street, entrances to the units create a positive street relationship, and window and deck placements take privacy into consideration. In addition, the variances are supportable; parking location is maintained and improved in its current location, rear yard setback is increased to accommodate a deck, and the maximum floor area on first and second floor to retain the secondary suite. Taking into consideration the many aspects in regards to affordable housing and energy objectives in the OCP, as well as the sensitivity to the neighbourhood context, staff recommend that Council support this Development Permit with Variances Application.

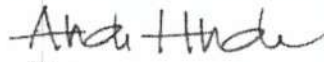
#### ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000488 for the property located at 1068 Chamberlain Street.

Respectfully submitted,



Chelsea Medd, Planner  
Sustainable Planning and Community  
Development Department



For

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



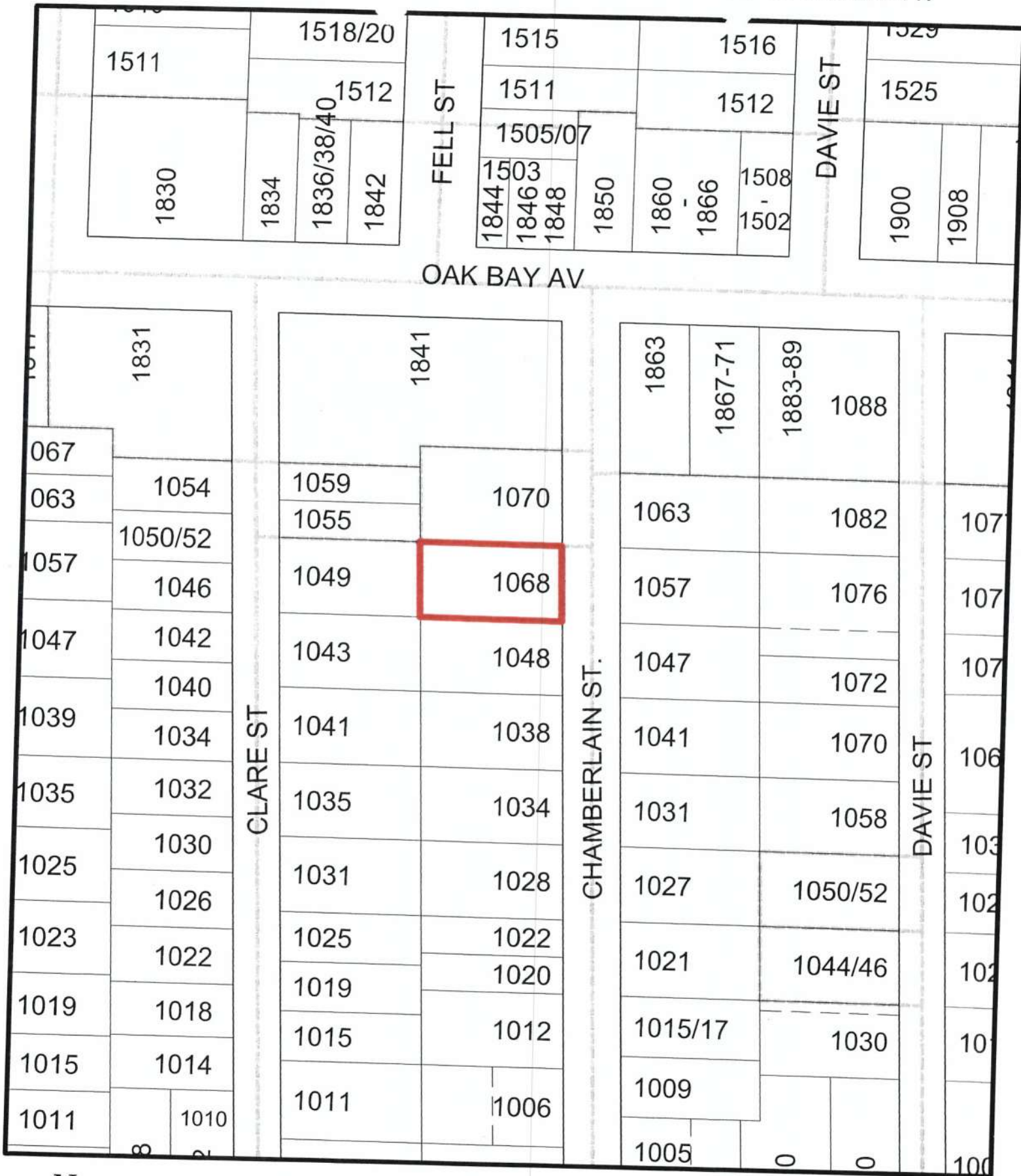
Date:

July 25, 2017

#### List of Attachments

- Attachment A - Subject Map
- Attachment B - Aerial Map
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- Attachment D - Letter from applicant to Mayor and Council dated July 20, 2017
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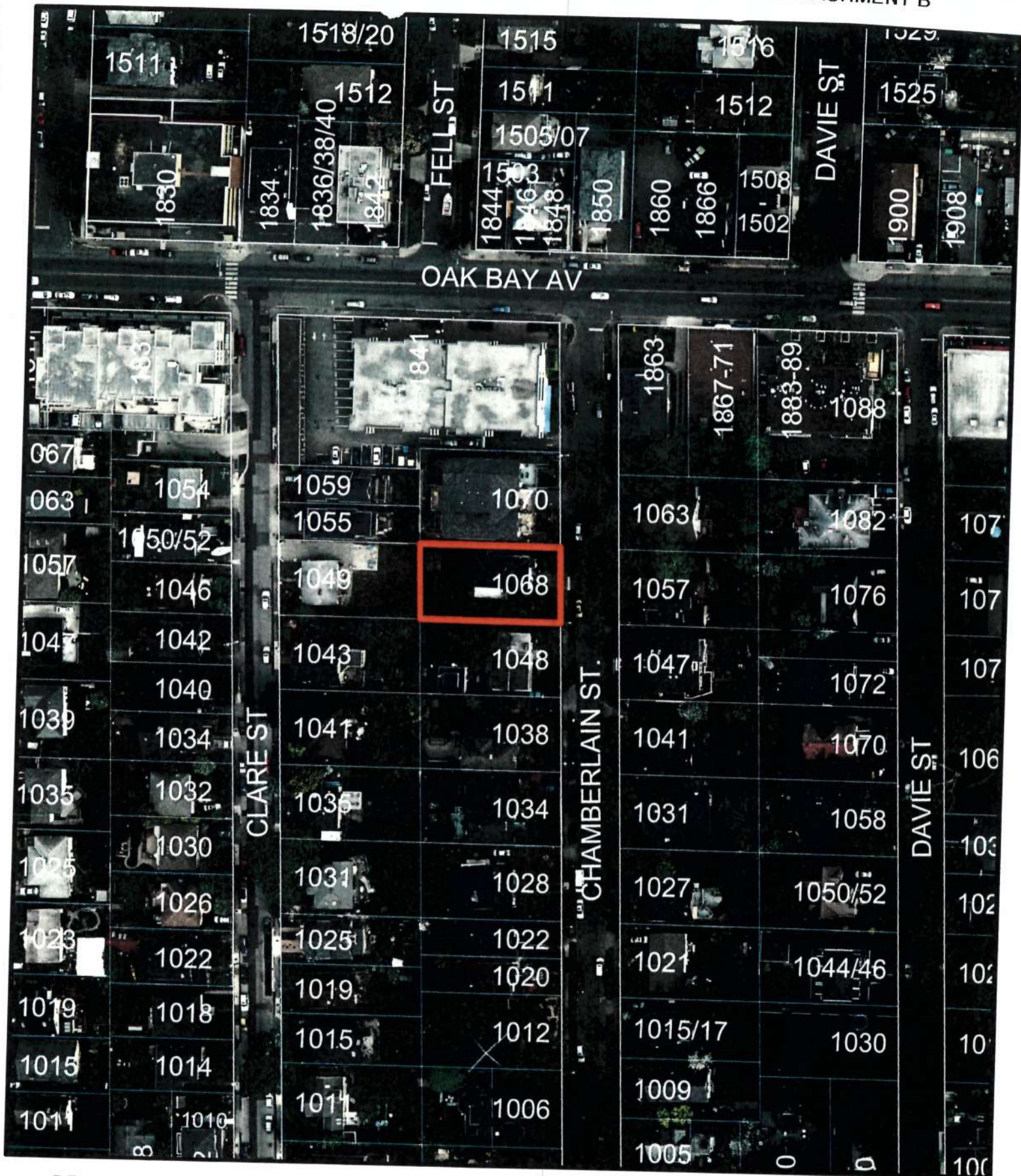




1068 Chamberlain Street  
Rezoning No.00541







1068 Chamberlain Street  
Rezoning No.00541





## CHAMBERLAIN LOW ENERGY DUPLEX

1068 CHAMBERLAIN STREET, VICTORIA, BC

**Received**  
City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division

### DRAWING LIST

A001	SCHEDULES
A002	OVERLOOK STUDY
A101	SITE PLAN
A102	AREA PLANS
A103	ANALYTICAL RENDERINGS
A104	CONTEXT STUDY
A201	LOWER FLOOR PLANS
A202	UPPER FLOOR PLAN
A203	ROOF PLAN
A401	ELEVATIONS
A402	ELEVATIONS
A501	SECTIONS
A502	SECTIONS
L01	LANDSCAPE PLAN

MARK **ASHBY**  
ARCHITECTURE

1370 Belford Avenue  
Hempstead, BC, V9S 4A6  
t 250.244.3705  
www.markashbyarchitecture.com

## CHAMBERLAIN LOW ENERGY HOUSE X2

**OWNER**  
Christy Love and Matt Mahoney  
1066 Chamberlain Street  
Victoria, BC

**DEVELOPMENT CONSULTANT**  
Ian Scott Consulting  
Victoria, BC

**ARCHITECTURE**  
Mark Askey Architecture  
1370 Bedford Avenue  
Nanaimo, BC

LANDSCAPE  
Kate Stefuk Design  
Nanaimo, BC

**CONSTRUCTION MANAGEMENT**  
Bernardi Contracting Ltd  
Victoria, BC



## Revisions

Received Date:  
July 14, 2017

Dimensions shown on these drawings represent design intent. Confirmation of field dimensions is the responsibility of the Contractor. Verify all dimension and report all discrepancies to the Architect.

Do not scale these drawings

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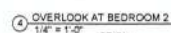
Love-Mahoney  
**CHAMBERLAIN LOW  
 ENERGY DUPLEX**  
 COVER SHEET

Project number	2015-008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
A000	
Scale	As Indicated

PM 15 10C 2102/17572

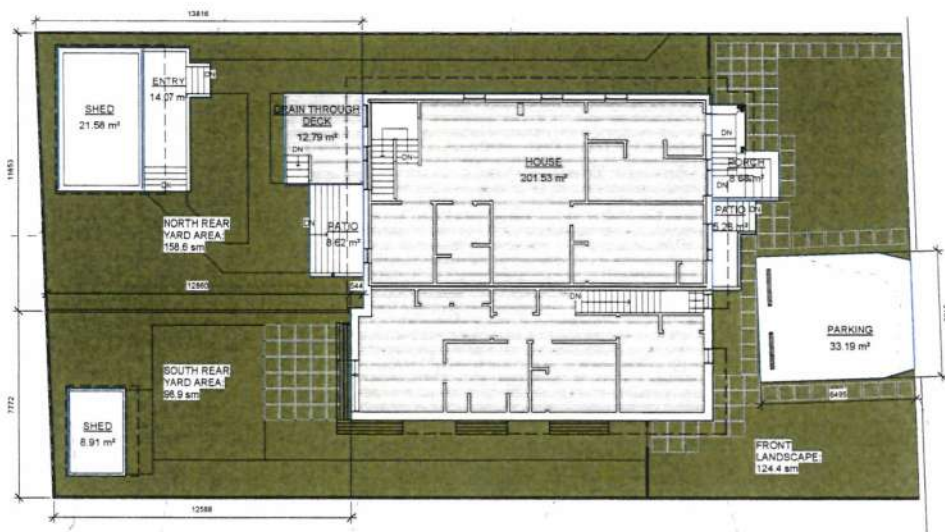






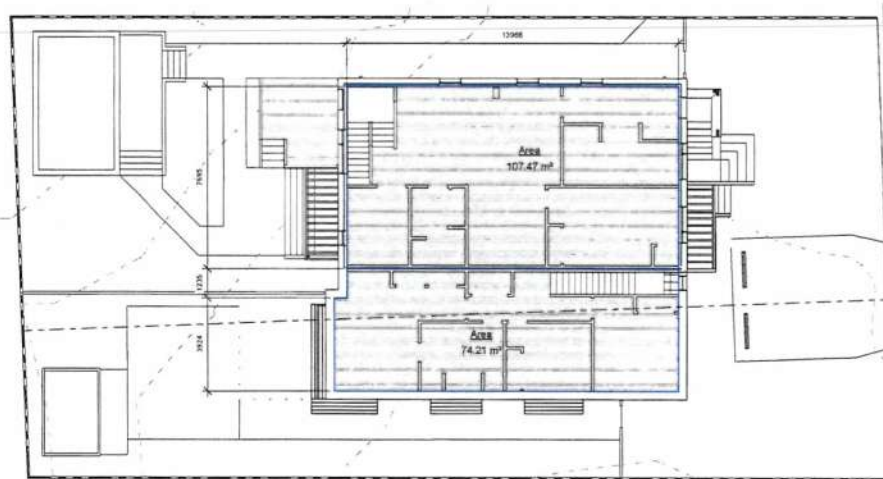




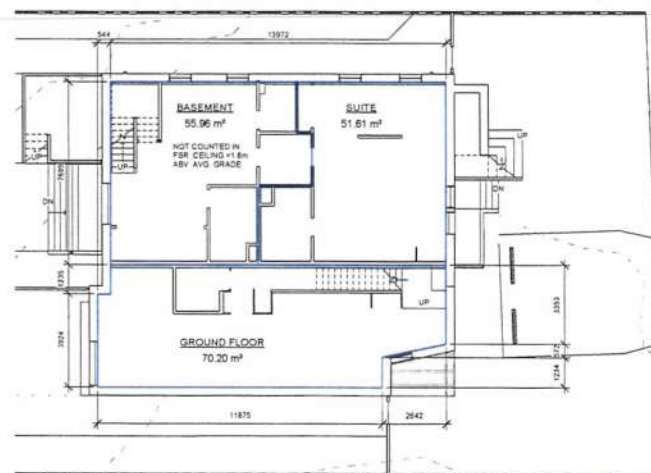


① LANDSCAPE AND SITE COVERAGE  
1:100

REAR YARD  
AREA: 246.9 km  
REAR YARD  
OPEN SPACE:  
191.5 km  
REAR YARD  
COVERAGE:  
55.4 km  
SITE AREA:  
709.4 km  
TOTAL OPEN  
SPACE:  
394.5 km



② FSR AREA UPPER FLOOR  
1:100



③ FSR AREA LOWER FLOORS  
1:100

**MARK ASHBY**  
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Do not scale these drawings.

No.	Description	Date
1	SUBDIVISION	FEB 1, 2016
2	Rezonning	July 25, 2016
4	Rezonning Revision	Mar 1, 2017
5	DP Review	June 15, 2017

Love-Mahoney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX**  
AREA PLANS

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
Scale	1:100

A102

Received  
City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division



MARK **ASHBY**  
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Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX

ANALYTICAL  
RENDERINGS

Project number	2015 006
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Date: JULY 25, 2016

Drawn by	MA
Checked by	MA

1.400

A103

Scale	12" = 1'-0"
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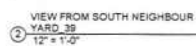
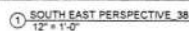
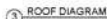
Received  
City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division







Planning & Development Department  
Development Services Division

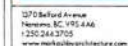
1370 Belford Avenue  
Nanaimo, BC V9S 4A6  
r250 244 3705  
www.markashbyarchitects.com

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Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
A105	
Scale	12" = 1'-0"



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Do not scale these drawings

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Rezoning	July 25, 2016
4	Rezoning Revision	Mar 1, 2017
5	DP Revision	June 15, 2017

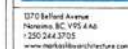
Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
LOWER FLOOR  
PLANS

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
A201	
Scale	1 : 50

Received  
City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division



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Do not scale these drawings

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Re zoning	July 25, 2016
4	Re zoning Revision	Mar 1, 2017
5	DP Revision	June 15, 2017

Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
UPPER FLOOR PLAN

Project number	2015 001
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
A202	
Scale	1 : 50

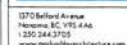
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Received  
City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division





Dimensions shown on these drawings represent design intent. Confirmation of field dimensions is the responsibility of the Contractor. Verify all dimensions and report all discrepancies to the Architect.

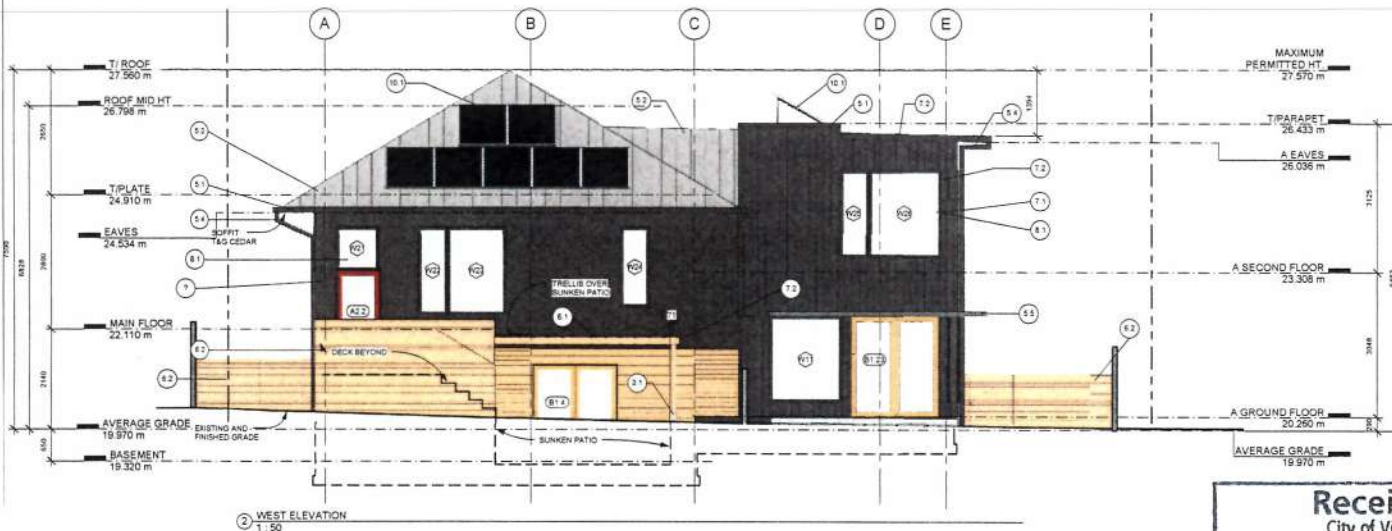
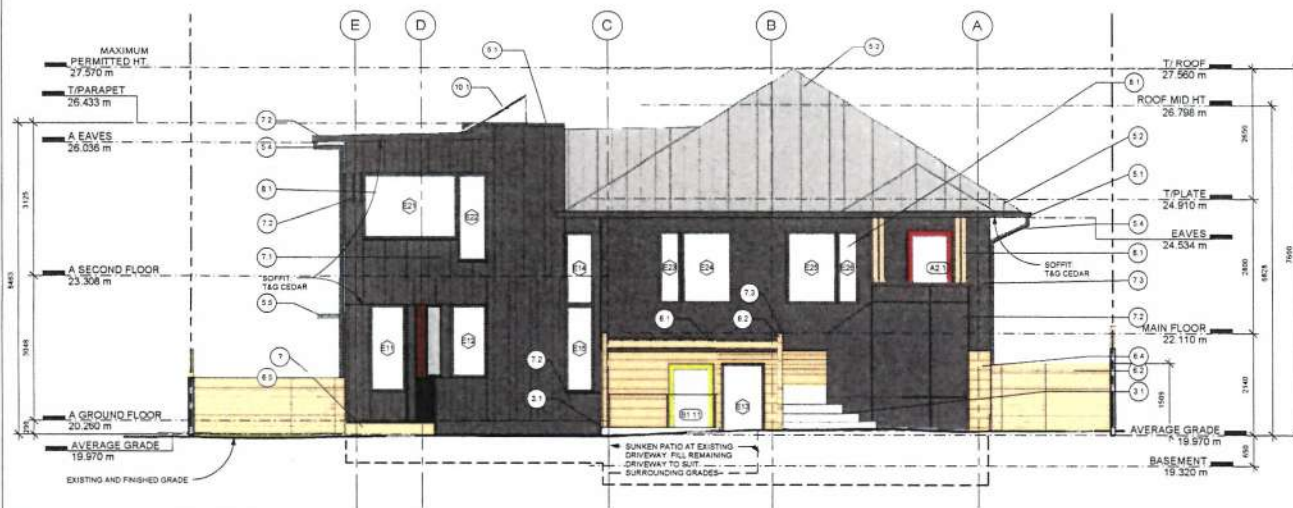
Do not scale these drawings.

No	Description	Date
4	Releasing Revision	Mar 1, 2011
5	OP Revision	June 15, 2017

Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
ROOF PLAN

Project number	2015 008
Date	JULY 25, 2016
Drawn by	Author
Checked by	Checker
A203	
Scale	1/4" = 1'-0"





Clear finished wood accents at entries and soffits in conjunction with native painting and dark siding finish.  
D'Amico Architects, Vancouver, BC



Dark horizontal siding with discreet trim.  
Portland, OR

ELEVATION NOTES:  
PROPOSED GRADES ARE SIMILAR TO EXISTING EXCEPT WHERE NOTED ON ELEVATION DRAWINGS

#### EXTERIOR FINISH SCHEDULE

- 3.1 ARCHITECTURAL CONCRETE
- 5.1 BREAK-FORMED METAL GUTTER - GALVANIZED FINISH
- 5.2 STANDING SEAM METAL ROOF - GALVALUME FINISH
- 5.3 METAL FASCIA - GALVALUME FINISH
- 5.4 PRE-FINISHED METAL RAIN WATER LEADER - S.W. TONE
- 5.5 LOUVERED WINDOW SHADE
- 6.1 STRUCTURAL TIMBER, VARIOUS DIMENSIONS
- 6.2 STRUCTURAL SELECT CLEAR FIR, CLR STAIN FIN
- 6.3 SCREEN AND FENCE CEDAR, CLEAR SEALANT FINISH
- 6.4 SOFFIT TAG CEDAR, CLEAR SEALANT FINISH
- 6.5 SHIP-LAP CEDAR, CLEAR FINISH, 4" REVEAL
- 6.6 CEDAR DECK, CLR FIN
- 7.1 INVERTED BOARD AND BATTEN CEDAR SIDING, 6"
- 7.2 REVEAL, CLEAR STAIN FINISH S.W. TONE
- 7.3 PANEL SIDING WITH ARCHITECTURAL REVEALS, PAINT FINISH S.W. TONE
- 7.4 STUCCO SIDING
- 7.5 BUILT-UP ROOF MEMBRANE
- 7.6 VEGETATED ROOF
- 8.1 TRELLIS GLAZED THERMAL WINDOWS AND DOORS
- 8.2 ALUMINUM SLID-D-W. TONE
- 8.3 THERMAL ROOF WITH ACCENT COLOUR
- 10.1 PHOTO-VOLTAIC SOLAR PANEL

**MARK ASHBY**  
ARCHITECTURE

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Do not scale these drawings.

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Revising	JULY 25, 2016
3	Revising	MAR 1, 2017
4	Revising	JUNE 15, 2017
5	Revising	JULY 12, 2017
6	Revising	
7	Revising	
8	Revising	
9	Revising	
10	Revising	
11	Revising	
12	Revising	
13	Revising	
14	Revising	
15	Revising	
16	Revising	
17	Revising	
18	Revising	
19	Revising	
20	Revising	

Love-Mahoney  
**CHAMBERLAIN LOW ENERGY DUPLEX**  
ELEVATIONS

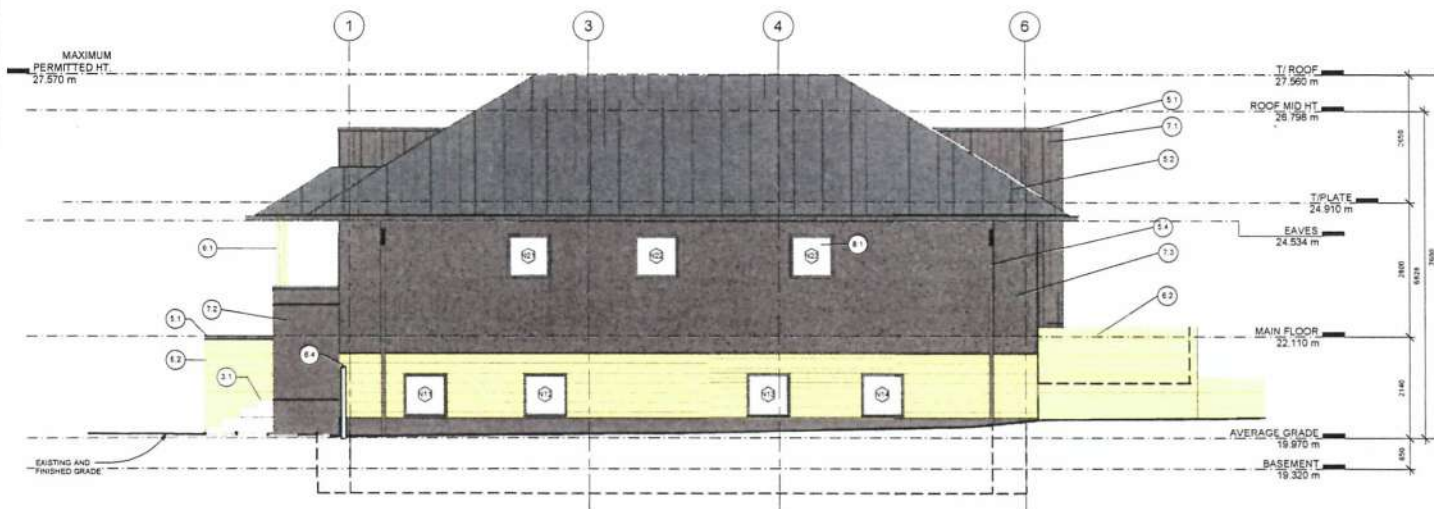
Project number: 2015 008  
Date: JULY 25, 2016  
Drawn by: MA  
Checked by: MA  
**A401**  
Scale: As indicated

Received  
City of Victoria

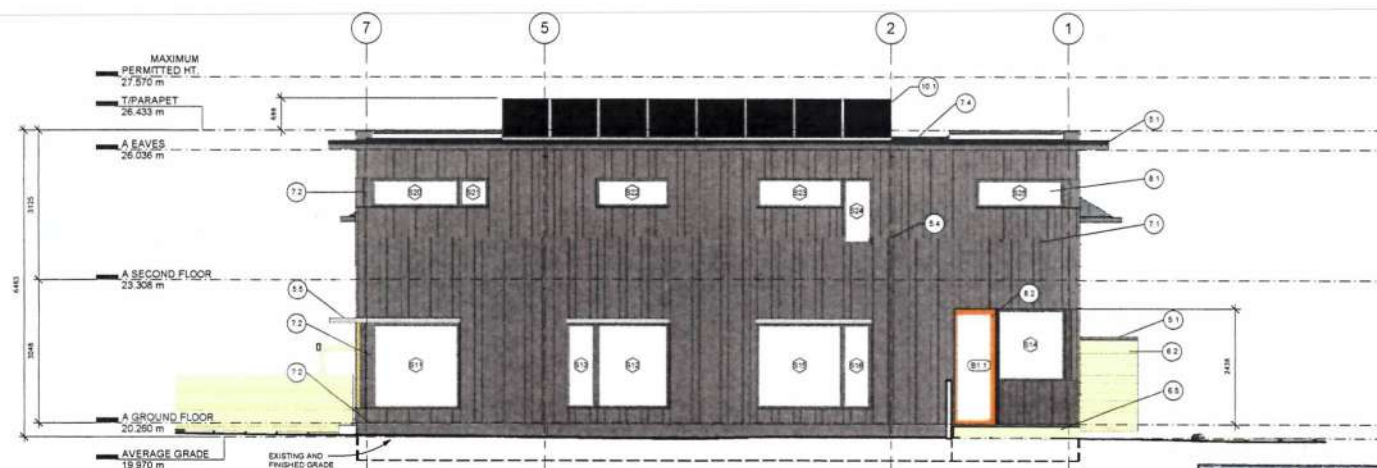
JUL 14 2017

Planning & Development Department  
Development Services Division





1 NORTH ELEVATION  
1:50



2 SOUTH ELEVATION  
1:50



Courtyard garden defined by cedar screens and accessory building with defined patios and outdoor living space  
Cleverton Design, Toronto



Stylish patio with terraced patios  
Grove Green, California



Door as accent colour  
Koch Architects, Mid-century renovation

#### ELEVATION NOTES:

PROPOSED GRADES ARE SIMILAR TO EXISTING EXCEPT WHERE NOTED ON ELEVATION DRAWINGS.

#### EXTERIOR FINISH SCHEDULE

- 1.1 ARCHITECTURAL CONCRETE
- 1.2 BREAK-FORMED METAL BUTTER - GALVANIZED FINISH
- 1.3 STANDING SEAM METAL ROOF - GALVALUME FINISH
- 1.4 METAL FLASH - GALVALUME FINISH
- 1.5 PRE-FINISHED METAL RAIN WATER LEADER - S.W. 7026 LOUVERED WINDOW SHADE
- 1.6 STRUCTURAL TIMBER VARIOUS DIMENSIONS
- 1.7 STRUCTURAL SUBJECT CLEAR FIN. CLR. STAIN FIN.
- 1.8 SCREEN AND FENCE CEDAR CLEAR SEALANT FINISH
- 1.9 SHIP-LAP CEDAR CLEAR SEALANT FINISH
- 1.10 CEDAR DECK CLR. FIN.
- 1.11 INVERTED BOARD AND BATTEN CEDAR SIDING 8"
- 1.12 REVEAL CLEAR STAIN FINISH S.W. 7026
- 1.13 PANEL SIDING WITH ARCHITECTURAL REVEALS PAINT FIN. S.W. 7026
- 1.14 STUCCO SIDING
- 1.15 BUILD-UP ROOF MEMBRANE
- 1.16 VEGETATED ROOF
- 1.17 TRIPLE-GLAZED THERMAL WINDOWS AND DOORS
- 1.18 ALUMINUM CLAD - S.W. 7026
- 1.19 THERMAL DOOR WITH ACCENT COLOUR
- 1.20 PHOTO-VOLTAIC SOLAR PANEL

**MARK ASHBY**  
ARCHITECTURE

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Do not scale these drawings.

No.	Description	Date
1	SUBDIVISION	FEB 7, 2016
2	Mapping	JULY 25, 2016
3	Revising/Revision	Mar 1, 2017
4	DP Revision	June 15, 2017
5	DP Revision	JULY 12, 17
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#### Love-Mahoney CHAMBERLAIN LOW ENERGY DUPLEX ELEVATIONS

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
<b>A402</b>	
Scale	As indicated

Received  
City of Victoria

JUL 14 2017

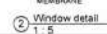
Planning & Development Department  
Development Services Division



Do not scale these drawings.

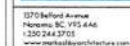
Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
SECTIONS

20	21
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114



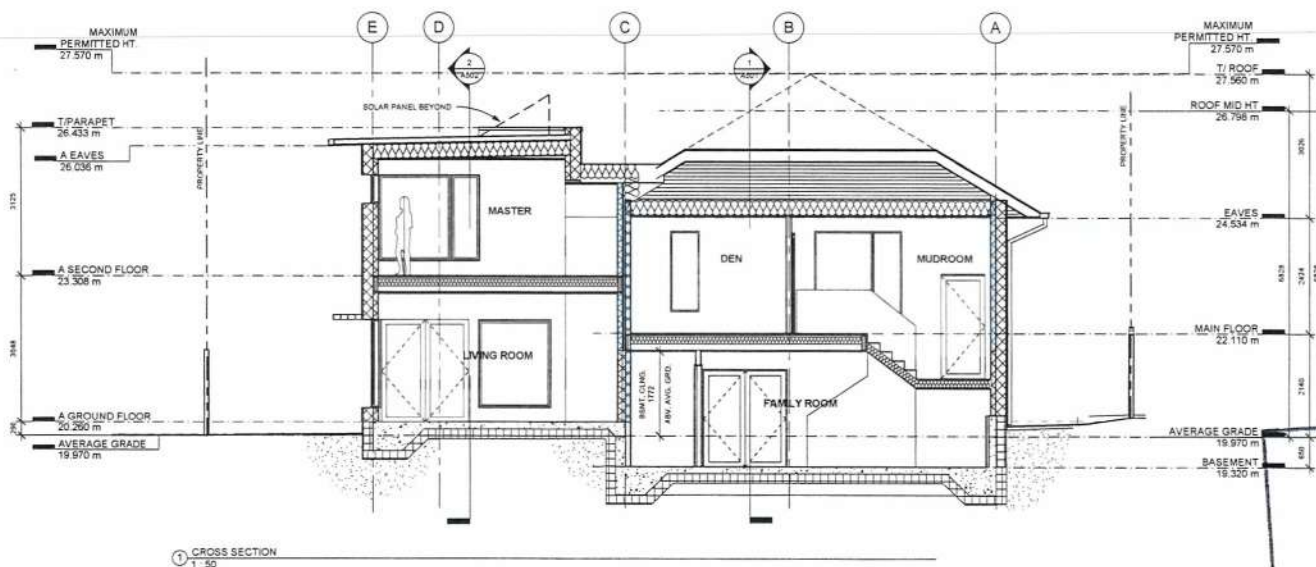


Do not scale these drawings

Love-Mahoney  
CHAMBERLAIN LOW  
ENERGY DUPLEX  
SECTIONS

Project number	2015 008
Date	JULY 25, 2016
Drawn by	MA
Checked by	MA
A502	
Scale	1 : 50

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# KATE STEFIUK STUDIO

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NO.	DATE	ISSUE
1	16-11-14	FOR REVIEW
2	17-03-08	REVISIONS ON

## PROJECT

**CHAMBERLAIN  
LOW ENERGY DUPLEX**  
1068 CHAMBERLAIN ST.  
VICTORIA, BC

## LANDSCAPE PLAN

PROJECT LOW ENERGY DUPLEX  
DB: KS CB: KS  
SCALE VARIES  
DATE 2017-03-08

### PLANTING NOTES:

Two existing fruit trees will be removed and replaced with:

- 2 espaliered fruit trees
- 3 flowering dogwood
- 4 service berry
- 1 crabapple

Plants chosen are primarily native species, drought tolerant, hardy, and provide necessary screening from neighbours.

### PLANT LIST:

#### Deciduous Trees

Serviceberry (drought tolerant, native)  
Flowering Dogwood (drought tolerant, native)  
Crabapple (drought tolerant, native)

#### Evergreen Shrubs

Strawberry Bush (drought tolerant)  
Sailor (drought tolerant)  
Dull Oregon Grape (drought tolerant)  
Evergreen Huckleberry (drought tolerant)

#### Deciduous Shrubs

Saskatoon Berry (drought tolerant)  
Red Osier Dogwood (drought tolerant)  
Heavenly Bamboo (drought tolerant)  
Red Flowering Currant (drought tolerant)  
Blueberries (drought tolerant)

#### Groundcovers

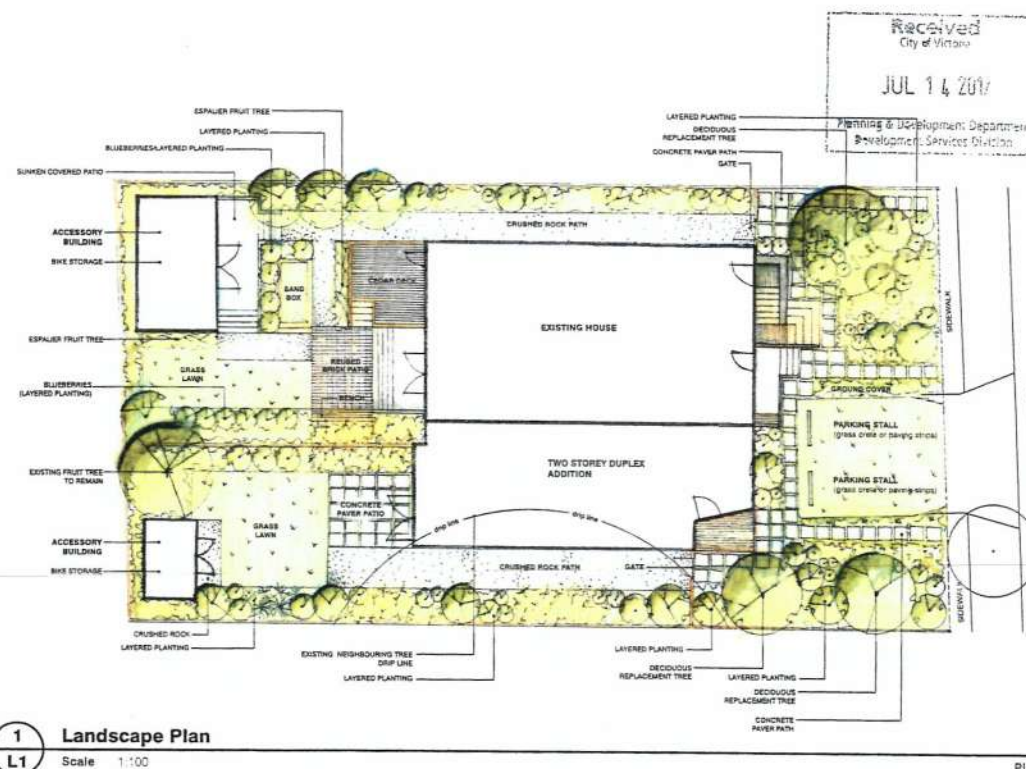
Kinkadee (drought tolerant, native)  
Wild Strawberry (drought tolerant, native)  
Sedum  
Creeping Thyme  
Wild Ginger

#### Ferns

Japanese Painted Fern (drought tolerant, native)  
Autumn Fern (drought tolerant, native)  
Licorice Fern (drought tolerant, native)  
Sword Fern (drought tolerant, native)

#### Perennials & Grasses

Evergold Sage (drought tolerant)  
Lavender (drought tolerant)  
Maiden Grass (drought tolerant)  
Cammi (drought tolerant)  
Fountain Grass (drought tolerant)  
Sage (drought tolerant)  
Shore Stonecrop (drought tolerant)  
Blue Moor Grass (drought tolerant)



**1 Landscape Plan**  
Scale 1:100



**2 Front**  
Scale NTS



**3 Front Yard**  
Scale NTS

Perspective

# BC LAND SURVEYORS SITE PLAN OF:

Civic: 1068 Chamberlain Street

Legal - Lot 16, Section 74,  
Victoria District, Plan 252

Parcel Identifier: 003-785-599 in the City of Victoria

## LEGEND

Elevations are geodetic referred to Victoria Integrated  
Survey Monument 15-109. (elev=22.506m)

- denotes - Water Meter
- denotes - Manhole - Sanitary Sewer
- denotes - Utility Pole With Light
- ##+ - denotes - existing elevation

Tree diameters are in centimetres.

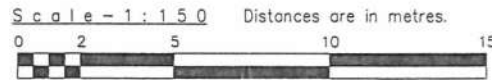
Setbacks are derived from field survey.

Parcel dimensions shown hereon are  
derived from Land Title Office records.

This document shows the relative location  
of the surveyed features and shall not be  
used to define property boundaries.

Site Area  
709 m<sup>2</sup>

Plan 252

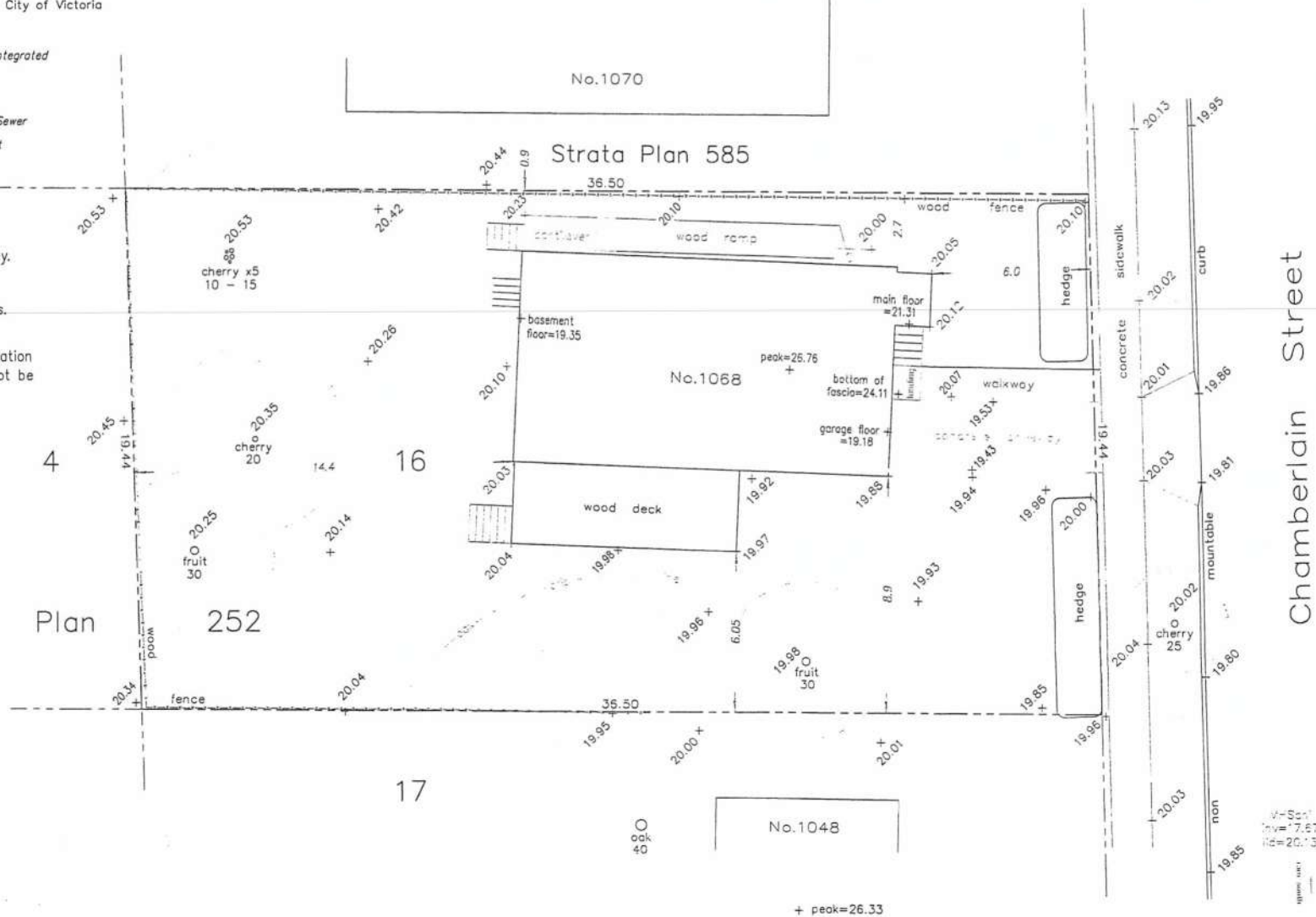


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City of Victoria

JUL 14 2017

Planning & Development Department  
Development Services Division





# CHAMBERLAIN LOW ENERGY DUPLEX

July 20, 2017

To: Mayor Helps and Victoria City Council  
Victoria City Hall 1 Centennial Square  
Victoria BC V8W 1P6

Re: Rezoning & Development Permit Application for 1068 Chamberlain Street

Dear Mayor Helps and Victoria City Council,

This proposal is to modestly increase density in one of Victoria's most walkable neighbourhoods, in a manner that exemplifies efficient design and construction practices and respects the fabric of the existing established neighbourhood. The project is shaped by the following fundamental values:

- We believe that we have the skills, materials, and available technologies – *right now* - to build homes that are significantly more energy efficient, comfortable, healthy and long-lasting than most of what is being built today.
- We believe there is tremendous value in our existing homes and that there is much we can do to improve those as well.
- We believe that environmental outcomes are at least as important as financial ones.
- We believe that thoughtfully designed infill is critical to supporting a walking and biking culture.
- We believe that sustainable design is compact design.

Our goal is to create housing for 2.5 families that uses less energy than the existing single family home on the property. Our intention is to continue to live in the renovated existing house, with extended family in the suite, and to call this vibrant neighbourhood our home for the long-term.

## Description of Proposal:

The proposal is to convert the existing single family home into a strata duplex with a secondary rental suite in one half. The design is sensitive to the existing single family character of the neighbourhood, maintaining the existing 100+ year old home while adding an attached duplex addition. The rental suite within the existing home's current footprint will keep that half of the duplex affordable to families and offer additional rental accommodation in the neighbourhood. The rental suite will not be a separate strata unit.

Design will follow Passive House principals (emphasis on super insulation, high performing windows, and airtight construction with no thermal bridging), with goals of achieving net-zero energy consumption, zero carbon emissions, and Passive House certification. We have retained a Passive House Certifier and can provide a letter of engagement, if requested, as evidence of our commitment. The Certifier will also complete an interim Design Stage Review to provide feedback prior to construction and to provide a degree of assurance that the project will certify if constructed as designed. This review can also be provided to the city if requested.

A 144 sq.m. (~1550 sq.ft.), 3-bedroom, 2-storey addition will be added to the south side of the existing home. The design is practical and compact, suitable for a family, and intended to be extremely comfortable and low impact. The location is highly desirable for its established character, natural beauty, proximity to high quality schools, and proximity to Oak Bay Avenue.

The existing 108 sq.m (~1160 sq.ft.) house + 108 sq.m basement will remain as the second half of the new duplex. It will be renovated following the same Passive House design principles, with a full upgrade to the



## CHAMBERLAIN LOW ENERGY DUPLEX

exterior, foundation, plumbing, electrical and mechanical systems. The single storey + basement structure will be lifted 0.8 m to create a full height lower level, which will include the studio rental suite. The suite is intended as affordable, independent accommodation particularly suited to multi-generational living. Site specific R2 zoning is being requested to facilitate the addition of the suite in the duplex.



Figure 1: Southeast Perspective of Proposed Duplex Addition

### Policy Support: Land Development and Management

The proposal supports the Official Community Plan (OCP)'s goal to create compact development patterns that use land efficiently. The proposal lot is large (709.4 m<sup>2</sup>) and is the third property south of Oak Bay Avenue, adjacent to a 6-unit townhouse on the north side and a single family dwelling on the south. Our proposal will create additional housing that supports walking to Oak Bay Avenue's "Small Urban Village" economic center. The property is also a short walk to bus stops and a short walk or bike ride to neighbourhood schools.

The addition of the suite to the existing house diversifies the range of housing options available in this Traditional Residential neighbourhood, creating an option for extended family to remain closely connected, access amenities within a short walk, and age in place.

The proposal supports the new (draft) Gonzales Neighbourhood Plan by maintaining the ground-oriented existing single family character of the immediate neighbourhood, while enhancing the diversity of housing via the addition of the rental suite and the new duplex addition.

The immediate neighbourhood is characterized by a mixture of single family homes, house conversions, and multi-family dwellings. Many of the houses in the area have rental suites and several are house conversions.

It has been suggested that City policy does not support suites in duplexes. However, the R-2 Two-Family Zone and the City's Duplex Guidelines predate the OCP. This proposal is entirely consistent with the

## CHAMBERLAIN LOW ENERGY DUPLEX

objectives and policy direction of the OCP and the new Gonzales Neighbourhood Plan, which specifically identifies duplexes + suites as a desirable housing type. The OCP envisions a range of ground-oriented housing types that fit well within the existing neighbourhood fabric. This is what our proposal achieves and we trust our proposal is evaluated in the context of the City's most up-to-date and emerging policy.

Below is a map with current housing mix of properties immediately surrounding the subject property.



Figure 2: Housing types adjacent to subject property

### Policy Support: Housing Diversity

This proposal also supports the OCP's objectives for Housing and Homelessness. While not targeted at the most vulnerable, this proposal enhances affordability while creatively regenerating and enhancing the existing housing stock.

Half of the duplex includes a mortgage helper suite, making ownership in this popular family neighbourhood accessible to a greater diversity of families. At the same time, it adds additional rental stock to this neighbourhood and creates an opportunity for multi-generational living and a diverse community.

### Policy Support: Climate Change and Energy

The proposal supports all five of the City's strategic goals around climate change and energy, as follows:

1. Increased resilience to climate change, energy scarcity and costs: By applying Passive House principles, both the existing and new addition will use very little energy. Because of the emphasis on constructing an airtight and highly insulated building envelope, the homes will also remain comfortable year-round, with very little need for additional heating or cooling. In the face of a natural disaster, the homes will stay warm longer without power.
2. Both existing and new addition will be built solar PV ready and both will be all-electric. BC's hydro power supply has a much lower carbon footprint than combustion fuel. By building all-electric, both homes will also have the potential to generate and store all of their own power on-



## CHAMBERLAIN LOW ENERGY DUPLEX

- site.
3. The homes are sited in a location where cars are not needed. All amenities can be accessed within a short walk. Downtown is accessible by a short bike or bus ride.
  4. The re-use and improvement of the existing building will reduce construction waste and reduce the need for raw materials. By renovating the existing house to a very high construction and energy performance standard, the life of this 100-year old house is extended indefinitely, while also creating a healthy, low-energy, low-carbon environment for its occupants.
  5. As outlined in 2. above, both sides of the proposed duplex will be solar PV ready as a minimum, increasing Victoria's clean, renewable, and efficient energy sources.

### Neighbourhood Consultation:

Beginning in the fall of 2015, neighbours within and beyond the 100m radius were consulted. We had preliminary in-person conversations with over 55 neighbours from September 2015 through spring 2016. Preliminary plans for a small lot subdivision approach were shared and input received. Plans were also emailed to interested neighbours, including the Clare Street email list and the 6-unit townhouse email list. We also shared our blog documenting the project ([stretchdeveloper.com](http://stretchdeveloper.com)). We discussed the small lot subdivision proposal at an informal meeting with the Fairfield Gonzales Community Association Land Use Committee in February 2016.

As a result of the concern voiced by some of our neighbours that there was insufficient space between adjacent properties, we elected to redesign for an attached duplex. This approach allows us to achieve our project objectives while doubling the amount of space between the building and its adjacent properties to the north and south.

Neighbour input also led us to move the parking from the rear of the yard to the front, using minimal permeable parking surface to accommodate the required parking area. While a variance from the R2 zoning, this strategy is consistent with R1-G Design Requirements for Single Family Front Yard Parking, and reflects a preference to maintain the greenspace in the rear yard. The rear yard is part of a nearly block-long stretch of back yard space that has no car access or paved area. See Appendix A. The parking design is intended to provide two parking spaces in as efficient manner as possible, and thereby preserving as much front yard green space as possible.

Landscaping has also been intentionally designed to provide screening and protect privacy, particularly with the neighbour immediately to the south of the new house. Landscaping includes the extension of the existing 6' fence and plantings to enhance privacy on both sides.

A noticed community meeting was held with the Fairfield Gonzales Community Association Land Use Committee on October 20, 2016. An estimated eight neighbours attended and several provided comments at the meeting, most of which were supportive. Points of support included the creative addition of modest density, the addition of the suite, the ambitious sustainability goals, and the design. Specific criticisms focused on minor design elements such as plantings between properties and roof shape.

Follow up from our neighbour to the south after the meeting raised a number of points including disliking the modern design of the addition, concern about privacy issues, and a dislike for the 3 units without a rationale. We believe we have addressed privacy concerns with the design of non-view windows on the second floor of the addition, as well as a 6-foot fence and plantings screening windows on the ground floor. Refer to the overlook study on drawing A002. We will continue to work with this owner in as constructive a manner as possible to resolve any remaining concerns. Redesigning from the small lot subdivision to the attached duplex approach was a significant change we undertook specifically in response to this neighbour's concerns.

## CHAMBERLAIN LOW ENERGY DUPLEX

Because of our lengthy consultation process prior to the community meeting, we did not hear any criticisms at the community meeting that warranted major changes to the current design. Some minor changes have been incorporated to meet the city's submission requirements.

### House Design:

Both the existing house renovation and the new duplex addition are designed to be extremely energy efficient; to use low embodied carbon and energy materials to the extent possible. The focus of the design is on Passive House principles – significant resources will be focused toward making the building envelope of both houses highly insulated and airtight. High efficiency heat recovery ventilators will be installed to ensure very high quality distributed ventilation air.

The renovation of the existing house respects and maintains the original form and roof line, while the addition is intentionally contemporary, simple and contrasting. This design strategy highlights the relationship between old and new. The design uses traditional materials, including cedar siding and stucco, that reference more traditional material choices evident on the block. Deep window reveals introduced by the thicker Passive House walls add visual interest and depth to the facade. The roof slope of the new addition is nearly flat, to minimize intrusion on neighbouring properties, facilitate the addition of solar panels, and allow maximum sun penetration to the north half of the duplex. These features, along with welcoming, street-facing entries for both halves of the duplex, adhere to the Neighbourliness Guidelines for Duplexes.

Refer to Appendix C for a description of the architectural rationale for the design.

### Zoning:

The proposed duplex meets the R2 requirements with the following requested variances:

- A. Usage: From two-family dwelling to two-family dwelling with one secondary rental suite  
Rationale: Rental suites are common in this area, as are multi-family dwellings. Given the proximity of Oak Bay Avenue and the surrounding mix of density, adding a suite within the existing building footprint adds one more affordable rental option in a highly desirable location. It makes the purchase of this half of the duplex more attainable to families of moderate income and allows the potential of families with young children to remain even as the space needs of their growing children increase. Furthermore, it supports the potential of a multi-generational living arrangement.
- B. Parking location: From rear yard to front yard  
Rationale: This was a design change in response to neighbourhood input, and in keeping with the design of many houses on the west side of Chamberlain and the east side of Clare Street. The front yard parking design is consistent with the guidelines contained in the R1-G zoning, which seeks to minimize green space consumed for parking purposes. See Appendix B for examples of front yard parking in the immediate neighbourhood.
- C. Rear yard setback: From 12.78 m to 10.26 m  
Rationale: This variance is to accommodate a rear deck and does not reflect an intrusion of the main structure into rear yard space. The front yard setback was required to allow for front yard parking, which taken together, facilitates overall preservation of green space on the property.
- D. First and second storey floor area: From 359.8 m<sup>2</sup> to 280.0 m<sup>2</sup>  
Rationale: The existing house was raised to create a full height lower level and to enable addition of below slab insulation. Combined floor area is still well below the R2 limit, as is the overall building height.



# CHAMBERLAIN LOW ENERGY DUPLEX

## Project Benefits:

### Economic:

- Locally owned and financed construction project
- Infill development supports economic vitality of the Oak Bay Village Small Urban Village

### Social:

- Improved streetscape
- Addition of affordable rental housing (suite)
- Adaptive re-use of existing house for multi-generational living and aging in place
- Educational opportunities for sustainable construction practices
- Site selection that supports walking and biking culture

### Environmental:

- Building retention and re-use
- Site selection that supports biking and walking
- Onsite stormwater management via the City's Rainwater Rewards Program
- Permeable paving for parking strips and patio space
- Landscaping that prioritizes edibles, natives and plantings with minimal irrigation demand
- High efficiency plumbing fixtures
- All LED lighting
- Site generated solar PV
- Ultra low energy consuming buildings (targeting net zero energy, zero carbon emissions, and Passive House certification)

## Conclusion:

The proposed project prioritizes environmental sustainability, carbon reduction and energy efficiency. It creates a modest increase in density in keeping with the OCP's goal to provide additional housing in the city's most walkable/bikeable neighbourhoods. The design is sensitive to the existing single family character of the neighbourhood, adding a duplex addition that is appropriately scaled for the site, and maintaining the existing 100+ year old home while adding an affordable rental suite within its current footprint.

Thank you for your thoughtful consideration of this proposal.

Best Regards,



Christy Love and Matthew Mahoney  
Owners/Occupants of 1068 Chamberlain Street

# CHAMBERLAIN LOW ENERGY DUPLEX

## APPENDIX A: Rear Yard Green Space



Subject  
Property

Rear yard  
green space

## CHAMBERLAIN LOW ENERGY DUPLEX

### APPENDIX B: Examples of Front Yard Parking in the Immediate Neighbourhood





# CHAMBERLAIN LOW ENERGY DUPLEX

## APPENDIX C: Architectural Rationale

The 1000 block of Chamberlain Street is comprised of an eclectic mix of character homes. Existing homes range from 1 to 2 1/2 stories in height and exhibit a broad range of architectural styles reflecting their year of construction. The majority of homes draw broadly on traditional house forms and materials including horizontal wood siding, stucco, and they generate visual interest with expressed massing and projecting roof fascia and eaves.

Existing houses reflect their unique history of addition and renovation work identifiable through changes in material and style.

Roof profiles are predominantly hipped and gable styles, often with complex dormers. Deep overhangs and eaves expressed with dentil patterns contribute to the character of the homes. Asphalt shingles are the dominant choice.

Authentic materials predominate with ornate timber posts and railings in conjunction with lapped wood siding, stone and stucco. Occasional insertions of brick and galvanized, corrugated metal add to the eclectic flavour of the neighbourhood.

Colour is used extensively in the neighbourhood with vibrant hues, contrasting trim and natural accents. Grades vary considerably along the block with several houses and front yards elevated above the grade of the street. The natural grade in the zone of the project is moderately flat.

Dense, mature landscaping is the dominant feature of the street. Several houses are virtually concealed by front-yard vegetation. Grass appears selectively in front yards along with a mix of bed planting, shrubs, mature trees, textured paved areas and natural rock.

The proposed house offers a contemporary interpretation of the patterns and forms of the street. The intention of this project is to honour the architectural legacy of the neighbourhood with homes that reflect contemporary values and design. This is achieved through sympathetic scale, texture and massing.

The **existing house** will receive new exterior insulation, windows and cladding. Additional wall thickness will introduce deep reveals at window and door openings, enhancing the rather flat façade of the existing house with deep shadow lines.

The existing shingle and stucco siding will be replaced with new stucco, similar to many homes throughout the neighbourhood.

The enclosed entry will be converted to a porch with a combination of stucco, stained timber columns and sealed cedar screen walls that reference natural materials used in similar ways throughout the neighbourhood.

The existing hipped roof will be re-clad with standing seam metal, chosen to extend the life of the roof and reduce the lifecycle environmental impact of asphalt shingles. The eaves will be extended to create a deeper shadow line that is more consistent with the neighbourhood. A sealed cedar soffit will visually connect the roof to the accent material used in fences and screens around the property.

The **duplex addition** stands two stories with a grade entry and flat roof. The linear shape is a response to the narrow property. The south side yard setback has been increased to mitigate impact on the neighbouring property and existing mature tree and to create useable yard space adjacent to the house. The roof, which presents a parapet to the street, projects to shade south facing windows while maximizing solar penetration to the existing house to the north.

## CHAMBERLAIN LOW ENERGY DUPLEX

Front yard setbacks are aligned to adjacent houses. The characteristically shallow front yards of Gonzales contribute to the friendly character of the neighbourhood.

Similar to other houses in the neighbourhood, the massing of the new and existing houses will be expressed to create visual interest and to improve connection to the front garden and the street. In addition to deeply expressed windows and extended roof soffits, the entries of both houses are expressed with massing and materials. The projecting mass of the existing house's porch is enhanced with a projecting roof overhang, twinned timber columns and sculptural concrete steps. The lower entrance is defined with a shallow roof overhang and partially enclosed with a timber pergola. The alcove entry of the new addition is recessed, creating a sculpted massing of the house's façade and a semi-enclosed, landscaped courtyard entry. A large street-facing window announces the entry.

The addition will be clad with vertical cedar siding.

The houses are conceived together with their front yard landscaping. Entry, porch, stoop, windows, surface treatments, planting, fences and screens work together to create gardens that are beautiful, functional and seamlessly integrated with the homes.

Colour is chosen in the context of natural wood accents and front-yard landscaping of both houses. The dark French-grey hue mediates between the industrial sensibility of the metal roof and gutter and the natural tone and texture of natural wood, landscape and permeable paved surfaces. Vibrant colours are introduced in the glazed front doors of the houses and basement suite as a contemporary reference to the traditional use of colour in the street.



**FAIRFIELD GONZALES**  
COMMUNITY ASSOCIATION  
the place to connect

**Fairfield Gonzales Community Association Land Use Committee  
Community Meeting October 20, 2016  
Fairfield Community Place  
1330 Fairfield Road**

Chaired by Corey Burger (acting vice chair) Heather Murphy and Alice Albert (recorders) Don Monsour (chair) Robin Jones, and Susan Kainer (members of CALUC).

Approximately 20 community members in attendance.

**1068 Chamberlain**

re zoning: from R1G single family dwelling to R2 two family dwelling. Existing home will be retained and renovated to remain as one storey home with basement, including a studio rental suite. New duplex addition will be a two storey home on grade (no suite). Both renovation and new half will use passive home design principles and strive for net zero energy consumption and zero carbon emissions

- Owners have spoken with 55 neighbours
- Existing house will be raised
- Passive house principles will be utilized
- New addition 1600 sq.'
- Solar net zero energy.
- Cedar siding for new house, cedar accents will be added to existing house.
- High importance will be placed on landscaping and will preserve as much green space as possible.
- Seeks 2 family zoning
- Move parking from back to front

**1048 Chamberlain**

- Side set backs? Response?
- Concern: Privacy: we will look at house outside our kitchen window. Will I be looking into their place and will they be looking into mine? What are the controls over what is proposed and what is actually built? I'm not crazy about the (flat) roof line. Exterior finish? Response: Vertical cedar siding. How high? Response: will be higher than current house by 2' but below maximum.

**1031 Chamberlain**



- View from back?
- Three new units but only 2 **parking** spaces will add to parking on Chamberlain which is already a problem with shoppers on Oak Bay.
- Two storeys without basement? Response: Yes.
- Boxy design, likes over all idea but with a softer design. Response: design keeps height low.

#### **1 Briar Place**

A brilliant design.

#### **1034 Chamberlain**

- Comment: Diversity of housing on the street exists from: arts and crafts, registered heritage, to townhouses built in the 70's. Enthusiastic about the **design**. My young family will be here for a long time.

#### **1076 Davie Street**

- Interesting proposal duplex triplex problematic.
- Design is horrible; doesn't work for me. Real concerns with design. Response: We did start with a different design.

#### **147 Olive**

- Refreshing that a proposal is seriously considering the environment; pleased environmental considerations balanced with form and function.

#### **1034 Clair**

- Design, juxtaposition is an attribute, brave.

#### **1026 Clair Street**

- Not a duplex, however, City of Victoria needs to reconsider policy. Nothing about the proposal worries me. We are going to do a flat roof (in reference to future remodelling of own home). Housing diversity is good

#### **Unknown Address**

- Purpose of work shop? Noise abatement (from work shop)? Response: Work shop will be used for carpentry; power tools will be used.

#### **1027 Chamberlain**

- Design not quite together; doesn't meld.
- **Traffic** problem already being close to Oak Bay.

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1

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[www.fairfieldcommunity.ca](http://www.fairfieldcommunity.ca)

[place@fairfieldcommunity.ca](mailto:place@fairfieldcommunity.ca)

- Concern re construction being noisy and adding to traffic congestion.

*An unidentified individual reminded participants this is a rezoning application (not about debating design) and council will decide the outcome. We have to give each other scope to occupy the land the way we wish.*

**Summary of Concerns and Views Expressed:**

Concerns: re privacy for adjacent neighbour, increased traffic and subsequent need for parking.  
Both appreciation and criticism of design expressed.

Laura Wilson

---

**From:** David Nicholls [REDACTED]  
**Sent:** Friday, Oct 21, 2016 3:26 PM  
**To:** [REDACTED] planandzone@fairfieldcommunity.ca; Cloe Nicholls; Community Planning email inquiries  
**Subject:** Proposal at 1068 Chamberlain Street

October 21, 2016

Good afternoon,

I was not able to attend the community meeting on October 20, 2016 with regards to the development proposal at 1068 Chamberlain Street.

I live at 5 – 1070 Chamberlain Street, which is a unit in the neighbouring property, and am very much in favour of the proposal.

The 6-unit townhouse complex where I reside is mostly owned and occupied by young couples and families. All of us feel very lucky to have found a lower-cost option for housing in very desirable neighbourhood. With houses on Chamberlain Street now in the million-dollar range, it is unlikely that any of us would be able to afford a house in the area. As a result, I welcome any proposal that will increase density and provide more affordable options for those of us who, one day, may wish to move to a slightly larger house in the neighbourhood.

The properties on Chamberlain Street are all fairly large, so I would suspect that the majority of the lots could handle a duplex addition. In this particular case, the owners at 1068 Chamberlain Street seem to have done their homework and are proposing a very thoughtful and well-suited addition to their property. I have also appreciated their efforts to keep all of their neighbours apprised of their efforts.

I support this project and hope that the City of Victoria will as well.

Thank you very much for considering my thoughts.

Sincerely,



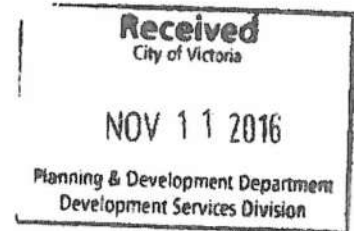
David Nicholls

5 – 1070 Chamberlain Street

Laura Wilson

---

From: Marian <almarp1048@shaw.ca>  
Sent: Friday, Nov 11, 2016 12:42 PM  
To: Christy Love  
Cc: Laura Wilson; monsour@shaw.ca  
Subject: Fw: 1068 Chamberlain Street



PROPOSED REZONE  
1068 CHAMBERLAIN STREET

Dear Christy and Matt. I am writing to you as a follow-up to the material you provided to us at the meeting of Oct. 20. You are not giving all the neighbours within 100 metres of your property all the facts and evading the issues

There are issues that don't seem to be resolved

A. You keep insisting the development is a duplex but with 3 units zoning at city hall says it is a triplex. Three units is not acceptable.

B. There are still privacy issues. Right at the beginning of the first proposed development you knew that privacy was very important to us. The two big windows on the south side of your new house are eye to eye with our big kitchen window where I do all my preparations for meals, etc.

C. The new build still does not conform to the existing house nor to the other houses on Chamberlain St. You have two completely different house styles together and the neighbours are not happy with that. Would like to see exterior finish being more compatible with the residences within the original 1910 streetscape. Could use shingles or lap siding rather than a more modern look. With the exception of our dwelling the vast majority of existing or upgraded dwellings on the street all have the same architectural theme. Your proposal does not work.

D. The two driveways are non compatible with the two parking spaces you have allowed on your property. There needs to be one parking spot for each unit, i.e. 3 parking spots. There is only one street access for vehicles allowed for a property. 2000 Chamberlain, corner of Brighton, has a garage and a driveway and the city has told the owner he can only use one.

E. Will there be City control over what is being proposed actually being what is built.

The above issues must be addressed before any building can be done.

Alex and Marian Piercy  
1048 Chamberlain St.

cc:

1) Planning & Zoning Committee of Fairfield Gonzales Community Association

1330 Fairfield Rd. V8S 5J1 Don Monsour President/Interim Chair — —

- [planandzone@fairfieldcommunity.ca](mailto:planandzone@fairfieldcommunity.ca) .

2) [LAWILSON@Victoria.ca](mailto:LAWILSON@Victoria.ca)



Laura Wilson

---

**From:** Christy Love [REDACTED]  
**Sent:** Saturday, Nov 19, 2016 1:17 PM  
**To:** Marian  
**Cc:** Laura Wilson; DON MONSOUR; Matt Mahoney  
**Subject:** Re: Fw: 1068 Chamberlain Street

Hi Marian and Alex,

Thank you for sending these comments. We provide responses to each item below. We'd also be happy to continue discussing in person.

A) Duplex with secondary suite: The distinction is that a secondary suite can only be rented. A triplex could stratified into three units each owned and sold separately, and we are emphasizing that this is not what we wish to do. The suite is being added within the footprint of the existing house, and it could be changed back into a single dwelling as our needs change over time. As you know, our plan is to create this space so that we can live as a multi-generational family.

B) Privacy: We take your privacy seriously and this is a key reason we shifted to this proposal from our original small lot approach. As we discussed after the community meeting, the plans include an extension of the existing 6 foot fence between our properties, along with plantings for additional screening. If you'd like, we can stand in the yard to envision where the new windows will be in relation to your kitchen window and discuss improvements that you think would help. The upper floor windows are high clerestory windows that allow light into the rooms but do not look down into your yard.

C) We appreciate your concerns, although house design (as in taste in clothes and art) is subjective, and our block includes an eclectic mix of house styles that reflects the years they were built or added to. We have chosen materials (cedar siding and accents, stucco) that are consistent with the neighbourhood, and designed the landscaping to tie in with the existing mature landscaping. The flat roof is intentionally modern and distinct from the existing roof line, but is also intended to limit the height next to your home; to enable addition of solar panels, and to allow more south facing light to reach the north half of our property.

D) As we are proposing a duplex with secondary suite (small and rental only), we feel two stalls is adequate, especially given that our location is so close to shopping, buses, bike routes, and other amenities that can be accessed without a car. Garden suites and secondary suites have no requirement for off-street parking in the City of Victoria.

We don't think our home will generate more cars than a large single family with large secondary suite - which is permitted as a right under the existing zoning - and would require only one parking stall. We could have included more space for car parking by putting a driveway to the rear-yard. However, we heard from you and other neighbours that they didn't want the backyard turned into parking (nor do we!). With our proposal we are trying to balance these different issues and priorities.

E) The City will issue a Development Permit which guarantees we build the buildings as per the Council approved designs.

We are available to discuss further as desired.

Best Regards,  
Christy Love and Matt Mahoney  
Owners/occupants 1068 Chamberlain

On Fri, Nov 11, 2016 at 12:42 PM, Marian [REDACTED] wrote:

PROPOSED REZONE  
1068 CHAMBERLAIN STREET

Dear Christy and Matt. I am writing to you as a follow-up to the material you provided to us at the meeting of Oct. 20. You are not giving all the neighbours within 100 metres of your property all the facts and evading the issues

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Alex and Marian Piercy  
1048 Chamberlain St.

cc:

1) Planning & Zoning Committee of Fairfield Gonzales Community Association  
1330 Fairfield Rd. V8S 5J1 Don Monsour President/Interim Chair — —  
- [planandzone@fairfieldcommunity.ca](mailto:planandzone@fairfieldcommunity.ca)

2) [LAWILSON@Victoria.ca](mailto:LAWILSON@Victoria.ca)





## Council Report

For the Meeting of October 26, 2017

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<b>To:</b>	Council	<b>Date:</b>	October 12, 2017
<b>From:</b>	Jonathan Tinney, Director, Sustainable Planning and Community Development		
<b>Subject:</b>	<b>1068 Chamberlain Street Rezoning Application No. 00541 and Development Permit with Variances No. 000488 Update Report</b>		

---

### RECOMMENDATION

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 17-114 for Rezoning Application No. 00541 for 1068 Chamberlain Street.

Following consideration of Rezoning Application No. 00541 that Council consider this updated motion with respect to Development Permit with Variances No. 000488:

"That Council authorize the issuance of Development Permit with Variances Application No. 000488 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped July 14, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. allow parking in the front yard
  - ii. reduce the minimum rear yard setback from 12.78m to 10.26m.
3. The Development Permit lapsing two years from the date of this resolution."

### EXECUTIVE SUMMARY

In accordance with Council's motion of August 3, 2017, the necessary Zoning Regulations Bylaw Amendment that would authorize Rezoning Application No. 00541 (and concurrent Development Permit with Variances Application No. 000488) for the property located at 1068 Chamberlain Street has been prepared and a Public Hearing date has been scheduled.

### Development Permit with Variances

The recommendation related to the Development Permit with Variances was revised to accommodate how the new, R2- Zone, Duplex with Secondary Suite (Chamberlain) District, was written. The increase in maximum combined floor area on the first and second floor was written into the new Zone, and therefore, is not required as a variance. This is to embed this regulation in the Zone to run with the property for clarity.



### Existing Use Clarification

It should also be clarified that the Committee of the Whole report presented on August 3, 2017 stated that the existing house is a single-family dwelling with a secondary suite, and this proposal would retain that secondary suite as rental; however, it was recently discovered that the existing house does not currently have a secondary suite, although one would be allowed under the current R1-B Zone. This does not impact the staff recommendation.

The preconditions that Council set in relation to these applications have been met and staff recommend for Council's consideration that the application proceed to a Public Hearing.

Respectfully submitted,



Chelsea Medd, Planner  
Sustainable Planning and Community  
Development Department



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Oct. 19, 2017

### List of Attachments:

- Committee of Whole Meeting Minutes, dated August 3, 2017

**5.2 Rezoning Application No. 00541 for 1068 Chamberlain Street (Gonzales)**

Committee received a report dated July 21, 2017 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 1068 Chamberlain Street, in order to allow for a new site specific zone to allow for a duplex with secondary suite through an addition onto the existing single family dwelling.

**Motion:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment(s) that would authorize the proposed development outlined in Rezoning Application No. 00541 for 1068 Chamberlain Street, that first and second reading of the Zoning Regulation Bylaw Amendment(s) be considered by Council and a Public Hearing date be set.

Committee discussed:

- The issues with the proposed design and presentation of the south side of the building to the street.
- Concerns with the transition between traditional single family dwellings to high density dwellings in the area.

CARRIED 17/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff, and Thornton-Joe

**Against:** Councillor Young

---

Development Permit with  
Variance Application  
for  
1068 Chamberlain Street





# Subject Site



Current site

Pre-development site





# 1070 Chamberlain (North)

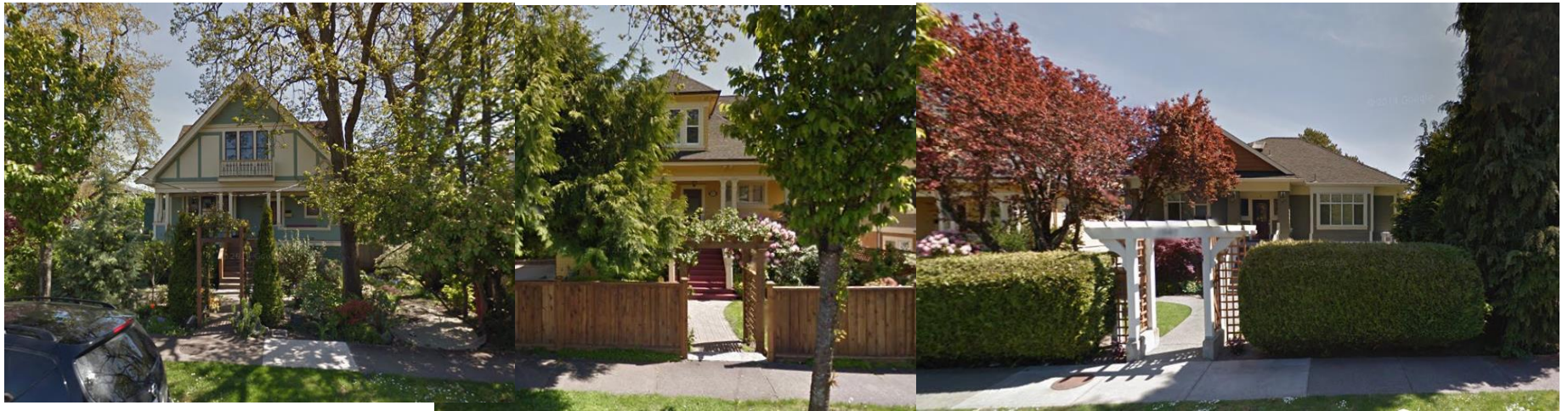




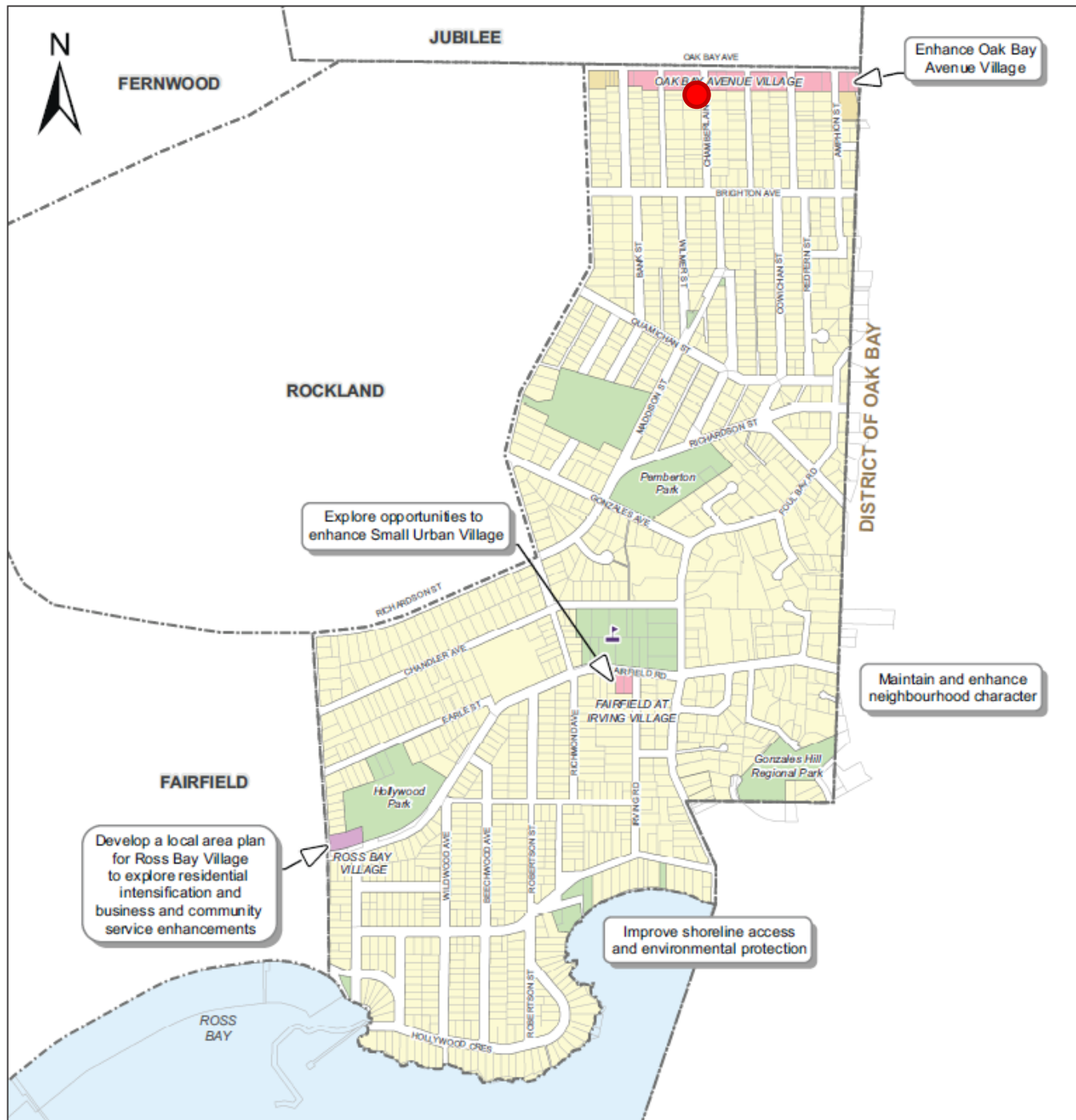
# 1048 Chamberlain (South)



# 1063, 1057, 1047 Chamberlain (East)







## MAP 23

### Gonzales Strategic Directions

#### Urban Place Designations\*

- Urban Residential
- Large Urban Village
- Small Urban Village
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Marine

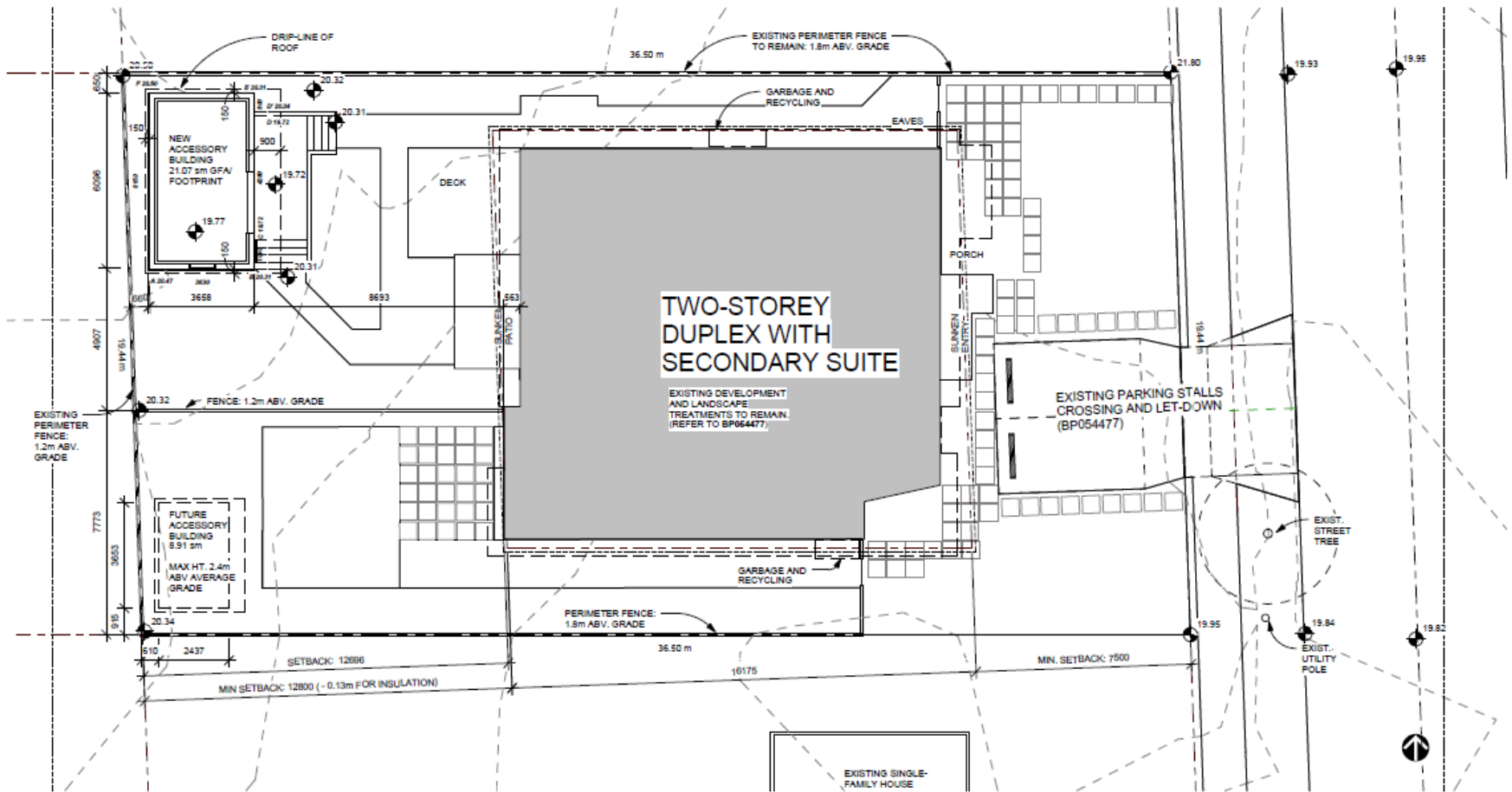
#### Public Facilities

- Existing Public School

\*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

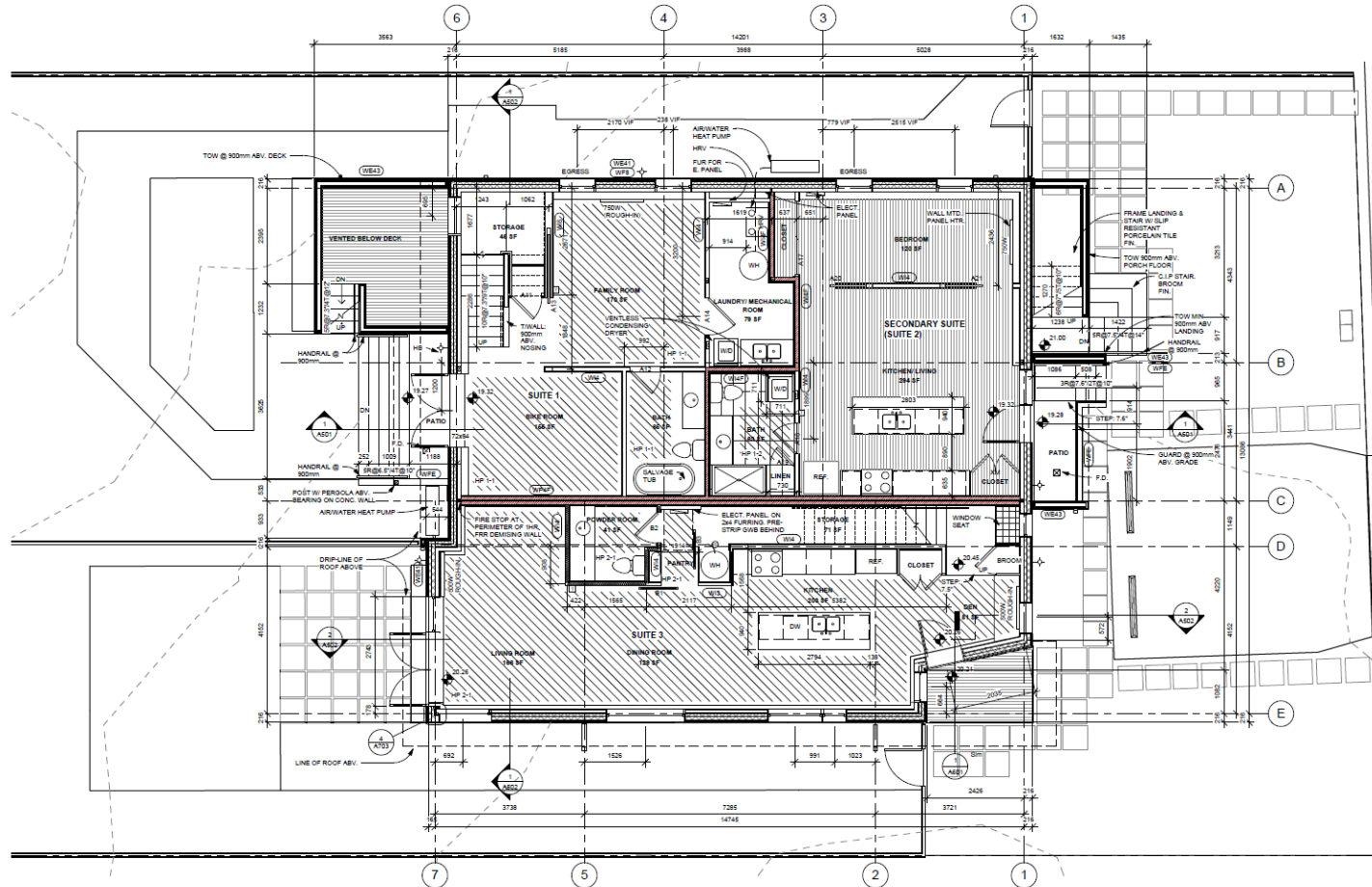


# Proposed Site Plan



① SITE PLAN  
1:100

# Floor Plans - Lower



**MARK ASHBY**  
ARCHITECTURE

1375 Bedford Avenue  
Vancouver, BC V6E 4A6  
+1 604 244 3705  
www.markashby.com

**FLOOR PLAN NOTES AND LEGEND:**

1. REFER TO STRUCTURAL DRAWINGS FOR LOAD BEARING AND LATERAL SYSTEM
2. REFER TO RCP FOR ELECTRICAL, VENTILATION AND FIRE SAFETY EQUIPMENT
3. WINDOWS DENOTED EXPRESS SHALL BE SASH-TYPE WITH A MINIMUM CLEAR OPENING DIMENSION OF 360mm AND 0.35 m<sup>2</sup>

**FLOOR PLAN LEGEND:**

- IN-FLOOR ELECTRIC RADIANT HEATER
- RADIANT HYDRONIC ZONE
- THERMOSTAT
- ELECTRIC HEATER
- HOSE BIB

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Do not scale these drawings.

No.	Description	Date
1	REVISION	REV. 1
2	Revisions	2015/05/25
3	Revisions	2015/05/25
4	Revisions	2015/05/25
5	Revisions	2015/05/25
6	Revisions	2015/05/25
7	Revisions	2015/05/25
8	Revisions	2015/05/25
9	Revisions	2015/05/25
10	Revisions	2015/05/25
11	Revisions	2015/05/25
12	Revisions	2015/05/25

Low-Mahoney  
**CHAMBERLAIN LOW ENERGY DUPLEX**  
**LOWER FLOOR PLANS**

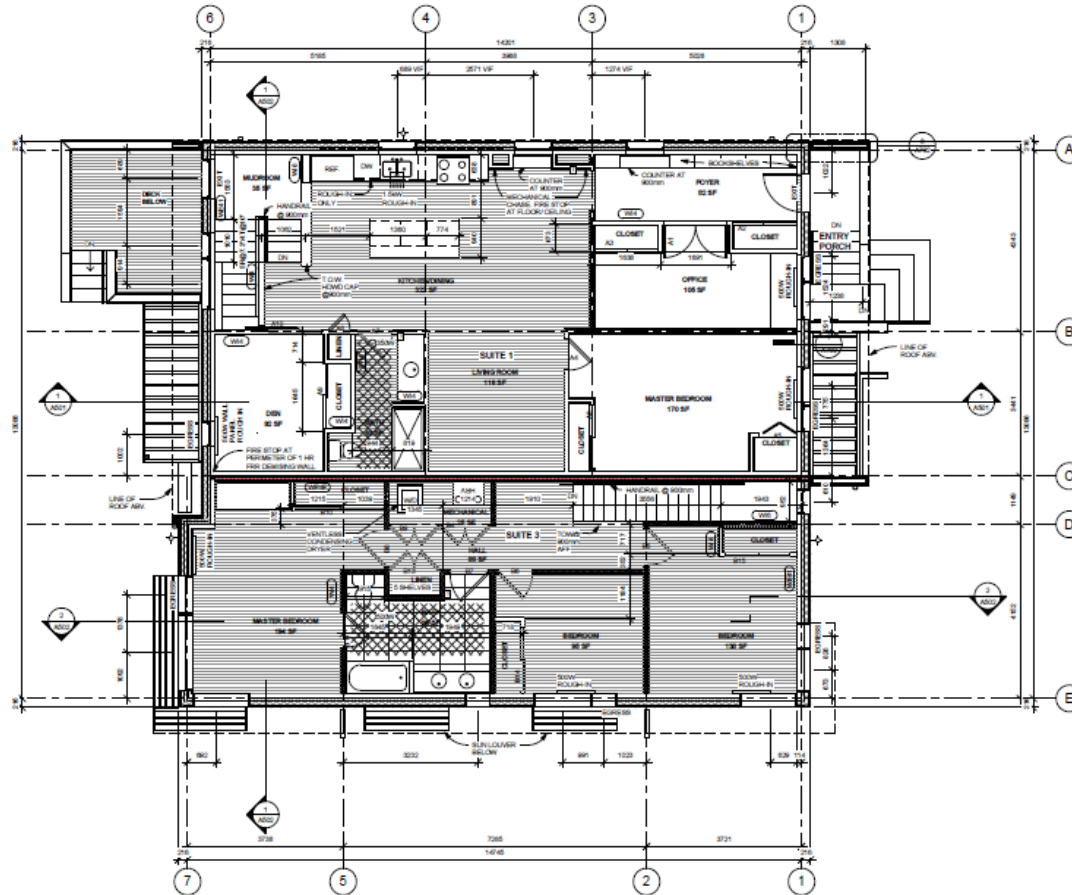
Project number 2015 008  
Date JULY 25, 2015  
Drawn by MA  
Checked by MA

**A202 148**

Scale 1:50

LOWER FLOOR PLANS  
1:50

# Floor Plans - Upper



UPPER FLOOR PLANS  
1:50



1075 Bedford Avenue  
Portland, ME 04103  
403.634.4703  
www.markashby.com

## FLOOR PLAN NOTES AND LEGEND

1. REFER TO STRUCTURAL DRAWINGS FOR LOAD BEARING AND LATERAL SYSTEMS.
2. REFER TO BOB FOR ELECTRICAL, VENTILATION AND FIRE SAFETY EQUIPMENT.
3. WINDOWS IDENTIFIED **SHALL** BE BUILT WITH A MINIMUM CLEAR OVERLAP DIMENSION OF 300MM AND 0.25 INCH.

## FLOOR PLAN LEGEND

- IN-FLOOR ELECTRIC RADIANT HEATER
- RADIANT HYDRONIC ZONE
- THERMOSTAT
- ELECTRIC HEATER
- HOT AIR

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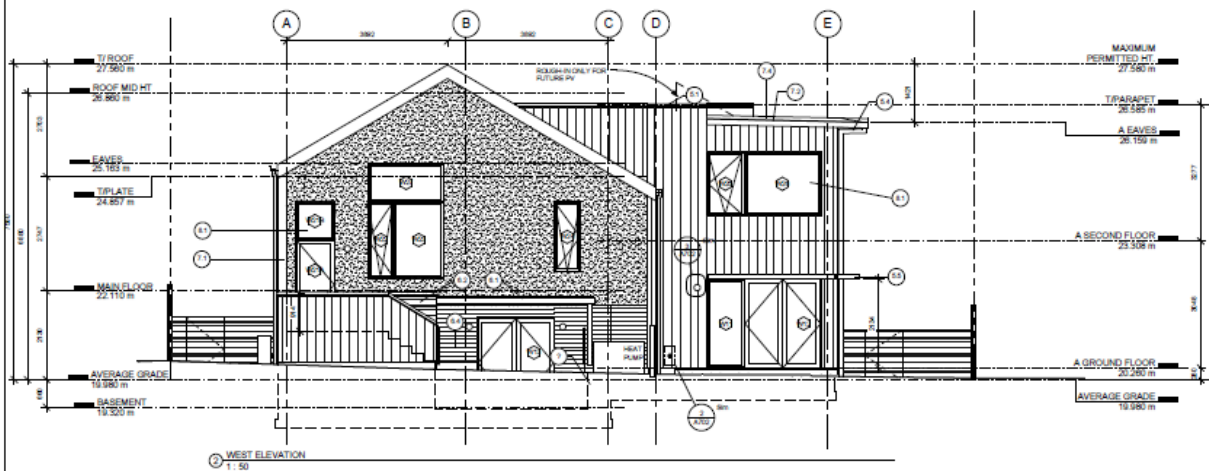
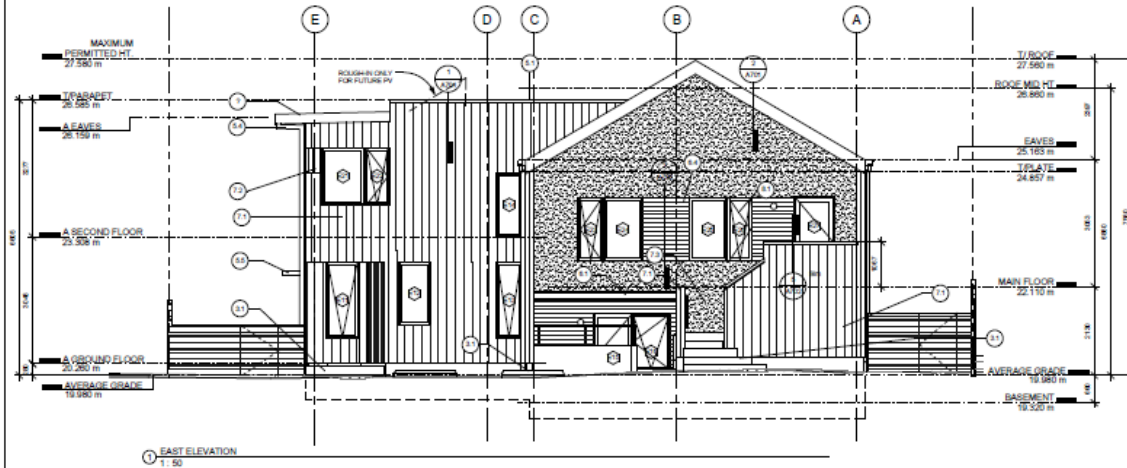
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Love-Mahoney  
**CHAMBERLAIN LOW ENERGY DUPLEX**  
**UPPER FLOOR PLAN**

Project number: 2015-008  
Date: JULY 25, 2015  
Drawn by: MA  
Checked by: MA  
**A203 149**  
Scale: 1:50



# Front and Rear Elevations



## OUTDOOR FINISH SCHEDULE

- 3.1 ARCHITECTURAL CONCRETE
- 5.1 BRICK FORMED METAL GUTTER - GALVANIZED FINISH
- 5.2 STANDING SEAM METAL ROOF - GALVANIZED FINISH
- 5.3 METAL FASCIA - GALVANIZED FINISH
- 5.4 PAINT FINISHED METAL SHUTTER LACER - S.W. 7028
- 5.5 COLORADO WINDOW BRACK
- 5.6 PAINT FINISHED METAL DOWNPOUT
- 6.1 STRUCTURAL TIMBER VARIOUS DIMENSIONS
- 6.2 STRUCTURAL GABLET CLAND FR. CL. STAIN FIN.
- 6.3 BROWN AND PINKS - COLOR - CLEAR SEALANT FINISH
- 6.4 BROWN - 180 - CLAND - CLEAR SEALANT FINISH
- 6.5 CIRCULAR - CL. FR.
- 7.1 INVERTED BOARD AND BATTEN CONCRETE PANEL BORDS
- 7.2 1/2" BRICK - BROWN - PAINT FINISH S.W. 7028
- 7.3 CONCRETE PANEL - BROWN WITH ARCHITECTURAL
- 7.4 BROWN - PAINT FINISH S.W. 7028
- 7.5 BROWN - PAINT FINISH S.W. 7028
- 7.6 BROWN - PAINT FINISH S.W. 7028
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www.markashbyarchitecture.com

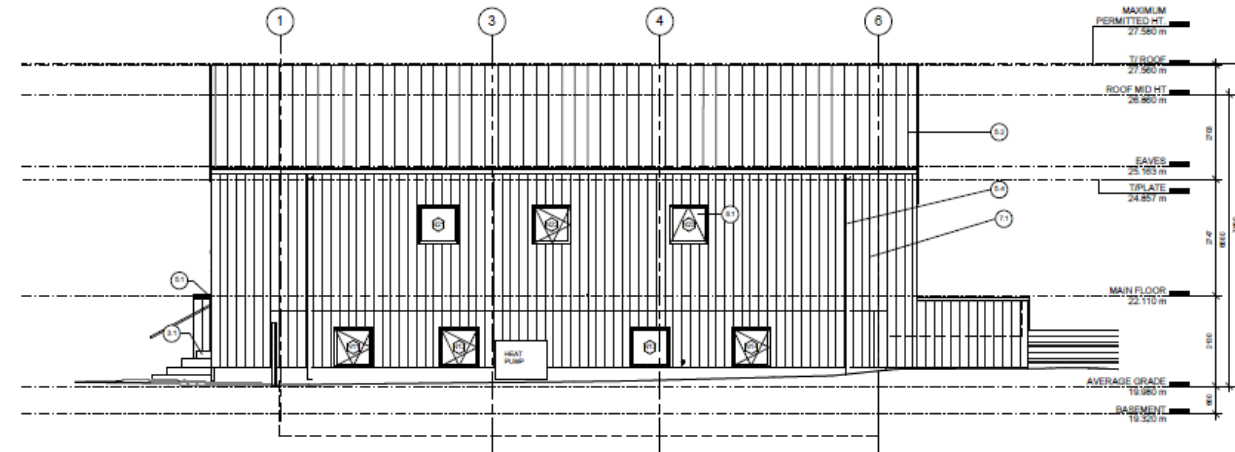
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Rev.	Description	Date
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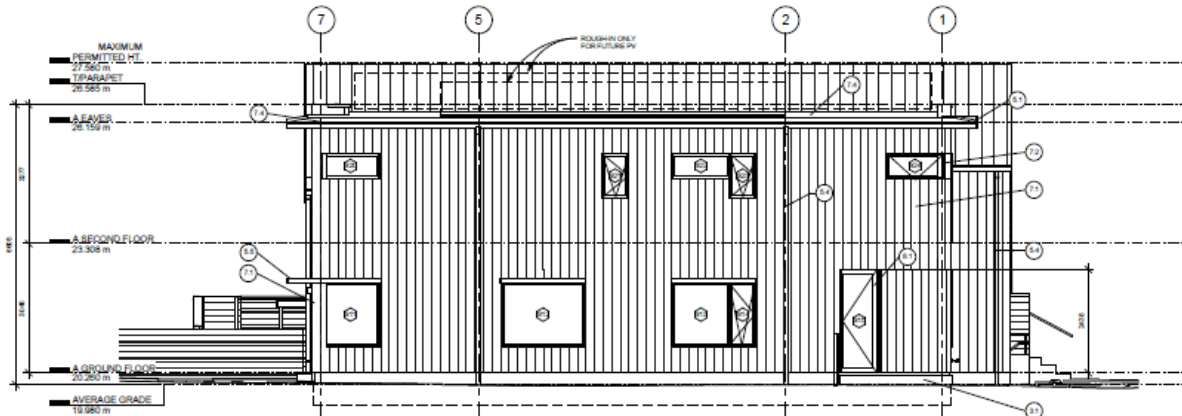
CHAMBERLAIN LOW  
ENERGY DUPLEX  
ELEVATIONS

Project Number: 2015.008  
Date: JULY 25, 2015  
Drawn by: MAA  
Checked by: MAA  
A401 150  
Scale: 1:50

# Side Elevations



1 NORTH ELEVATION  
1:50



2 SOUTH ELEVATION  
1:50

## EXTERIOR FINISH SCHEDULE

- 0.1 ARCHITECTURAL CONCRETE
- 0.2 BRICK/CONCRETE METAL GUTTER - GALVALUME FINISH
- 0.3 BRICK/CONCRETE METAL ROOF - GALVALUME FINISH
- 0.4 METAL FASCIA - GALVALUME FINISH
- 0.5 PAIR-FINISHED METAL RAINWATER LEADER - S.W. TYP.
- 0.6 DOWNSPOUT - PAIR-FINISHED METAL DOWNSPOUT
- 0.7 STRUCTURAL TIMBER - VARIOUS DIMENSIONS
- 0.8 STRUCTURAL SUBJECT TO CLERK FIN. CLERK FIN.
- 0.9 ROSSBY AND FENCE - OCEAK - CLERK FIN. CLERK FIN.
- 0.10 ROSSBY - TALL OCEAK - CLERK FIN. CLERK FIN.
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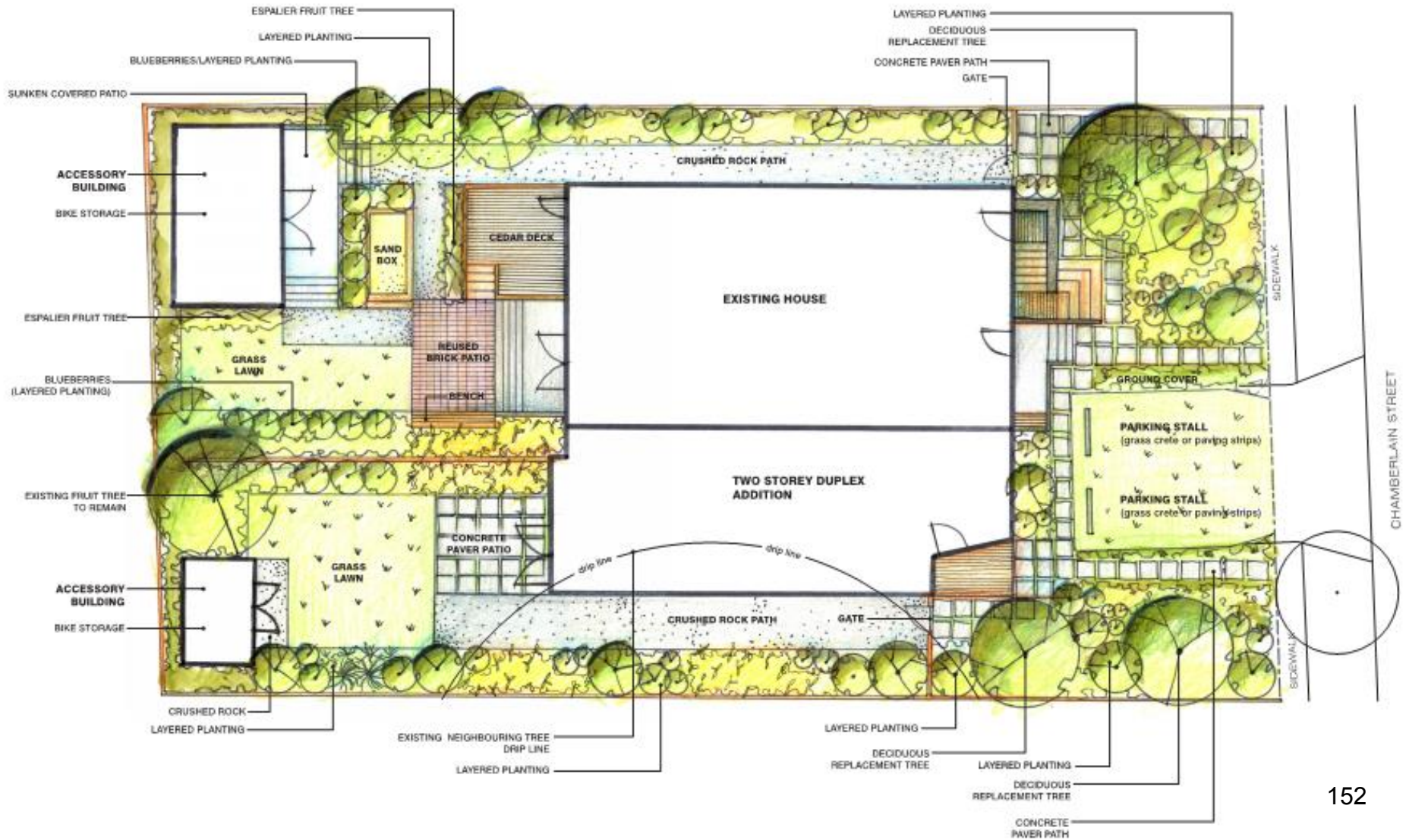
Do not scale these drawings.

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100	Revised	Aug. 26, 2016

Love-Maloney  
**CHAMBERLAIN LOW  
ENERGY DUPLEX  
ELEVATIONS**

Project number: 2015-008  
Date: JULY 25, 2016  
Drawn by: MA  
Checked by: MA  
**A402 151**  
Scale: 1:50

# Landscape Plan





# Streetscape





**Pamela Martin**

---

**From:** David Nicholls [REDACTED]  
**Sent:** June 5, 2019 4:02 PM  
**To:** Public Hearings  
**Subject:** Development Permit - No. 00110 (1068 Chamberlain Street)

Hello,

I am writing in support of the development permit for the project at 1068 Chamberlain Street.

I live next door to the property and spoke in favour of the project for the original permit at a City Council meeting last fall. I continue to support the project and hope the owners will be permitted to see it through to completion. It is exactly the type of project that our neighbourhood needs and I hope to see the development of many more duplexes and townhouses in the area in the coming years.

Thank you,

David Nicholls  
5 - 1070 Chamberlain Street.



**Pamela Martin**

---

**From:** Nick Judson [REDACTED]  
**Sent:** June 11, 2019 10:35 PM  
**To:** Public Hearings  
**Subject:** Development Permit with Variance Application No 00110

[Please do not publish my email address or phone number]

Dear Mayor and council,

As a member of the East Fairfield community and a proponent of both smart densification and Passivehouse buildings, I would like to voice my support for this project. This development checks all the boxes: it provides two additional dwellings (densification), is a low-carbon and highly efficient structure (deconstruction, Passivehouse), and is aesthetically pleasing. This is exactly the type of development the City of Victoria should be encouraging as it strives to meet the needs of a growing population in an environmentally responsible fashion.

Best regards,  
Nick Judson  
986 Cowichan Street  
[REDACTED]

**K. BYLAWS**

**K.3 Bylaw and Update for 2832 and 2838 Shakespeare Street: Rezoning Application No. 00656 and Development Permit with Variances Application No. 00116**

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1199) No. 19-056

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00m to 1.80m for Lot 2
  - ii. allow an accessory building in the front yard for Lot 2
  - iii. reduce the front yard setback for an accessory building from 18.00m to 15.25m for Lot 2
  - iv. reduce the side yard setback for an accessory building from 0.60m to 0.30m for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**



## Council Report

For the Meeting of May 23, 2019

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**To:** Council **Date:** May 16, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** **Update Report for Rezoning Application No. 00656 and Development Permit with Variances No. 00116 for 2832 and 2838 Shakespeare Street**

---

### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1188) No. 19-056

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00m to 1.80m for Lot 2
  - ii. allow an accessory building in the front yard for Lot 2
  - iii. reduce the front yard setback for an accessory building from 18.00m to 15.25m for Lot 2
  - iv. reduce the side yard setback for an accessory building from 0.60m to 0.30m for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution."

### EXECUTIVE SUMMARY

The purpose of this report is to update Council on the Development Permit with Variances application for 2832 and 2838 Shakespeare Street. The conditions set by Council on May 9, 2019 have been met, and the draft minutes are attached. The applicant has revised the landscape plan to include existing trees to be removed to the satisfaction of the Director of Sustainable Planning and Community Development.

### BACKGROUND

Minor revisions to the plans were required to show the existing trees on the site and the existing trees proposed to be removed. The landscape plan has been revised and is attached to this report. The two trees proposed to be removed are not protected under the Tree Preservation Bylaw. The motion for Council's consideration has been updated to reflect this.



## CONCLUSIONS

As per Council's motion on May 9, 2019, the applicant has revised the landscape plan. As the applicant has carried out the conditions set out by Council, staff recommend that the application advance to a Public Hearing for further consideration.

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

May 17, 2019

## List of Attachments

- Attachment A: Plans date stamped March 7, 2019 (with revised landscape plan dated May 10, 2019 and deemed March 7, 2019)
- Attachment B: Motion from Council's May 9, 2019 Draft Minutes.

Planning & Development Department  
Development Services Division







[illegible][illegible][illegible]R 5002.26

CONSTRUCTION NOTES:	
1. R-10 insulation, 4 mil poly V.A. 10" ceiling board. R-10 value @ 1" thick	2. Provide roof vents: vent 1/16" using Shingletite B Ridge Vent
3. Continuous gutters	4. Eave protection is 12" beyond heated wall
5. Aluminum soffits and nose	6. 8" concrete wall on 4" x 12" concrete

 <p>Sealed soffits - red soffits</p>	 <p>Sealed soffits - red soffits</p>
 <p>All windows, steel, supply rain caps (solder, mastic or seal) - RSCC. Windows in stone to be safety glaze</p>	 <p>Roofings - 240 lbs continuous - #12 14ga (minimum - 2 c/s, steel purling)</p>
 <p>Stairs: 7' 5 1/2" min, 18" tread, 1" nosing with continuous handrail</p>	 <p>Grade over and around all existing openings</p>
 <p>Provide drains to particular system</p>	 <p>16" x 16" post saddle on #1 rebar 240# concrete footing, 60# 6" diam</p>
 <p>C' drain like with C' mesh over</p>	 <p>Unobstructed foregoings and</p>

[illegible]

Architectural floor plan of the first floor of a building. The plan shows various rooms and structural details. Key features include:

- Rooms and Areas:**
  - Room 101: 101' x 101' (101' x 101')
  - Room 102: 102' x 102' (102' x 102')
  - Room 103: 103' x 103' (103' x 103')
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  - Room 219: 219' x 219' (219' x 219')
  - Room 220: 220' x 220' (220' x 220')
  - Room 221: 221' x 221' (22

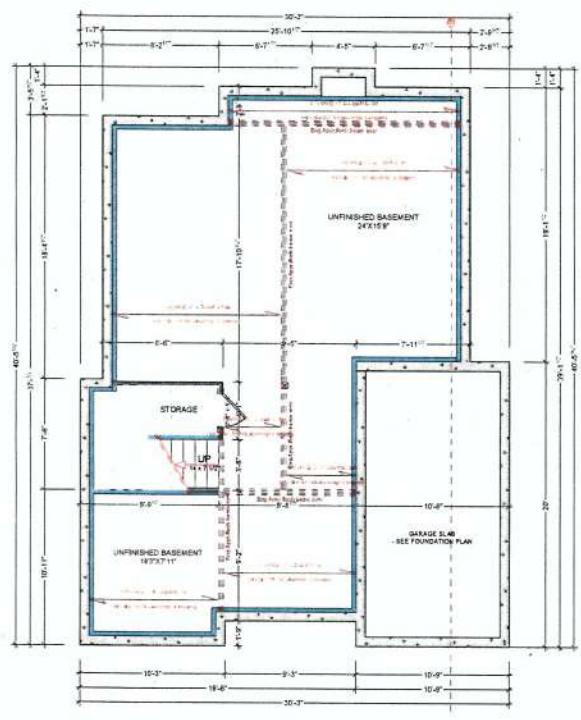
PROPOSED FOUNDATION PLAN (ON SLAB)  
SCALE: 1/4" = 1' - 0"

**JAVA DESIGNS**  
HERE LINES ON PAPER BECOME WALLS ON SITE  
T 250.590.2468 F 250.590.4577 [www.javadesigns.ca](http://www.javadesigns.ca)

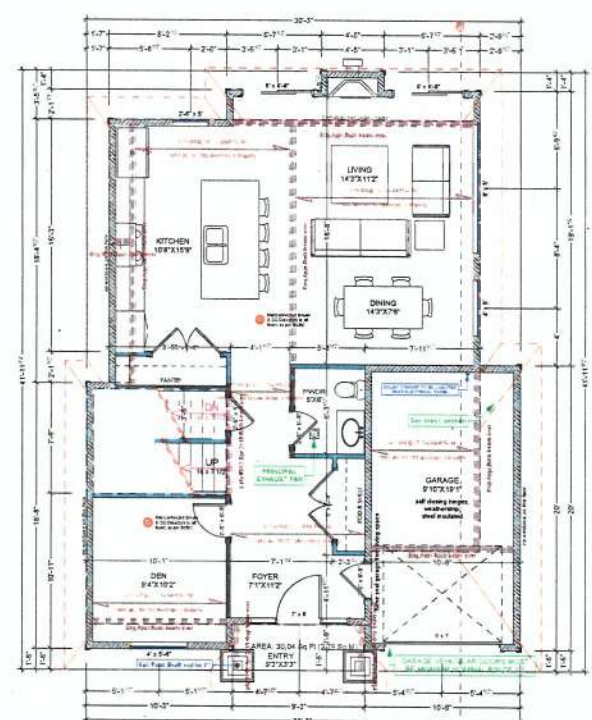
RECEIVED  
 City of Victoria  
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 Planning & Development Department  
 Building 1000, 1000 Blenheim

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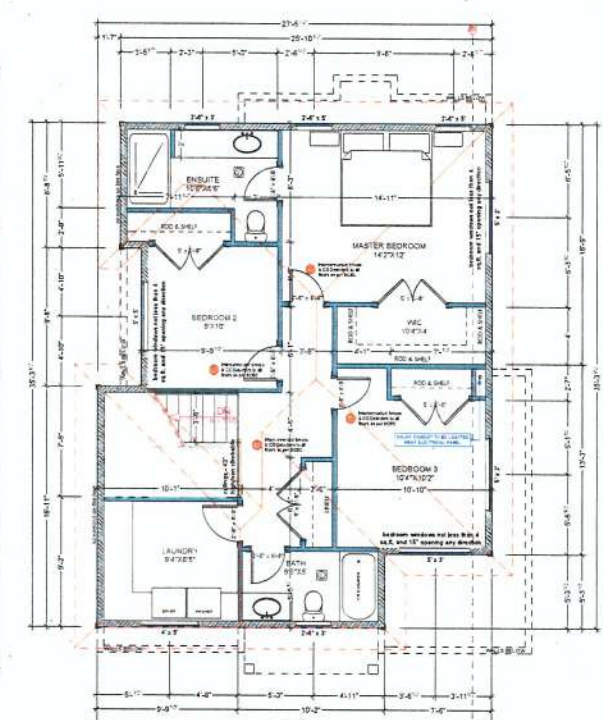
Planning & Design  
Development



**PROPOSED BASEMENT FLOOR PLAN (8'-0 3/4" WALLS)**  
SCALE: 1/4" = 1'-0"  
PROPOSED BASEMENT FLOOR AREA: 783.31 Sq Ft (72.77 Sq M)



**PROPOSED MAIN FLOOR PLAN (9'-0 3/4" WALLS)**  
SCALE: 1/4" = 1'-0"  
PROPOSED MAIN FLOOR AREA: 816.82 Sq Ft (75.89 Sq M)  
PROPOSED GARAGE FLOOR AREA: 187.65 Sq Ft (17.43 Sq M)  
"SOLAR READY" PLUMBING - SEE ELECTRICAL FOR DETAILS



**PROPOSED UPPER FLOOR PLAN (8'-0 3/4" WALLS)**  
SCALE: 1/4" = 1'-0"  
PROPOSED UPPER FLOOR AREA: 827.32 Sq Ft (76.86 Sq M)  
"SOLAR READY" PLUMBING - SEE ELECTRICAL FOR DETAILS

**NAFS REQUIREMENTS:**  
Performance Grade of 30  
Water Test Pressure of 260 Pa

<p><b>GENERAL NOTES</b></p> <p>ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE NATIONAL BUILDING CODE AS WELL AS ANY LOCAL BUILDING CODES OR BYLAWS WHICH MAY HAVE PRECEDENCE.</p> <p>ALL MEASUREMENTS MUST BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES REPORTED TO THE DESIGNER.</p> <p>DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE.</p> <p>SMOKE DETECTORS SHALL BE PROVIDED ON EVERY FLOOR.</p>	<p><b>SITE PLAN</b></p> <p>ALL LAYOUTS SHOULD BE CONFIRMED BY A REGISTERED S.E. LAND SURVEYOR.</p> <p>ALL SETBACKS SHALL BE CONFIRMED BY THE OWNER/BUILDER.</p> <p>ALL GRADE ADJUSTMENTS ARE THE RESPONSIBILITY OF THE OWNER/BUILDER AND ANY NOTATIONS ARE TO BE MADE ON SITE.</p> <p>CONFIRMATION OF THESE PLANS TO THE ACTUAL SITE IS THE RESPONSIBILITY OF THE OWNER/BUILDER.</p> <p><b>CONCRETE AND FOUNDATIONS</b></p> <p>ALL CONCRETE FOOTINGS TO HAVE SOLID BEARINGS ON COMPACTED (UNDISTURBED) SOFTENS 20% TO A SUITABLE DEPTH BELOW FROST PENETRATION.</p>	<p><b>IF DOPTER CONDITIONS APPLY THE FOLLOWING BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER.</b></p> <p>GARAGE &amp; CARPORT FLOORS AND EXTENSION STEPS SHALL NOT BE LESS THAN 12 MPa.</p> <p>FOUNDATION CONCRETE SHALL HAVE MIN. COMPRESSIVE STRENGTH OF 28 MPa (4000 PSI) IN DAYS. MIXED, PLACED AND TESTED IN ACCORDANCE WITH CANALAS.</p> <p>ALL WALLS ARE 8" CONCRETE UNLESS OTHERWISE NOTED.</p> <p>ALL GRADES ARE ESTIMATED ONLY AND SHALL BE RECHECKED ON SITE.</p> <p>ALL WOOD IN CONTACT WITH CONCRETE SHALL BE TREATED OR SEPARATED BY A MOISTURE RESISTANT GASKET MATERIAL.</p>	<p><b>JOISTER, TRUSSES AND BEAMS</b></p> <p>BUILDING FRAMES TO BE AUTHORIZED TO FOUNDATION BY FASTENING DELTA PLATE TO FOUNDATION WITH NOT LESS THAN 12mm (1/2") DIA. ANCHOR BOLTS AT 1200mm (48") MAX. SPACING.</p> <p>ALL ENGINEERED BEAMS TO BE SIZED BY SUPPLIER.</p> <p>ALL SPANS SHALL CONFORM TO THE TABLES SET OUT IN THE 2015 NBCC AND THE NATIONAL BUILDING CODE OF CANADA AND VARIATIONS OF ALL SPANS IS THE RESPONSIBILITY OF THE OWNER/BUILDER.</p>	<p><b>ROOFING</b></p> <p>TRUSSES AND LAYOUT ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS, INCLUDING ALL BRACING.</p> <p>ALL ROOFING SHALL BE APPLIED TO MANUFACTURER'S SPECIFICATION AND SHALL INCLUDE SCAPE PROTECTION FROM ICE DAMS AND SNOW BUILD UP.</p> <p><b>PLUMBING &amp; ELECTRICAL</b></p> <p>ANY ELECTRICAL SHOWN ON PLANS IS TO SERVE AS A GUIDE ONLY AND MUST BE INSTALLED BY A QUALIFIED PERSONNEL.</p>	<p><b>FLASHING</b></p> <p>ALL EXPOSED OPENINGS SHALL BE PROVIDED WITH ADEQUATE FLASHING.</p> <p>ALL ROOFING SHALL INCORPORATE STEEP FLASHING.</p> <p>ALL PENETRATIONS THROUGH ROOF SHALL INCLUDE APPROPRIATE FLASHING.</p> <p><b>DOORS - ROUGH OPENING SIZES</b></p> <p>FRAME OPENING 1" HIGHER THAN DOOR.</p> <p>FRAME HEIGHT 8" FOR EXTERIOR DOORS AND 6" FOR INTERIOR DOORS.</p> <p>DOOR FRAME OPENING 1" HIGHER THAN DOOR.</p> <p>DOOR FRAME HEIGHT 8" FOR EXTERIOR DOORS AND 6" FOR INTERIOR DOORS.</p> <p><b>MISC.</b></p> <p>CARBON MONOXIDE ALARMS TO BE HARDWIRED AND WITHIN 5M OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. CARBON MONOXIDE ALARMS TO CONFORM TO CAN 5.18.</p>	<p>NEITHER JAVA DESIGNS NOR THE DESIGNER ACCEPTS RESPONSIBILITY FOR THE FOLLOWING:</p> <p>INFORMATION PROVIDED ON EXISTING BUILDINGS OF SITE.</p> <p>CONFIRMATION OF PLANS TO SITE.</p> <p>CONTRACTS AND DIMENSIONS NOT SHOWN ON THESE PLANS.</p>
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**CUSTOMER:**  
PAM HARTLING

**ADDRESS:**  
2032 & 2039 SHAKESPEARE STREET, VICTORIA

**DRAWING NAME:**  
PROPOSED LOT 3: BASEMENT, MAIN FLOOR & UPPER FLOOR PLANS

**DRAWING SCALE:**  
1/4"=1'-0"

**ISSUE DATE:**  
MAR. 06, 2019

**DRAWN BY:**  
KYLE LEGGETT

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
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**SHEET NUMBER**  
A4





EXTERIOR FINISHES SCHEDULE					
A	ROOFING	ASPHALT ROOFING WITH RAISED RIDGE & HIP CAPS	B1	WALL FINISH	HARDBOARDS AND BATTEN 1/2" @ 12" O.C. HANDSCREEN AS PER BISC
B	GUTTER & SOFFIT	ALUMINIUM GUTTER AND NONPAINTED SOFFIT	B2	WALL FINISH	STUCCO - SEE OWNER FOR TEXTURE FINISH - 1/2" SCREEN AS PER BISC
C	BARGE BOARD	3/4" WITH 1/4" DOUBLE BARGE BOARD, PAINTED TRIM COLOUR	D	DETAIL	DECORATIVE FINISH
D	WINDOW & DOOR TRIM	1/4" TRIM BOARDS - PAINTED, STAINED	H	POSTS	ARTS & CRAFTS COLUMNS MADE OF 1/2" PLYWOOD WITH STAINLESS PAPER AND STUCCO WITH STONE CONCRETE OVER CUP OVER INTERNAL 6/8 POST
E	CORNER TRIM	1/4" CORNER BOARDS - PAINTED, STAINED			



**NAFS REQUIREMENTS:**  
Performance Grade of 30  
Water Test Pressure of 260 Pa

MAR 07 2019  
Planning & Development Department

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
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CUSTOMER: **PAM HARTLING**  
ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA

DRAWING NAME: **PROPOSED LOT 3: ELEVATIONS**  
DRAWING SCALE: 1/4" = 1'-0"

ISSUE DATE: MAR. 06, 2019  
DRAWN BY: **KYLE LEGGETT**

SHEET NUMBER: **A5**



**Available from:**

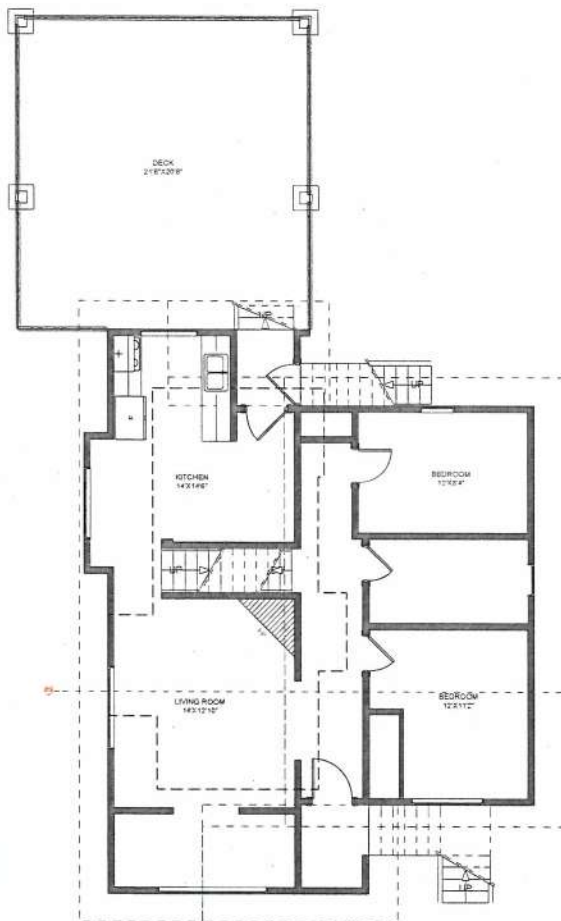


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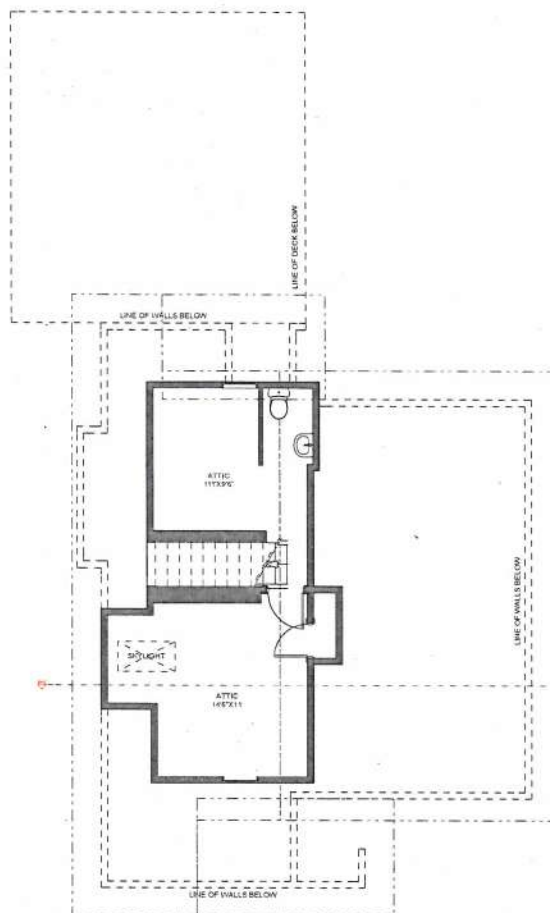


ALL OTHERS - 1000000 (7.00000)  
 (27.00000) 29.70000

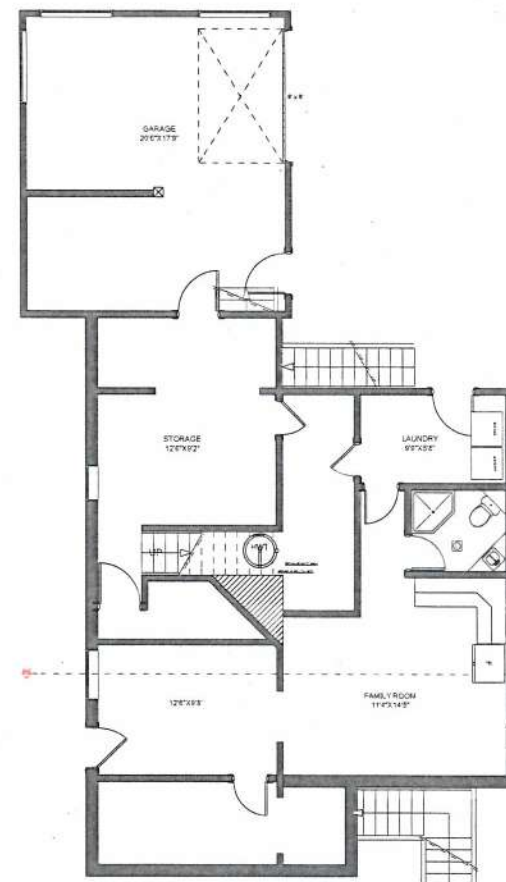
A6



EXISTING MAIN FLOOR PLAN (8'-8" WALLS)  
 SCALE: 1/4" = 1'-0"  
 EXISTING TOTAL MAIN FLOOR AREA: 991 Sq Ft  
 2838 SHAKESPEARE ST. VICTORIA BC




EXISTING ATTIC FLOOR PLAN (6'-8" WALLS)  
 SCALE: 1/4" = 1'-0"  
 EXISTING FLOOR AREA: 362 Sq Ft  
 2838 SHAKESPEARE ST. VICTORIA BC



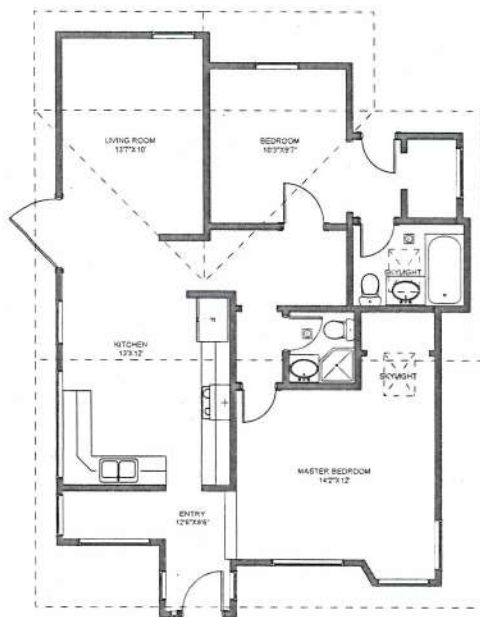
EXISTING LOWER FLOOR PLAN (6'-6" WALLS)  
 SCALE: 1/4" = 1'-0"  
 EXISTING LOWER FLOOR AREA: 1,025 Sq Ft  
 EXISTING GARAGE AREA: 402 Sq Ft  
 2838 SHAKESPEARE ST. VICTORIA BC

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 City of Victoria  
 MAR 07 2019  
 Planning Department

 <b>JAVA DESIGNS</b> WHERE LINES ON PAPER BECOME WALLS ON SITE PH 250.590.2468 FX 250.590.4577 www.javadesigns.ca	ISSUE DATE: MAR. 06, 2019 DRAWN BY: KYLE LEGGETT	DRAWING NAME: EXISTING LOT 1, 2838 SHAKESPEARE ST. FLOOR PLANS DRAWING SCALE: 1/4" = 1'-0"	CUSTOMER: PAM HARTLING ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA
	SHEET NUMBER <div style="border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">A7</div>		

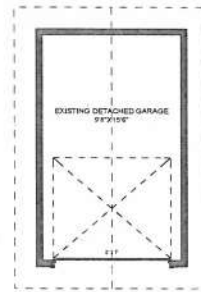






EXISTING MAIN FLOOR PLAN (8'-8" WALLS)

SCALE: 1/4" = 1'-0"  
EXISTING MAIN FLOOR AREA: 981 Sq Ft  
2832 SHAKESPEARE ST, VICTORIA BC



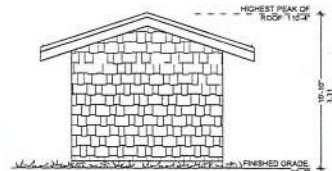
EXISTING DETACHED GARAGE PLAN (8'-0 3/4" WALLS)

SCALE: 1/4" = 1'-0"  
TOTAL AREA: 174 Sq Ft  
2832 SHAKESPEARE ST VICTORIA BC



EXISTING DETACHED GARAGE FRONT ELEVATION

SCALE: 1/4" = 1'-0"  
2832 SHAKESPEARE ST VICTORIA BC



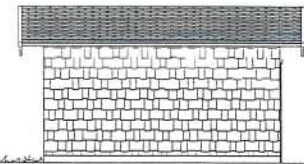
EXISTING DETACHED GARAGE REAR ELEVATION

SCALE: 1/4" = 1'-0"  
2832 SHAKESPEARE ST VICTORIA BC



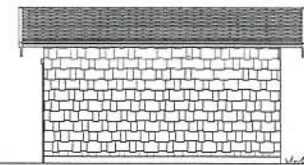
EXISTING DETACHED GARAGE FOUNDATION

SCALE: 1/4" = 1'-0"  
2832 SHAKESPEARE ST, VICTORIA BC



EXISTING DETACHED GARAGE LEFT ELEVATION

SCALE: 1/4" = 1'-0"  
2832 SHAKESPEARE ST, VICTORIA BC



EXISTING DETACHED GARAGE RIGHT ELEVATION

SCALE: 1/4" = 1'-0"  
2832 SHAKESPEARE ST, VICTORIA BC

CUSTOMER: **PAM HARTLING**  
ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA

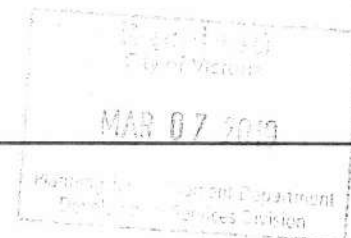
DRAWING NAME: EXISTING LOT 2 2832 SHAKESPEARE ST, FLOOR PLANS & GARAGE ELEVATIONS  
DRAWING SCALE: 1/4"=1'-0"

ISSUE DATE: MAR. 06, 2019  
DRAWN BY: KYLE LEGGELL

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
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SHEET NUMBER

A9



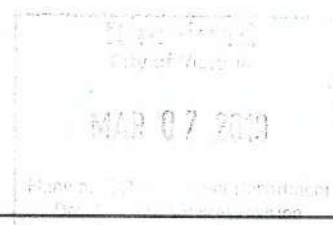


EXISTING LOT 1: 2838 SHAKESPEARE ST.  
SCALE 1/16\"/>

EXISTING LOT 2 IN BACKGROUND: 2832 SHAKESPEARE ST.  
SCALE 1/16\"/>

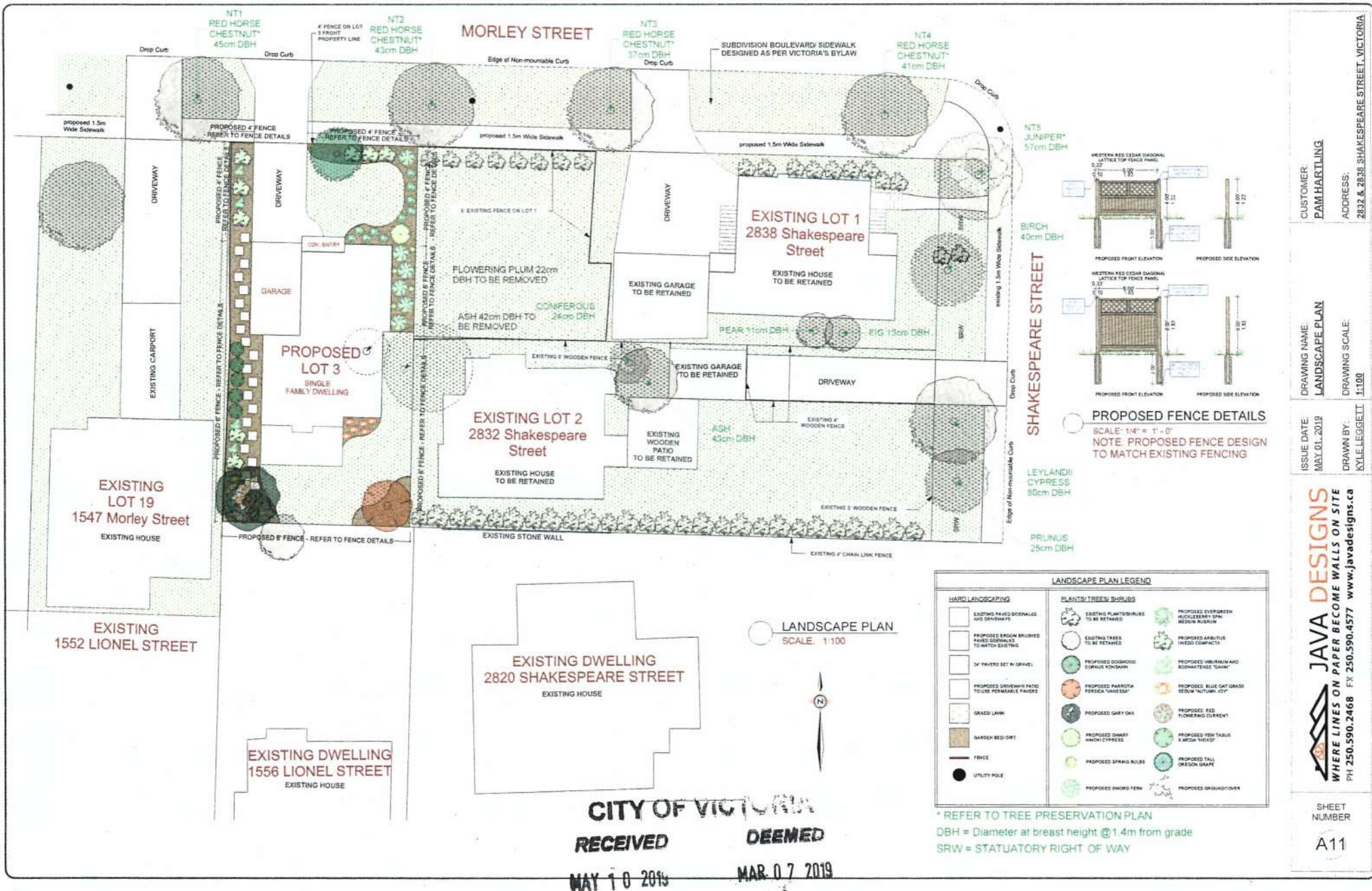
PROPOSED LOT 3: FRONT ELEVATION  
SCALE 1/16\"/>

EXISTING: 1547 MORLEY ST.  
SCALE 1/16\"/>



<b>JAVA DESIGNS</b> WHERE LINES ON PAPER BECOME WALLS ON SITE PH: 250.590.2468 FX: 250.590.4577 www.javadesigns.ca	ISSUE DATE: MAR. 06, 2019	DRAWING NAME: STREETSCAPE	CUSTOMER: PAM HARTLING
	DRAWN BY: KYLE LEGGETT	DRAWING SCALE: 1/16"=1'-0"	ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA
SHEET NUMBER A10			





CUSTOMER: **PAM HARTLING**  
ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA

DRAWING NAME: **LANDSCAPE PLAN**  
DRAWING SCALE: **1:100**

ISSUE DATE: **MAY 01 2019**  
DRAWN BY: **KYLE LEGGETT**

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH 250.590.2458 FX 250.590.4577 www.javadesigns.ca

SHEET NUMBER: **A11**



MAR 07 2019



○ 2832 EAST ELEVATION



○ 2832 EAST ELEVATION



○ 2832 NORTH ELEVATION



○ 2832 NORTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 WEST ELEVATION



○ 2832 WEST ELEVATION



○ 2838 EAST ELEVATION



○ 2882 NORTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 WEST ELEVATION

<p>CUSTOMER: PAM HARTLING</p> <p>ADDRESS: 2832 &amp; 2838 SHAKESPEARE STREET, VICTORIA</p>	<p>DRAWING NAME: EXISTING PHOTOS</p> <p>DRAWING SCALE: NOT TO SCALE</p>	<p>ISSUE DATE: MAR. 06, 2019</p> <p>DRAWN BY: KYLE LEGGETT</p>	<p><b>JAVA DESIGNS</b> WHERE LINES ON PAPER BECOME WALLS ON SITE PH 250.590.2468 FX 250.590.4577 www.javadesigns.ca</p>	<p>SHEET NUMBER A12</p>
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## I.1.a.b

**2832 and 2838 Shakespeare Street: Rezoning Application No. 00656 (Oaklands)****Motion**Rezoning Application No. 00656

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00656 for 2832 and 2838 Shakespeare Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00116

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00 m to 1.80 m for Lot 2
  - ii. reduce the front yard setback for an accessory building from 18.00 m to 15.25 m for Lot 2
  - iii. allow an accessory building in the front yard for Lot 2
  - iv. reduce the side yard setback for an accessory building from 0.60 m to 0.30 m for Lot 2.
3. A revised site plan and landscape plan that includes existing trees to be removed 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.

**Carried**



## **I. REPORTS OF COMMITTEES**

### **I.1 Committee of the Whole**

#### **I.1.a Report from the May 2, 2019 COTW Meeting**

##### **I.1.a.b 2832 and 2838 Shakespeare Street: Rezoning Application No. 00656 (Oaklands)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

##### Rezoning Application No. 00656

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00656 for 2832 and 2838 Shakespeare Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

##### Development Permit with Variances Application No. 00116

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00 m to 1.80 m for Lot 2;
  - ii. reduce the front yard setback for an accessory building from 18.00 m to 15.25 m for Lot 2;
  - iii. allow an accessory building in the front yard for Lot 2; and
  - iv. reduce the side yard setback for an accessory building from 0.60 m to 0.30 m for Lot 2.
3. A revised site plan and landscape plan that includes existing trees to be removed 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.

**CARRIED UNANIMOUSLY**



**B. CONSENT AGENDA**

**F.1 2832 and 2838 Shakespeare Street - Rezoning Application No. 00656 (Oaklands)**

Committee received a report dated April 18, 2019, from the Acting Director of Sustainable Planning and Community Development regarding an application to subdivide two lots in order to create a third lot and construct a single-family dwelling with a secondary suite on the new lot.

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

**Rezoning Application No. 00656**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00656 for 2832 and 2838 Shakespeare Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Development Permit with Variances Application No. 00116**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00 m to 1.80 m for Lot 2
  - ii. allow an accessory building in the front yard for Lot 2
  - iii. reduce the front yard setback for an accessory building from 18.00 m to 15.25 m for Lot 2
  - iv. reduce the side yard setback for an accessory building from 0.60 m to 0.30 m for Lot 2.
3. A revised site plan and landscape plan that includes existing trees to be removed 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.

**CARRIED UNANIMOUSLY**



## **Committee of the Whole Report**

**For the Meeting of May 2, 2019**

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**To:** Committee of the Whole **Date:** April 18, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00656 for 2832 and 2838 Shakespeare 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. 00656 for 2832 and 2838 Shakespeare 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 2832 and 2838 Shakespeare Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to subdivide and create three small lots, retain the existing two single family dwellings and construct one new small lot house.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan (2012)*
- the proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy (2002)* and the applicant would be retaining both existing dwelling units
- the proposed lots with the existing houses, are slightly under the minimum site area required in the R1-B, Single Family Dwelling District, due to a 2.904 metre road dedication required on Morley Street; therefore, the lots for the existing houses are also proposed to be rezoned to the small lot zone

- the proposal is generally consistent with the *Oaklands Neighbourhood Plan* (1993) which encourages infill.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the subject properties from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The proposal is to subdivide and create three small lots, retain the existing two single family dwellings and construct a new small lot house. Variances would be required to facilitate this development and will be discussed in relation to the concurrent Development Permit with Variances Application.

### **Affordable Housing Impacts**

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The proposal does not result in a loss of existing residential rental units.

### **Sustainability Features**

The applicant has identified sustainability measures in the letter to Council date stamped April 16, 2019.

### **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 a mix of single family dwellings.

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

Under the current R1-B Zone, each property could be developed as a single family dwelling with a secondary suite or garden suite. Should the properties be rezoned to the R1-S2 Zone and subdivided, then one new small lot house would be permitted in the combined rear lot areas of the existing houses.



## Data Table

The following data table compares the proposal with the standard R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the zone. A double asterisk is used to identify existing non-conformities.

<b>Zoning Criteria</b>	<b>Proposed Lot 1 existing house 2838 Shakespeare</b>	<b>Proposed Lot 2 existing house 2832 Shakespeare</b>	<b>Proposed Lot 3 new house</b>	<b>Zone Standard R1-S2</b>
Site area (m <sup>2</sup> ) – minimum	424.59	423.99	306.66	260.00
Lot width (m) – minimum	12.44	12.44	12.36	10.00
Density (Floor Space Ratio) – maximum	0.34	0.21	0.50	0.60
Total floor area (m <sup>2</sup> ) – maximum	144.46	91.14	152.75	190.00
Height (m) – maximum	7.81**	4.28	6.89	7.50
Storeys – maximum	2.50**	1.00	2.00	2.00
Basement	n/a	n/a	Yes	Permitted
Site coverage (%) – maximum	30.60	26.46	33.33	40.00
<b>Setbacks (m) – minimum</b>				
Front	1.20** (north – Morley)	19.94 (east – Shakespeare)	6.00	6.00
Rear	0.10** (south)	1.80* (west)	6.01	6.00
Side	n/a	1.90** (south)	1.53 (east – non-habitable) 2.46 (east – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	13.10 (west)	1.00** (north)	1.61 (west – non-habitable) 2.46 (west – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side – flanking street	2.66 (east)	n/a	n/a	2.40

<b>Zoning Criteria</b>	<b>Proposed Lot 1 existing house 2838 Shakespeare</b>	<b>Proposed Lot 2 existing house 2832 Shakespeare</b>	<b>Proposed Lot 3 new house</b>	<b>Zone Standard R1-S2</b>
Parking – minimum	1	1	1	1
Parking – location	Interior garage	Garage	Interior garage	Schedule C
<b>Schedule F – Accessory Building Regulations</b>				
Location	n/a	<b>Front Yard*</b>	n/a	Rear Yard
Rear Yard Site Coverage (%) – maximum	n/a	n/a	n/a	30.00
Combined floor area (m <sup>2</sup> ) – maximum	n/a	12.30	n/a	37.00
Height (m) – maximum	n/a	3.31	n/a	4.00
<b>Setbacks (m) – minimum</b>				
Front	n/a	<b>15.25*</b>	n/a	18.0
Rear	n/a	16.80	n/a	0.60
Side	n/a	<b>0.30*</b> (north)	n/a	0.60
Separation from single family dwelling (m) – minimum	n/a	3.40	n/a	2.40

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands Community Association Land Use Committee at a Community Meeting held on February 26, 2018. A letter dated August 15, 2018 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The Official Community Plan's Urban Place Designation for the property is Traditional Residential which contemplates small residential lots. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot. The proposal is generally consistent with the objectives of DPA 15A to achieve new infill development in a way that is compatible with the existing neighbourhood.

### **Local Area Plans**

The *Oaklands Neighbourhood Plan* states that small lot houses will be considered on individual merit provided that the proposal meets the small lot policy. The proposed small lots generally meet the intent of the neighbourhood plan.

### **Small Lot House Rezoning Policy**

The *Small Lot House Rezoning Policy* encourages sensitive infill with an emphasis on ground-oriented housing that is consistent with the existing character of development. The proposed lots each exceed the required site area minimum of 260m<sup>2</sup> and lot width requirement of 10m. The existing houses are being retained, consistent with the policy, which states that small lots are not intended to facilitate the demolition of existing housing.

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

There are four existing public boulevard trees associated with this application on Morley Street. The trees are Horse Chestnut ranging from 36cm to 40cm diameter breast height (DBH), all in fair condition. They are planned for retention, but could potentially be impacted by the proposed sidewalk construction. No sidewalks exist on Morley Street currently, which is a cul-de-sac leading to Oaklands School. The project arborist performed exploratory digging to ascertain root locations with relation to the proposed sidewalk location and has recommended that the new sidewalk be constructed to "float" over the tree roots in order to protect them. Alternative sidewalk paving materials may be explored to achieve optimal tree protection as recommended by the arborist. There are six private trees noted on the landscape plans that will be retained on Lot 1 and Lot 2. Three additional trees are proposed on the new small Lot 3 (Dogwood, Ironwood, and a Garry Oak).

### **Road Dedications**

As a condition of subdivision, the applicant is required to dedicate 2.904m on Shakespeare Street for highway purposes. These dedications will be used to fulfil Council approved objectives listed within the *Official Community Plan*, *Oaklands Neighbourhood Plan*, *Subdivision Bylaw* and *Development Servicing Bylaw*, *Pedestrian Master Plan*, and *Urban Forest Master Plan*. A new sidewalk along Morley Street will be located adjacent to the property line and provide separation between pedestrians and vehicles through a planted boulevard.

### **Regulatory Considerations**

Due to the road dedication of 2.904m on Shakespeare Street, the two parent lots would also require a rezoning from R1-B, Single Family Dwelling District, to R1-S1, Restricted Small Lot (Two Storey) District, as the resulting site area would be less than 460 square meters (the minimum lot



size required in the R1-B Zone). If approved, these lots will also be included in DPA 15A: Intensive Residential Small Lot. Redevelopment of these properties in the future would require a development permit.

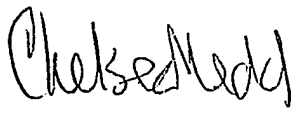

## CONCLUSIONS

This proposal to rezone the subject properties to create three small lots, retaining two houses and adding an additional house, is generally consistent with the *Official Community Plan, Oaklands Neighbourhood Plan* and *Small Lot Rezoning Policy*. Staff recommend that Council consider supporting this application.

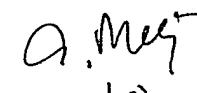
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00656 for the property located at 2832 and 2838 Shakespeare Street.


Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

  
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager

  
Date: April 26, 2019

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, date stamped March 7, 2019
- Attachment D: Letter from applicant to Mayor and Council, date stamped April 16, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 26, 2018
- Attachment F: Small Lot Petition, date stamped December 20, 2018.



## Committee of the Whole Report For the Meeting of May 2, 2019

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**To:** Committee of the Whole **Date:** April 18, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00 m to 1.80 m for Lot 2
  - ii. allow an accessory building in the front yard for Lot 2
  - iii. reduce the front yard setback for an accessory building from 18.00 m to 15.25 m for Lot 2
  - iv. reduce the side yard setback for an accessory building from 0.60 m to 0.30 m for Lot 2.
3. A revised site plan and landscape plan that includes existing trees to be removed 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 establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application with Variances for the property located at 2832 and 2838 Shakespeare Street. The proposal is to rezone the two properties to small lot zones in order to subdivide and create three small lots, retain the existing two single family dwellings and construct one new house.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives and guidelines for sensitive infill development contained in Development Permit Area 15A: Intensive Residential - Small Lot of the *Official Community Plan* (2012)
- the requested variances for Lot 2 (2832 Shakespeare Street) are to reduce the rear yard setback caused by the introduction of a new proposed lot line; and to allow an existing accessory building in the front yard, reduce the front yard setback, and reduce the side yard setback
- the proposal is consistent with the *Oaklands Neighbourhood Plan* (1993) which considers infill development based on an application's merit and ability to meet the *Small Lot Rezoning Policy*
- the proposal is generally consistent with the *Small Lot Rezoning Policy*.

## BACKGROUND

### Description of Proposal

The proposal is for a new small lot house. Specific details include:

- two-storey building
- hipped and gable roof
- exterior materials include stucco, hardi-board and batten, and asphalt shingles
- permeable pavers for patios and driveway.

There are no changes proposed for the existing houses.

The proposed variances are related to Lot 2 (2832 Shakespeare Street):

- reduce the rear yard setback from 6.00 m to 1.80 m
- allow an accessory building in the front yard
- reduce the front yard setback for an accessory building from 18.00 m to 15.25 m
- reduce the side yard setback for an accessory building from 0.60 m to 0.30 m.

### Data Table

The following data table compares the proposal with the standard R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to indicate an existing non-conforming situation.



<b>Zoning Criteria</b>	<b>Proposed Lot 1 existing house 2838 Shakespeare</b>	<b>Proposed Lot 2 existing house 2832 Shakespeare</b>	<b>Proposed Lot 3 new house</b>	<b>Zone Standard R1-S2</b>
Site area (m <sup>2</sup> ) – minimum	424.59	423.99	306.66	260.00
Lot width (m) – minimum	12.44	12.44	12.36	10.00
Density (Floor Space Ratio) – maximum	0.34	0.21	0.50	0.60
Total floor area (m <sup>2</sup> ) – maximum	144.46	91.14	152.75	190.00
Height (m) – maximum	7.81**	4.28	6.89	7.50
Storeys – maximum	2.50**	1.00	2.00	2.00
Basement	n/a	n/a	Yes	Permitted
Site coverage (%) – maximum	30.60	26.46	33.33	40.00
<b>Setbacks (m) – minimum</b>				
Front	1.20** (north - Morley)	19.94 (east – Shakespeare)	6.00	6.00
Rear	0.10** (south)	<b>1.80*</b> (west)	6.01	6.00
Side	n/a	1.90** (south)	1.53 (east – non-habitable) 2.46 (east – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	13.10 (west)	1.00** (north)	1.61 (west – non-habitable) 2.46 (west – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side – flanking street	2.66 (east)	n/a	n/a	2.40
Parking – minimum	1	1	1	1
Parking – location	Interior garage	Garage	Interior garage	Schedule C

Zoning Criteria	Proposed Lot 1 existing house 2838 Shakespeare	Proposed Lot 2 existing house 2832 Shakespeare	Proposed Lot 3 new house	Zone Standard R1-S2
<b>Schedule F – Accessory Building Regulations</b>				
Location	n/a	Front Yard*	n/a	Rear Yard
Rear Yard Site Coverage (%) – maximum	n/a	n/a	n/a	30.00
Combined floor area (m <sup>2</sup> ) – maximum	n/a	12.30	n/a	37.00
Height (m) – maximum	n/a	3.31	n/a	4.00
<b>Setbacks (m) – minimum</b>				
Front	n/a	15.25*	n/a	18.0
Rear	n/a	16.80	n/a	0.60
Side	n/a	0.30* (north)	n/a	0.60
Separation from single family dwelling (m) – minimum	n/a	3.40	n/a	2.40

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies these properties within Development Permit Area 15A: Intensive Residential - Small Lot. The proposed design of the new small lot house is generally consistent with the *Small Lot House Design Guidelines*.

The proposal is for a two-storey dwelling unit with a single car garage. The design of the small lot house incorporates architectural elements, such as a hipped and pitched roofline over the entryway. The applicant has accentuated the entryway by having an at grade porch. The height of the proposed small lot house is higher than the existing single family dwelling to the west; however, it is similar in height to the existing dwelling on the corner (subject property). There are habitable windows on both sides, but the building is stepped back on the second storey and meets the setback for habitable windows. To help provide greater privacy for the living room, a landscaping hedge has been proposed.

The applicant is proposing a mix of hard and soft landscaping for the proposed small lot. New fencing would be constructed around the perimeter of the site. The driveway would be finished with permeable pavers.

Overall, the proposed house and landscaping are generally consistent with the *Small Lot Design Guidelines*.

There will be no changes proposed for the existing buildings at 2832 and 2838 Shakespeare Street. If redevelopment occurred in the future, it would require approval of a development permit.

### **Regulatory Considerations**

The application proposes the following variances from the *Zoning Regulation Bylaw* for Lot 2 (existing dwelling at 2832 Shakespeare Street) which are to:

- reduce the rear yard setback from 6.00 m to 1.80 m
- allow an accessory building in the front yard
- reduce the front yard setback for an accessory building from 18.00 m to 15.25 m
- reduce the side yard setback for an accessory building from 0.60 m to 0.30 m.

Due to the requirement for a road dedication of 2.904 m on Shakespeare Street, the lots with the existing houses would also need to be rezoned to small lots, as they would be less than 460 square meters. If the road dedication were not required, both would remain R1-B Zone, Single Family Dwelling District.

The existing house on 2832 Shakespeare Street has a greater front yard setback than the majority of houses on the street. The proposed new rear lot line would be 1.80 m from the existing house, which requires a variance. This results in a situation where there is limited rear yard outdoor space available for this property; however, the front yard would provide private outdoor space that is screened with mature landscaping. There are also existing windows located on the west elevation; however, a 1.83 m fence is proposed and the windows are internal to the development. Staff consider this variance supportable.

The City does not have record of the accessory building located at 2832 Shakespeare Street being constructed with permits, and it requires several variances: to allow it in the front yard, to reduce the side yard setback, and to reduce the front yard setback. Given the structure appears to have been in existence for some time, and it would have little new impact on adjoining properties, the variances are recommended as being supportable.

### **CONCLUSIONS**

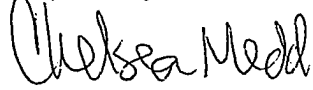
The proposal to construct a new small lot house is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. Staff recommend that Council consider supporting this application.

### **ALTERNATE MOTION**

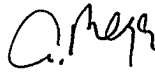
That Council decline Development Permit with Variances Application No. 00116 for the properties located at 2832 and 2838 Shakespeare Street.



Respectfully submitted,



Chelsea Medd  
Planner  
Development Services Division



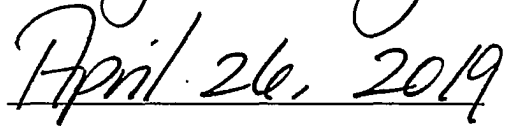
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department



Report accepted and recommended by the City Manager

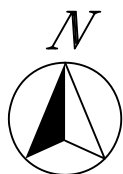
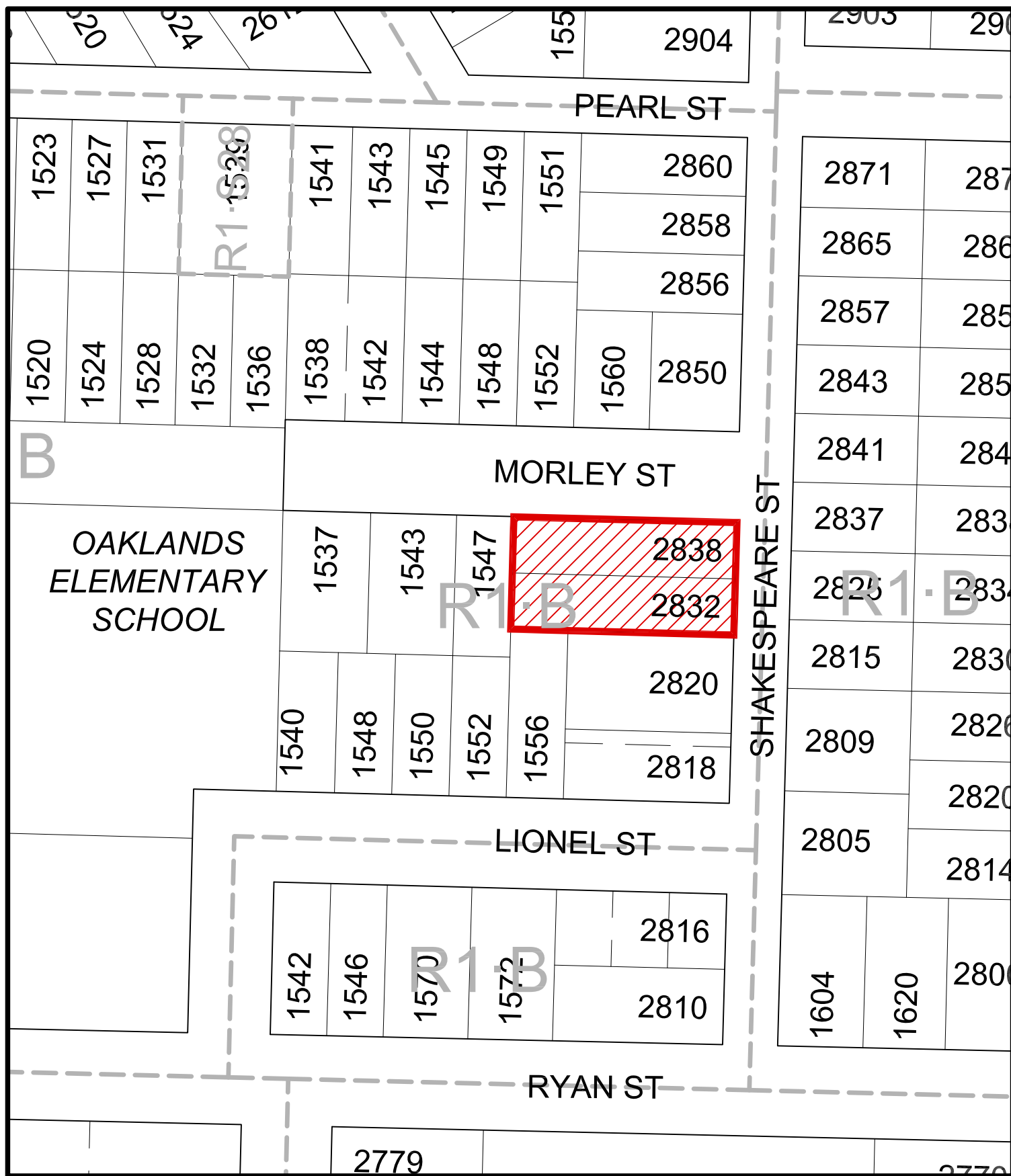


Date:



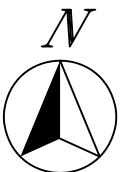
#### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
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- Attachment F: Small Lot Petition, date stamped December 20, 2018.



2832 & 2838 Shakespeare Street  
Rezoning No.00656





Air Photo





CUSTOMER: **PAM HARTLING**  
ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA



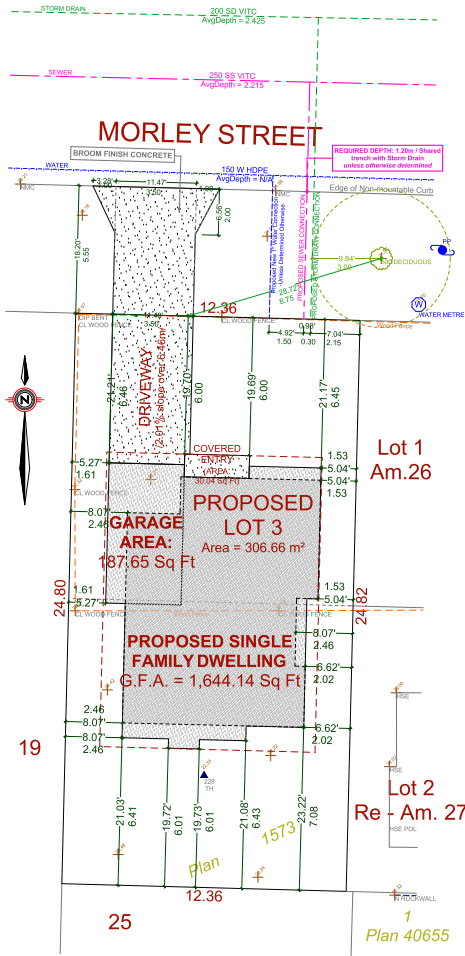
**NAFS REQUIREMENTS:**  
Performance Grade of 30  
Water Test Pressure of 260 Pa

NEITHER JAVADESIGNS INC.  
NOR THE DESIGNER ACCEPT  
RESPONSIBILITY FOR THE  
FOLLOWING:

- INFORMATION PROVIDED ON  
EXISTING BUILDINGS OR SITE.
- CONFORMITY OF PLANS TO  
SITE.
- ERRORS AND OMISSIONS
- ANY HOUSE BUILT FROM THESE  
PLANS.

SHEET  
NUMBER

A1

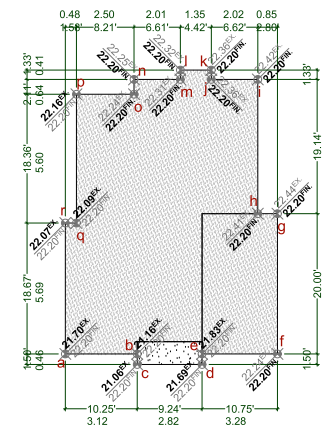


PROJECT DATA TABLE - SINGLE FAMILY DWELLING	
Address	Lot 3, Morley Street, Victoria
Lot Size	306.66 m <sup>2</sup> (3,300.81 ft <sup>2</sup> )
Zoning	R1-S2
Height	Proposed:      Allowed:
Average grade	22.01 m (72 ft)
Highest steeped roof height	6.88 m (22.59 ft) (2 stories)      7.30 m (23.95 ft) (2 stories)
Floor Area	
Upper floor area	76.86 m <sup>2</sup> (827.32 ft <sup>2</sup> )
Main floor area	76.86 m <sup>2</sup> (827.32 ft <sup>2</sup> )
Garage	17.43 m <sup>2</sup> (187.65 ft <sup>2</sup> )
Garage exemption	18.60 m <sup>2</sup> (200.20 ft <sup>2</sup> )
Total gross floor area	192.75 m <sup>2</sup> (2084.14 ft <sup>2</sup> )
Floor space ratio	1.53
Site coverage	33.33 %      40.00 %
Lot coverage (total)	102.25 m <sup>2</sup> (1,100.51 ft <sup>2</sup> )      122.66 m <sup>2</sup> (1,329.52 ft <sup>2</sup> )
Setbacks	
Front yard setback	6.00 m (19.69 ft)      6.00 m (19.69 ft)
Rear yard setback	6.01 m (19.72 ft)      6.00 m (19.69 ft)
Interior side yard setback (Rear)	1.01 m (3.27 ft)      1.00 m (3.27 ft)
Interior side yard setback (Front)	2.46 m (8.07 ft)      2.45 m (7.87 ft)
Interior side yard setback (Side)	1.03 m (3.36 ft)      1.00 m (3.27 ft)
Interior side yard setback (Front)	2.46 m (8.07 ft)      2.45 m (7.87 ft)

LEGEND	
	Denotes water metre
	Denotes power pole
	Denotes approximate line location, diameter & species
	Denotes ground elevation
	Denotes sewer location
	Denotes water location
	Denotes storm drain location



PROPOSED ANGLED PERSPECTIVE  
NOT TO SCALE



Grade Points	Age of Point	Distance Between	Total
B-1	21.78	0-21.43	0.77
B-2	21.78	0-21.43	0.77
B-3	21.78	0-21.43	0.77
B-4	21.78	0-21.43	0.77
B-5	21.78	0-21.43	0.77
B-6	21.78	0-21.43	0.77
B-7	21.78	0-21.43	0.77
B-8	21.78	0-21.43	0.77
B-9	21.78	0-21.43	0.77
B-10	21.78	0-21.43	0.77
B-11	21.78	0-21.43	0.77
B-12	21.78	0-21.43	0.77
B-13	21.78	0-21.43	0.77
B-14	21.78	0-21.43	0.77
B-15	21.78	0-21.43	0.77
B-16	21.78	0-21.43	0.77
B-17	21.78	0-21.43	0.77
B-18	21.78	0-21.43	0.77
B-19	21.78	0-21.43	0.77
B-20	21.78	0-21.43	0.77
B-21	21.78	0-21.43	0.77
B-22	21.78	0-21.43	0.77
B-23	21.78	0-21.43	0.77
B-24	21.78	0-21.43	0.77
B-25	21.78	0-21.43	0.77
B-26	21.78	0-21.43	0.77
B-27	21.78	0-21.43	0.77
B-28	21.78	0-21.43	0.77
B-29	21.78	0-21.43	0.77
B-30	21.78	0-21.43	0.77
B-31	21.78	0-21.43	0.77
B-32	21.78	0-21.43	0.77
B-33	21.78	0-21.43	0.77
B-34	21.78	0-21.43	0.77
B-35	21.78	0-21.43	0.77
B-36	21.78	0-21.43	0.77
B-37	21.78	0-21.43	0.77
B-38	21.78	0-21.43	0.77
B-39	21.78	0-21.43	0.77
B-40	21.78	0-21.43	0.77
B-41	21.78	0-21.43	0.77
B-42	21.78	0-21.43	0.77
B-43	21.78	0-21.43	0.77
B-44	21.78	0-21.43	0.77
B-45	21.78	0-21.43	0.77
B-46	21.78	0-21.43	0.77
B-47	21.78	0-21.43	0.77
B-48	21.78	0-21.43	0.77
B-49	21.78	0-21.43	0.77
B-50	21.78	0-21.43	0.77
B-51	21.78	0-21.43	0.77
B-52	21.78	0-21.43	0.77
B-53	21.78	0-21.43	0.77
B-54	21.78	0-21.43	0.77
B-55	21.78	0-21.43	0.77
B-56	21.78	0-21.43	0.77
B-57	21.78	0-21.43	0.77
B-58	21.78	0-21.43	0.77
B-59	21.78	0-21.43	0.77
B-60	21.78	0-21.43	0.77
B-61	21.78	0-21.43	0.77
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B-248	21.78	0-21.43	0.77
B-249	21.78	0-21.43	0.77



<b>EFFECTIVE R-VALUE FOR HOUSE TO GARAGE WALLS:</b>	
Exterior Air Film	0.03
1/2" Gypsum Board	0.08
R-20 Batt Insulation	2.36
2x6 Wood studs @ 16" O.C.	(See Calculation Below)
$RSip = 100 / [(23/1.19) + (77/3.34)] =$	
	2.36
8 Mil Poly V.B.	0
1/2" Gypsum Board	0.08
Interior Air Film	0.12
	<b>RS1 = 2.67</b>

Values from Table A-9.36.2.4. (1)D

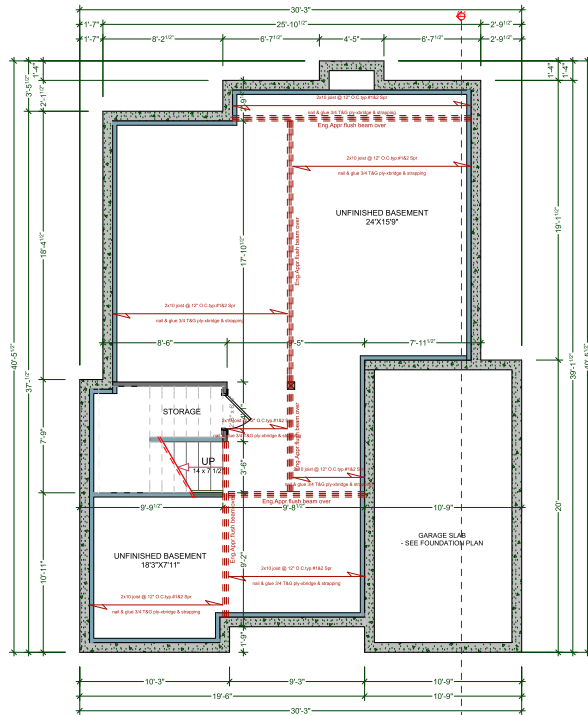
Interior Air Film	0.11
4" poured-in place concrete	0
2.5" R12 Rigid Insulation	2.11
Exterior Air Film	0.03
	<b>RSI=2.25</b>

\*\*ALL WINDOWS MUST COMPLY WITH CBCB AND NAFS REQUIREMENTS\*\*  
 MUST BE CLEARLY LABELED ON ALL WINDOW UNITS UPON INSTALLATION FOR INSPECTION. -ONE  
 EXTERIOR DOOR IS PERMITTED TO HAVE A HIGHER U-VALUE OF 2.6, ALL OTHERS MUST HAVE  
 U-VALUE LESS THEN 1.80 (AS PER TABLE 9.36 2.7.A) -GARAGE VEHICULAR DOORS MUST BE MINIMUM  
 NOMINAL RSI OF 1.1

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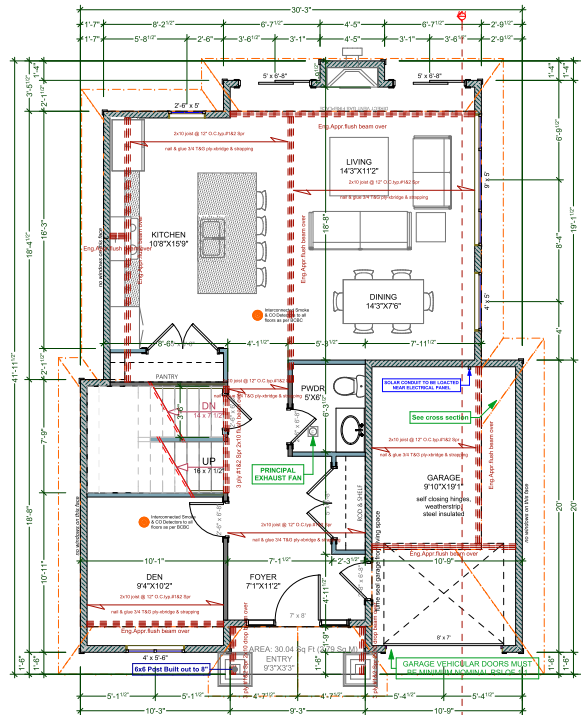




**PROPOSED BASEMENT FLOOR PLAN (8'-0 3/4" WALLS)**

SCALE: 1/4" = 1' - 0"

PROPOSED BASEMENT FLOOR AREA: 783.31 Sq Ft (72.77 Sq M)



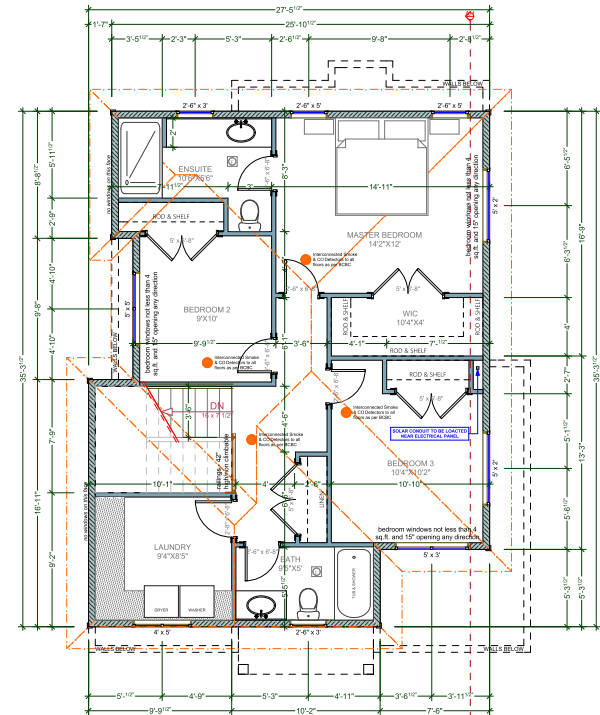
**PROPOSED MAIN FLOOR PLAN (9'-0 3/4" WALLS)**

SCALE: 1/4" = 1' - 0"

PROPOSED MAIN FLOOR AREA: 816.82 Sq Ft (75.89 Sq M)

PROPOSED GARAGE FLOOR AREA: 187.65 Sq Ft (17.43 Sq M)

\*SOLAR READY PLANS - SEE ELECTRICIAN FOR DETAILS



**PROPOSED UPPER FLOOR PLAN (8'-0 3/4" WALLS)**

SCALE: 1/4" = 1' - 0"

PROPOSED UPPER FLOOR AREA: 827.32 Sq Ft (76.86 Sq M)

\*SOLAR READY PLANS - SEE ELECTRICIAN FOR DETAILS

#### NAFS REQUIREMENTS:

Performance Grade of 30  
Water Test Pressure of 260 Pa

#### GENERAL NOTES

ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE AS WELL AS ANY LOCAL BUILDING CODES OR BYLAWS WHICH MAY TAKE PRECEDENCE.  
ALL MEASUREMENTS MUST BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION, AND ANY DISCREPANCIES REPORTED TO THE DESIGNER.  
DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE.  
SMOKE DETECTORS SHALL BE PROVIDED ON EVERY FLOOR.

#### SITE PLAN

ALL LAYOUTS SHOULD BE CONFIRMED BY A REGISTERED B.C. LAND SURVEYOR.  
ALL STRUCKS SHALL BE CONFIRMED BY THE OWNER/BUILDER.  
ALL GRADE ELEVATIONS ARE THE RESPONSIBILITY OF THE OWNER/BUILDER AND ANY MODIFICATIONS ARE TO BE MADE ON SITE.  
CONFORMITY OF THESE PLANS TO THE ACTUAL SITE IS THE RESPONSIBILITY OF THE OWNER/BUILDER.

#### CONCRETE FOUNDATIONS

ALL CONCRETE FOOTINGS TO HAVE SOLID BEARING ON COMPACTED, UNDISTURBED INORGANIC SOIL TO A SUITABLE DEPTH BELOW PROOF PENETRATION.

#### IF SOFTER CONDITIONS APPLY, THE SOLID BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER.

GARAGE & CARPORT FLOORS AND EXTERIOR STEPS SHALL NOT BE LESS THAN 32 MPa.  
FOUNDATION CONCRETE SHALL HAVE MIN. COMPRESSIVE STRENGTH OF 2800 PSI (19.3 MPa) AT 28 DAYS, MINED, PLACED AND TESTED IN ACCORDANCE WITH CAN-4483.  
ALL WALLS ARE 8" CONCRETE UNLESS OTHERWISE NOTED.  
ALL GRIDES ARE ESTIMATED ONLY AND SHALL BE ADJUSTED ON SITE.  
ALL WOOD IN CONTACT WITH CONCRETE SHALL BE TREATED OR SEPARATED BY A MOISTURE RESISTANT GASKET MATERIAL.

#### LUMBER, FRAMING AND BEAMS

BUILDING FRAMES TO BE ANCHORED TO FOUNDATION BY FASTENING BIL. PLATE TO FOUNDATION WITH NOT LESS THAN 12 mm DAW ANCHOR BOLTS AT NOT MORE THAN 2.4M O.C.  
ALL ENGINEERED BEAMS TO BE SIZED BY SUPPLIER.  
ALL SPANS SHALL CONFORM TO THE TABLES SET OUT IN "THE SPAN BOOK" AND THE NATIONAL BUILDING CODE OF CANADA AND VERIFICATIONS OF ALL SPANS IS THE RESPONSIBILITY OF THE OWNER/BUILDER.

#### TRUSSES

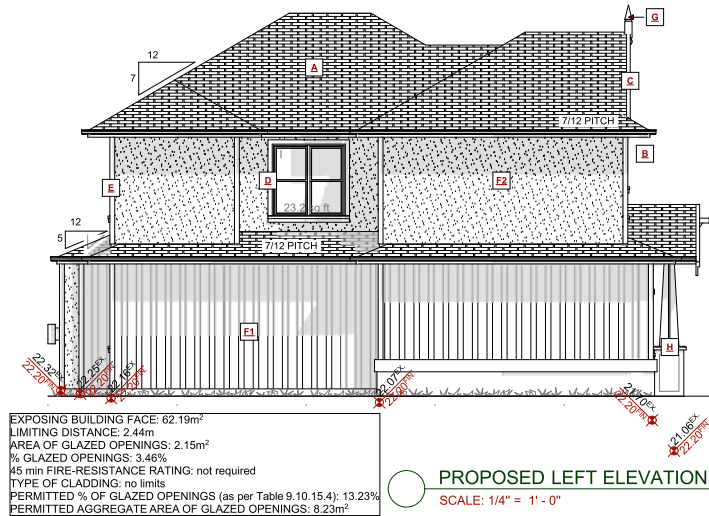
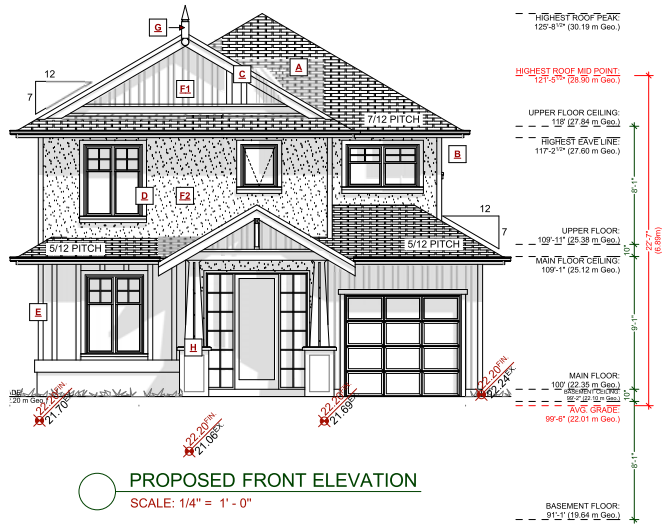
TRUSSES AND LAYOUT ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS, INCLUDING ALL BRACING.  
ROOFING  
ALL ROOFING SHALL BE APPLIED TO MANUFACTURER'S SPECIFICATION AND SHALL INCLUDE GAVEL PROTECTION FROM ICE DAMS AND SNOW BUILD UP.  
PLUMBING & ELECTRICAL  
ANY ELECTRICAL SHOWN ON PLANS IS TO SERVE AS A GUIDE ONLY AND MUST BE INSTALLED BY A QUALIFIED PERSONNEL.

#### FLASHING

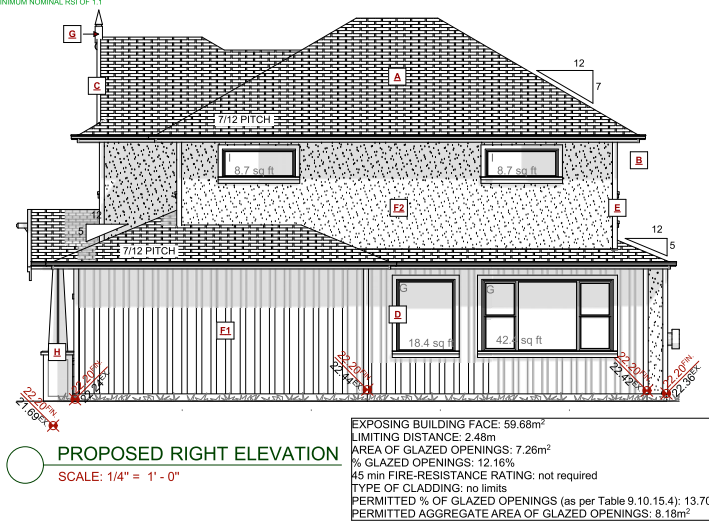
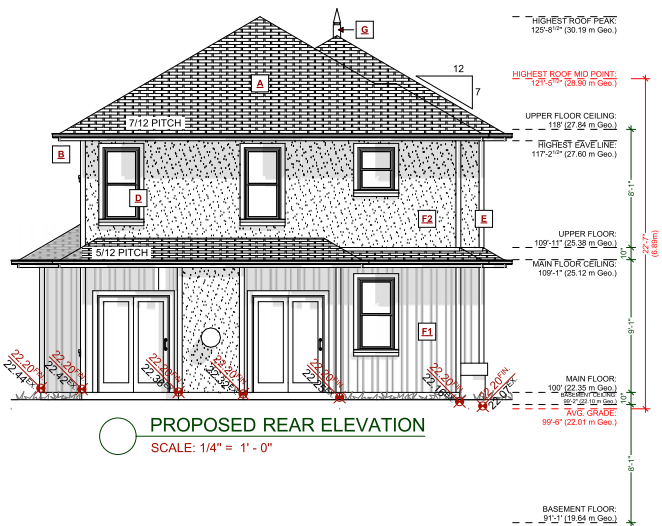
ALL EXPOSED OPENINGS SHALL BE PROVIDED WITH ADEQUATE FLASHING.  
ALL ROOFING SHALL INCORPORATE STEP FLASHING.  
ALL PENETRATIONS THROUGH ROOF SHALL INCLUDE APPROPRIATE FLASHING.  
DOORS - ROUGH OPENING SIZES  
FRAME OPENING 1 1/4" WIDER THAN DOOR.  
FRAME HEIGHT 82" FOR EXTERIOR DOORS AND 82 1/2" FOR INTERIOR DOORS. FRAME OPENING 1 1/4" WIDER THAN BIFOLD DOORS AND FRAME HEIGHT 81 1/2".  
MISC.  
CARBON MONOXIDE ALARMS TO BE HARDWIRED AND WITHIN 5M OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. CARBON MONOXIDE ALARMS TO CONFORM TO CSA 6.19.

#### NEITHER JAVA DESIGNS INC. NOR THE DESIGNER ACCEPTS RESPONSIBILITY FOR THE FOLLOWING:

INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE. CONFORMITY OF PLANS TO SITE. SPOORS AND OMISSIONS. ANY HOUSE BUILT FROM THESE PLANS.



EXTERIOR FINISHES SCHEDULE			
<b>A</b> ROOFING:	ASPHALT ROOFING WITH RAISED RIDGE & HP CAPS	<b>F1</b> WALL FINISH:	HARDBOARD AND BATTEN 1/2" @ 12" O.C. HANDSCREEN AS PER BCBC
<b>B</b> GUTTER & SOFFIT:	ALUMINUM GUTTER AND NON-VENTED SOFFIT	<b>F2</b> WALL FINISH:	STUCCO - SEE OWNER FOR TEXTURE FINISH - HAND SCREEN AS PER BCBC
<b>C</b> BARGE BOARD:	2x10 WITH 1/4" DOUBLE BARGE BOARD, PAINTED TRIM COLOUR	<b>G</b> DETAIL:	DECORATIVE FINIAL
<b>D</b> WINDOW & DOOR TRIM:	1x4 TRIM BOARDS - PAINTED/STAINED	<b>H</b> POSTS:	ARTS & CRAFTS COLUMNS MADE OF 2x4x8x16 WOOD WITH 1 LAYER PAPER AND STUCCO WIRE WITH STONE CONCRETE DRY CAP OVER INTERNAL 1/4" POST
<b>E</b> CORNER TRIM:	1x4 CORNER BOARDS - PAINTED/STAINED		



**NAFS REQUIREMENTS:**  
Performance Grade of 30  
Water Test Pressure of 260 Pa

CUSTOMER: **PAM HARTLING**  
ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA

DRAWING NAME: **PROPOSED LOT 3: ELEVATIONS**  
DRAWING SCALE: 1/4"=1'-0"

ISSUE DATE: MAR. 06, 2019  
DRAWN BY: KYLE LEGGETT

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 www.javadesigns.ca

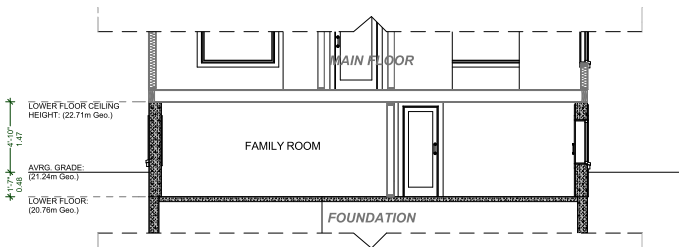
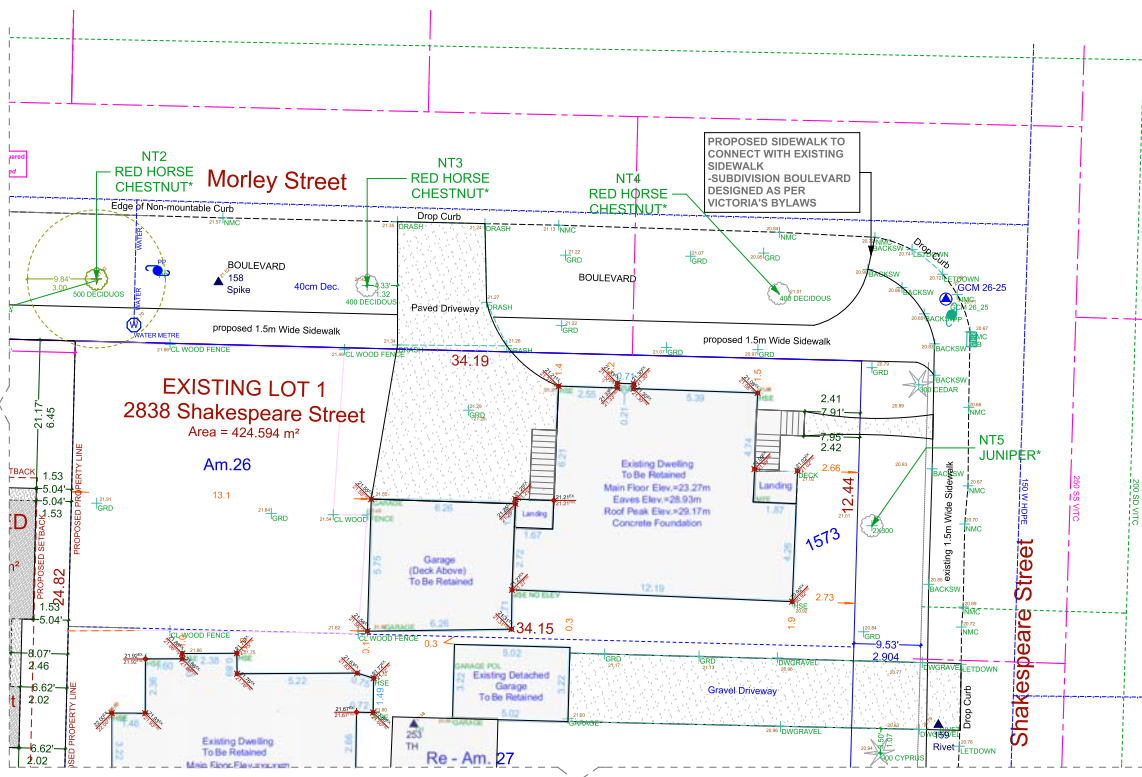
SHEET NUMBER

**A5**

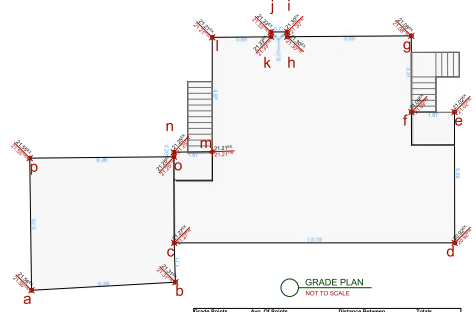
PROJECT INFORMATION TABLE - EXISTING SINGLE FAMILY DWELLING			
Address	2838 Shakespeare Street, Victoria	Lot	1
Lot Size	424.594 m <sup>2</sup> (10,371.25 sq ft)	Zone	R1-50
Proposed		Allowed	
Height			21.24 m (69 ft)
Average grade	7.81 m (25.62 ft)		7.80 m (25.61 ft)
Highest sloped roof height	7.81 m (25.62 ft)		7.80 m (25.61 ft)
Total Floor Area	148.48 m <sup>2</sup> (1,604.95 sq ft)		150.00 m <sup>2</sup> (1,626.14 sq ft)
Floor Space Ratio	0.35		0.35
Site coverage	30.18 %		30.18 %
Lot coverage (total)	129.83 m <sup>2</sup> (1,398.58 sq ft)		130.84 m <sup>2</sup> (1,422.14 sq ft)
Open space	100.00 m <sup>2</sup> (1,076.39 sq ft)		100.00 m <sup>2</sup> (1,076.39 sq ft)
Parking Stalls (Number on Site)	2		2
Front yard setback	1.20m (3.94 ft)		6.00m (19.68 ft)
Maximum projection into front setback	N/A		2.25m (7.38 ft)
Rear yard setback	0.10m (0.33 ft)		6.00m (19.68 ft)
Interior side yard setback (East)	0.10m (0.33 ft)		1.50m (4.92 ft)
Interior side yard setback (West)	13.10m (42.98 ft)		1.50m (4.92 ft)
Side Flanking Street	2.41m (7.87 ft)		2.40m (7.87 ft)
Combined Side Yards	15.83m (51.94 ft)		N/A

Existing Non-Conforming

**SITE PLAN**  
SCALE: 1:100

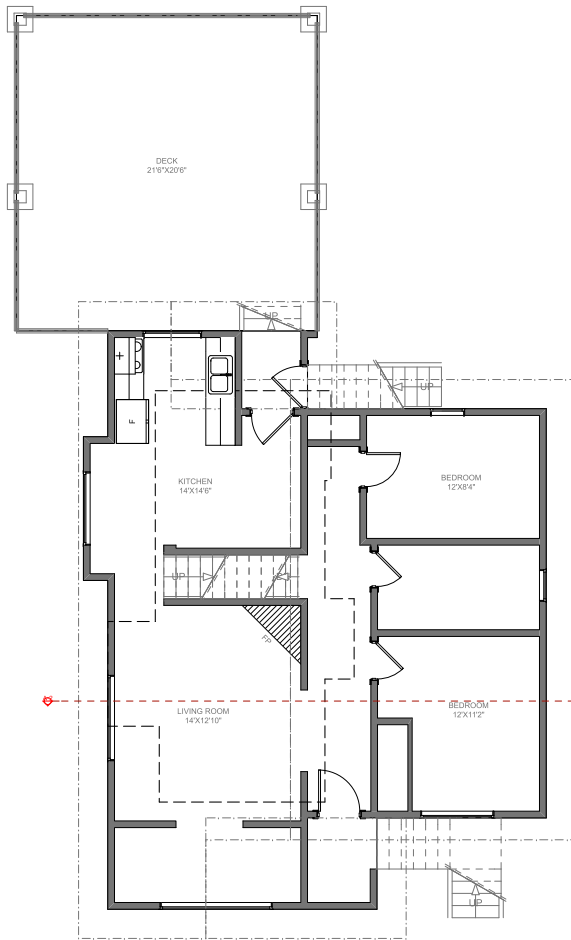


**EXISTING CROSS SECTION A-2: LOT 1 2838 SHAKESPEARE ST.**  
SCALE: 1/4" = 1' - 0"  
EXISTING TO BE RETAINED

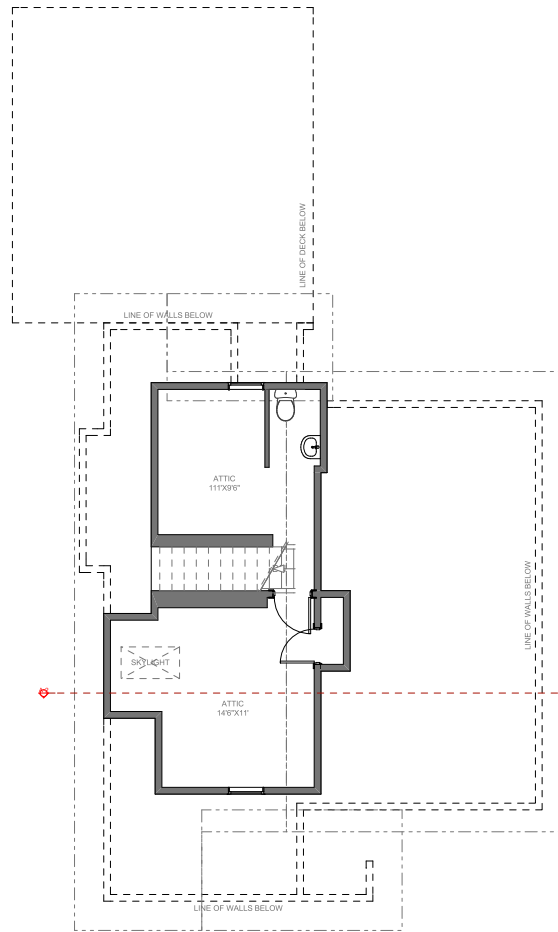


Grade Points	Prop. W. Points	Prop. W. Points	Prop. W. Points
1/1	21.08	21.11	21.14
1/2	21.11	21.14	21.17
1/3	21.14	21.17	21.20
1/4	21.17	21.20	21.23
1/5	21.20	21.23	21.26
1/6	21.23	21.26	21.29
1/7	21.26	21.29	21.32
1/8	21.29	21.32	21.35
1/9	21.32	21.35	21.38
1/10	21.35	21.38	21.41
1/11	21.38	21.41	21.44
1/12	21.41	21.44	21.47
1/13	21.44	21.47	21.50
1/14	21.47	21.50	21.53
1/15	21.50	21.53	21.56
1/16	21.53	21.56	21.59
1/17	21.56	21.59	21.62
1/18	21.59	21.62	21.65
1/19	21.62	21.65	21.68
1/20	21.65	21.68	21.71
1/21	21.68	21.71	21.74
1/22	21.71	21.74	21.77
1/23	21.74	21.77	21.80
1/24	21.77	21.80	21.83
1/25	21.80	21.83	21.86
1/26	21.83	21.86	21.89
1/27	21.86	21.89	21.92
1/28	21.89	21.92	21.95
1/29	21.92	21.95	21.98
1/30	21.95	21.98	22.01
1/31	21.98	22.01	22.04
1/32	22.01	22.04	22.07
1/33	22.04	22.07	22.10
1/34	22.07	22.10	22.13
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1/277	29.36	29.39	29.42
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1/279	29.42	29.45	29.48
1/280	29.45	29.48	29.51
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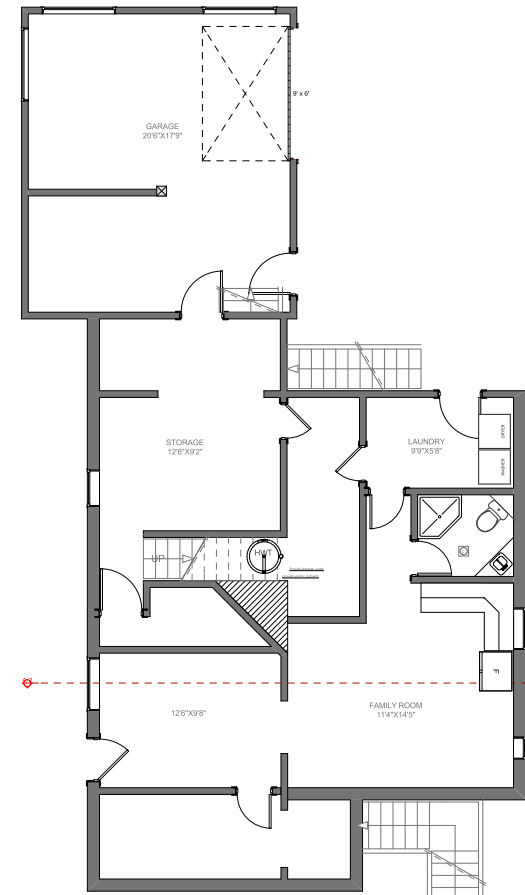




EXISTING MAIN FLOOR PLAN (8'-8" WALLS)  
 SCALE: 1/4" = 1' - 0"  
 EXISTING TOTAL MAIN FLOOR AREA: 991 Sq Ft  
 2838 SHAKESPEARE ST, VICTORIA BC

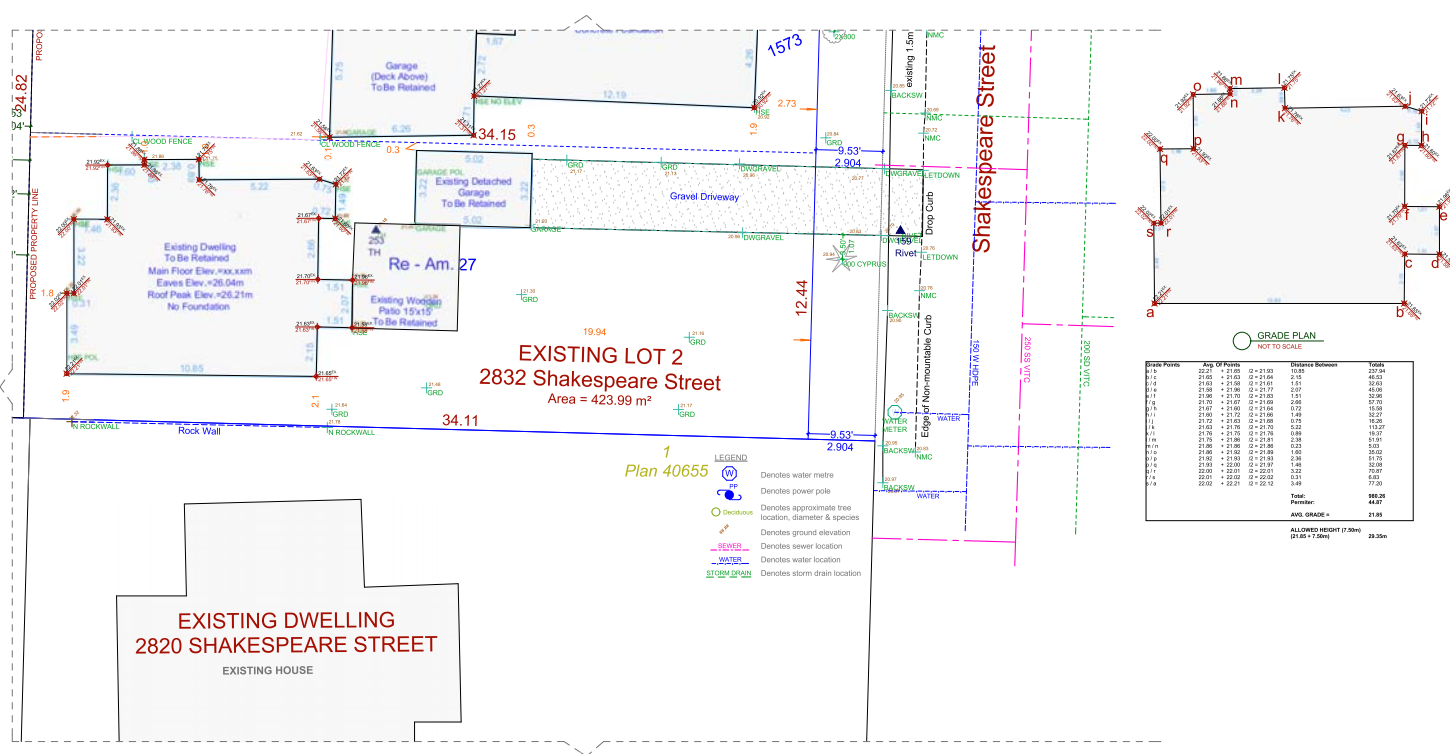
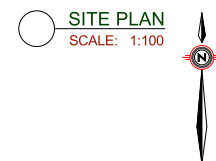


EXISTING ATTIC FLOOR PLAN (6'-8" WALLS)  
 SCALE: 1/4" = 1' - 0"  
 EXISTING FLOOR AREA: 362 Sq Ft  
 2838 SHAKESPEARE ST, VICTORIA BC



EXISTING LOWER FLOOR PLAN (6'-6" WALLS)  
 SCALE: 1/4" = 1' - 0"  
 EXISTING LOWER FLOOR AREA: 1,025 Sq Ft  
 EXISTING GARAGE AREA: 402 Sq Ft  
 2838 SHAKESPEARE ST, VICTORIA BC

PROJECT INFORMATION TABLE - EXISTING SINGLE FAMILY DWELLING			
Address	Lot 2 2832 Shakespeare Street, Victoria		
Lot Size	423.99 m <sup>2</sup> (4,583.79 ft <sup>2</sup> )		
Zoning	R1-52		
Height	Proposed	Allowed	
Average grade	21.85 m G.S.		
Highest steeped roof height	4.35 m (14.25') (7.60m <sup>2</sup> )	7.50 m (24.6') (7.60m <sup>2</sup> )	
Total Floor Area	91.14 m <sup>2</sup> (981 ft <sup>2</sup> )	130.00 m <sup>2</sup> (1,404.14 ft <sup>2</sup> )	
Floor Space Ratio	0.21	0.31	
Site coverage	26.46 % (1,127.63 sq ft)	40.00 % (1,705.57 sq ft)	
Open space	66.86 % (2,842.85 sq ft)		
Parking Stalls (number) on Site	2		
Setbacks	2		
Front yard setback	15.94m (52.42')	6.00 m (19.68')	
Rear yard setback	1.80m (5.91')	6.00 m (19.68')	
Interior side yard setback (North)	1.00m (3.28')	1.00 m (4.92')	
Interior side yard setback (South)	1.50m (4.92')	1.00 m (4.92')	
EXISTING ACCESSORY BUILDING - TO BE RETAINED			
Building Use	Detached Garage		
Location	Front Yard	Rear Yard	
Combined Floor Area	12.30m <sup>2</sup>	37.00m <sup>2</sup>	
Height	3.35m	4.00m	
Front Setback	10.25m	18.00m	
Rear Setback	16.80m	0.00m	
Side Setback	0.30m New	0.00m	
Separation Space from Main Building	3.40m	2.40m	
Rear Yard Site Coverage	n/a	30.00m <sup>2</sup>	



Grade Points	Ang. Of Points	Grass Slopes	Totals
1/1	22.21	21.03	10.85
1/2	21.03	21.03	21.03
1/3	21.03	21.03	21.03
1/4	21.03	21.03	21.03
1/5	21.03	21.03	21.03
1/6	21.03	21.03	21.03
1/7	21.03	21.03	21.03
1/8	21.03	21.03	21.03
1/9	21.03	21.03	21.03
1/10	21.03	21.03	21.03
1/11	21.03	21.03	21.03
1/12	21.03	21.03	21.03
1/13	21.03	21.03	21.03
1/14	21.03	21.03	21.03
1/15	21.03	21.03	21.03
1/16	21.03	21.03	21.03
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1/19	21.03	21.03	21.03
1/20	21.03	21.03	21.03
1/21	21.03	21.03	21.03
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1/23	21.03	21.03	21.03
1/24	21.03	21.03	21.03
1/25	21.03	21.03	21.03
1/26	21.03	21.03	21.03
1/27	21.03	21.03	21.03
1/28	21.03	21.03	21.03
1/29	21.03	21.03	21.03
1/30	21.03	21.03	21.03
1/31	21.03	21.03	21.03
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1/34	21.03	21.03	21.03
1/35	21.03	21.03	21.03
1/36	21.03	21.03	21.03
1/37	21.03	21.03	21.03
1/38	21.03	21.03	21.03
1/39	21.03	21.03	21.03
1/40	21.03	21.03	21.03
1/41	21.03	21.03	21.03
1/42	21.03	21.03	21.03
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1/98	21.03	21.03	21.03
1/99	21.03	21.03	21.03
1/100	21.03	21.03	21.03

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 www.javadesigns.ca

SHEET NUMBER

(A8)

ISSUE DATE: MAR. 06, 2019

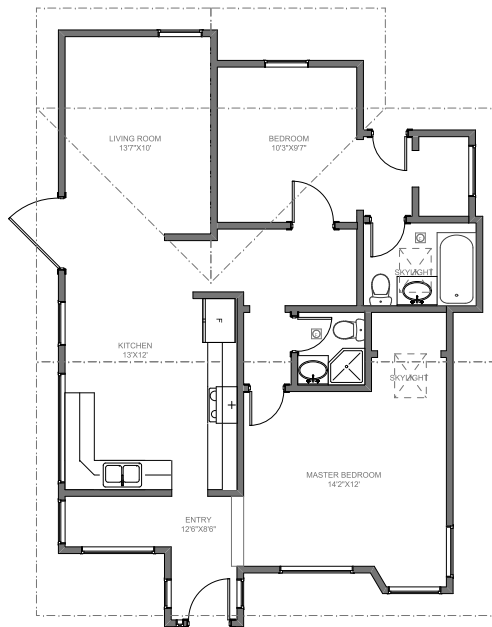
DRAWN BY: KYLE LEGGETT

DRAWING SCALE: SEE DRAWINGS

DRAWING NAME: EXISTING LOT 2 2832 SHAKESPEARE ST. SITE PLAN & GRADE PLAN

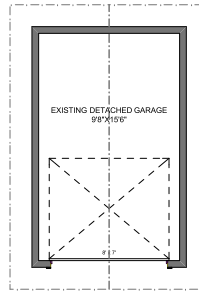
CUSTOMER: PAM HARTLING

ADDRESS: 2832 & 2838 SHAKESPEARE STREET, VICTORIA



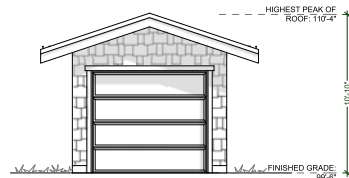
EXISTING MAIN FLOOR PLAN (8'-8" WALLS)

SCALE: 1/4" = 1' - 0"  
EXISTING MAIN FLOOR AREA: 981 Sq Ft  
2832 SHAKESPEARE ST, VICTORIA BC



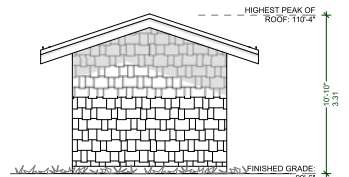
EXISTING DETACHED GARAGE PLAN (8'-0 3/4" WALLS)

SCALE: 1/4" = 1' - 0"  
TOTAL AREA: 174 Sq Ft  
2832 SHAKESPEARE ST, VICTORIA BC



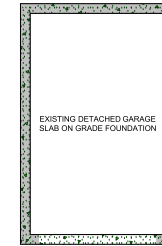
EXISTING DETACHED GARAGE FRONT ELEVATION

SCALE: 1/4" = 1' - 0"  
2832 SHAKESPEARE ST, VICTORIA BC



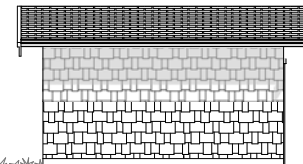
EXISTING DETACHED GARAGE REAR ELEVATION

SCALE: 1/4" = 1' - 0"  
2832 SHAKESPEARE ST, VICTORIA BC



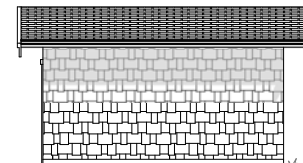
EXISTING DETACHED GARAGE FOUNDATION

SCALE: 1/4" = 1' - 0"  
2832 SHAKESPEARE ST, VICTORIA BC



EXISTING DETACHED GARAGE LEFT ELEVATION

SCALE: 1/4" = 1' - 0"  
2832 SHAKESPEARE ST, VICTORIA BC



EXISTING DETACHED GARAGE RIGHT ELEVATION

SCALE: 1/4" = 1' - 0"  
2832 SHAKESPEARE ST, VICTORIA BC

CUSTOMER:  
PAM HARTLING  
ADDRESS:  
2832 & 2838 SHAKESPEARE STREET, VICTORIA

DRAWING NAME:  
EXISTING LOT 2 2832 SHAKESPEARE ST.  
FLOOR PLANS & GARAGE ELEVATIONS  
DRAWING SCALE:  
1/4"=1'-0"

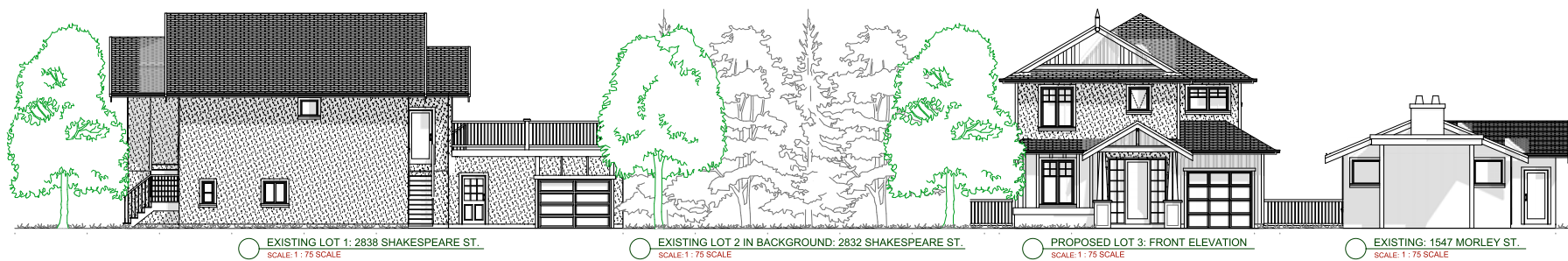
ISSUE DATE:  
MAR. 06, 2019  
DRAWN BY:  
KYLE LEGGETT

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 www.javadesigns.ca

SHEET  
NUMBER

A9





SHEET  
NUMBER

A10

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 [www.javadesigns.ca](http://www.javadesigns.ca)

ISSUE DATE:  
MAR. 06, 2019

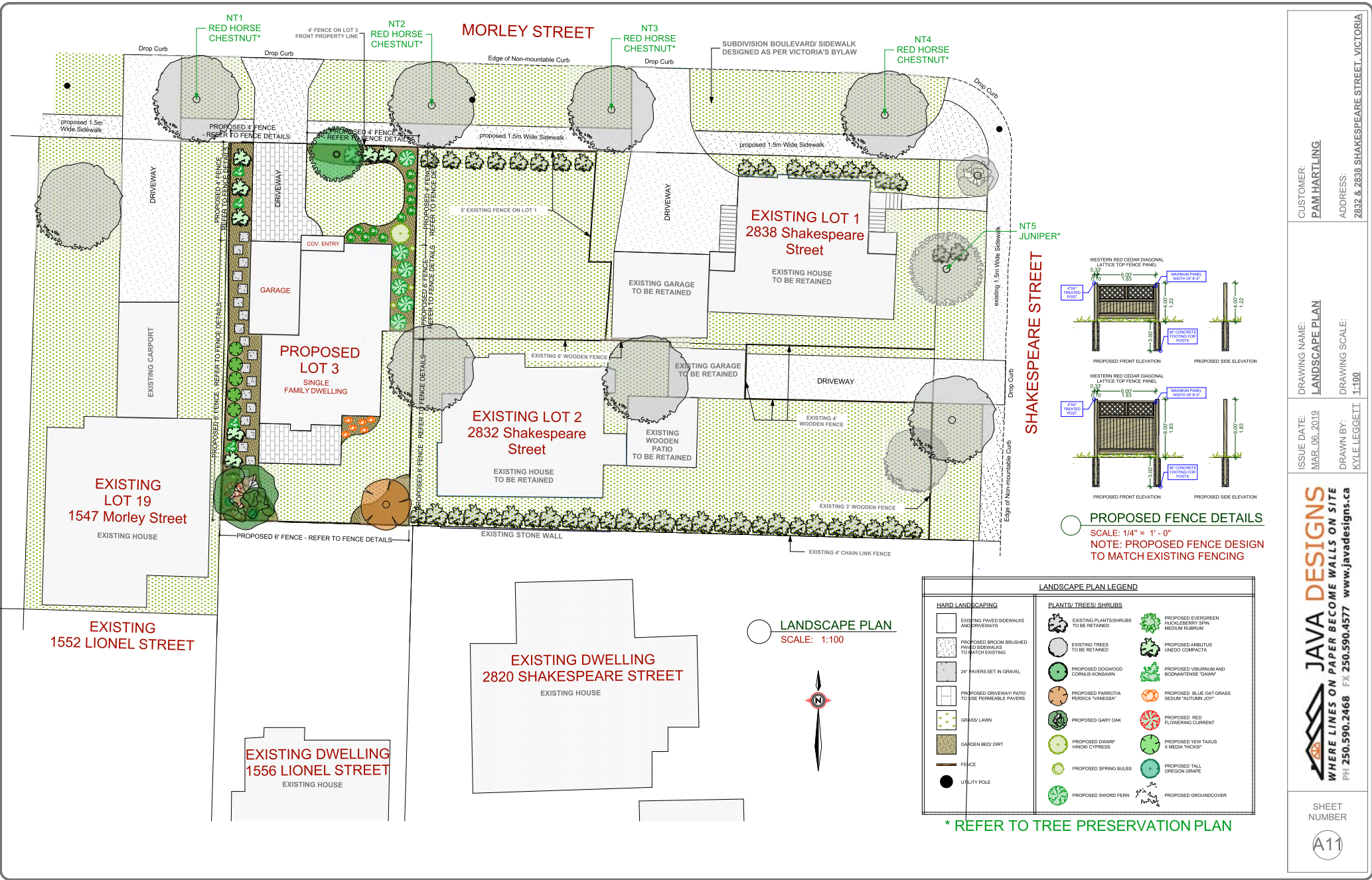
DRAWING NAME:  
STREETSCAPE

CUSTOMER:  
PAM HARTLING

DRAWN BY:  
KYLE LEGGETT

DRAWING SCALE:  
1/16"=1'-0"

ADDRESS:  
2832 & 2838 SHAKESPEARE STREET, VICTORIA



CUSTOMER:  
**PAM HARTLING**

ADDRESS:  
**2832 & 2838 SHAKESPEARE STREET VICTORIA**

DRAWING NAME:  
**LANDSCAPE PLAN**

DRAWING SCALE:  
**1:100**

ISSUE DATE:  
**MAR. 06, 2019**

DRAWN BY:  
**KYLE LEGGETT**

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WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 www.javadesigns.ca

SHEET  
NUMBER

**A11**





○ 2832 EAST ELEVATION



○ 2832 EAST ELEVATION



○ 2832 NORTH ELEVATION



○ 2832 NORTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 SOUTH ELEVATION



○ 2832 WEST ELEVATION



○ 2832 WEST ELEVATION



○ 2838 EAST ELEVATION



○ 2882 NORTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 SOUTH ELEVATION



○ 2838 WEST ELEVATION

CUSTOMER:  
**PAM HARTLING**  
ADDRESS:  
2832 & 2838 SHAKESPEARE STREET, VICTORIA

DRAWING NAME:  
**EXISTING PHOTOS**  
DRAWING SCALE:  
**NOT TO SCALE**

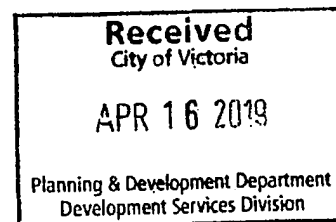
ISSUE DATE:  
MAR. 06, 2019  
DRAWN BY:  
KYLE LEGGETT

**JAVA DESIGNS**  
WHERE LINES ON PAPER BECOME WALLS ON SITE  
PH: 250.590.2468 FX: 250.590.4577 [www.javadesigns.ca](http://www.javadesigns.ca)

SHEET  
NUMBER

A12





April 16, 2019

Dear Mayor and Council,

**RE: Rationale for Rezoning and Small Lot Subdivision Project**

The attached is an application to rezone and subdivide the properties at **2832 and 2838 Shakespeare Street**. The proposed new parcel is designed to adhere to the Small Lot House Zone Rezoning Policy and Small Lot Housing Design Guidelines.

**Justification for Rezoning**

Because of the required 2.9 m road dedication on Shakespeare, the application requires that the two parent parcels rezone to a small lot zone. The existing dwelling at 2838 Shakespeare meets the density for the R1-B zone, its current zoning, but exceeds the density for the R1-S2 zone. Therefore, a site-specific zone is requested for 2838 Shakespeare.

**Justifications for Variances**

There are no variances requested for the new parcel/dwelling. Four variances are requested for **2932 Shakespeare**:

- A variance for the rear yard setback is requested for 2832 Shakespeare caused by the subdivision of the new small lot.
- A variance is requested for the siting of the existing detached garage at 2832 Shakespeare in the front yard, as opposed to the rear yard. The garage was constructed before Lauren and Brian took possession of the property.
- A variance for the side yard setback of the existing detached garage at 2832 Shakespeare is requested. The garage was constructed before Lauren and Brian took possession of the property.
- A variance is requested for the front yard setback of the existing detached garage at 2832 Shakespeare. The garage was constructed before Lauren and Brian took possession of the property.

There will be an opportunity for these variances to be remedied when the parcel is sold and redeveloped, given the age and condition of structures at 2832 Shakespeare.

**Project Benefits**

My clients, Brian, Lauren and their neighbour Jude, live at **2832 and 2838 Shakespeare Street** which are two larger-than-average sized lots. This rezoning and small lot subdivision project, which they have joined forces to undertake, will ensure that they both stay within the community they love and call home.

Brian and Lauren have lived on the property for 12 years, which they inherited from Lauren's mother. Their small cottage is almost 100 years old, and at the end of its life cycle. Their plan – if the rezoning and subdivision is approved – is to buy the new small lot and build on it and move there when the new house is completed and sell their

current property. The small lot will help finance the new house and allow them to stay in the neighbourhood.

Jude Marleau has lived in Oaklands for 14 years. Her two children attended/attend Oaklands Elementary. Jude is a recent single mum. Jude's neighbours support this application knowing that it will make it financially viable for Jude to stay long-term in her house.

Joining parcels of land with Brian and Lauren and subdividing gives both families the financial opportunity to continue living in Oaklands for the long term and provides an additional parcel for affordable ground-oriented family housing close to amenities.

In addition to the above personal and social justifications, this project achieves the following project benefits:

*Aligns with Current Policy*

- Supported by OCP policies for sensitive infill in established neighbourhoods
- Meets the Small Lot Homes Rezoning Policy and Design Guidelines
- Supports efficient use of existing City infrastructure
- Adds family-oriented housing close to schools and other amenities such as parks, shops, and open space

*Sensitive to Design, Context, and Neighbourhood Character*

- Is sensitive in form, character, and size to homes on the street and in the neighbourhood
- Is a good land use for larger-than-average sized parcels
- Designed with neighbour input on preferred architectural style
- Capitalizes on the corner lot opportunity and access off Morley
- Addresses the street well with a prominent front entrance, attractive plantings, and recessed garage door and adds to streetscape character
- Has window placements that are sensitive to privacy of adjacent homes
- Will provide a new sidewalk on the Morley frontage

*Adds to Supply of Ground-Oriented Housing*

- Adds to the severe shortage of ground-oriented, single detached housing
- Adds to the diversity of housing stock
- Revitalizes neighbourhood with new, well-designed housing stock
- Is designed sensitively to most impacted neighbour

*Meets Environmental and Sustainability Goals*

- Retains all existing mature boulevard trees
- Driveway and sewer, water, and stormwater servicing sited outside critical root zones of mature boulevard trees

- Adds to tree canopy and includes indigenous Garry-oak tree
- Design for proposed floating sidewalk will protect critical root zones of mature boulevard horse chestnut trees
- Offers permeable driveway and pathways and opportunities for natural stormwater infiltration
- Provides sustainable solar-ready design and energy efficient construction.

I believe this to be a very attractive and beneficial joint proposal by my clients to sensitively add an urban lot/dwelling within a neighbourhood that is highly walkable and well served by community amenities. The fact that my clients plan to continue to live here provides continuity and comfort to their neighbours that their quality of life will be sincerely respected.

Thank you for your consideration.

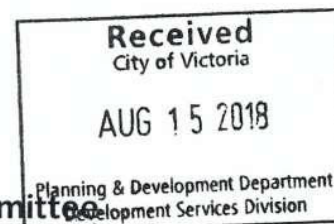
Regards,

Pam Hartling MCIP RPP



**Mission**

*Strengthening the Oaklands community by providing programs, services and resources for its residents, businesses and visitors.*



## Oaklands Community Association Land Use Committee February 26, 2018 Meeting Minutes

**Location:** Oaklands Neighbourhood House - 2629 Victor Street

**Time:** 6:30 – 8 p.m.

**Contact:** [landuse@oaklandsca.com](mailto:landuse@oaklandsca.com)

**Information Items**

1. Development information session: 1588 North Dairy Rd

Proponents presented the proposed designs (its 3rd iteration) and answered questions about the timing and construction of the project. The Proponents noted the Shelbourne Valley Plan (Municipality of Saanich) and that it is in following with the community's preferences for increased density along transportation corridors. Proponents also noted that the 4th Floor of the building is set back from 3rd floor to reduce shading to the north. Current design incorporates consideration of the streetscape. Proponent confirmed it is a 62 unit strata title with rentals allowed.

**Development proposals**

2. Development Proposal Community Meeting: 2832/2838 Shakespeare St

Proponent presented the proposed designs and answered questions about the timing and construction of the project. The Proponent noted that it is a proposed small lot in fill development using the back half of two existing lots. The proponent is applying for a R1S2 rezoning and noted that the proposed lot is over minimum lot sizes for parcel but requesting rear yard setback variance for existing building. The Developer noted that the proposal meets the City's infill development policy and would be a two-storey home.

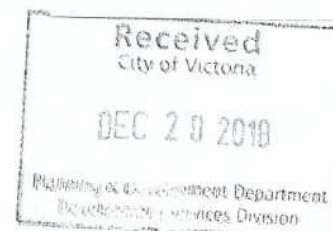
Comments from attendees included support for the requirement for a sidewalk. The developer acknowledged the comment and is willing to work with the City on this suggestion.

### 3. Development Proposal Community Meeting: 2732 Doncaster Dr

Proponents presented the proposed designs and answered questions about the timing and construction of the project. Under current zoning they are under the coverage and height limits for the property. 11 bachelor units would be constructed in a "walk-up" style (no elevators). Developer noted that the employers nearby at Hillside Mall are supportive due to the tight rental market. The Developer noted that they have undertaken four previous meetings with nearby residents and other community groups; and noted that the participants were generally supportive. It will be a no smoking building; proponent is considering keeping the units furnished; units would be leased and would be managed by the Developer.

Comments from attendees included:

- Direct northerly neighbour raised concern about privacy and shading; the owner is considering moving due to the proximity and is generally opposed to the development;
- Another attendee was not supportive due to density concerns and impacts to the surrounding homes;
- Another was supportive due to the need for rental housing in the city;
- Another was opposed to the development due to concerns about traffic and turning left across traffic and the impacts to the two existing parking spots;
- Another was supportive of rental housing and considers there to be too much parking (11 spots). He remarked that if they were all used there would be impacts to traffic and parking. He noted the bike route the proximity to the #4 bus stop and the need to increase walkability of the neighbourhood;
- The Developer noted that the merchants are interested in the development and that their current staff are often travelling long distances by car. The Developer considers that many of the renters will not have or at least use their cars very often. Developer also noted the need for affordability.
- The Developer noted that the building will be placed under a (rental housing) covenant for up to 25 years.
- Attendee suggested a possible amenity contribution for bus shelters on Hillside avenue; the Developer noted that their building is trying to address affordability and suggested Hillside Mall redevelopment would be a better candidate;
- Developer noted that the rental rate would be roughly \$900 per month for the suite;
- Developer will be applying for rezoning Feb.27; if all goes well the construction would be completed in roughly one year.



# SUMMARY SMALL LOT HOUSE REZONING PETITION

I, JUDE MARLEAU, have petitioned the adjacent neighbours\* in compliance with  
(applicant)

the *Small Lot House Rezoning Policies* for a small lot house to be located at 2832/2838  
(location of proposed house)

SHAKESPEARE and the petitions submitted are those collected by FEB. 26/18 \*\*  
(date)

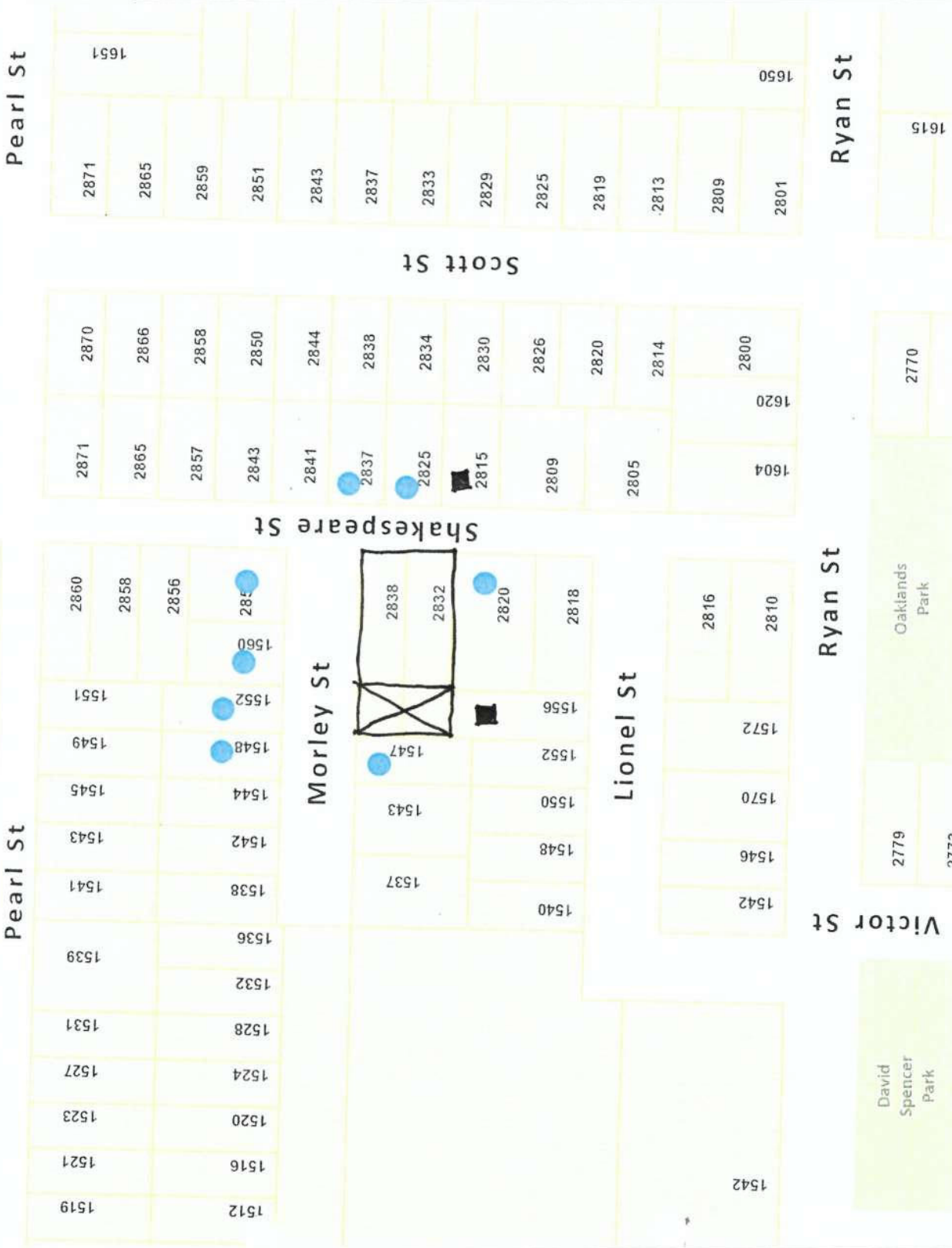
Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
1548 MORLEY	✓		
1552 MORLEY	✓		
1560 MORLEY	✓		
1547 MORLEY	✓		
2850 SHAKESPEARE	✓		
2820 SHAKESPEARE	✓		
2837 SHAKESPEARE	✓		
2825 SHAKESPEARE	✓		
2815 SHAKESPEARE			✓
1556 LONEL			✓

SUMMARY	Number	%
IN FAVOUR	8	100%
OPPOSED	<del>0</del>	
TOTAL RESPONSES	8	100%

\*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

\*\*Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.





1: 1,562

**Notes**  
Petition

## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,  
J Marleau  
B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

property located at 2832 + 2838 Shakespeare  
to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Nathan Bellmore (see note above)

ADDRESS: 1548 Morley Street V8R 2Y7

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Feb. 5, 2018  
Date

Nathan Bellmore  
Signature

## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,  
J Marleau  
B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

property located at 2832 + 2838 Shakespeare  
to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) CINDY FILLER  
BRENDAN BRAYBROOK (see note above)

ADDRESS: 1552 MORLEY ST

Are you the registered owner? Yes ☒ No ☒ *CITY 68*

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 28/18  
Date

[Signature]  
Signature



## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

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B + L Van der Haegen, am conducting the petition requirements for the  
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Please review the plans and indicate the following:

NAME: (please print) Hanna Hatherley (see note above)

ADDRESS: 1560 Morley St.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

would like to discuss possible residential  
parking rules as density increases.

Feb 16, 2018  
Date

[Signature]  
Signature

## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

J. Marleau

B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

property located at 2832 + 2838 Shakespeare

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) \_\_\_\_\_ (see note above)

ADDRESS: 1547 MORLEY STREET VICTORIA V8R 2Y6

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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30.1.2018  
Date

C. P. [Signature]  
Signature

## SMALL LOT REZONING PETITION

Received  
City of Victoria

MAR 07 2019

Planning & Development Department  
Development Services Division

In preparation for my rezoning application to the City of Victoria, I,

J Marleau

B + L Van der Haegen, am conducting the petition requirements for the

(print name)

property located at 2832 + 2838 Shakespeare

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) RAYMOND YAN (see note above)

ADDRESS: 2850 Shakespeare ST

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

Feb 17 2019  
Date

[Signature]  
Signature



## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,  
J Marleau  
B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

property located at 2832 + 2838 Shakespeare  
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Please review the plans and indicate the following:

NAME: (please print) Jacques Hittos (see note above)

ADDRESS: 2820 Shakespeare St

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 1 / 18  
Date

Jacques Hittos  
Signature

## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,  
J Marleau  
B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

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Please review the plans and indicate the following:

NAME: (please print) LINDA KRAUSS (see note above)

ADDRESS: 2837 Shakespeare St.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Feb 3 / 2018  
Date

L. Krauss  
Signature

## SMALL LOT REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,  
J Marleau  
B + L Van der Haegen, am conducting the petition requirements for the  
(print name)

property located at 2832 + 2838 Shakespeare

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Leathichia Baker (see note above)

ADDRESS: 2825 Shakespeare

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Feb 6, 2018  
Date

L K Baker  
Signature





## Talbot Mackenzie & Associates

Consulting Arborists

Box 48153 RPO Uptown

Victoria, BC V8Z 7H6

Ph: (250) 479-8733 ~ Fax: (250) 479-7050

Email: tmtreehelp@gmail.com

November 26, 2018

Pam Hartling, MCIP RPP  
205-400 Sitkum Road  
Victoria, BC V9A 7G6

Subject: 2832 and 2838 Shakespeare St - Exploratory excavation for proposed municipal sidewalk adjacent to municipal Red Horse Chestnut trees

The purpose of this letter is to summarize findings from our exploratory excavations around the municipal Red Horse Chestnut (*Aesculus x carnea*) trees on the south side of Morley Street as requested by City of Victoria Parks' staff. A Tree Preservation Plan (dated November 2, 2018) was completed by our company as part of the project. A municipal sidewalk is proposed 1.2m south from the centre of the trees along the Morley Street flank of 2838 Shakespeare Street.

The City of Victoria engineering department and concerned parties should be aware that if a sidewalk is to be constructed and the trees are to be retained without significant health impacts, the sidewalk and its base material will have to be raised above root systems as specified in our "floating sidewalk" specifications. If these specifications (or a similar approach which avoids significant root loss) is not followed, the trees will require removal if excavation down to bearing soil is required throughout the footprint of the sidewalk.

Multiple surface roots from Red Horse Chestnut NT #4 (municipal tree ID# 23054) were observed within the footprint of the proposed sidewalk. Exposed bedrock was also observed (Photo 1), which could indicate limited soil depth and explain the prevalence of surface roots in the area. Exploratory excavations were not deemed necessary as it is clear that the sidewalk will have to be built above the existing grade. Only limited excavation by hand, air-spade or hydro-excavation can take place if increased depth for sidewalk base is required between roots.

Exploratory digging was conducted between Red Horse Chestnut NT #3 (tree ID 23055) and the existing driveway to determine how steep a sidewalk slope might be necessary to preserve significant roots while maintaining the grade of the existing driveway. The trench was 2.1m in length and 30cm in depth, beginning from the edge of the driveway to just past the trunk of the tree (Photo 3). Roots with the following diameters were observed in the trench: one 15cm, one 14cm and two 2cm roots. No other roots above 1cm were observed. Both the 15cm and 14cm roots were approximately 5cm below the turf surface. The 15cm root was 74cm west of the driveway edge and the 14cm root was 97cm west. Both were approximately 1m south of the trunk of the tree. If the two large roots are to be preserved, the depth of the sidewalk paving material and base

will have to be minimal in the area above the roots and there will likely be a slight slope from the driveway edge to where the roots are located.

Exploratory excavations were not conducted around NT #2 (tree ID 23198) as there does not appear to be a reason why the grade of the sidewalk could not be raised gradually to accommodate roots below, provided the water meter east of the tree could be raised to meet the sidewalk grade.

Exploratory excavations were not conducted adjacent to NT #1 (tree ID 23056) as it is our understanding that the sidewalk will end prior to crossing the trunk of the tree (ending at 2838 Shakespeare's west property line, 2.3m east of the tree).

City of Victoria Parks' staff has also requested that we provide optimal paving surfaces over the root systems of the trees. Concrete or asphalt sidewalks will both result in reduced permeability over their root systems (unless permeable asphalt is used), which will have a negative impact on the roots below the sidewalk. NT #4 could be impacted more than the other trees if there is limited soil volume within its CRZ. However, Red Horse Chestnut trees are known to tolerate pavement over their root systems and these trees are young enough that they will likely adapt over time to the change in hydrology. Permeable pavers would result in more water penetration than concrete or asphalt, but this is unlikely to be a feasible option. A trail made of wood chips would have the least impact of all options as it would be the most permeable, although this is not likely a feasible option as well. Wood chips would have to be maintained if soil compaction is to be avoided.



**Photo #1:** Multiple surface roots visible adjacent to Red Horse Chestnut NT #4. The tape measure roll is at the edge of the proposed sidewalk. Exposed bed rock was observed (bottom left side of photo) along with multiple surface roots, some of which had bark removed (likely from lawnmower damage).





**Photo #2:** Close up of surface roots adjacent to Red Horse Chestnut NT #4.



**Photo 3:** Exploratory excavation adjacent to NT #3.





**Photos 4:** Exploratory excavation adjacent to NT #3.





**Photos #5 and 6:** 15cm and 14cm roots were observed 5cm below the surface of the turf.



**Photo #7:** A water meter is located east of Red Horse Chestnut NT #2. If this water meter opening can be raised to meet the grade of the sidewalk, we are not aware of a reason why the sidewalk could not be raised above the root system.

Please do not hesitate to call us at 250-479-8733 should you have any questions.

Thank you,

Handwritten signature of Michael Marcucci.

Michael Marcucci  
ISA Certified # ON-1943A  
TRAQ – Qualified

Talbot Mackenzie & Associates  
ISA Certified & Consulting Arborists

**Disclosure Statement**

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Talbot Mackenzie & Associates

Consulting Arborists

# **2832 and 2838 Shakespeare St, Victoria**

## **Construction Impact Assessment & Tree Preservation Plan**

**PREPARED FOR:** Pam Hartling, MCIP RPP  
205-400 Sitkum Road  
Victoria, BC V9A 7G6  
pamhartling@telus.net

**PREPARED BY:** Talbot, Mackenzie & Associates  
Michael Marcucci – Consulting Arborist  
ISA Certified # ON-1943A  
TRAQ – Qualified

**DATE OF ISSUANCE:** November 2, 2018  
(revised November 26<sup>th</sup> to correct Latin name of species and  
add municipal Tree ID numbers

November 26, 2018: Exploratory excavation  
letter

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Email: tmtreehelp@gmail.com



## Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: 2832 and 2838 Shakespeare St, Victoria

Date of Site Visit: October 17, 2018

Site Conditions: Municipal boulevard fronting residential lot. No ongoing construction activity.

**Summary:** The subdivision proposal includes constructing a sidewalk on the Morley Street municipal frontage. If the five municipal trees are to be retained, the sidewalk will have to be raised above the root systems of the trees. The excavation for the services could have a health impact on Red Horse Chestnut NT #2, but we anticipate the tree will recover.

### **Scope of Assignment:**

- Inventory the municipal boulevard trees along the Morley Street frontage
- Review the proposal to subdivide the two properties (through the existing backyards) to create a separate residential lot resulting in a new driveway and services along with frontage improvements including a new sidewalk on the Morley Street frontage
- Comment on how this specific construction activity may impact existing boulevard trees
- Prepare a tree retention and construction damage mitigation plan for those trees deemed suitable to retain given the proposed impacts

**Methodology:** We visually examined the trees on the boulevard and prepared an inventory in the attached Tree Resource Spreadsheet. Information such as tree species, DBH (1.4m), crown spread, critical root zone (CRZ), health, structure, and relative tolerance to construction impacts were included in the inventory. The trees with their identification numbers (no trees were tagged) were labelled on the attached Site Plan. The conclusions reached were based on the information provided within the attached plans from Java Designs (dated October 1, 2018).

**Limitations:** The only trees we were requested to assess in this report were the municipal boulevard trees. The areas within the backyards or neighbouring properties have not been inspected to see if any other trees will be impacted by the subdivision.

No exploratory excavations have been requested and thus the conclusions reached are based solely on critical root zone calculations and our best judgement using our experience and expertise. The location, size and density of roots are often difficult to predict without exploratory excavations and therefore the impacts to the trees may be more or less severe than we anticipate.

**Summary of Tree Resource:** Five municipal trees are located on the Morley St frontage: four Red Horse Chestnuts (NT 1-4, ranging in size between 37 and 45cm DBH) and one Juniper species (NT 5, 57cm DBH).

**Trees to be Removed:** We do not anticipate any trees will require removal due to the construction related impacts we assessed, if our recommendations are followed and the grade of the sidewalk is raised.

**Potential Impacts on Trees to be Retained and Mitigation Measures**

- **Sidewalk:** A 1.5m wide sidewalk is proposed along Morley Street frontage directly adjacent to the private property line and approximately one metre away from all five trees. If these trees are to be retained, the construction of the sidewalk must follow the “floating driveway and sidewalk” specifications attached. Large surface roots were observed south of many of the trees in the area that the sidewalk is proposed. Some of the trees also appear to have been planted on raised mounds of soil, which the sidewalk may have to be raised above to avoid severing these roots.

The objective within the attached specifications is to avoid severing the root systems within the sidewalk’s footprint, which would otherwise occur if excavation to suitable bearing soil was required. Instead, the base layers of the sidewalk will have to be raised and built above the significant roots encountered during excavation. This will result in the final grade of the sidewalk being raised above the existing grade. The extent will depend on the thickness of the base layers and paving material. Municipal engineers and project contractors should be informed that typical bearing soil will not be reached and that large areas of the A horizon soil layer (rich in organic material and roots) will be left intact below the sidewalk.

NT #3 is located within one metre of an existing driveway, which the sidewalk will cross. The sidewalk may require a steeper than normal grade at the west edge of the driveway, if roots are encountered in this area and the original grade of the driveway is maintained.

- **Proposed Services: Storm, Sewer and Water Line**

All three services are proposed to be located through the CRZ of Red Horse Chestnut NT #2 (43cm DBH) with the storm drain located the closest (3m from the tree). We anticipate the trench edge will be approximately 2.5m from the trunk of the tree. A significant amount of roots will likely be encountered. A structural impact is unlikely, but this may result in a health impact to the tree with evidence of reduced growth and potentially twig dieback in the years following construction. However, Horse Chestnuts are very tolerant to root loss and construction-related impacts, and therefore we anticipate the tree will survive and likely recover in the long-term. We recommend the services be shifted further west if possible.

An arborist should supervise the excavations for the services and may recommend less invasive digging methods (air-spade, hydro-excavation, hand-digging) if significant roots are encountered that can be retained across the trenches. If conventional excavation is first attempted, we recommend using as narrow a bucket as the installation will allow and that it be equipped with a flat edge.



- **Proposed Driveway:** Red Horse Chestnut NT #1 will be 3 – 3.5m from the edge of the proposed driveway. If significant roots are encountered during excavation, we will recommend the driveway also follow the “floating driveway and sidewalk” specifications attached. Some surface roots will not be able to be retained regardless due to the driveway requiring a slope down to the street. However, we do not anticipate a significant root loss to the tree or that its health or stability will be significantly impacted, especially if other deeper roots are able to be retained below the driveway surface.

To allow water to drain into the root systems below, we may also recommend that the surface be made of a permeable material (instead of conventional asphalt or concrete) such as permeable asphalt, paving stones, or other porous paving materials and designs such as those utilized by Grasspave, Gravelpave, Grasscrete and open-grid systems.

- **Arborist Supervision:** All excavation occurring within the critical root zones of protected trees should be completed under supervision by the project arborist. Any roots encountered must be pruned back to sound tissue to reduce wound surface area and encourage rapid compartmentalization of the wound. In particular, the following activities should be completed under the direction of the project arborist:
  - Sidewalk excavation within the CRZ of all five trees
  - New driveway excavation within the CRZ of NT #1
  - Installation of underground services that cross the CRZ of NT #2
- **Barrier fencing:** The areas surrounding the trees to be retained should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones. The barrier fencing must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.
- **Minimizing Soil Compaction:** In areas where construction traffic must encroach into the critical root zones of trees to be retained, efforts must be made to reduce soil compaction where possible by displacing the weight of machinery and foot traffic. This can be achieved by one of the following methods:
  - Installing a layer of hog fuel or coarse wood chips at least 20 cm in depth and maintaining it in good condition until construction is complete.
  - Placing medium weight geotextile cloth over the area to be used and installing a layer of crushed rock to a depth of 15 cm over top.
  - Placing two layers of 19mm plywood.
  - Placing steel plates.

- **Mulching:** Mulching can be an important proactive step in maintaining the health of trees and mitigating construction related impacts and overall stress. Mulch should be made from a natural material such as wood chips or bark pieces and be 5-8cm deep. No mulch should be touching the trunk of the tree. See “methods to avoid soil compaction” if the area is to have heavy traffic.
- **Blasting:** Care must be taken to ensure that the area of blasting does not extend beyond the necessary footprints and into the critical root zones of surrounding trees. The use of small low-concussion charges and multiple small charges designed to pre-shear the rock face will reduce fracturing, ground vibration, and overall impact on the surrounding environment. Only explosives of low phytotoxicity and techniques that minimize tree damage should be used. Provisions must be made to ensure that blasted rock and debris are stored away from the critical root zones of trees.
- **Landscaping and Irrigation Systems:** The planting of new trees and shrubs should not damage the roots of retained trees. The installation of any in-ground irrigation system must take into account the critical root zones of the trees to be retained. Prior to installation, we recommend the irrigation technician consult with the project arborist about the most suitable locations for the irrigation lines and how best to mitigate the impacts on the trees to be retained. This may require the project arborist supervise the excavations associated with installing the irrigation system. Excessive frequent irrigation and irrigation which wets the trunks of trees can have a detrimental impact on tree health and can lead to root and trunk decay.
- **Arborist Role:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:
  - Locating the barrier fencing
  - Reviewing the report with the project foreman or site supervisor
  - Locating work zones, where required
  - Supervising any excavation within the critical root zones of trees to be retained
  - Reviewing and advising of any pruning requirements for machine clearances
- **Review and site meeting:** Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing, tree removal, demolition, or other construction activity occurs and to confirm the locations of the tree protection barrier fencing.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank you.

Yours truly,



Michael Marcucci  
ISA Certified # ON-1943A  
TRAQ – Qualified

Talbot Mackenzie & Associates  
ISA Certified Consulting Arborists

Encl. 1-page tree resource spreadsheet, 1-page site plan with trees and fencing, 1-page floating driveway and sidewalk specifications, 1-page fencing specifications, 2-page tree resource spreadsheet methodology and definitions

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Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.



Tree ID (municipal ID# in brackets)	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (m)	CRZ (m)	Relative Tolerance	Health	Structure	Remarks and Recommendations	Retention Status
NT 1 (23056)	Red Horse Chestnut	<i>Aesculus x carnea</i>	45.0	13.0	4.5	Good	Fair	Fair/poor	Municipal. Large burl at base. Cavity in decayed pruning wound in trunk. Significantly V-pruned for utility line clearance. 2.3m west of fence line (roughly in line with other trees)	Retain
NT 2 (23198)	Red Horse Chestnut	<i>Aesculus x carnea</i>	43.0	13.0	4.5	Good	Fair	Fair/poor	Municipal. V-pruned for utility line clearance. Some small decayed pruning wounds.	Retain
NT 3 (23055)	Red Horse Chestnut	<i>Aesculus x carnea</i>	37.0	13.0	4.0	Good	Fair	Fair/poor	Municipal. Significantly V-pruned for utility line clearance.	Retain
NT 4 (23054)	Red Horse Chestnut	<i>Aesculus x carnea</i>	41.0	13.0	4.0	Good	Fair	Fair/poor	Municipal. V-pruned for utility line clearance. Exposed and damaged surface roots south of tree with potential bedrock visible in same area indicating potentially limited soil volume.	Retain
NT 5	Juniper	<i>Juniperus spp</i>	57.0	9.0	7.0	Fair	Fair	Fair	Municipal. Some pruning for utility line clearance.	Retain

Prepared by:

Talbot Mackenzie &amp; Associates

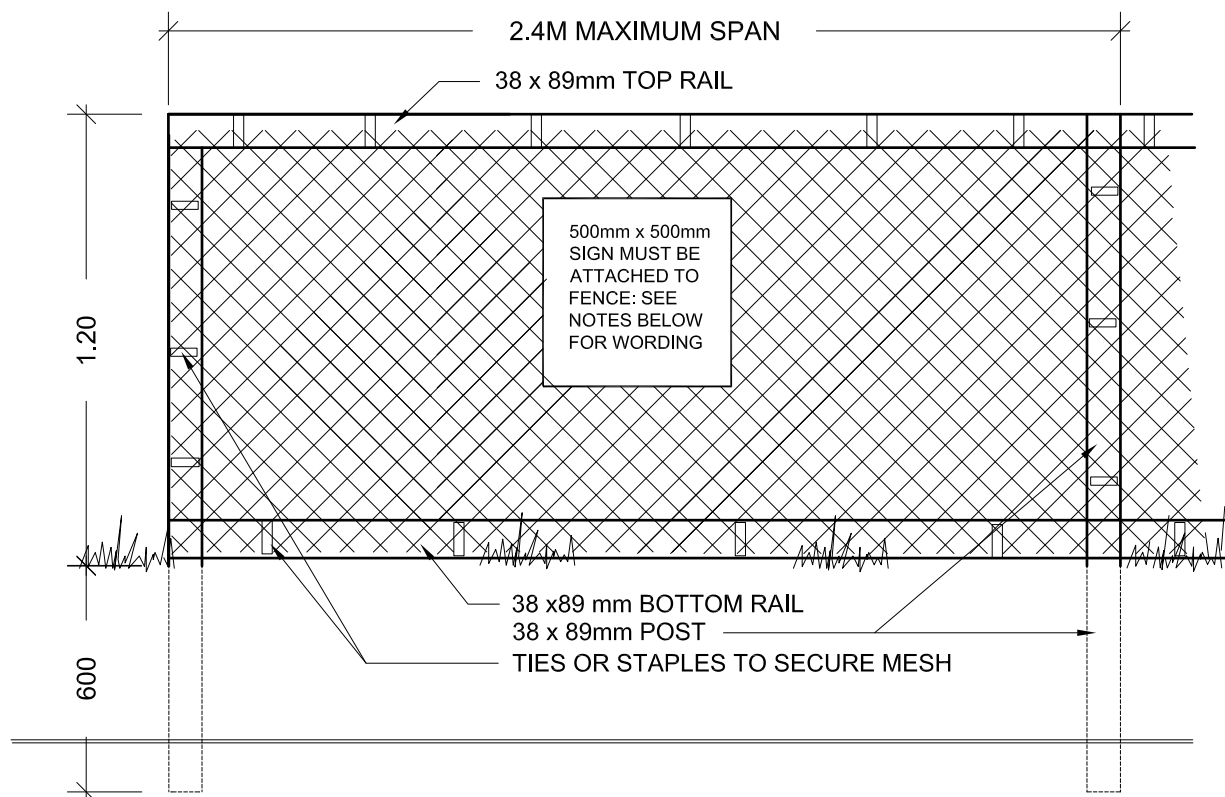
ISA Certified and Consulting Arborists

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email: tmtreehelp@gmail.com





## **TREE PROTECTION FENCING**

### **NOTES:**

1. FENCE WILL BE CONTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. \*  
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANZIED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:  
**WARNING-HABITAT PROTECTION AREA.** THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

\* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



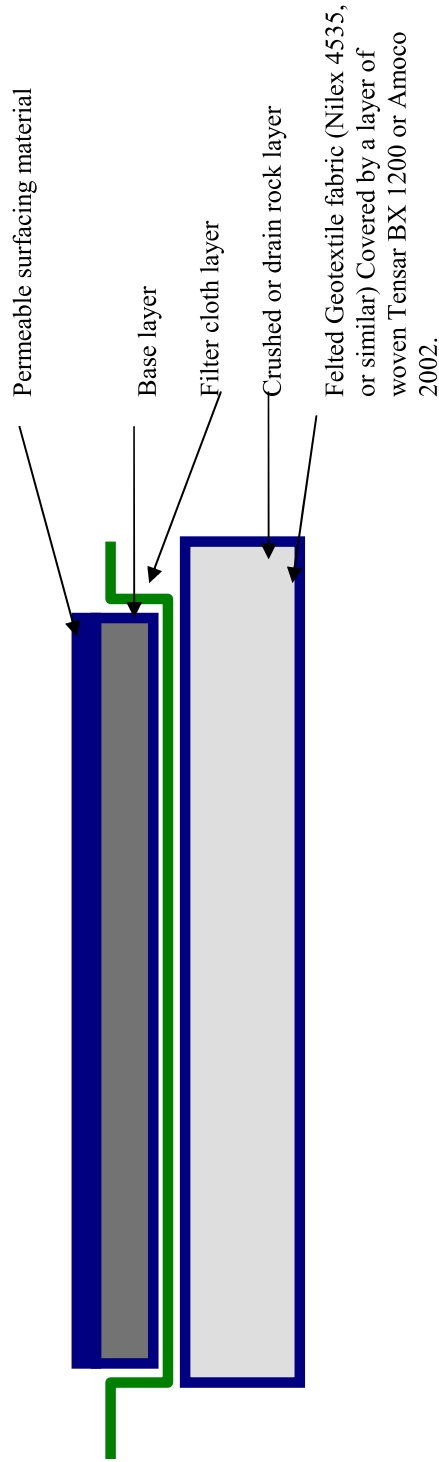
DETAIL NAME: **TREE PROTECTION FENCING**

H:\shared\parks\Tree Protection Fencing.pdf

DATE: March/08  
DRAWN: DM  
APP'D. RR  
SCALE: N.T.S.



**Diagram – Site Specific Floating Driveway, Parking and Sidewalk Areas**



### **Specifications for Floating Driveway and Parking Areas**

1. Excavation for driveway or parking area construction must remove the sod layer only, where they encroach on the root zones of the protected trees
2. A layer of medium weight felted Geotextile fabric (Nilex 4535, or similar) is to be installed over the entire area of the critical root zone that is to be covered by the paving. Cover this Geotextile fabric with a layer of woven Amoco 2002 or Tensar BX 1200. Each piece of fabric must overlap the adjoining piece by approximately 30-cm.
3. A 10cm layer of torpedo rock, or 20-mm clean crushed drain rock, is to be used to cover the Geotextile fabric.
4. A layer of felted filter fabric is to be installed over the crushed rock layer to prevent fine particles of sand and soil from infiltrating this layer.
5. The bedding or base layer and permeable surfacing can be installed directly on top of the Geotextile fabric.



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### **Tree Resource Spreadsheet Methodology and Definitions**

**Tag:** Tree identification number on a metal tag attached to tree with nail or wire, generally at eye level. Trees on municipal or neighboring properties are not tagged.

NT: No tag due to inaccessibility or ownership by municipality or neighbour.

**DBH:** Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

\* Measured over ivy

~ Approximate due to inaccessibility or on neighbouring property

**Crown Spread:** Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

**Relative Tolerance Rating:** Relative tolerance of the tree species to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes, and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned based on our knowledge and experience with the tree species: Poor, Moderate or Good.

**Critical Root Zone:** A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the tree's Relative Tolerance Rating. This methodology is based on the methodology used by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 12 x DBH = Moderate
- 10 x DBH = Good

To calculate the critical root zone, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest stem and 60% of the diameter of the next two largest stems. It should be noted that these measures are solely mathematical calculations that do not consider factors such as soil volume restrictions, age, crown spread, health, or structure (such as a lean).

**Health Condition:**

- Poor - significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair - signs of stress
- Good - no visible signs of significant stress and/or only minor aesthetic issues

**Structural Condition:**

- Poor - Structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair - Structural concerns that are possible to mitigate through pruning
- Good - No visible or only minor structural flaws that require no to very little pruning

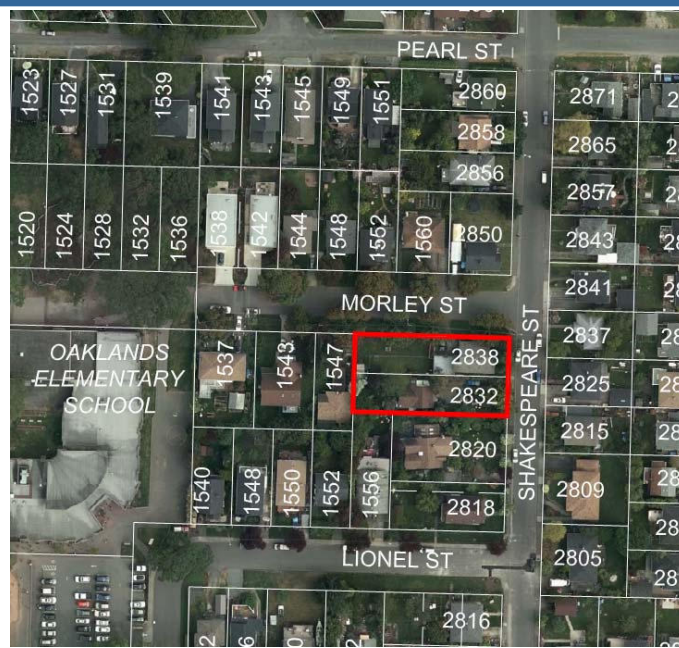
**Retention Status:**

- X - Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain \* - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts, but concerned parties should be aware that the tree may require removal.
- NS - Not suitable to retain due to health or structural concerns



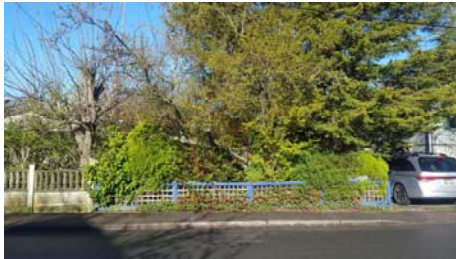
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Rezoning and Development  
Permit with Variances  
Application  
2832 & 2838 Shakespeare  
Street



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## Subject Properties (Shakespeare)



2832 Shakespeare Street



2838 Shakespeare Street



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## Subject Property (Morley)



2838 Shakespeare Street



Proposed Site



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## Proposed Site



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## 2820 Shakespeare Street



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## 2850 Shakespeare Street



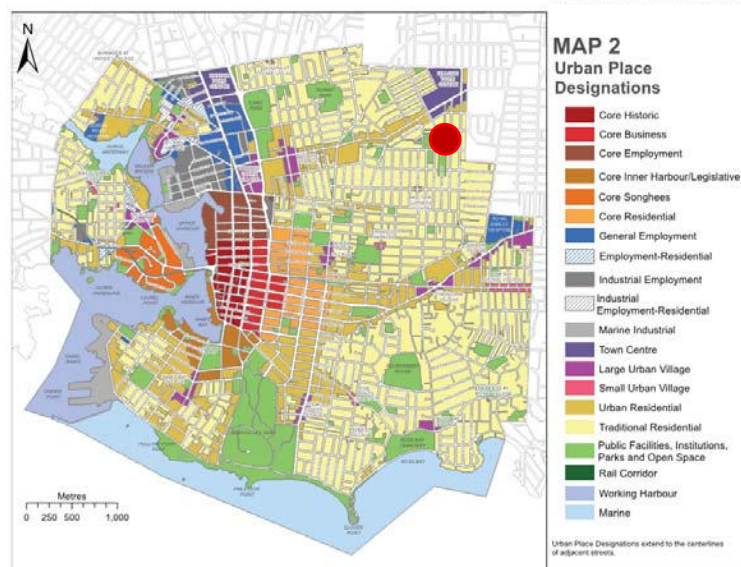
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## 2837 & 2825 Shakespeare Street

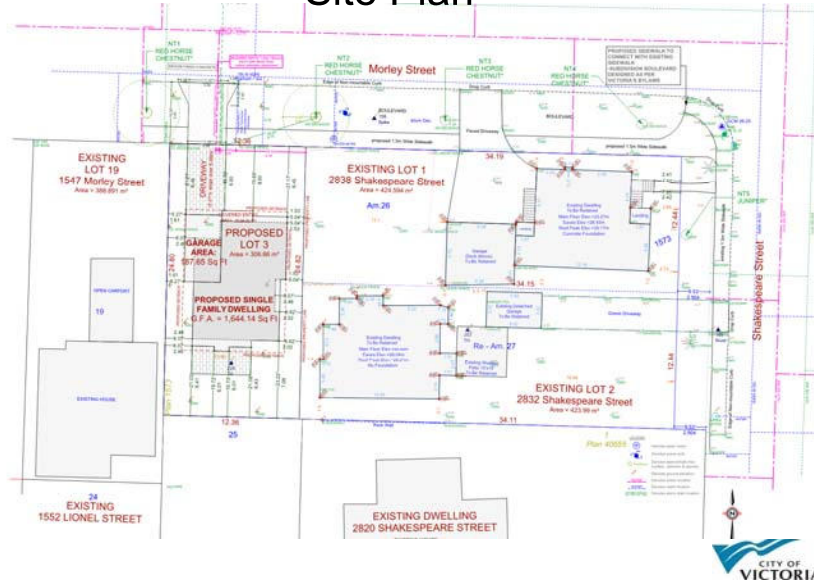




## 1547 Morley Street



## Site Plan

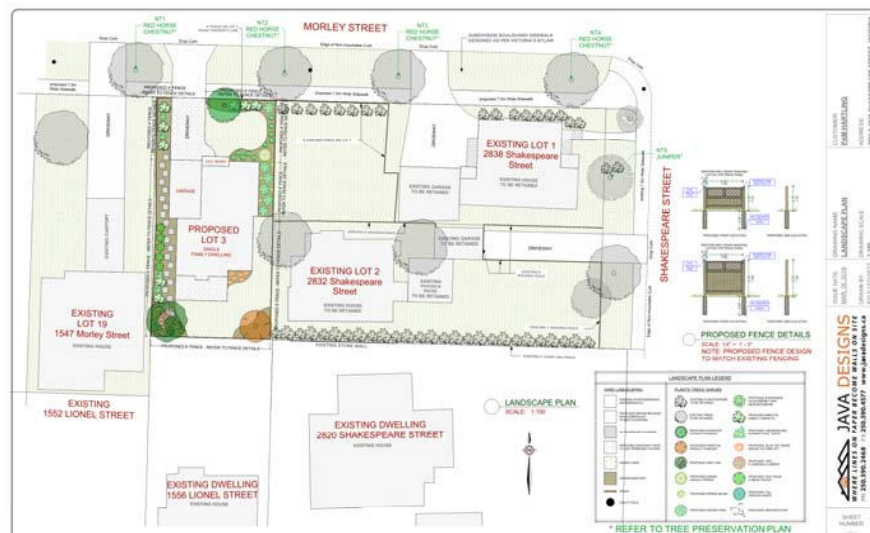


## Proposed Elevations (Lot 3)

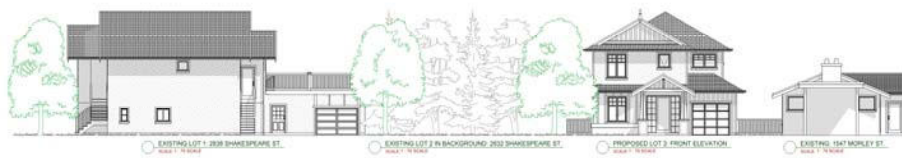




# Landscape Plan



## Streetscape

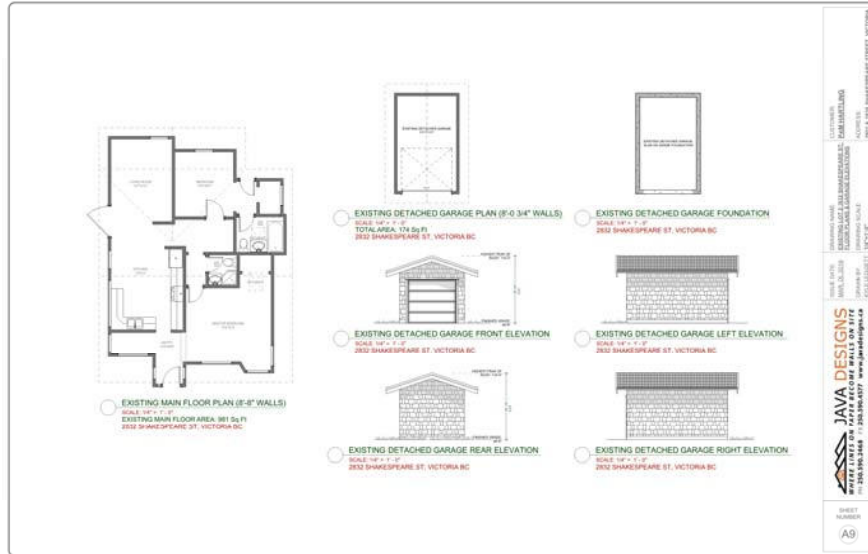


## 2838 Shakespeare Street (Lot 1) Floor Plan





## 2832 Shakespeare Street (Lot 2) Floor Plan



A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to rezone land known as 2832 Shakespeare Street and 2838 Shakespeare Street from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

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. 1188)”.
- 2 The land known as 2832 Shakespeare Street and 2838 Shakespeare Street, legally described as PID 007-203-934 Re-Amended Lot 27 (DD 143563I), Section 29-30, Victoria District, Plan 1573 and PID 000-056-766 Amended Lot 26 (DD 70326I), Section 29-30, Victoria District, Plan 1573 and shown hatched on the attached map, are removed from the R1-B Zone, Single Family Dwelling District, and placed in R1-S2 Zone, Restricted Small Lot (Two Storey) District.

READ A FIRST TIME the                      **23<sup>rd</sup>**      day of                      **May**                      2019

READ A SECOND TIME the                      **23<sup>rd</sup>**      day of                      **May**                      2019

Public hearing held on the                      day of                      2019

READ A THIRD TIME the                      day of                      2019

ADOPTED on the                      day of                      2019

CITY CLERK

MAYOR



**I. REPORTS OF COMMITTEES**

**I.1 Committee of the Whole**

**I.1.a Report from the May 2, 2019 COTW Meeting**

**I.1.a.d 553 Raynor Avenue: Rezoning Application No. 00616 (Vic West)**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Collins

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00616 for 553 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.

**CARRIED UNANIMOUSLY**



**F. LAND USE MATTERS**

**F.2 553 Raynor Avenue - Rezoning Application No. 00616 (Vic West)**

Committee received a report dated April 18, 2019, from the Acting Director of Sustainable Planning and Community Development regarding an application to increase the combined floor area of the existing house.

**Moved By** Councillor Collins

**Seconded By** Councillor Potts

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00616 for 553 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.

**CARRIED UNANIMOUSLY**



## **Committee of the Whole Report**

### **For the Meeting of May 2, 2019**

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**To:** Committee of the Whole **Date:** April 18, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00616 for 553 Raynor Avenue

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00616 for 553 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments 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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

### **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 553 Raynor Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new zone in order increase the combined floor area of the existing house. The increased floor area is for a new dormer on the west side, extending a dormer on the east side, and enclosing the garage for living space.

The following points were considered in assessing this application:

- The house is currently approved as a duplex house conversion and has had multiple renovations without permit. This application would allow an increased floor area caused by building an illegal dormer and enclosing the garage, as well, increase the height and number of stories.
- The proposed use is a single family dwelling with secondary suite. Increasing the combined floor area for changes to the existing house requires rezoning to a site-specific zone.

- The proposal is consistent with the *Official Community Plan* (OCP, 2012) and the *Victoria West Neighbourhood Plan* (2018), which envisions ground-oriented residential and encourages the retention of buildings and new buildings that fit with the character of neighbourhoods.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the property from the R1-B Zone, Single Family Dwelling District, to a new zone in order to alter the building and allow previous alterations which were completed without the benefit of permits. The following differences from the R1-B Zone, Single Family Dwelling District, are being proposed and would be accommodated in the new zone:

- increase the combined floor area from 300m<sup>2</sup> to 360.70m<sup>2</sup>
- increase the height from 7.60m to 7.88m
- increase the number of stories from 2 to 2.5.

The current zone permits secondary suites; however, the combined floor area is greater than that permitted in the R1-B Zone and the property therefore requires rezoning.

The alterations that result in a change in floor area include:

- changing the dormer on the east elevation (reduced size)
- a new dormer on the west elevation (existing and without permits)
- enclosing the garage (existing and without permits)
- removing an enclosed area at the back of the building under the stairs.

The existing house has a third kitchen on the ground floor, which would be decommissioned as part of the Building Permit application. Should the Rezoning Application be approved, a building permit would be required to make the changes listed above as well as to complete the internal renovations outlined in the applicant's letter (attached).

### **Affordable Housing Impacts**

The applicant is not proposing to create new residential units.

### **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 single family dwellings and house conversions. Immediately adjacent to the east is Craigflower Village, and Raynor Park to the south.

## Existing Site Development and Development Potential

The site is presently being used as a single family dwelling; however, it is permitted as a duplex house conversion. At some point in the past, a third unit was also added. Under the current R1-B Zone, Single Family Dwelling District, the property could be redeveloped as a single family dwelling with a secondary suite or garden suite.

## Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify where there are legal non-conformities.

Zoning Criteria	Proposal	Existing Zone R1-B
Site area (m <sup>2</sup> ) – minimum	557.50	460.00
Lot width (m) – minimum	15.24	15.00
Combined floor area (m <sup>2</sup> ) – maximum	<b>360.70 *</b>	300.00
1 <sup>st</sup> & 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) – maximum	271.80	280.00
Density (Floor Space Ratio)	0.65	n/a
Height (m) – maximum	<b>7.88 *</b>	7.60
Storeys – maximum	<b>2.5 *</b>	2
Site coverage % – maximum	33.00	40.00
Roof deck	Existing **	Not permitted
<b>Setbacks (m) – minimum</b>		
Front	7.20 **	7.50
Projections – stairs/porch	1.80 **	0 - steps over 1.7m
Rear	10.61	9.15
Side (west)	2.90 **	3.00



Zoning Criteria	Proposal	Existing Zone R1-B
Side (east)	1.50 **	1.52
Combined side yards	4.40 **	4.50
Parking – minimum	1	1

### Relevant History

City records show that the existing building was constructed in 1912 and converted to a duplex in 1950. The building changed to a triplex sometime after 1950 and at some point the garage on the ground floor was converted to living space without the necessary approvals in place. In July of 2015, a Stop Work Order was posted on the property for the illegal construction of a dormer on the west side of the house.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Vic West Land Use Committee at a meeting on February 21, 2017. As six months had passed before application submission, a letter dated October 9, 2017 states that a second meeting is not required.

### ANALYSIS

#### Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential. This Urban Place Designation envisions ground-oriented buildings up to two storeys. This property is directly adjacent to the Craigflower Small Urban Village.

#### Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* locates this property in the Northwest Sub-Area, which supports housing that is compatible with the surrounding neighbourhood, including single-family dwellings with secondary suites. The plan also encourages the retention of buildings to maintain the existing character in neighbourhoods. When considering a rezoning application in this area, buildings up to 10.7m (approximately three storeys) are supported. This proposal is consistent with these policies as it retains and adapts the existing dwelling.

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

There are no Tree Preservation Bylaw impacts with this application.

### Regulatory Considerations

The applicants are requesting an increase to the combined floor area, height and number of stories in order to legalize a dormer and enclosed garage and legalize other renovations to the existing house. The proposed increase in combined floor area does not significantly change the

massing or density of the existing house. The proposed increase in height and number of stories arises from the proposal to rebuild the east dormer and to permit the west dormer (which was built without permits), but the height would not change significantly from what is existing. By enclosing the garage, the parking stall would be located in front of the house which complies with Schedule C – Off-Street Parking of the *Zoning Regulation Bylaw*.

The site specific zone would be drafted in such a way that if a new building is constructed on the subject property in the future, it would comply with the regulations in the R1-B Zone, Single Family Dwelling District.

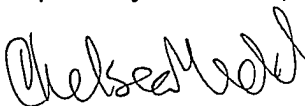
## CONCLUSIONS

The proposal to rezone the property at 553 Raynor Avenue to a site specific zone for a single family dwelling with secondary suite is consistent with the objectives in the *Official Community Plan* and *Victoria West Neighbourhood Plan*. The rezoning would allow the alteration of the existing building and permit work that was done in the past without permits. The requested changes to increase the combined floor area, increase the height and increase the number of stories do not significantly change the existing building. Staff recommend that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00616 for the property located at 553 Raynor Avenue.

Respectfully submitted,

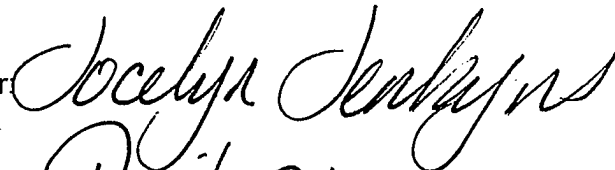


Chelsea Medd  
Planner  
Development Services Division

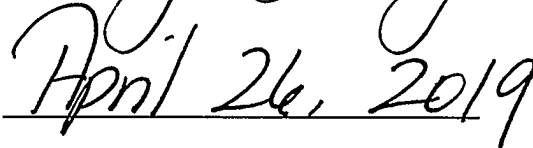


Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

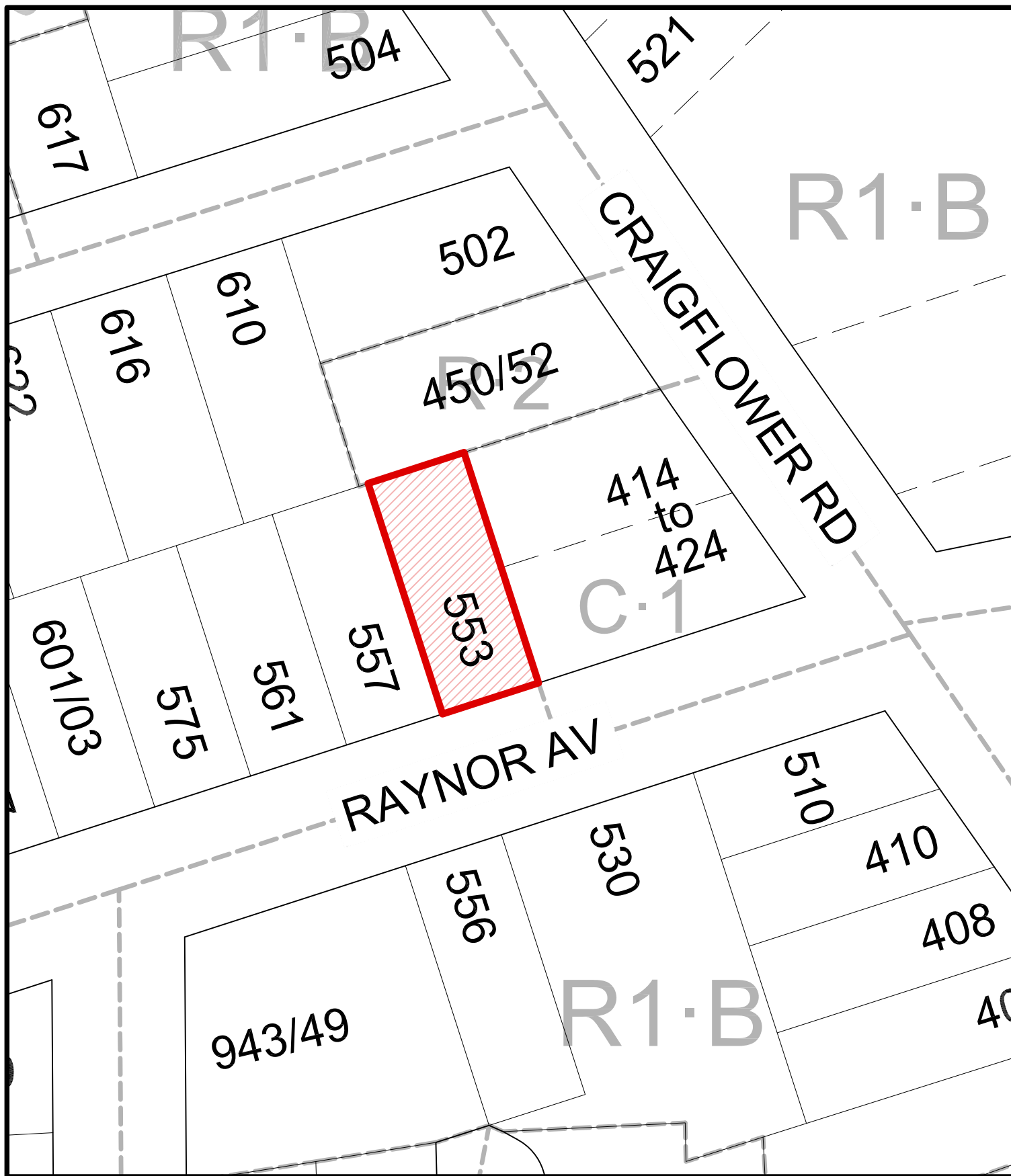


Date:



## List of Attachments

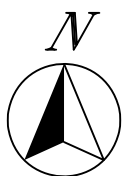
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 21, 2019
- Attachment E: Community Association Land Use Committee letter dated October 9, 2017
- Attachment F: Letters from Neighbours date stamped November 20, 2018.



553 Raynor Avenue  
Rezoning No.00616







553 Raynor Avenue  
Rezoning No.00616



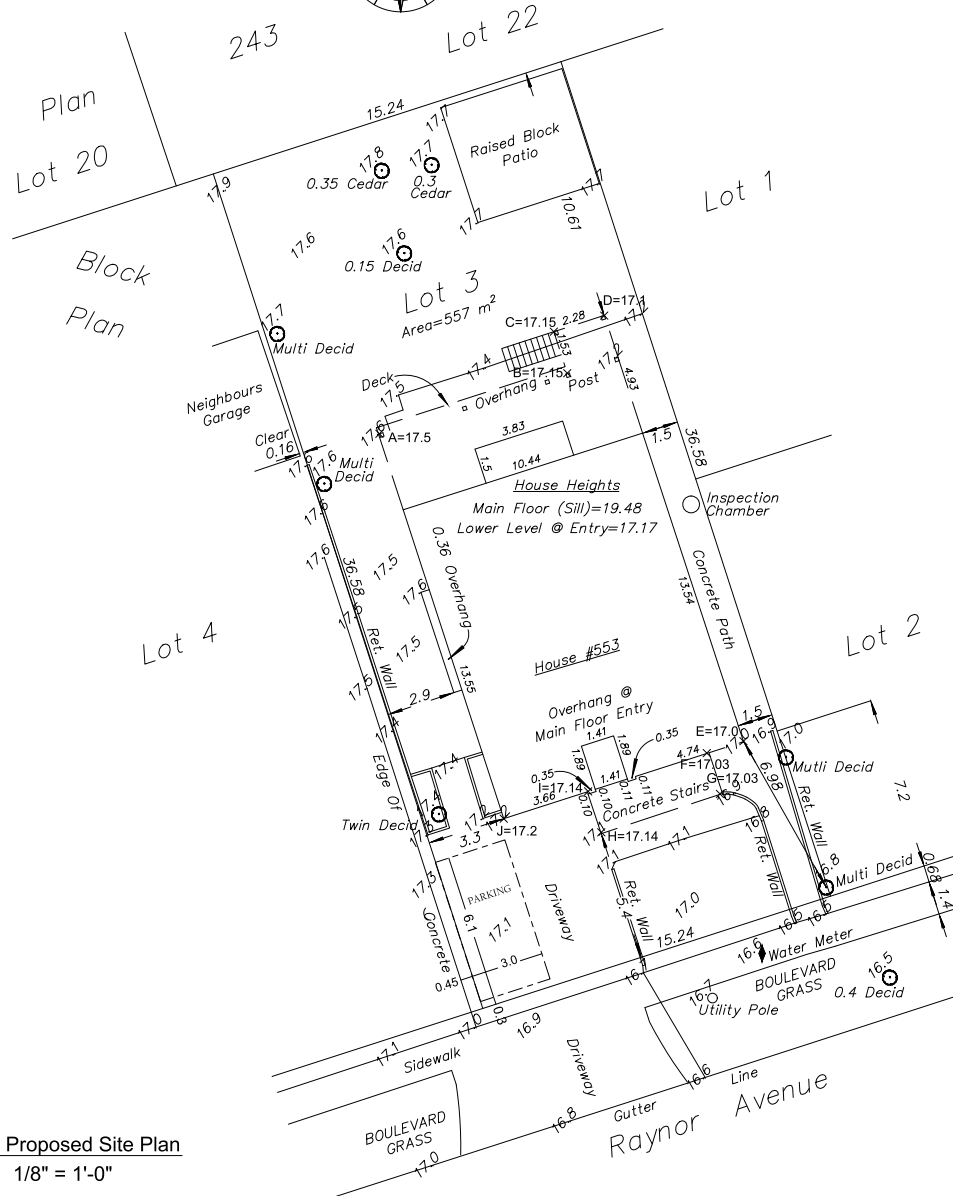
Existing Lot / House Data Table

	Parent / existing parcel remainder - project information	Zone standard	Calculate Variance? (if required)
Zoning	R1-B	R1-B	
Current use	Duplex		
Heritage	n/a		
Proposed use	Single-family dwelling with secondary suite		
Proposed zone	New		
Proposed scope of works	Construct dormer additions, enclose garage and renovations		
Site Area (m <sup>2</sup> )	557.5	min 400	
Lot width (m)	15.24	min 15	
Lot depth (m)	36.58	n/a	
1st and 2nd story floor area (m <sup>2</sup> )	271.5	max 280	
Upper 1/2 story floor area (m <sup>2</sup> )	58.9	n/a	
Floor Space Ratio	0.65	n/a	
Combined floor area (m <sup>2</sup> )	360.7	max 300	60.7
Average grade (m)	17.18	n/a	
Height (m)	7.88	max 7.6	0.28
Storeys	2.5	max 2	
Basement	no	Permitted	
Roof deck	existing	Not permitted	
Setbacks:			
Front Yard	7.2	min 7.5	0.3
Projections - stairs	1.8	0 for stairs over 1.7 m	
Rear - north	10.61	min 9.15	
Side - east	1.5	min 1.52	0.02
Side - west	2.9	min 3.0	0.1
Combined side yards	4.4	min 4.5	0.1
Site Coverage (%)	33	max 40	
Parking	1	min 1	
Parking location	front yard		
Driveway/parking slope (%)	existing	max 8	
Driveway/parking material	concrete	solid surface	

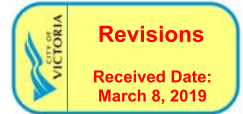
GRADE POINTS	Grade Points	Average of Points	Distance Between Grade points (m)	Totals
Grade Point A: 17.50	Points A-B	((A+B)/2)	17.33 x 8.23	142.58
Grade Point B: 17.15	Points B-C	((B+C)/2)	17.15 x 1.83	31.04
Grade Point C: 17.15	Points C-D	((C+D)/2)	17.15 x 2.28	39.05
Grade Point D: 17.10	Points D-E	((D+E)/2)	17.05 x 18.43	314.23
Grade Point E: 17.00	Points E-F	((E+F)/2)	17.02 x 1.61	27.39
Grade Point F: 17.03	Points F-G	((F+G)/2)	17.03 x 1.80	30.65
Grade Point G: 17.03	Points G-H	((G+H)/2)	17.03 x 5.20	88.84
Grade Point H: 17.14	Points H-I	((H+I)/2)	17.14 x 1.80	30.85
Grade Point I: 17.14	Points I-J	((I+J)/2)	17.17 x 3.70	63.53
Grade Point J: 17.20	Points J-A	((J+A)/2)	17.35 x 13.30	234.23
Average grade = 17.18				1002.40

**B.C. Land Surveyor's Site Plan Of**  
**Lot 3, Block 1, Plan 833,**  
**Section 31, Esquimalt District**  
**Parcel Identifier Number: 008-390-509**

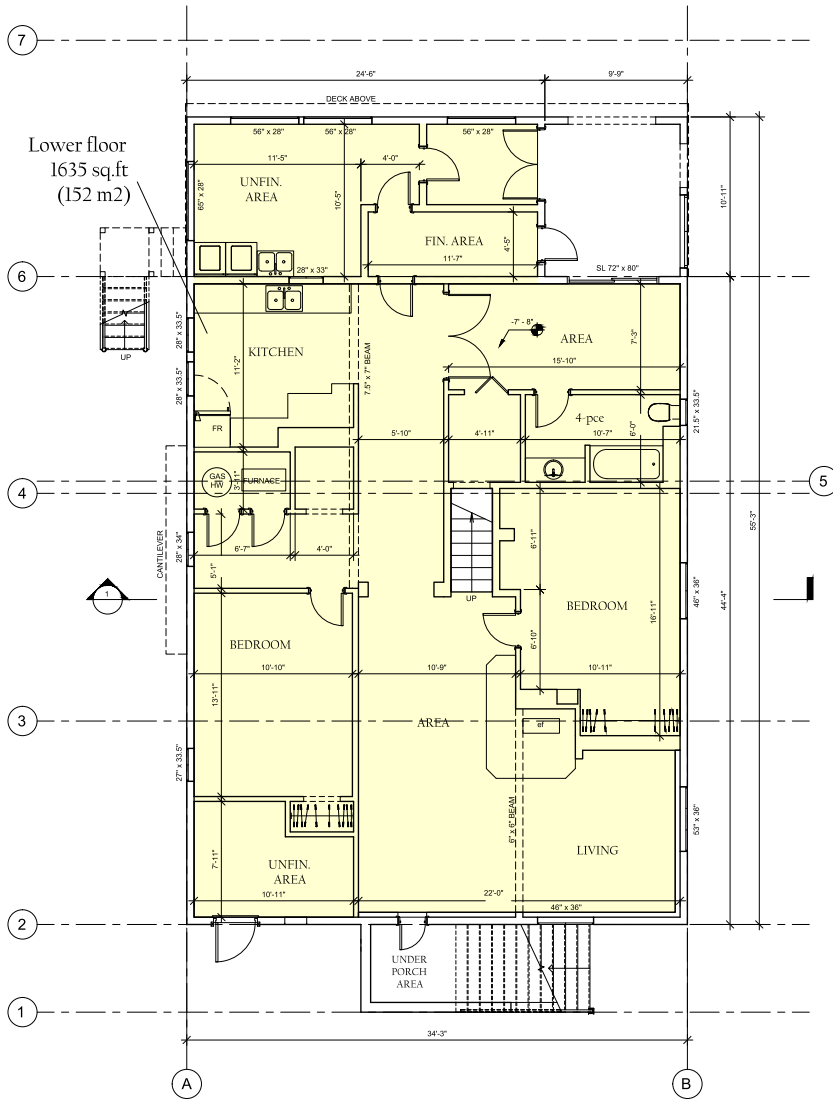
**CIVIC ADDRESS:** 553 Raynor Avenue, Victoria, B.C.



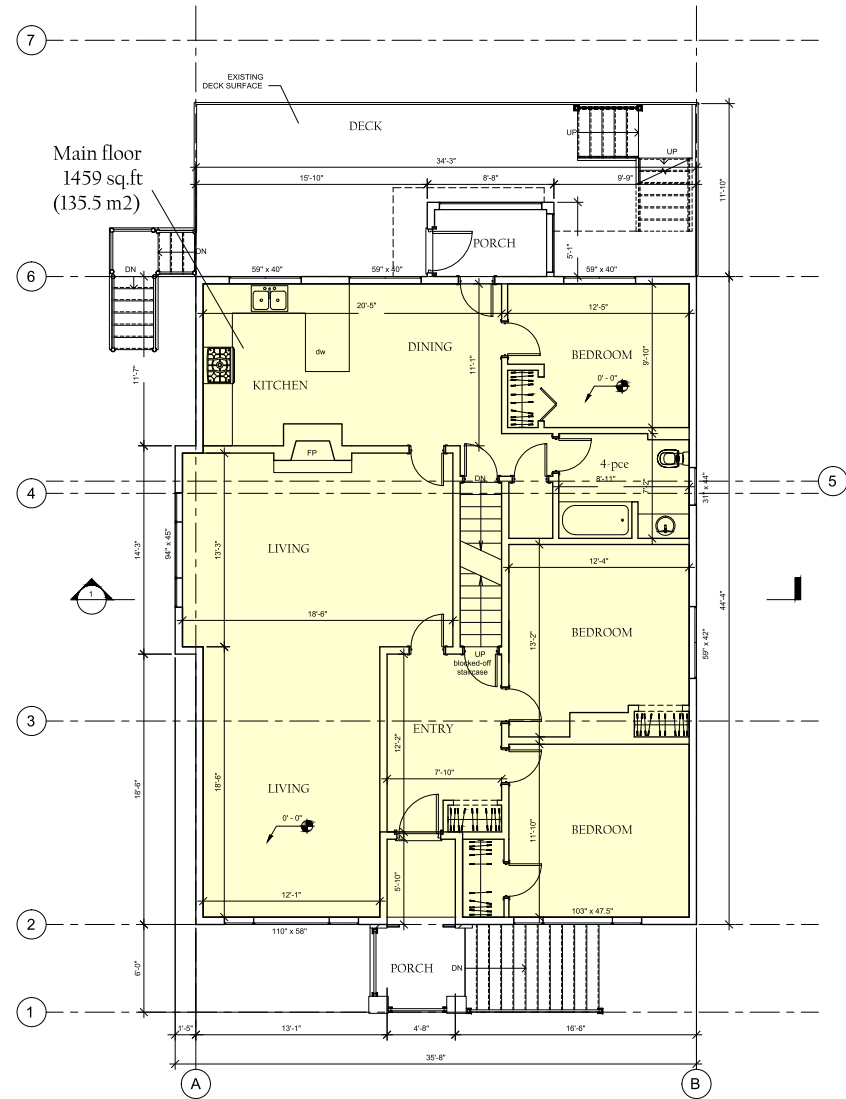
## Attachment C



Rev	Date	Rev	Revised Notes
A	10-01-16	Permit set	
B	1-06-16	Revised set	
Aspire Custom Designs 2075 Spruce Street Victoria BC Canada V8M 2K6 Canada Phone: 250-475-1000			
553 Raynor Avenue, Rezoning			
Site Plan / Data sheet			
L: 1/8" = 1' = 0" as noted S: 1/8" = 1' = 0" as noted A: 1.0 Date: Jan 11, 2019			



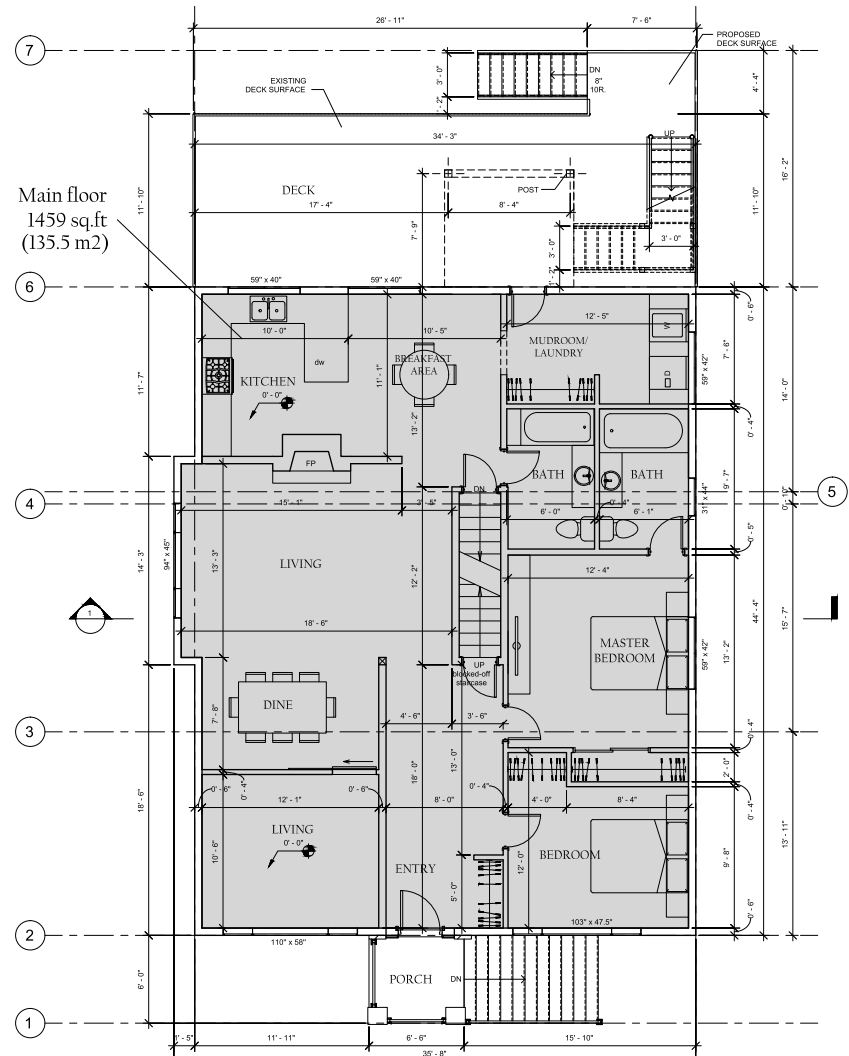
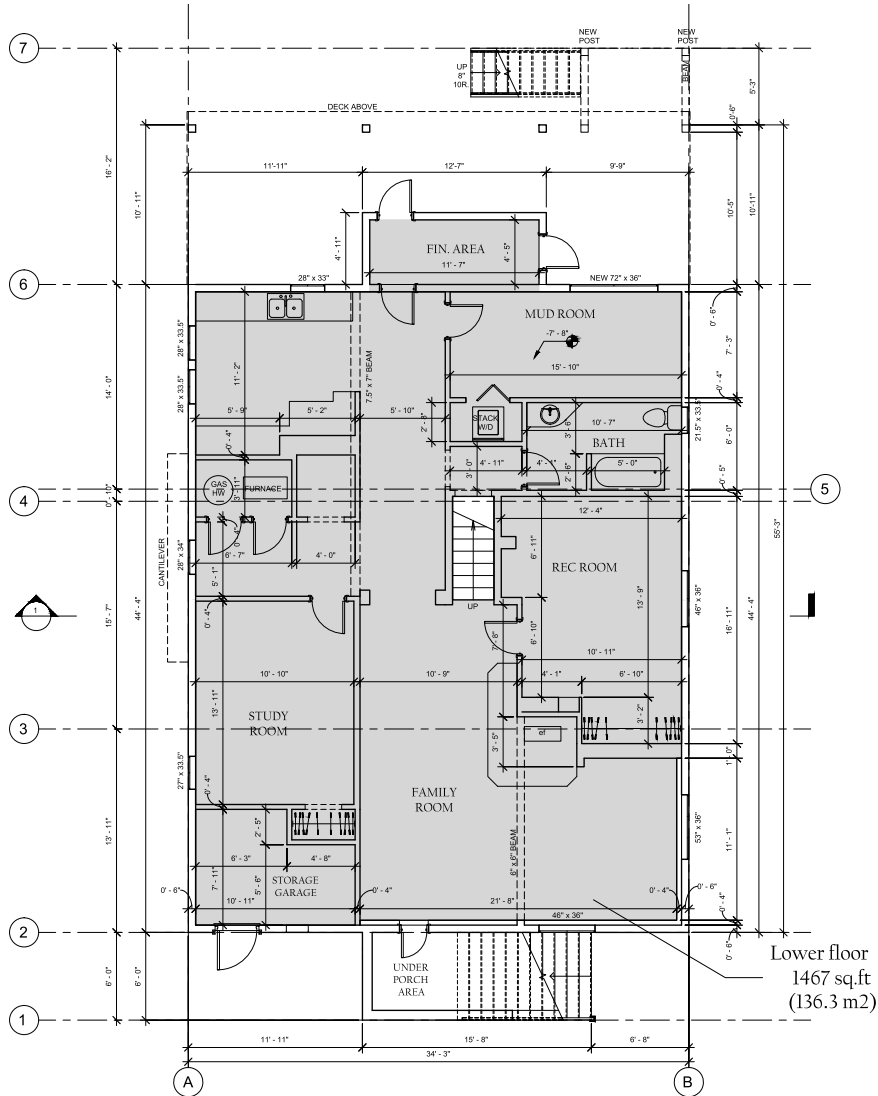
Existing Lower Floor Plan  
1/4" = 1'-0"



Existing Main Floor Plan  
1/4" = 1'-0"

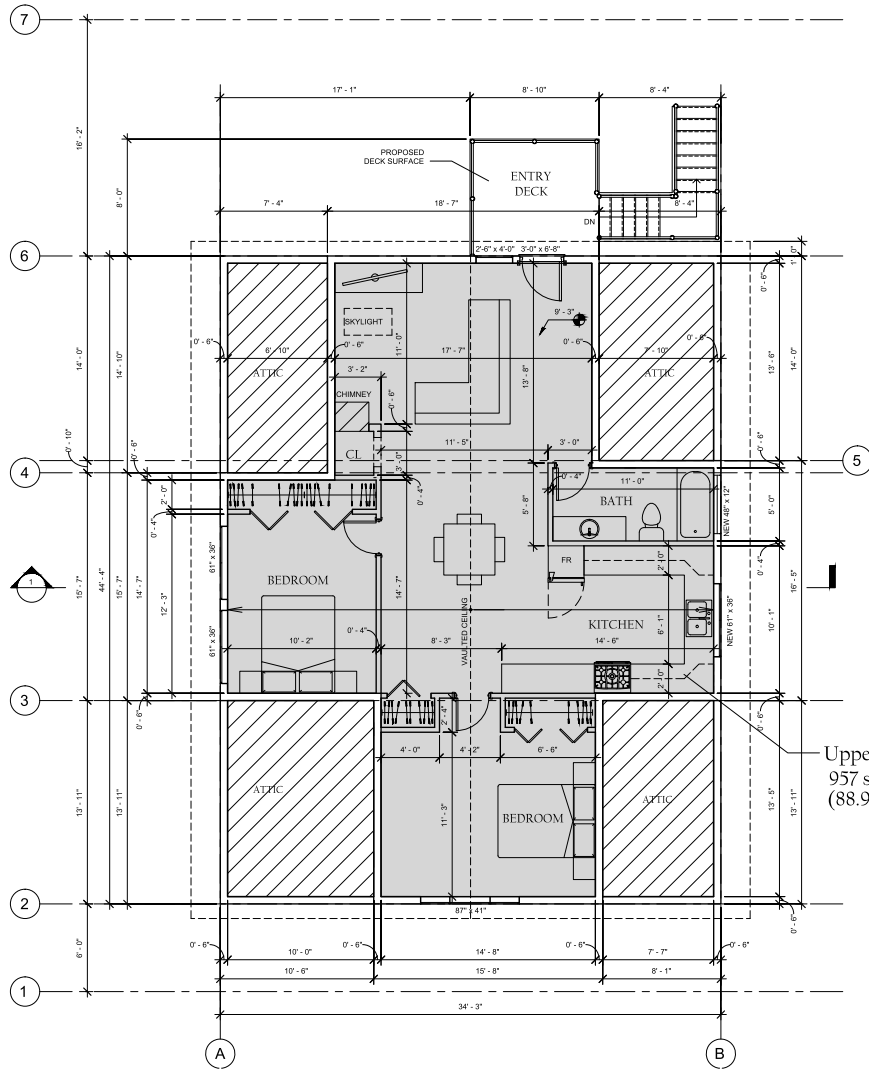
Sheet	Date	Revision
A	10-01-16	Permit set
B	11-01-16	Final set
<p>Aspire Custom Designs 2015 New House Victoria BC Canada V8N4A4 Contact: Brian 250-475-1000</p>		
<p>553 Raynor Avenue Re zoning</p>		
Existing House Plans		
Drawn by	L. Baker	
Checked by	L. Baker	
Date	Jan 11, 2019	
Scale	1/4" = 1'-0" or as noted	
Project	AZ 0	



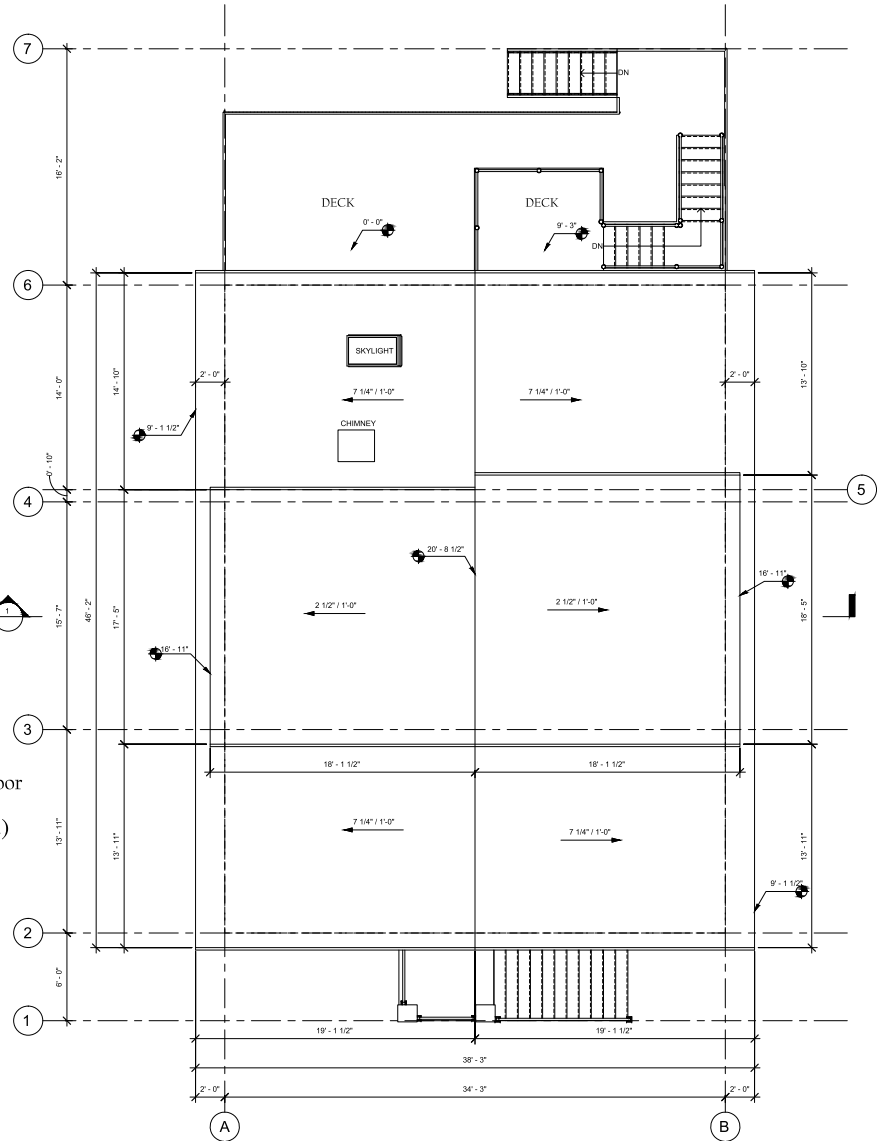


Area	Area	Area	Area
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
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81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100



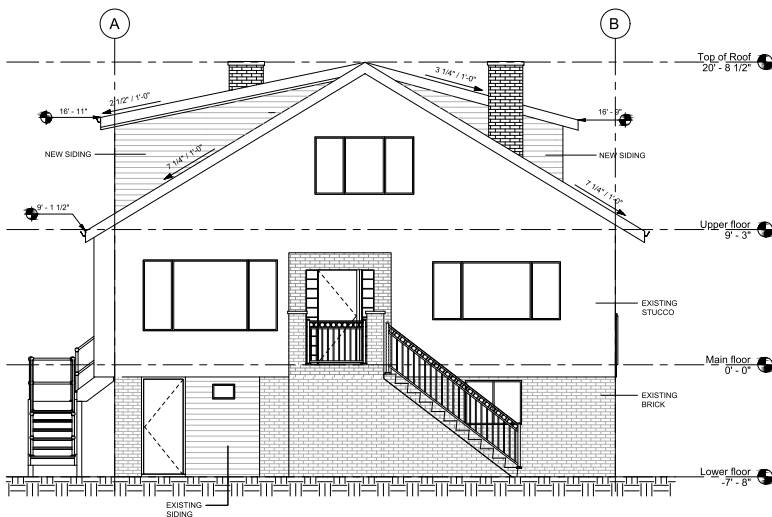


Proposed Upper Floor  
1/4" = 1'-0"

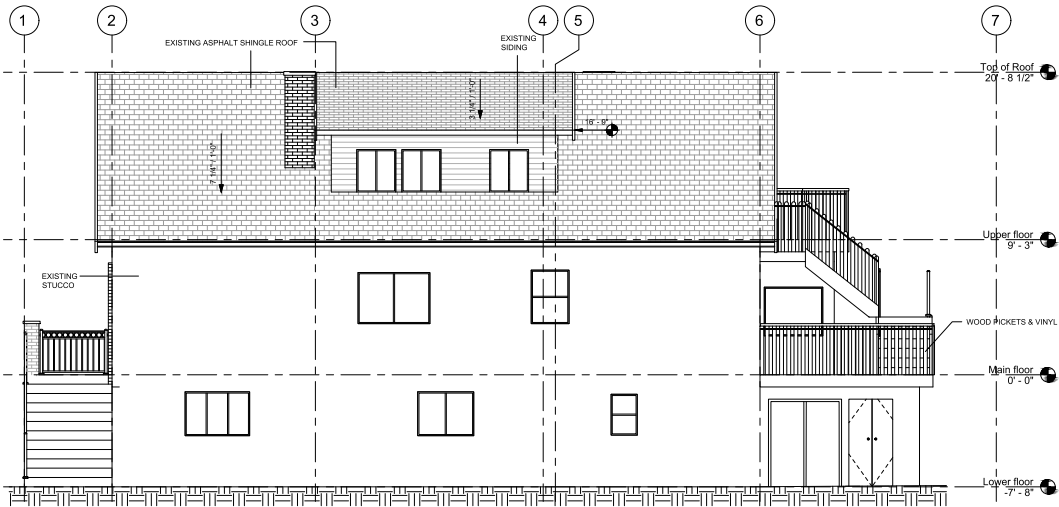


Proposed Roof Plan  
1/4" = 1'-0"

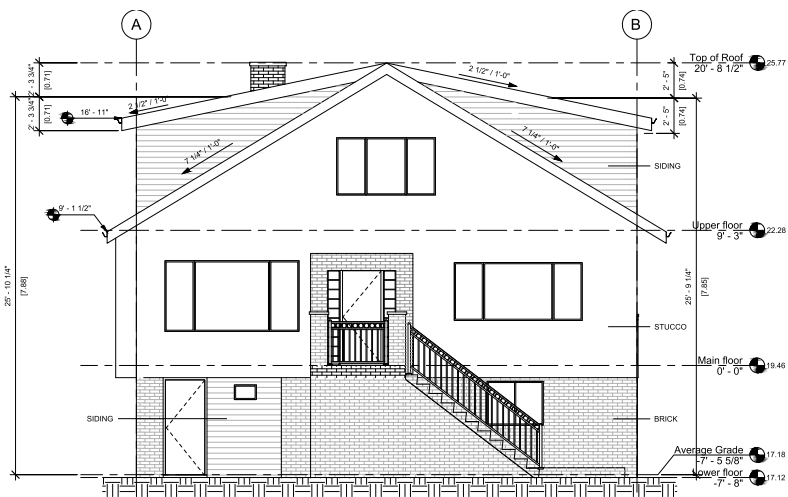
Sheet	Date	Revision
A	10/01/19	Permit set
B	10/01/19	Final set
<p>Aspire Custom Designs 2015 10th Floor Victoria BC Canada V8T 4M6 Contact: Steve 250-475-1000</p>		
<p>553 Raynor Avenue Rezoning</p>		
<p>Proposed House Plans</p>		
<p>1/4" = 1'-0" or as noted</p>		
<p>Jan 11, 2019</p>		
<p>A3.1</p>		



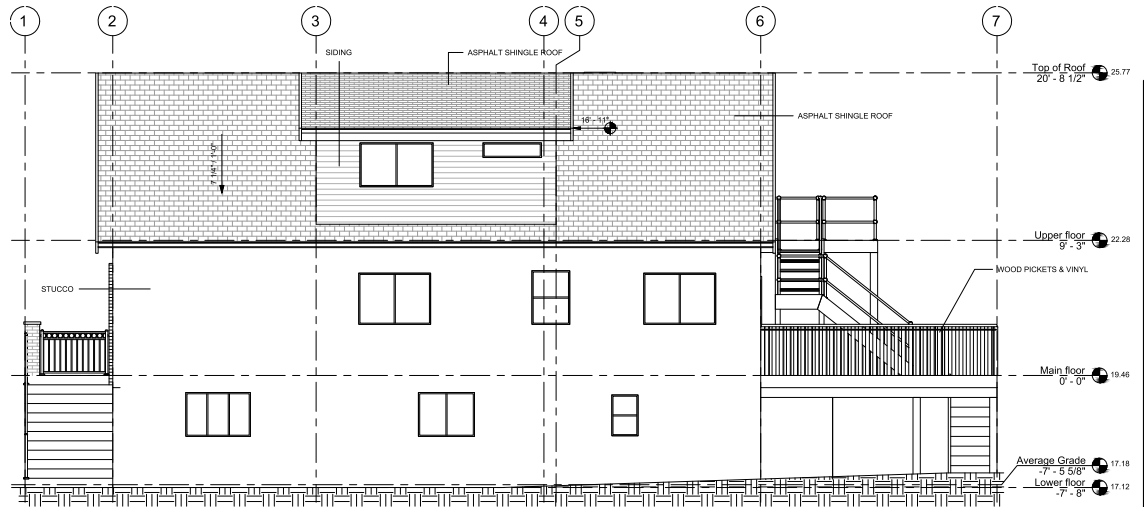
Existing Front Elevation  
1/4" = 1'-0"




Existing Right Side Elevation  
1/4" = 1'-0"

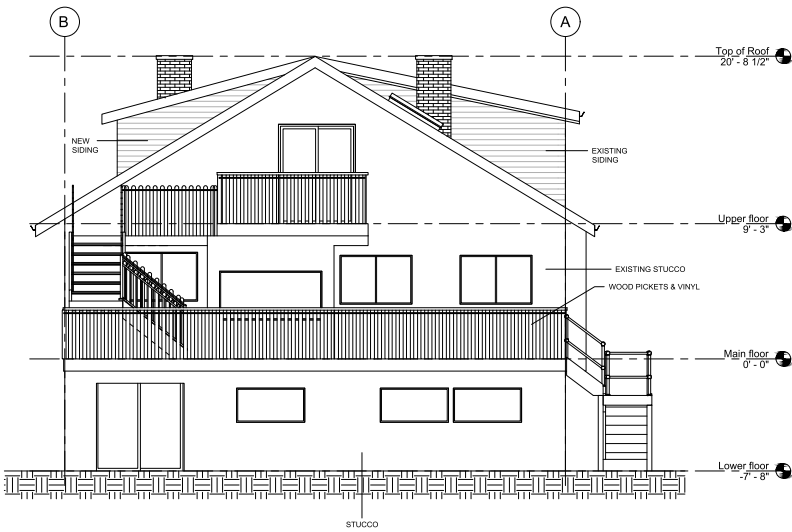


Proposed Front Elevation  
1/4" = 1'-0"

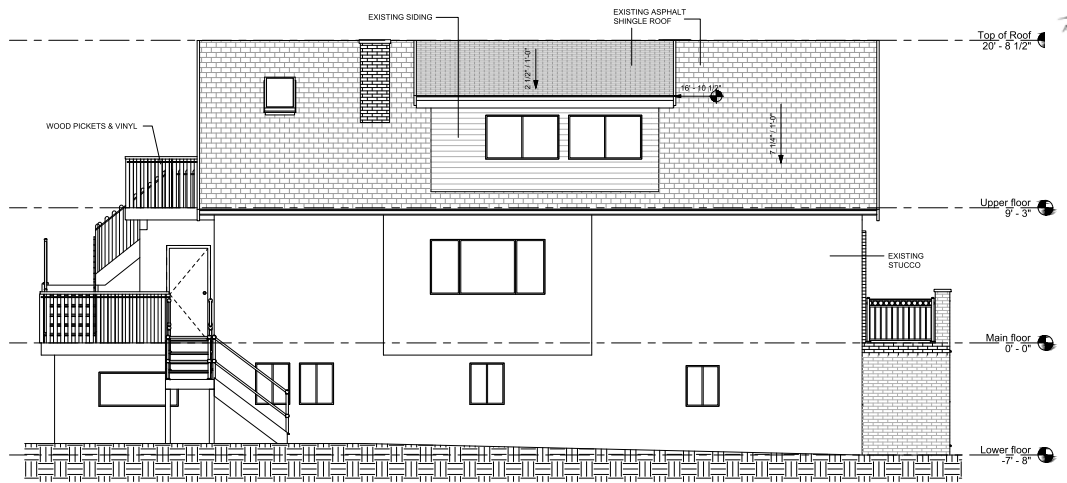


Proposed Right Side Elevation  
1/4" = 1'-0"

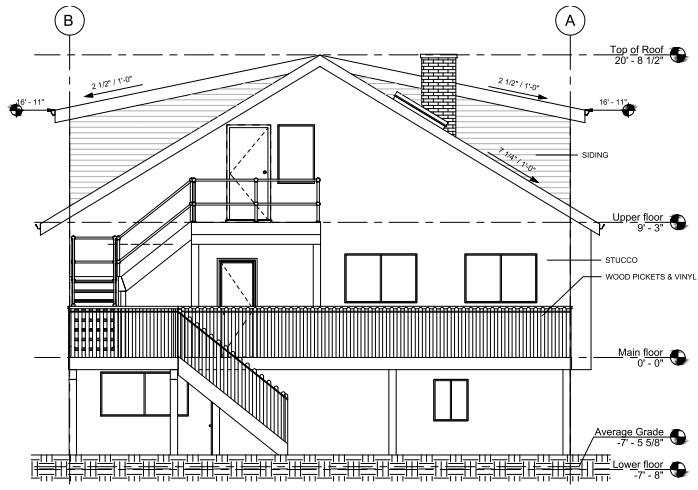
Sheet	Date	Revision
A	11-01-18	Permit set
B	11-01-18	Urban Index
		
Aspire Custom Designs 1025 Ferns Place Victoria BC Canada V8N 4X6 Canada Phone: 250-610-1000		
553 Raynor Avenue. Rezoning		
Elevations		
Scale	1/4" = 1'-0" as noted	A4.0 4
1. Bathy		
2. Relief		
3. Jan 11, 2019		



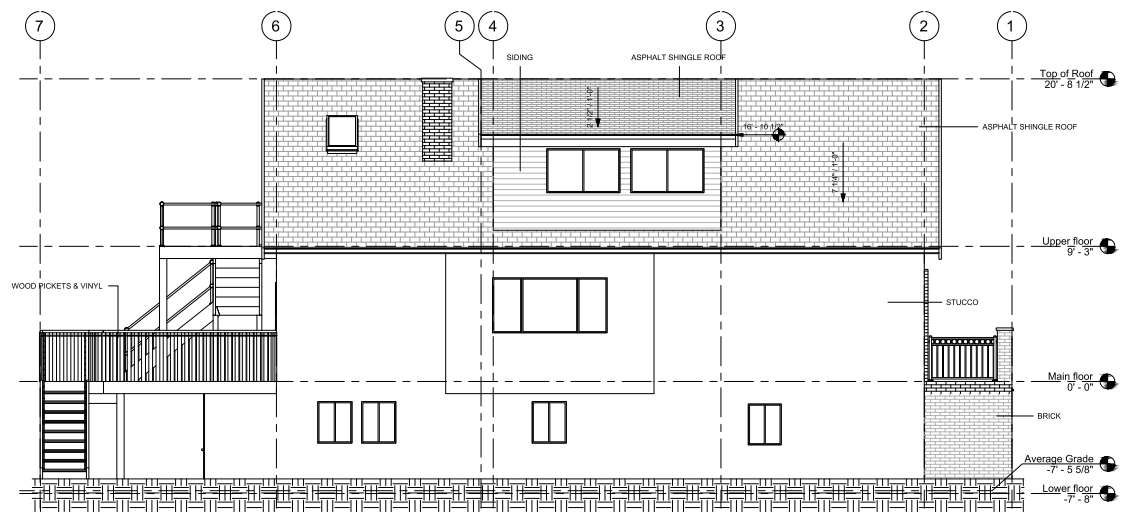
Existing Rear Elevation  
1/4" = 1'-0"



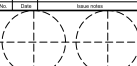
Existing Left Side Elevation  
1/4" = 1'-0"



Proposed Rear Elevation  
1/4" = 1'-0"



Proposed Left Side Elevation  
1/4" = 1'-0"

Sheet	Date	Revision
A	11/01/18	Permit set
B	11/01/18	Final set
		
Aspire Custom Designs 8015 15th Street Victoria BC Canada V8N 4M4 (250) 610-1000		
553 Raynor Avenue Rezoning		
Elevations		
L Scale: 1/4" = 1'-0" as noted Date: Jan 11, 2019 A4.1		

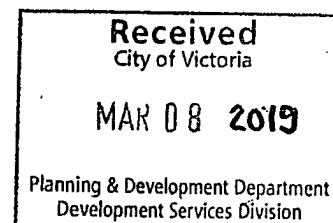
○ Proposed Building Section  
1/4" = 1'-0"

Rev.	Date	Description
A	10-23-2018	Permit set
<p>The diagram shows two identical circular manhole plans side-by-side. Each circle has a dashed horizontal centerline. Below each circle are the following labels:          60" Dia.          12" x 12" w/c cover          A5.0  <math>\phi = 7'</math></p>		
<b>Aspire Customs Designs</b> 1017 Tanya Place Victoria BC Canada V8N4K4 Cellphone: 250-935-9558		
553 Raynor Avenue, Reznorcing		
<b>Building Section</b>		
Scale:	Horizontal	Vertical
1" = 10'-0"	1" = 10'-0"	1" = 10'-0"
<div style="text-align: right;">A5.0</div> <div style="text-align: right;"><math>\phi = 7'</math></div>		
Date: 10-11-2018		



Avery Kelly  
 Robert Morris  
 553 Raynor Avenue  
 Victoria, B.C  
 V9A 3A9

Mayor Lisa Helps  
 City of Victoria Council Members  
 Planning and Land Use Committee  
 1 Centennial Square  
 Victoria, BC V8W 1P6



February 21, 2019

Dear Members of the City of Victoria Planning and Land Use Committee,

Thank you for considering our application to rezone 553 Raynor Avenue from a non-conforming duplex to a single-family home with secondary suite. This application will involve both height and density variances. We bought this non-conforming duplex with lower illegal suite three years ago to rejuvenate a neglected property. As part of the improvements, we have already completed \$20,000 in permitted electrical work, including the addition of hardwired smoke detectors.

Below is a list of proposed changes that relate to our request for height and density variances:

- We are seeking approval for the dormer constructed without permits on the west side of the house. To do this we would need a variance to allow for 8.01m roof height. Note that this does not increase the height of the primary roof ridge. This dormer would also increase the square footage by 80sq.ft.
- Our engineer recommends that we rebuild the dormer on the east side of the house. This would move the dormer's load bearing wall off the floor joist and onto the outer wall of the house. This would be a significant structural improvement, and only increase the floor area by a minor 55sq.ft.
- In total the two dormers increase the square footage of the top ½ floor by 135sq.ft., and we are seeking a variance for this increased density. Please note that we have removed a storage area and closet totalling 87sq.ft., and so the total floor area of the ½ level will only increase by 48sq.ft.
- On the lower floor, we are seeking a variance for density for the partially enclosed garage space. As this enclosure was done before we purchased the house and no original blueprints exist, the precise size of the original garage is unclear. However, if we assume a garage that was 19 feet long and the same width as the current space (six foot three inches), the total estimated area of the garage space would have been 223sq.ft. The remaining garage space is 87sq.ft., which means we are increasing the density by 136sq.ft.
- We also propose removing the enclosed space beneath the deck, as well as the enclosed space off the kitchen on the main floor, further reducing the density of the home by another 220 square feet.

- In total then we are asking for a density increase of 271sq.ft., but we have also removed 307sq.ft of enclosed space, meaning we have actually reduced the total enclosed space of the home by 36sq.ft.
- Our house, built in 1912, is two and a half floors. The current zoning, created after our house was built, allows only for two. As such, the house is legal non-conforming, and compliance would cause a hardship: removing the entire top floor of the home. Please note, the proposed upper floor is 68% of the ground floor and conforms as a half level.

Below is a list of changes unrelated to the variances and which do not require approval beyond the building permit stage:

#### Changes to Basement (ext. and int.)

- Bathroom door moved from lower mudroom to hallway
- Addition of a laundry room
- Removal of patio door in lower floor mudroom and the addition of a window in its place.

#### Changes to Main Floor (ext. and int.)

- Addition of another bathroom
- Division of the living room into two separate rooms
- Removal of the exterior door in the kitchen that allows access to the deck.
- Addition of an exterior door in the mudroom
- Removal of window on north side of main floor mudroom
- addition of window on west side of mudroom

#### Changes to Deck

- new stairway config. for deck
- removal of old deck stairs on west side of house
- Creation of a larger deck area on the north side of the house off the top floor.

#### Changes to ½ Floor

- Removal of sliding glass entrance door and replacement with traditional exterior door on north side of house

#### Further notes:

- The exterior appearance of the house will change minimally as the two changes we are requesting, the addition of the shed dormer, and the small expansion of the other, do not extend beyond the existing envelope of the building.
- We worked with the City Planning Department and some of the building inspectors to ensure that the main floor and ground floor are one suite.
  - Opened staircase
  - Removed stove
  - Plan to replace double sink with single basin.

- The neighbours we have canvassed so far have all expressed their support for our project.

Once completed, our renovation of this unit will provide a rental unit perfect for a couple or small family. Vic West is a perfect neighbourhood for those who work downtown and rental housing is very hard to find.

Thank you,

Robert Morris

Avery Kelly

521 Craigflower Rd. Victoria, BC V9A 6Z5

info@victoriawest.ca ☎ www.victoriawest.ca



October 9, 2017

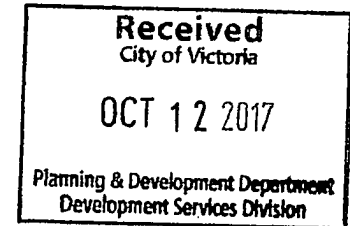
Building & Planning Dept.

City of Victoria

1 Centennial Square Victoria,

BC V8W 1P6

Attention: Building & Planning Dept.



Dear Building & Planning Dept.

On February 21, 2017, Robert Morris presented a Rezoning application to the Vic-West CALUC for 553 Raynor Ave. During that meeting on February 21, the application was well received by the Land-Use Committee, and no issues or concerns were raised from the committee or the public. We understand that a time of more than 6 months has passed, and a secondary meeting may be required. However, the Vic West Community Association Land-Use Committee agrees to waive a secondary Community Meeting, as no further issues or concerns are present.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Dance". The signature is stylized with a large, sweeping initial "S" and a horizontal line extending to the right.

---

Sean Dance, Chair

Vic West Land Use Committee



**Received**  
City of Victoria

NOV 20 2018

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

Hello, our names are Avery and Robert and we live at 553 Raynor Avenue. We have decided to do some renovations to revitalize our house. To do so, we need to rezone from a non-conforming duplex to a single-family home with secondary suite.

As part of the renovations we will be adding a dormer to the top floor of our house, rebuilding the deck, and upgrading the internal structure of the building.

We hope to submit letters from all our neighbours in support of the project as part of our application.

Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 622 Pine St.

Signature One:

David van Blankenstein



Signature Two:

Received  
City of Victoria

NOV 20 2018

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

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Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 616 Pine St.

Signature One:



B. Bourassa

Signature Two:

Received

City of Victoria

NOV 20 2013

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

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Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 450 Craigflower

Signature One:

Brianne Poy

Signature Two:

Received  
City of Victoria

NOV 20 2018

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

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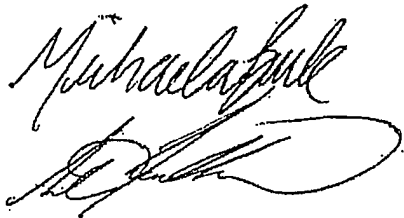
Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 610 Pine St.

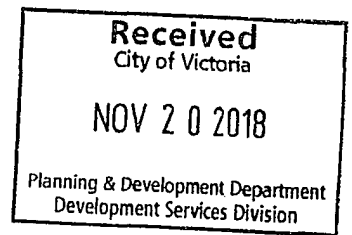
Signature One:



Signature Two:







Dear Neighbor(s)

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Warm regards,

Robert Morris

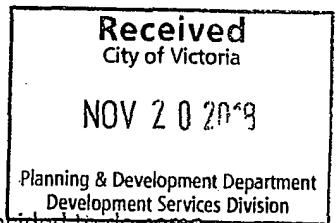
Avery Kelly

Neighbour's address: 915 Hudson

Signature One:

A handwritten signature in black ink, appearing to read "E. Cooper". The signature is fluid and cursive, with a long horizontal stroke at the end.

Signature Two:



Dear Neighbor(s)

Hello, our names are Avery and Robert and we live at 553 Raynor Avenue. We have decided to do some renovations to revitalize our house. To do so, we need to rezone from a non-conforming duplex to a single-family home with secondary suite.

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We hope to submit letters from all our neighbours in support of the project as part of our application.

Warm regards,

Robert Morris

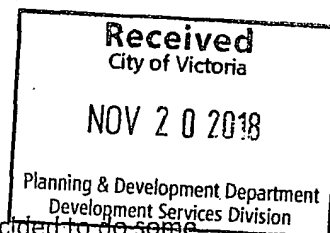
Avery Kelly

Neighbour's address: 909 Hudson St.

Signature One:

A handwritten signature in black ink, appearing to be "Robert Morris", written over a horizontal line.

Signature Two:



Dear Neighbor(s)

Hello, our names are Avery and Robert and we live at 553 Raynor Avenue. We have decided to do some renovations to revitalize our house. To do so, we need to rezone from a non-conforming duplex to a single-family home with secondary suite.

As part of the renovations we will be adding a dormer to the top floor of our house, rebuilding the deck, and upgrading the internal structure of the building.

We hope to submit letters from all our neighbours in support of the project as part of our application.

Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 521 Langford st. Victoria, B.C V9A 3C5

Signature One:

A handwritten signature in black ink, appearing to be "R. Morris".

Signature Two:

Received  
City of Victoria

NOV 20 2018

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

Hello, our names are Avery and Robert and we live at 553 Raynor Avenue. We have decided to do some renovations to revitalize our house. To do so, we need to rezone from a non-conforming duplex to a single-family home with secondary suite.

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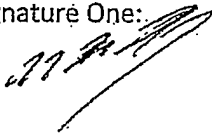
Warm regards,

Robert Morris

Avery Kelly

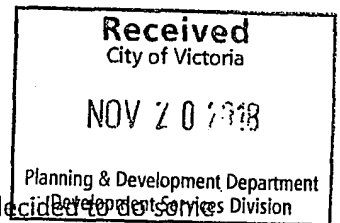
Neighbour's address: 934 Fullerton Ave

Signature One:



Signature Two:





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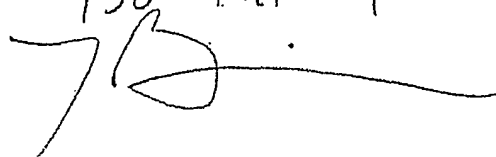
Warm regards,

Robert Morris

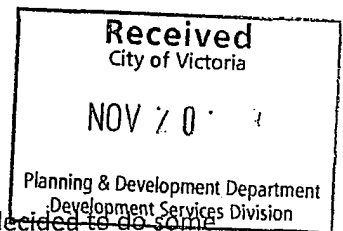
Avery Kelly

Neighbour's address:

Signature One:

938 Fuller Ave Victoria BC  


Signature Two:



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Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 620 Raynor Avenue

Signature One:

Elise Matzanke  
*Elise Matzanke*

Signature Two:

Received  
City of Victoria

NOV 20 2018

Planning & Development Department  
Development Services Division

Dear Neighbor(s)

Hello, our names are Avery and Robert and we live at 553 Raynor Avenue. We have planned renovations to revitalize our house. To do so, we need to rezone from a non-conforming duplex to a single-family home with secondary suite.

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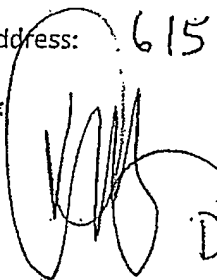
Robert Morris

Avery Kelly

Neighbour's address:

615 Raynor Avenue

Signature One:



DERRAN MUSGROVE

Signature Two:

Dear Neighbor(s)

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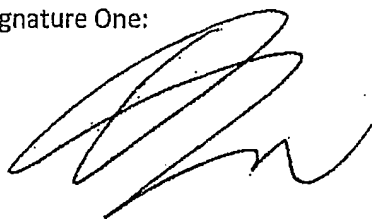
Warm regards,

Robert Morris

Avery Kelly

Neighbour's address: 557 Raynor Avenue

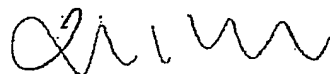
Signature One:



ANDREW WIGZELL

Signature Two:

THOMAS HOWARD





Dear Neighbor(s)

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Avery Kelly

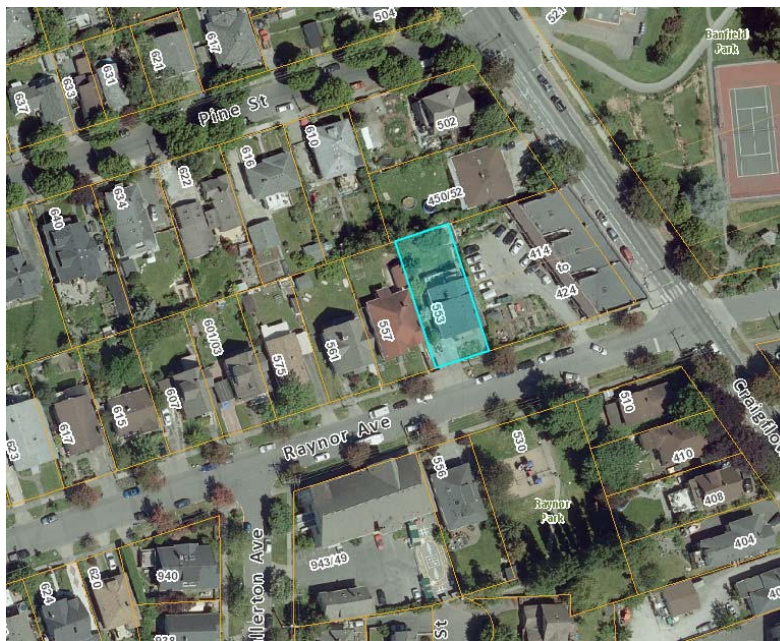
Neighbour's address: 623 Raynor Ave

Signature One: 

HEATHER MCPHERSON.

Signature Two:

# Rezoning Application for 553 Raynor Avenue



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## Subject Property



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## 414 to 424 Craigflower Road



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557 Raynor Avenue



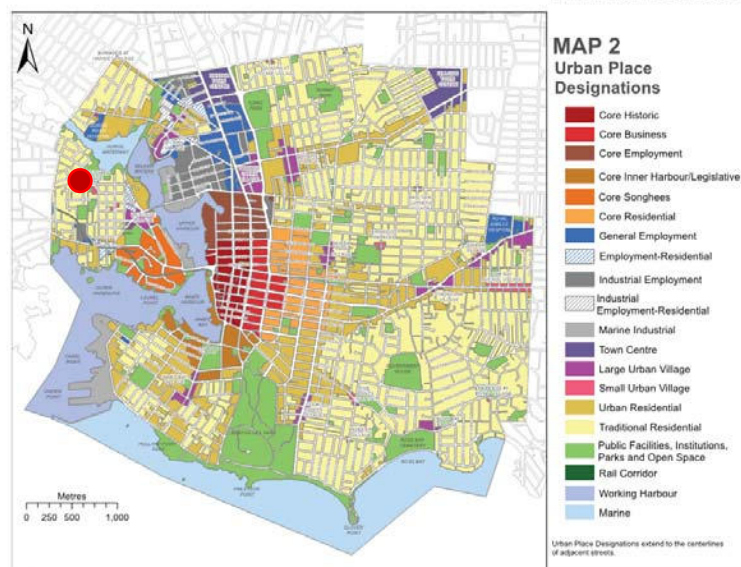
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556 Raynor Avenue



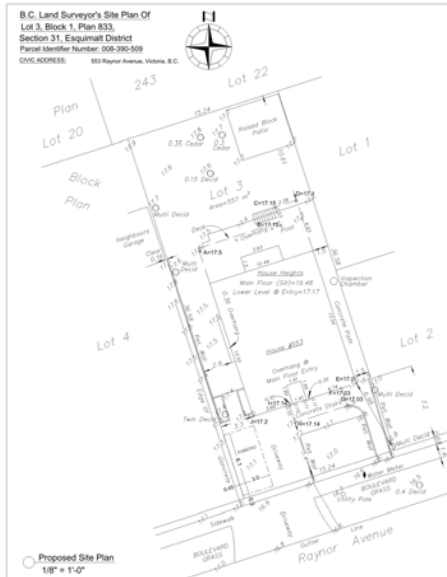


## 530 Raynor Avenue (Raynor Park)

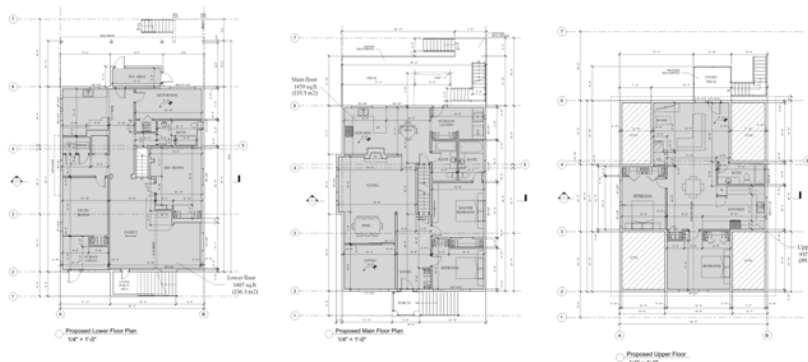


1A

## Site Plan



## Proposed Floor Plans



First Storey

Second Storey

1/2 Storey



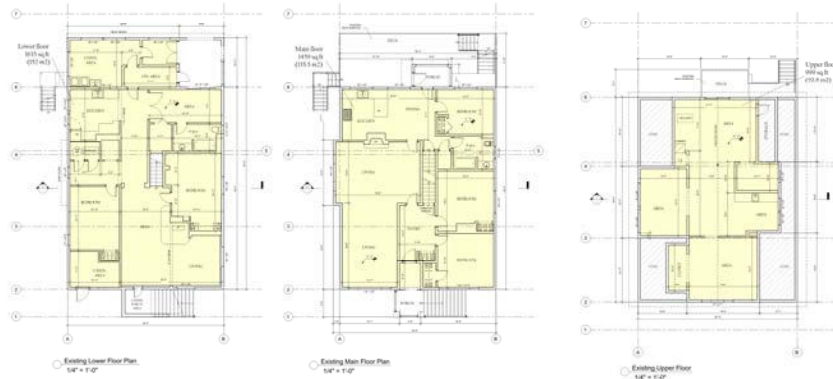
## Proposed Elevations



## Subject Property



## Existing Floor Plans



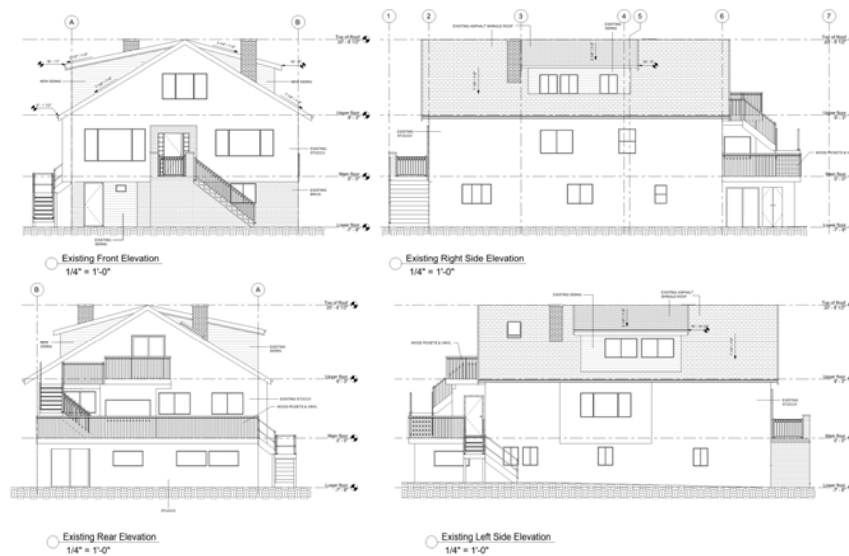
First Storey

Second Storey

1/2 Storey



## Existing Elevations





K. **BYLAWS**

K.4 **Bylaw for 553 Raynor Avenue: Rezoning Application No. 00616**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1190) No. 19-059

**CARRIED UNANIMOUSLY**



**Council Report**  
**For the Meeting of May 23, 2019**

---

**To:** Council **Date:** May 22, 2019  
**From:** C. Coates, City Clerk  
**Subject:** 553 Raynor Avenue: Rezoning Application No. 00616

---

**RECOMMENDATION**

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1190) No. 19-059

**BACKGROUND**

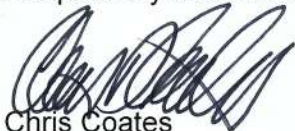
Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-059.

The issue came before Council on May 9, 2019 where the following resolution was approved:


**553 Raynor Avenue: Rezoning Application No. 00616**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00616 for 553 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.

Respectfully submitted,

  
Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:

  
Date: May 22, 2019

**List of Attachments:**

- Bylaw No. 19-059

NO. 19-059

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-B-R Zone, Single Family Dwelling (Raynor) District, and to rezone land known as 553 Raynor Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-B-R Zone, Single Family Dwelling (Raynor) District.

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. 1190)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 1 – Detached Dwelling Zone by adding the following words:  
  
“1.145 R1-B-R Zone, Single Family Dwelling (Raynor) District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.144 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 553 Raynor Avenue, legally described as PID: 008-390-509, Lot 3, Block 1, Section 31, Esquimalt District Plan 833 and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R1-B-R Zone, Single Family Dwelling (Raynor) District.

READ A FIRST TIME the	<b>23<sup>rd</sup></b>	day of	<b>May</b>	2019
READ A SECOND TIME the	<b>23<sup>rd</sup></b>	day of	<b>May</b>	2019
Public hearing held on the		day of		2019
READ A THIRD TIME the		day of		2019
ADOPTED on the		day of		2019

CITY CLERK

MAYOR

## PART 1.145 – R1-B-R ZONE, SINGLE FAMILY DWELLING (RAYNOR) DISTRICT

### 1.145.1 Permitted Uses in this Zone

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

- a. Uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw and subsection (b)
- b. Single family dwellings constructed prior to 1912 are:
  - i. subject to the regulations in this Part; and
  - ii. permitted to have no more than one of the following accessory uses:
    - secondary suite; or
    - garden suite, subject to the regulations in Schedule “M”

### 1.145.2 Lot Area

- a. Lot area (minimum) 557m<sup>2</sup>
- b. Lot width (minimum) 15.2m average lot width

### 1.145.3 Floor Area, Floor Space Ratio

- a. Total floor area (minimum) 70m<sup>2</sup>
- b. Total floor area (maximum) 361m<sup>2</sup>
- c. Floor area, for the first and second storeys combined (maximum) 280m<sup>2</sup>

### 1.145.4 Height, Storeys

- a. Principal building height (maximum) 7.9m
- b. Storeys (maximum) 2.5
- c. Roof deck Not permitted



# **PART 1.145 – R1-B-R ZONE, SINGLE FAMILY DWELLING (RAYNOR) DISTRICT**

## **1.145.5 Setbacks, Projections**

- |                                                                      |                                                                                                                                     |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| a. <u>Front yard setback</u> (minimum)                               | 7.5m                                                                                                                                |
| Except for the following maximum projections into the setback:       |                                                                                                                                     |
| • Steps less than 1.7m in <u>height</u>                              | 2.5m                                                                                                                                |
| • porch                                                              | 1.6m                                                                                                                                |
| b. <u>Rear yard setback</u> (minimum)                                | 7.5m or 25% of lot depth, whichever is greater                                                                                      |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 1.5m or 10% of the <u>lot</u> width, whichever is greater<br><br>3.0m for one side yard when the lot is not serviced by a rear lane |
| d. Combined <u>side yard setbacks</u> (minimum)                      | 4.5m                                                                                                                                |
| e. Eave projections into <u>setback</u> (maximum)                    | 0.75m                                                                                                                               |

## **1.145.6 Site Coverage**

<u>Site Coverage</u> (maximum)	40%
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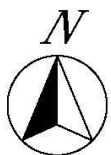
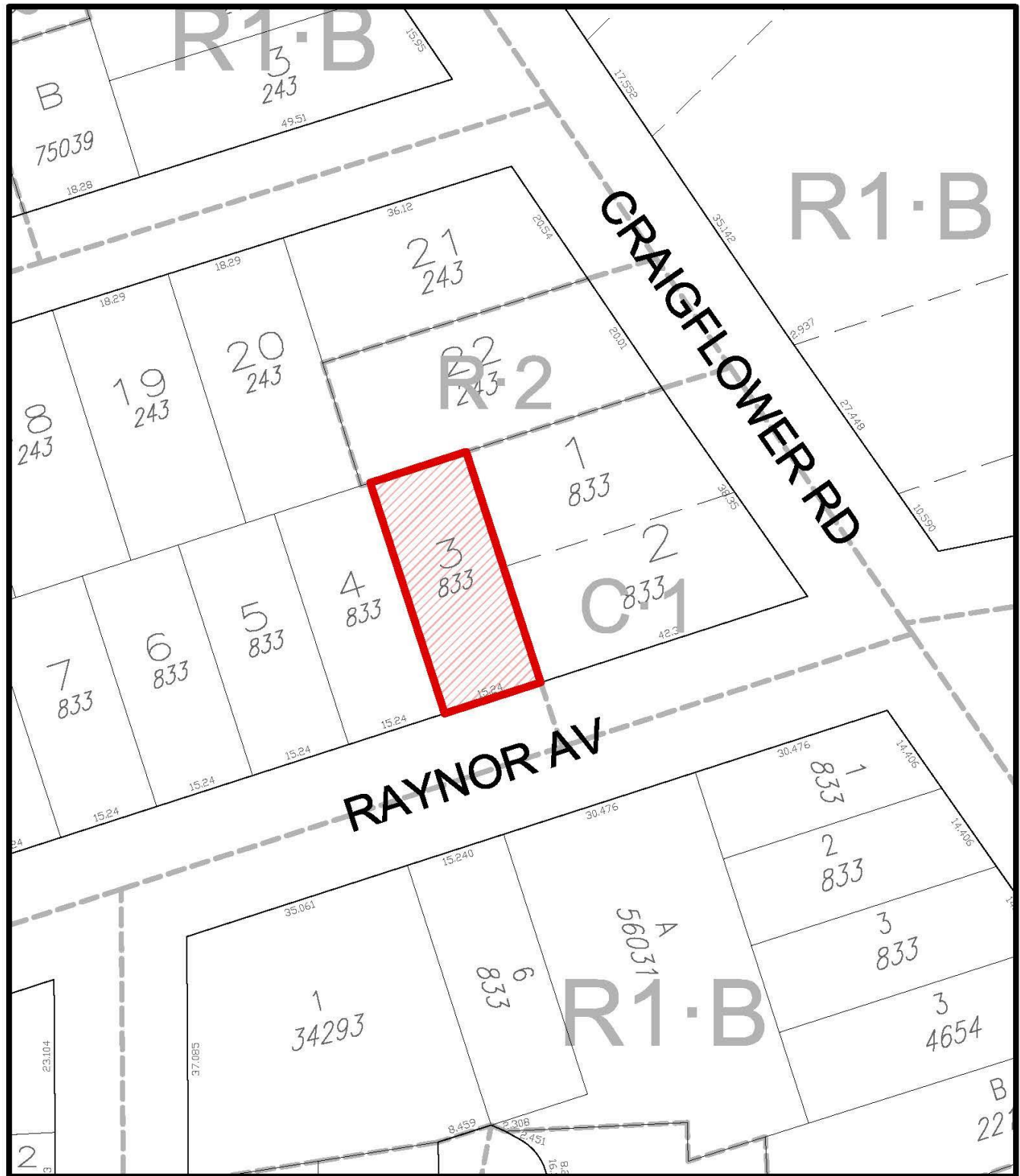
## **1.145.7 Vehicle and Bicycle Parking**

- |                                     |                                            |
|-------------------------------------|--------------------------------------------|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule “C” |
| b. <u>Bicycle parking</u> (minimum) | Subject to the regulations in Schedule “C” |

## **1.145.8 Outdoor Features**

- |                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------|
| a. The <u>setbacks</u> set out in section 1.145.5 apply to <u>outdoor features</u> as though they are <u>buildings</u>             |
| b. <u>Outdoor features</u> may not exceed a height of 3.5m from <u>natural grade</u> or <u>finished grade</u> , whichever is lower |

Appendix 1 to Bylaw No.



553 Raynor Avenue  
Rezoning No.00616



# Fernwood Community Centre

72

370W Panels

26.6k

Watts Solar Capacity

¢7.32

per kWh  
Solar Electricity Costs\*

\$3817

Energy Value 1<sup>st</sup> year  
>\$125k over life of system\*\*

\$50k

Installed Cost - Parts, Labour  
(not including applicable taxes)

7.6%

Return on Investment  
(25-yr Annualized)

This is not a quote. This is an estimate based on information provided by the client and/or on-site evaluation. System performance can vary due to environmental factors from year-to-year.

\* BC Hydro SGS rate is ~¢13/kWh (including GST and rate rider)

\*\* Based on 3.5% annual increase in energy cost.



1.888.386.0116 292





MAY 10 2019

Ref: 244996

Her Worship Mayor Lisa Helps  
City of Victoria  
1 Centennial Sq  
Victoria BC V8W 1P6

Dear Mayor Helps:

*Lisa,*

Thank you for your letter addressed to the Honourable John Horgan, Premier, requesting support for the City of Victoria's recent resolution regarding the extension of a vacancy taxation authority to all local governments. As Minister responsible for local government, I am pleased to respond, and I apologize for the delay.

One of the Province of British Columbia's top priorities is supporting local governments in addressing housing affordability for British Columbians, both renters and buyers. In your letter, you specifically ask the Province to provide other local governments with similar authority to Vancouver's vacancy tax authority so that local governments can design and implement a tax on vacant and derelict properties. You note that other communities in British Columbia, such as Victoria, have similar concerns to Vancouver regarding affordable housing and vacant properties.

Since Vancouver was provided with the vacancy tax authority in 2016, the Province has implemented several measures to increase access to affordable housing in British Columbia. In February 2018, the Province released a comprehensive 30-point affordable housing plan. As part of this plan, the Province implemented the speculation and vacancy tax on homes in some areas, targeting speculators and vacant homes that are driving up housing costs. The tax is designed to encourage owners of vacant homes to add them to the rental inventory, rather than pay the tax, and raise revenue that will directly support affordable housing across the province. In addition, the foreign buyer's tax rate was increased to 20 percent, and has been expanded to areas outside of Metro Vancouver. The Province is also working closely with local governments to eliminate barriers to affordable housing, and has provided new tools such as rental zoning that empower local governments to support the development of affordable housing.

Designing an authority for a vacancy tax for local governments would require amendments to the *Community Charter*. There are varied interests for this measure among local governments across British Columbia, indicating a need for further discussion before considering legislation that would apply beyond the City of Vancouver. While enabling legislation does not need to be used by every community, it has to be usable—and under the *Community Charter*, that means usable across the range of communities throughout the province.

.../2

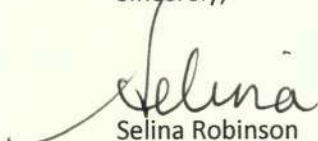


Vancouver is currently assessing the implementation and impact of its tax and has made a number of adjustments to address administrative and compliance concerns. The Province will continue to monitor the effectiveness of Vancouver's tax and listen to the views of local governments across British Columbia on this matter. If there is demonstrated support from other local governments, further consideration could be given to legislative changes to extend similar authority to other communities. Any such work would also need to consider the more recent addition of the provincial speculation tax in some areas.

Vancouver's vacancy tax responded to Vancouver's unprecedented low rental vacancy and escalating home prices. The tax was intended by Vancouver to increase rental supply and reduce cost pressures. To extend this surtax to derelict properties would add another purpose to the tax that affects the scope of authority, increases the challenge in developing appropriate legislation, and ultimately would increase complexity of administration. Additionally, the Province has reservations about creating this authority for municipalities as they already have the authority to regulate, prohibit, and impose requirements on unsightly premises. Included in this authority are the abilities to establish a fine for violation of municipal bylaws and impose fees for municipal works done on the property.

Thank you again for writing to advise Government of the City of Victoria's resolution in this regard.

Sincerely,



Selina Robinson  
Minister

pc: Honourable John Horgan, Premier  
Honourable Carole James, Minister of Finance



## TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6

Ph. 250-479-6800 • Fx. 250-727-9551 • E. [info@viewroyal.ca](mailto:info@viewroyal.ca) • [www.viewroyal.ca](http://www.viewroyal.ca)

May 13, 2019

BC Transit  
520 Gorge Road East  
Victoria, BC V8T 2W6

Dear Sirs and Madams,

MAYOR'S OFFICE

MAY 20 2019

VICTORIA, B.C.

COPY

**Re: Climate Action through a Major Expansion of Public Transit Ridership**

Our Council is in receipt of the City of Victoria's letter, dated April 29, 2019, regarding Climate Action through a Major Expansion of Public Transit Ridership.

The Town of View Royal is supportive of measures that will increase ridership and improve transit service in our region. In particular, we are supportive of increasing youth ridership.

We look forward to discussions around how these goals can be reached amongst our regional partners and BC Transit. We feel sure that it is best to hear from the Victoria Regional Transit Commission and BC Transit before identifying solutions.

We look forward to working with BC Transit and governmental partners in the future.

Sincerely,

David Screech  
Mayor

cc. Mayor Lisa Helps, City of Victoria



Recycled Paper

May 14, 2019

Mayor Lisa Helps  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6



Dear Mayor Helps:

**Re: 2019 Resolutions**

UBCM is in receipt of the attached resolution(s) endorsed by your Council. Your resolution(s) received endorsement at the AVICC Spring 2019 AGM.

The resolution(s) will be presented to the UBCM membership for their consideration at the 2019 UBCM Convention in September.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Very Best Wishes,

A handwritten signature in black ink, appearing to read "Arjun Singh".

Arjun Singh  
UBCM President

*Enclosure*

## **Youth Voting in Local Government Elections**

**Victoria**

Whereas youth have a strong interest in the future of local communities;

And whereas empowering young people to participate in democratic processes fosters ongoing and active civic participation:

Therefore be it resolved that the Province of British Columbia revise the voting age for local government elections to 16 years of age.

**Convention Decision:**



## **Revitalizing Island Rail**

**Victoria**

Whereas one of the conditions of the original Order-in-Council establishing the Esquimalt and Nanaimo (E&N) now Island Corridor Foundation (ICF) railway corridor is that if the corridor is no longer needed or used for railway purposes, it goes back to the original owner and assembling a similar multi-modal corridor connecting the Alberni Inlet to the Comox Valley to Greater Victoria in the context of current land values and land uses would be impossible to replicate;

And whereas repair of the railway infrastructure can only reasonably be accomplished by way of capital investment from senior levels of government, in co-operation with First Nations and local governments and respecting first nations interests, rail transport and a parallel trail system are integral sustainable transportation options for Indigenous and non-indigenous peoples in the context of climate change, including the option of electrified rail for the sustainable movement of people and goods on the island:

Therefore be it resolved that the Province of British Columbia take immediate actions to provide sufficient funding in a timely manner to restore the railway infrastructure of Vancouver Island and ensure that the corridor remains intact and available to future generations of Indigenous and non-indigenous peoples.

### **Convention Decision:**

## **Shifting Investment to Low-Emission Transportation**

**Victoria**

Whereas the Prime Minister of Canada and the Premiers of BC and most provinces signed the Pan-Canadian Framework on Clean Growth and Climate Change in 2016, endorsing a policy shift that could substantially reduce greenhouse gas (GHG) pollution from transportation while funding public transit improvements, including inter-city and commuter bus and rail service;

And whereas the transportation sector is the second-largest contributor of GHG pollution in Canada, representing 23% of total emissions:

Therefore be it resolved that local governments call on the Governments of Canada and British Columbia to fully implement their commitment in the Pan-Canadian Framework on Clean Growth and Climate Change, to shift investments “from higher to lower-emitting types of transportation”.

**Convention Decision:**

## Promoting and Enabling GHG Reductions

## Victoria

Whereas the world's leading climate scientists have warned that we have less than 12 years to meet our climate targets, and early action is required to avoid significant costs and impacts to social and environmental well-being in our communities, and worldwide, local governments are uniquely positioned to enable this mobilization effort, in a coordinated and integrated fashion across sectors, enabling individual action with timely and accurate information, incentives, directions, coordination, tools, targets and scalable, impactful programs;

And whereas local governments GHG reduction plans will be effectively and expeditiously realized through a dedicated focus on cutting the most impactful GHG sources, including: retrofitting existing buildings to high-efficiency standards; renewable electricity; elimination of fossil fuel heating sources; shifting people to transit, active transportation, and renewably powered mobility options; and the electrification of commercial and passenger vehicle fleets, the complexity and pace/progress of GHG reductions in both local governments and community require additional resources and planning to reduce risks of missing interim and longer GHG and renewable energy targets:

Therefore be it resolved that local governments call on the Governments of Canada and British Columbia to pursue the following immediate sector actions to promote and enable GHG reductions and realize important social and economic co-benefits:

1. Make available all ICBC municipal vehicle km/make/model/fuel economy information.
2. Continue the development and implementation of world-class low carbon fuel standards.
3. Fully invest in delivery of the zero-emission vehicles sales targets as established in the CleanBC Plan.
4. Continue progressive and direct funding programs and partnerships for municipal low-carbon initiatives, including building retrofit, transportation, waste management and other priority and shared GHG reduction programs.

### Convention Decision:

## **Safer Drug Supply to Save Lives**

**Victoria**

Whereas It has been two years since BC declared a public-health emergency due to increased overdoses, yet the death toll for those consuming substances continues to rise due to an unpredictable and highly-toxic drug supply;

And whereas people with opioid use disorder, a chronic relapsing medical condition, are at high risk of overdose-related harms including death and an estimated 42,200 people inject toxic substances in British Columbia, it is not possible for the treatment system to rapidly increase services fast enough to manage this number of people as “patients” within a medical treatment model given the many challenges in achieving and retaining the people on opioid use disorder treatment, people at risk of overdose in British Columbia do not have access to a safer alternative to the unpredictable, highly-toxic drug supply:

Therefore be it resolved that in an effort to save lives and reduce harm due to an unpredictable and highly-toxic drug supply, and as part of a holistic response to the public-health emergency, including prevention, treatment, and recovery, that the Province of British Columbia work with local communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions, and the Ministry of Health ensure that people at risk of overdose harm have access to safer alternatives.

### **Convention Decision:**



## **Extension of Vacancy Taxation Authority to Local Governments**

**Victoria**

Whereas the Province of British Columbia responded to a housing affordability crisis in 2016 with legislation empowering the City of Vancouver to introduce a surtax on vacant residential properties, resulting in \$38-million in revenues for that community in 2018 and creating a strong disincentive to leaving properties vacant;

And whereas communities across British Columbia face housing affordability pressures, while a portion of the housing supply in all communities remains vacant, including properties that have remained derelict for years or decades, and vacant and derelict buildings pose substantial risks in terms of public safety in communities, as well as liveability and desirability for nearby and adjoining neighbourhoods and properties:

Therefore be it resolved that the Province of British Columbia extend the authority to introduce a surtax on vacant residential properties to local governments across British Columbia, providing communities with the discretion to decide whether to introduce an additional tax to discourage vacant and derelict buildings, and encourage the occupancy, maintenance, and improvement of buildings to address housing affordability and public safety.

**Convention Decision:**

## **Provincial Universal School Food Program**

**Victoria**

Whereas almost 500,000 individuals in BC experience food insecurity, and Canada remains one of the only Organization for Economic Co-operation and Development (OECD) nations without a national school food program and Canada's current patchwork of school food programming reaches only a small percentage of students;

And whereas school food programs have been shown to increase children's consumption of vegetables, fruits and other healthy foods and decrease the consumption of unhealthy ones; improve students' mental health, including reductions in behavioural and emotional problems; improve cognitive skills and increase scholastic success:

Therefore be it resolved that UBCM advocate to the provincial government for a Universal Healthy School Food Program that will enable all students in BC to have access to healthy meals at school, building on existing programs and including food education to serve culturally appropriate, local, sustainable food to the fullest extent possible.

### **Convention Decision:**

## **Subsidies to Fossil Fuel Companies**

**Victoria**

Whereas the Federal government recently released a scientific report that reveals that Canada is warming at twice the global rate, the Provincial government recently approved a \$5.35-billion package of tax incentives for a \$40-billion LNG Canada megaproject, supported by \$1.275 billion from the Federal government, and, according to a 2015 report by the International Monetary Fund, the annual Federal government subsidy to the fossil fuel industry is \$46 billion;

And whereas the funding formula for local governments has changed little since 1867 with local governments receiving roughly 8 cents of every tax dollar leaving them unprepared for the emerging and significant costs of mitigation and adaption to climate change:

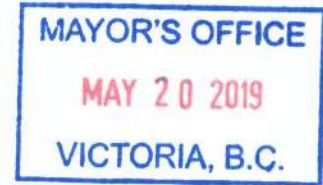
Therefore be it resolved that UBCM call on the Provincial government to end all subsidies to fossil fuel companies and to invest the money instead in climate change mitigation and adaptation activities being undertaken by local governments in a predictable and regularized funding formula;

And be it further resolved that the UBCM through the FCM call on the Federal government to end all subsidies to fossil fuel companies and to invest the money instead in climate change mitigation and adaptation activities being undertaken by local governments in a predictable and regularized funding formula.

### **Convention Decision:**

May 14, 2019

Mayor Lisa Helps  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6



Dear Mayor Helps:

**Re: 2019 Resolutions**

UBCM is in receipt of the attached resolution(s) endorsed by your Council. Your resolution(s), as amended, received endorsement at the AVICC Spring 2019 AGM.

The resolution(s) will be presented to the UBCM membership for their consideration at the 2019 UBCM Convention in September.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Very Best Wishes,

Arjun Singh  
UBCM President

*Enclosure*



## **Allow Permanent Residents to Vote in Municipal Elections**

**Victoria**

Whereas the Province of British Columbia has the governing authority to implement electoral legislative changes including allowing for Permanent Residents to vote in municipal elections;

And whereas more than 45 countries have granted Permanent Residents some form of voting rights — including seven jurisdictions in the US and 25 European Union countries; and 11 municipalities in Canada are working toward extending local election voting rights to Permanent Residents:

Therefore be it resolved that the Province of British Columbia make the necessary changes to allow Permanent Residents to vote in municipal elections in Victoria and other municipalities **and regional districts.**

**Convention Decision:**

## Support Transformational Improvements to Regional BC Transit

Victoria

Whereas the transportation sector is the second-largest contributor of GHG, some of the largest reductions in GHGs are possible through facilitating a mode shift to low carbon mobility options, such as increased ridership of emissions-free transit;

And whereas transforming regional public transit could drastically increase mode-shift to clean public transit system:

Therefore be it resolved that the Province of British Columbia and BC Transit take immediate actions to support and provide funding for transformational improvements to regional BC transit infrastructure to promote and enable rapid mode shift to transit, including transitioning the BC Transit fleet to zero emissions as early in the 2020s as possible.,~~and:~~

- ~~I. Completion of dedicated bus lanes on all connections between the West Shore and downtown.~~
- ~~II. Installation of Traffic Signal Priority (TSP) sensors in all buses that operate in the City of Victoria.~~
- ~~III. Installation of 'all door loading' capabilities for all buses in the Victoria regional transit system.~~
- ~~IV. Introduction of real time, digital bus information to enable super convenient, accessible transit operational information.~~
- ~~V. Introduction of "tap" payment systems common to multi-modal service providers, to support rapid loading of busses and align with Smart Mobility goals.~~
- ~~VI. Completion of the business case to determine the most effective investments in public transportation to realize the highest potential mode shift and ridership in the South Island, including but not limited assessing commuter ferry, public transit along the E&N rail corridor and Douglas Street / Highway 1 / Highway 99, bus rapid transit (BRT) or light rail transit (LRT).~~
- ~~VII. Reporting of annual regional transit GHG and combustion pollutants, mitigation priorities, progress and business cases for investments.~~

**Convention Decision:**

## Observed Inhalation Sites for Overdose Prevention

Victoria

Whereas British Columbia is currently experiencing an unprecedented public health emergency due to an unpredictable and highly-toxic drug supply, and smoking or inhalation is the second most common mode of consumption among all people who have died from a suspected illicit drug overdose and the most common mode of consumption among men and those between the ages of 15 and 29;

And whereas observed consumption services (i.e. supervised consumption services and overdose prevention services) are evidence-based harm reduction approaches shown to reduce overdose-related harm, and there is not adequate access to observed consumption services that provide space for inhalation where communities are facing crisis:

Therefore be it resolved that to ensure that people at risk of overdose across BC have access to observed consumption services that provide space for inhalation, that the Province of British Columbia **fund and** work through local communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions and the Ministry of Health to fund and provide these services as part of a holistic response to the public-health emergency, including prevention, treatment, and recovery.

**Convention Decision:**

## Pamela Martin

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**From:** Minister, ENV ENV:EX <[env.minister@gov.bc.ca](mailto:env.minister@gov.bc.ca)>

**Sent:** Monday, June 3, 2019 10:37 AM

**To:** Lisa Helps (Mayor)

**Cc:** Richard Elliott

**Subject:** RE: Council Motion, City of Victoria - Provincial Climate Leadership

Reference: 344479

*June 3, 2019*

Her Worship Mayor Lisa Helps  
and Councillors  
City of Victoria  
Email: [mayor@victoria.ca](mailto:mayor@victoria.ca)

Dear Mayor Helps and Council:

Thank you for your letter of March 29, 2019, which was also addressed to the MLAs of British Columbia, regarding Provincial climate leadership. As your enquiry falls under the responsibility of my ministry, I am pleased to respond on behalf of my MLA colleagues. I am also in receipt of your April 24, 2019, letter and the City of Victoria's Climate Leadership Plan.

With respect to the City of Victoria's resolutions, legislated targets, the CleanBC detailed plan and accountability measures are a clear and proactive response to the climate emergency and impacts facing all levels of government and all nations. Our CleanBC plan addresses much of your resolution requesting taxation and policies to reduce greenhouse gas emission, and we are actively working with other ministries on implementing the plan. While I appreciate you shared your thoughts on the *Income Tax Amendment Act, 2019*, as you may know, this legislation has now passed.

Our government recognizes there is work to do and we look forward to collaboration with local governments and regional districts on greenhouse gas mitigation strategies, infrastructure, public transportation, waste, clean energy and adaptation strategies. We are implementing commitments from our CleanBC plan now and will develop additional strategies to help BC and local government partners make progress on their respective climate actions.

The Province is participating in town hall calls, presentations and workshops leading to further collaboration with local governments and the citizens of BC. In addition, the Provincial Government-UBCM Green Communities Committee (GCC) was created to support strategies and actions to help implement the Climate Action Charter. This committee remains a key priority and continues to meet on a regular basis to support local governments taking action on climate change. GCC is well placed to support local governments as leaders who measure and manage their corporate and community-wide emissions and create clean, compact and more energy-efficient communities.

In addition to the GCC, the Climate Action Secretariat (CAS) works directly with local government staff supporting them on greenhouse gas inventories and reduction activities. Staff also regularly attend conferences and networks where local government staff and elected officials gather, and have presented on CleanBC and on how best we can work together. Most recently CAS presented to the Capital Regional District Climate Action Inter-Municipal Task Force on CleanBC.



I recognize that local communities and governments have been and will continue to be leaders on initiatives to reduce carbon pollution. We need that local leadership to continue to meet our targets and make CleanBC a success. We are committed to constructive collaboration with you.

Thank you again for taking the time to write. We look forward to a continued partnership with the City of Victoria.

Sincerely,

George Heyman  
Minister

cc: Rich Elliott, Executive Assistant, Mayor's Office

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD JUNE 6, 2019**

For the Council meeting of June 13, 2019, the Committee recommends the following:

**1. 902, 906 & 910 McClure Street (Abigail's Hotel) - Rezoning Application No. 00648, Development Permit with Variance Application No. 000530, & Heritage Designation Application No. 00181 (Fairfield)**

**Rezoning Application No. 00648**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00648 for 902, 906 and 910 McClure Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

1. Preparation and execution of a legal agreement to secure a 1.83m Statutory Right-of Way along Quadra Street, to the satisfaction of the Director of Engineering and Public Works.

**Development Permit with Variance Application No. 000530**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00648, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000530 for 902, 906 and 910 McClure Street, in accordance with:

1. Plans date stamped March 5, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the minimum landscape strip for a surface parking lot from 1.0m to 0.67m.
3. The Development Permit lapsing two years from the date of this resolution."

**Heritage Designation Application No. 00181**

1. That Council instruct staff to prepare the necessary Heritage Designation Bylaw that would approve the designation of the heritage-registered property located at 906 McClure Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.
2. That Council authorize the Mayor and City Clerk to execute documents necessary to discharge Covenant #88497 in the form satisfactory to the City Solicitor from the property's title once the Heritage Designation Bylaw is approved.

**2. Mayor Helps Travel Request- Tour of Ambrose Place, Edmonton, Alberta on June 17-18**

That Council authorize the attendance and associated costs for a tour of Ambrose Place, Edmonton, AB, June 17-18, 2019.

**3. Mayor Helps Travel Request - Wellbeing Cities Forum, Montreal, Quebec on June 18-20**

That Council authorize the attendance and associated costs for Mayor Lisa Helps to attend the Wellbeing Cities Forum to be held in Montreal, Quebec, June 18-20, 2019.

**4. Greater Victoria Harbour Authority Presentation**

That this presentation be received for information.

**5. North Park Neighbourhood Association Presentation**

That this presentation be received for information.

**6. 1708 Coronation Avenue - Rezoning Application No. 00663 and Development Permit with Variances Application No. 00663 (North Jubilee)**

Rezoning Application No. 00663

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00663 for 1708 Coronation Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, subject to the receipt of an executed Statutory Right-of-Way (SRW) along Shelbourne Street as illustrated on the plans dated April 5, 2019, to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00663

That the applicant works with staff to make changes to the proposed design to fit with the architectural character of neighbouring properties on the street, particularly the massing along the east side of the house and maintaining sustainability features, and return to a Committee of the Whole meeting.

**7. 2921 Gosworth Road - Update Report for Rezoning Application No. 00649 and Development Permit with Variances Application No. 00096 (Oaklands)**

Rezoning Application No. 00649

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00677 for 2921 Gosworth Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that a Public Hearing date be set.

Development Permit with Variances Application No. 00096

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00667, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00096 for 2921 Gosworth Road, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the front yard setback from 6.00m to 3.38m for Lot A
  - ii. reduce the front yard setback from 6.00m to 4.91m for Lot B
  - iii. reduce the (east) side yard setback from 2.40m to 1.50m for Lot A.
3. A revised site plan and landscape plan to correct minor inconsistencies 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."

**8. 589 Toronto Street - Rezoning Application No. 00661 (James Bay)**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00661 for 589

Toronto Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Housing Agreement to secure two units as rental for a period of five years, or the duration of the current ownership of the property, whichever is longer.
2. The preparation and execution of a statutory right of way of 2m along Toronto Street, to the satisfaction of the Director of Engineering and Public Works.

**9. 561 & 565 Toronto Street - Development Permit with Variances Application No. 00091 (James Bay)**

That, subject to the preparation and execution of the related legal agreements, 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 with Variance Application No. 00091 for 561 and 565 Toronto Street, in accordance with:

1. Plans date stamped April 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the street boundary setback from 10.5m to 4.6m;
  - ii. reduce the rear yard setback from 6.99m to 3.9m;
  - iii. reduce the West side yard setback from 6.99m to 4.39m;
  - iv. reduce the East side yard setback from 6.99m to 0m;
  - v. reduce the distance from property line to centre line from 7.5m to 5.0m;
  - vi. increase the site coverage from 40% to 46%;
  - vii. reduce the open site space from 60% to 54%.
3. Registration of legal agreements on the property's title to secure:
  - a. a statutory right of way, to the satisfaction of the Director of Engineering;
  - b. a housing agreement to restrict Strata Bylaws from prohibiting rental units; and
  - c. the provision of electrical conduits to all parking stalls to allow for future electric vehicle changing infrastructure.
4. Council authorizing anchor-pinning into the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
5. The Development Permit lapsing two years from the date of this resolution."

**10. 701 Tyee Road (Railyards) - Development Permit with Variances Application No. 00080 (Victoria West)**

That Council, subject to the execution of a Housing Agreement ensuring that no restrictions are placed on the rental of dwelling units within this building, to the satisfaction of the Director of Sustainable Planning and Community Development, and 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 with Variances Application No. 00080 for 701 Tyee Road, in accordance with:

- a. Plans date stamped April 12, 2019.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 31m to 33.01m (building) and to 35.65m (mechanical room).
- c. The Development Permit lapsing two years from the date of this resolution.
- d. Direct staff to work with the applicant to re-examine the design of the Victoria West Entry Park to better address the revised building design and the ADP's comments; and that prior



to bringing forward the necessary MDA amendment for Council's consideration, the applicant engages with the Victoria West Neighbourhood Association on the Park redesign."

**11. 2713 Quadra Street - Development Permit with Variance Application No. 00112 (Hillside/Quadra)**

That, subject to the preparation and execution of a Statutory Right of Way, 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 with Variances Application No. 00112 for 2713 Quadra Street, in accordance with:

1. Plans date stamped April 25, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - reduce the number of vehicle parking stalls from 38 to 7; and
  - reduce the landscape buffer between a parking stall and a street from 1.0m to 0.50m.
3. Registration of a Statutory Right of Way of 3.2m off Quadra Street to the satisfaction of the Director of Engineering.
4. The Development Permit lapsing two years from the date of this resolution."

**12. Update: Growing in the City Urban Food Program**

That Council direct staff to proceed with the recommendations listed below, with all resource implications referred to the annual financial planning process;

- A. Expand City grant eligibility
- B. Pilot a City-built allotment garden
- C. Pilot City-sponsored distribution of gardening materials
- D. Investigate the re-introduction of the Sharing Backyards program
- E. Support access to agricultural water rates
- F. Establish food system targets and outcomes

**13. Food Bearing, Pollinator and Native Plant Species Landscape Design Guidelines**

That Council:

1. Direct staff to amend the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* and the *Design Guidelines for Attached Residential Development* to include the following landscape design guideline:
  - *A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food bearing plants or plants that provide pollinator habitats.*
2. Direct staff to bring forward an Official Community Plan Amendment Bylaw to amend:
  - a. Development Permit Areas 4, 5, 6A, 7A, 10A, 10B, 13 and 16 with an updated reference to the revised *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial*.
  - b. Development Permit Area 15F: Intensive Residential - Attached Residential Development with an updated reference to the revised *Design Guidelines for Attached Residential Development*.
3. Consider consultation under Section 475(2)(b) of the *Local Government Act* and direct staff that no referrals of the Official Community Plan Amendment Bylaw are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, provincial or federal governments, Township of Esquimalt, District of Saanich and the District of Oak Bay.

4. Consider consultation under Sections 475(1) and 475(2) of the *Local Government Act* and direct staff to undertake consultation with the community including Community Association Land Use Committees and the development industry on the proposed amendments to the *Official Community Plan* through online consultation and direct email correspondence.
5. Refer the proposed *Official Community Plan* amendments to the Accessibility Working Group and the Urban Food Table for comments.

**14. Topaz Park Improvement Plan and Victoria High School Sport Field Project**

That Council;

1. Approve an amendment to the Topaz Park Improvement Plan, to replace the existing artificial turf field with a new similar size field located on the final site of one of the paired fields proposed under the existing plan, subject to stakeholder notification; and

That Council;

2. Approve an amendment to the 2019 Financial Plan to allocate the capital funding (\$430,000) previously approved for the Topaz Park artificial turf field expansion, to detailed design work for the replacement of the Topaz Park field and the Victoria High School sport field project and to have consultation with the community before moving forward.

**15. Police Board Special Events Budget**

1. That Council allocate up to \$135,300 from the 2019 contingency to fund expenses for Canada Day, non-profit run community events, and military events, with a final decision to be made at the Council meeting of June 13<sup>th</sup> after receiving a more detailed outline of Canada Day policing expenditures, a report on projected VicPD overtime expenditures for 2019 and opportunities to reduce overtime costs in the future.
2. That Council direct staff to engage DND/Veterans Affairs Canada officials to seek to recover costs associated with military events in the City.
3. That Council request the Mayor to work with other mayors from CRD municipalities to secure support for policing events that serve the regional community.
4. And that Council direct staff to consider alternative community safety models for special events where appropriate.

**16. Jobs for the Future 2041 Action Plan**

1. That Council provide input into the proposed process.
2. That Council approve the proposed process and amend the strategic plan Objective #4 2019 Action #1 to "Create Jobs for the Future 2041 Action Plan."

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD JUNE 13, 2019**

For the Council meeting of June 13, 2019, the Committee recommends the following:

**1. Conference Attendance Request for Councillor Dubow at the Federation of Canadian Municipalities**

That Council authorize the attendance and associated costs for Councillor Dubow to attend the FMC Conference to be held in Quebec City, May 30-June 2, 2019.

**2. 1st Quarter Update - VicPD**

That Council receive the presentation for information.

**3. External Grant Review Committee - Grant Allocations**

1. That Council approve the External Grant Review Committee's recommendations for grant awards for the Strategic Plan Grant Program.
2. That Council approve the recommendations to improve the process as proposed in the External Grant Review Committee report.

That Council direct that \$8,265 be allocated from contingency to the Pandora Arts Collective.  
That Council direct staff to contact the crossing guard society to determine the potential impact of the proposed allocation and report back on a possible alternate amount funded from contingency for consideration at a future COTW meeting.

**4. Presentation: City Family - Janice Simcoe**

That Council receive the presentation for information.

**5. 1712 and 1720 Fairfield Road (Rhodo) - Update on Rezoning Application No. 00618 and Development Variances Application No. 00098 (Gonzales)**

**Rezoning Application No. 00618**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00618 for 1712 & 1720 Fairfield Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way to secure 1.15 metres of 1712 Fairfield Road adjacent to Fairfield Road, to the satisfaction of the Director of Engineering and Public Works
  - b. Housing Agreement to ensure that future strata bylaws cannot restrict the rental of units to non-owners (with the exception of two below-market ownership units), to the satisfaction of the Director of Sustainable Planning and Community Development
  - c. A legal agreement between the owner and the CRD to secure two one-bedroom units for ownership as below-market housing (offered for sale at 15% below market rate, in perpetuity) in a form satisfactory to the City Solicitor."

**Development Permit with Variances Application No. 00098**

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00618, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000519 for 1712 & 1720 Fairfield Road, in accordance with:

1. Plans date stamped May 28, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - i. Reduce the required vehicle parking stalls from 24 to 22.
3. The Development Permit lapsing two years from the date of this resolution.”

**6. 603-607 Pandora Avenue (Plaza Hotel) - Heritage Alteration Permit Application No. 00235 (Downtown)**

That Council authorize the issuance of Heritage Alteration Permit Application No. 00235 for 603607 Pandora Avenue to authorize the demolition of the heritage-designated Plaza Hotel, historically known as the Hotel Westholme, conditional upon the following elements being salvaged, documented and stored by the applicant with a photographic inventory provided to the City, all under the supervision of a heritage consultant, for the purpose of integration into a future proposed development, to the satisfaction of the Director of Sustainable Planning and Community Development:

- two round polished granite columns
- a selection of white glazed brick
- heavy structural timbers that only suffered minor fire damage
- cast iron structural columns above and below grade from the Government Street elevation
- sidewalk prisms.

**7. Application of Equity and Affordability Policies**

That Victoria City Council direct staff to develop a plan to revisit the objectives, scope and schedule of activities for the Crystal Pool project that aligns with the new Strategic Plan, including application of the evaluative tools described in section i, ii, iii, iv below, for Council consideration:

- i. Ensure no net loss of green space in the neighbouring area.
- ii. Apply an equity lens to siting, design, amenity selection, engagement, procurement, and evaluation, to inform decisions about and investment in community
- iii. Apply an affordability lens to assess total cost of ownership, siting, amenity selection, operating costs, costs to taxpayers and users
- iv. Invite potential partners and neighbourhood representatives to collaborate to align and help achieve these equity, accessibility and affordability objectives
- v. Embed distributional, procedural, structural and inter-generational equity into the City's corporate policies guiding hiring, staff training and professional development, procurement and civic engagement.

**Motion Arising:**

That Council direct the City Manager to imbed these 4 principles ii, iii, iv, v for the city's emerging equity policies.





## **Council Report**

### **For the Meeting of June 13, 2019**

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**To:** Council **Date:** May 30, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00622, Development Permit with Variance Application No. 000521 and Heritage Designation Application for 919 and 923 Caledonia Avenue

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### **RECOMMENDATION**

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 19-061 (Amendment No. 1192), give first, second, and third readings to Housing Agreement (919 and 923 Caledonia Avenue) Bylaw No. 19-062 and first and second reading of the Heritage Designation Bylaw No. 19-044.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variance Applications for the properties located at 919 and 923 Caledonia Avenue. The proposal is to increase the density from 0.5:1 floor space ratio (FSR) to 1.31:1 FSR to facilitate a multi-unit residential development.

In accordance with Council's motion of April 11, 2019, included below, the necessary conditions that would authorize the approval of the Rezoning Application for the subject properties have been fulfilled. The motion from the April 11, 2019 Council meeting is as follows:

#### **Rezoning Application No. 00622**

*"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00622 for 919 and 923 Caledonia Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:*

- 1. Prepare and execute a housing agreement to ensure that all dwelling units remain rental in perpetuity.*
- 2. Prepare and execute a legal agreement to secure a 2.40m Statutory Right-of-Way on Caledonia Avenue."*

### **Development Permit with Variance Application No. 000521**

*"That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00622, if it is approved, consider the following motion:*

*"That Council authorize the issuance of Development Permit with Variance Application No. 000521 for 919 and 923 Caledonia Avenue in accordance with:*

- 1. Plans date stamped March 5, 2019.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. reduce the required number of residential parking spaces from 12 to 11.*
- 3. The Development Permit lapsing two years from the date of this resolution."*

### **Heritage Designation Application No. 000182**

*"That Council approve the designation of the property located at 919 Caledonia Avenue, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."*

### **COMMENTS**

#### **Public Hearing Conditions**


With regard to the pre-conditions that Council set in relation to these applications, staff can report that the following items have been fulfilled:

- an executed Housing Agreement was provided to ensure that all dwelling units remain rental in perpetuity
- a Section 219 Covenant to secure a 2.40m Statutory Right-of-Way on Caledonia Avenue was registered on title.

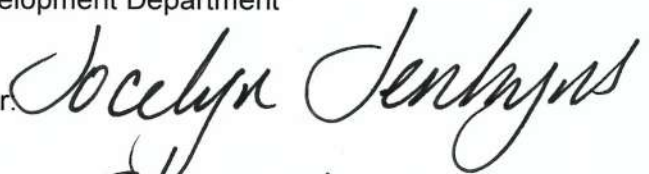
The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a Public Hearing and an Opportunity for Public Comment.

Respectfully submitted,

  
Leanne Taylor  
Senior Planner  
Development Services Division

  
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager.

  
Date: June 6, 2019

NO. 19-061

# A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-92 Zone, Caledonia Residential District, and to rezone land known as 919 and 923 Caledonia Avenue from the R-2 Zone, Two Family Dwelling District to the R-92 Zone, Caledonia Residential District.

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. 1192)”.
- 2 Bylaw No. 19-061, the Zoning Regulation Bylaw, is amended in the Table of Contents of  
Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the  
following words:

“Part 3.125 R-92 Zone, Caledonia Residential District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.124  
the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 919 Caledonia Street, legally described as PID: 006-335-357, Lot 6,  
Suburban Lot 7, Victoria City, Plan 2551 and PID: 003-373-711, Lot 7, Suburban Lot 7,  
Victoria City, Plan 2551 shown hatched on the attached map, are removed from the R-2  
Zone, Two Family Dwelling District, and placed in the R-92 Zone, Caledonia Residential  
District.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2019

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2019

Public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2019

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2019

CITY CLERK

MAYOR

**PART 3.125 – R-92 ZONE, CALEDONIA RESIDENTIAL DISTRICT****3.125.1 Permitted Uses in this Zone**

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

- a. All of the uses permitted under Part 2.1 for the R-2 Zone, Two Family Dwelling District, subject to the regulations applicable in that zone
- b. Multiple dwelling
- c. Home occupation subject to the regulations in Schedule “D” of Zoning Regulation Bylaw (No. 80-159)
- d. Accessory Buildings subject to the regulations in Schedule “F” of Zoning Regulation Bylaw (No. 80-159)

**3.125.2 Lot Area**

- a. Lot area (minimum) 1006m<sup>2</sup>

**3.125.3 Floor Space Ratio**

- a. Floor space ratio (maximum) 1.31:1

**3.125.4 Height of Principal Building**

- a. Building height within 15.70m of Caledonia Avenue (maximum) 8.15m
- b. Building height, other than in a. above (maximum) 14.20m

**3.125.5 Setbacks**

- a. Front yard setback (minimum) 4.95m
- b. Rear yard setback (minimum) 3m
- c. Side yard setback (east) within 15.70m of Caledonia Avenue (minimum) 1.35m
- d. Side yard setback (east), other than in c. above (minimum) 3.08m
- e. Side yard setback (west) (minimum) 3.08m

**3.125.6 Site Coverage, Open Site Space**

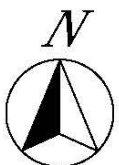
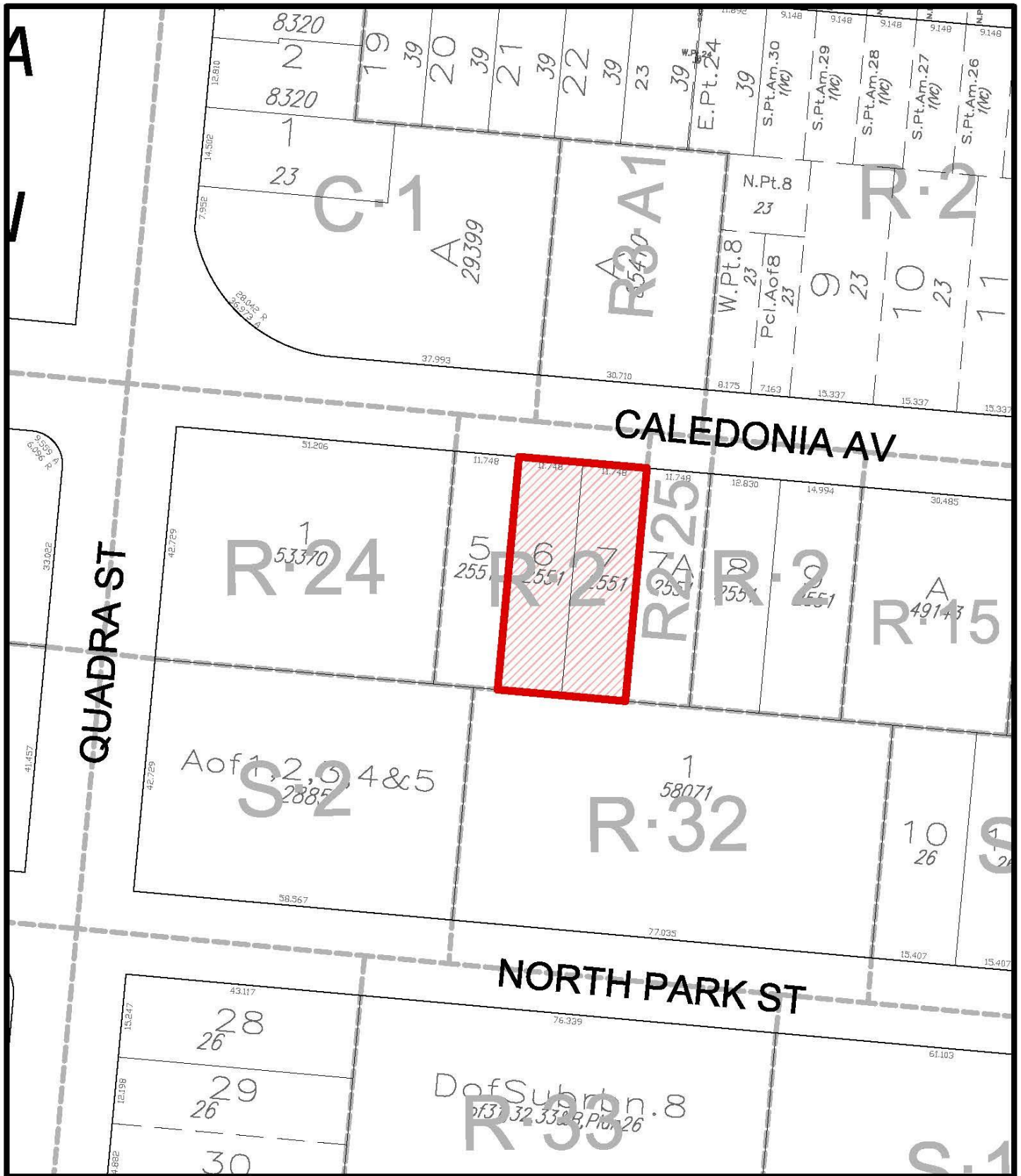
- a. Site Coverage (maximum) 48%
- b. Open site space (minimum) 39%



**PART 3.125 – R-92 ZONE, CALEDONIA RESIDENTIAL DISTRICT**

**3.125.7 Vehicle and Bicycle Parking**

- |                                     |                                                                                          |
|-------------------------------------|------------------------------------------------------------------------------------------|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in<br>Schedule “C” of Zoning<br>Regulation Bylaw (No. 80-159) |
| b. Bicycle parking (minimum)        | Subject to the regulations in<br>Schedule “C” of Zoning<br>Regulation Bylaw (No. 80-159) |



919 and 923 Caledonia Avenue  
Rezoning No.00622

A BYLAW OF THE CITY OF VICTORIA

Under its statutory powers, including Section 611 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (919 CALEDONIA AVENUE) BYLAW”.
2. The building located at 919 Caledonia Avenue, legally described as Lot 6, Suburban Lot 7, Victoria City, Plan 2551, is designated to be protected heritage property.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

MAYOR





**HOUSING AGREEMENT**  
(Pursuant to Section 483 of the *Local Government Act*)

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**  
#1 Centennial Square  
Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

**NOVUS PROPERTIES INC. (INC. NO. BC0990920)**  
3250 Beach Drive  
Victoria, B.C. V8R 6L8

(the "Owner")

OF THE SECOND PART

**WHEREAS:**

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 919 and 923 Caledonia Avenue, Victoria, B.C. and legally described as:  
  
PID: 006-335-357, Lot 6, Suburban Lot 7, Victoria City, Plan 2551; and  
PID: 003-373-711, Lot 7, Suburban Lot 7, Victoria City, Plan 2551  
  
(collectively, the "Lands");
- C. The Owner has applied to the City to rezone the Lands to permit 19 housing units within the Development in accordance with this Agreement.
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of \$1.00 and the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

{00030611:2}

## 1.0 DEFINITIONS

### 1.1 In this Agreement:

"**Development**" means the new 19 unit building consisting of residential housing and related facilities on the Lands;

"**Director**" means the person appointed by the City as the Director of Sustainable Planning and Community Development

"**Dwelling Units**" means any or all, as the context may require, of the 19 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise;

"**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 8.3;

"**Strata Corporation**" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation; and

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

### 1.2 In this Agreement:

(a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and

(b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

## 2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

2.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by one or more individuals under the terms of a Tenancy Agreement between the Owner and the individual(s) who occupies the Dwelling Unit.

## 3.0 NO RESTRICTIONS ON RENTALS

3.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to one or more individuals under the terms of a Tenancy Agreement.

3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building

on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to one or more individuals under the terms of a Tenancy Agreement.

#### **4.0 REPORTING**

**4.1** The Owner covenants and agrees to provide to the Director, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to one or more individuals, or are vacant;
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

together with such other information as may be requested by the Director from time to time.

**4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

**4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

#### **5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

**5.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

#### **6.0 LIABILITY**

**6.1** The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.

**6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

**7.0 PRIORITY AGREEMENT – for mortgage holders – intentionally deleted.**

#### **8.0 GENERAL PROVISIONS**

**8.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria  
 #1 Centennial Square  
 Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and Community Development  
 Fax: 250-361-0386

to the Owner:

Novus Properties Inc.  
 3250 Beach Drive  
 Victoria, BC V8R 6L8  
 Attention: Anup Grewal/Mark Whitney  
 Fax: n/a

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (b) notice sent by the impaired service is considered to be received on the date of delivery, and
- (c) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**8.2 TIME.** Time is of the essence of this Agreement.

**8.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**8.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

**8.5 HEADINGS.** The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.



- 8.6 LANGUAGE.** Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 8.7 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.8 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.9 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.10 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.11 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.12 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.13 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.14 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.15 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**8.16 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year last below written.


**THE CORPORATION OF THE CITY OF** )  
**VICTORIA** by its authorized signatories: )

\_\_\_\_\_)  
 MAYOR Lisa Helps )

\_\_\_\_\_)  
 CITY CLERK Chris Coates )

Date signed: \_\_\_\_\_)

**NOVUS PROPERTIES INC.** )  
 by its authorized signatory(ies): )

  
 \_\_\_\_\_)  
 Mark Whitney )

  
 \_\_\_\_\_)  
 Anup Grewal )

Date signed: May 2, 2019.



## **Council Report**

### **For the Meeting of June 13, 2019**

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**To:** Council **Date:** May 30, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** **Rezoning Application No. 00620 and Development Permit with Variances Application No. 00076 for 210 Gorge Road East**

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## **RECOMMENDATION**

### **Rezoning Application No. 00620**

That Council give first and second reading of the Zoning Regulation Bylaw, Amendment Bylaw (No. 1167) No. 18-095 and first, second, and third reading of the Housing Agreement (210 Gorge Road) Bylaw No. 18-096.

### **Development Permit with Variances Application No. 00076**

Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped April 17, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the required number of visitor parking spaces from 7 to 4
  - ii. reduce the required number of commercial parking spaces from 1 to 0
  - iii. reduce the surface parking space setback from a street boundary from 7.50m to 2.68m
  - iv. locate a gazebo in the front yard
  - v. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m
3. The Development Permit lapsing two years from the date of this resolution."

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variances Applications for the property located at 210 Gorge Road East. The proposal is to construct a five-storey, mixed-use building.



In accordance with Council's motion of March 28, 2019, included below, the necessary conditions that would authorize the approval of the Rezoning Application for the subject property have been fulfilled. The Committee of the Whole reports, dated March 14, 2019, together with the meeting minutes, are attached. The motion from the March 28, 2019, Council meeting is as follows:

### **Rezoning Application No. 00620**

*That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:*

1. *Preparation and execution of the following legal agreements to the satisfaction of City Staff:*
  - a. *Statutory Right-of-Way of 4.91m on Gorge Road East*
  - b. *Housing Agreement to ensure that all residential dwelling units would remain as rental and affordable in perpetuity.*

### **Development Permit with Variances Application No. 00076**

*Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:*

*"That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:*

1. *Plans date stamped March 11, 2019.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. *reduce the required number of visitor parking spaces from 7 to 4*
  - ii. *reduce the required number of commercial parking spaces from 1 to 0*
  - iii. *reduce the surface parking space setback from a street boundary from 7.50m to 2.68m*
  - iv. *locate a gazebo in the front yard*
  - v. *reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.*
3. *The Development Permit lapsing two years from the date of this resolution."*

### **COMMENTS**

#### Coffee Shop Seating

In response to the discussion at Committee of the Whole on March 28, 2019 regarding the seating for the proposed coffee shop, the applicant has added some additional outdoor seating in the patio area for the coffee shop fronting Gorge Road East. This additional outdoor seating does not increase the commercial parking requirement for this development. The plans have been revised and the recommendation has been updated accordingly for Council's consideration.

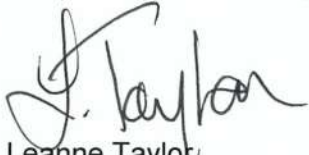
#### Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to these applications, staff can report that a Section 219 Covenant to secure a Statutory Right-of-Way of 4.91m on Gorge Road East has been registered on title, and a Housing Agreement has been fully executed by the applicant to the

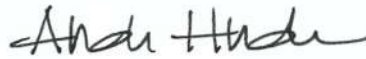


satisfaction of City staff. Staff have also received a signed copy of a car share agreement between the applicant and Modo car sharing company securing 20 car share memberships. The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a Public Hearing and an opportunity for public comment.

Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 6, 2019

#### List of Attachments

- Appendix A: Committee of the Whole reports dated March 14, 2019
- Appendix B: Minutes from the Council Meeting dated March 28, 2019
- Appendix C: Revised Plans dated April 17, 2019.



## Committee of the Whole Report For the Meeting of March 28, 2019

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**To:** Committee of the Whole **Date:** March 14, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00620 for 210 Gorge Road East

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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. 00620 for 210 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 4.91m on Gorge Road East
  - b. Housing Agreement to ensure that all residential dwelling units would remain as rental and affordable in perpetuity.

### 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. In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone, and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

### 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 210 Gorge Road East. The applicant has revised the original proposal for a six-storey, multi-unit residential building in response to Council's direction at the October 4, 2018 Council meeting. Now, the applicant is proposing to rezone the subject property from the T-1 Zone, Limited Transient Accommodation District, to a

new zone in order to increase the density from 1.2:1 to 1.71:1 floor space ratio (FSR) to allow a five-storey, mixed-use building consisting of ground floor commercial and residential uses above.

At the October 4, 2018 Council meeting, Council passed the following motion:

*Refer this back to staff to see a reduction of storeys to conform with the local area plan, to possibly include ground-floor commercial, to consider an increase in parking, and to bring the type of unit percentages more closely aligned to the Regional Housing First program implementation plan.*

In response to Council's motion above, the applicant revised the proposal as follows:

- reducing the density from 1.87:1 to 1.71:1 floor space ratio
- reducing the number of storeys from six to five
- reducing the number of rental dwelling units from 82 to 72
- introducing a small coffee shop on the ground level
- adding one additional parking space to increase the residential supply of on-site parking
- refining the overall design of the building, as further discussed in a concurrent Committee of the Whole report related to the Development Permit with Variances Application.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to increase the density from 1.2:1 to 1.71:1 floor space ratio (FSR) to allow a five-storey, mixed-use building consisting of ground floor commercial and residential above.

The following differences from the existing T-1 Zone are related to increasing the FSR and site coverage, and reducing unit size, setback and parking requirements.

### **Affordable Housing Impacts**

The applicant proposes the creation of 72 new residential units consisting of affordable rental housing for people based on a range of income levels that includes Income Assistance level units to near market rental rates. The proposal would increase the overall supply of housing in the area and provide a mix of unit types including studio, one bedroom and two bedroom units, including barrier-free units. A Housing Agreement is being proposed to ensure that the dwelling units will remain as rental and affordable in perpetuity. According to the applicant, the near market rental dwelling units would be rented at least 10% below the average rental rates in the region. These units would be offered to residents with household incomes between \$30,000 and \$48,000, which is based on current median household income levels. In all cases, the monthly rents would not exceed 30% of monthly household income. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units.

### **Tenant Assistance Policy**

The proposal is to demolish the existing buildings, which would result in a temporary loss of 21 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan. Victoria Cool Aid Society assumes full responsibility for finding suitable alternate housing options for all tenants and the society has a budget for any

rent subsidy required to house the current tenants for the interim period during construction. The current tenants will be provided with the first right of refusal for a unit in the new development.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- 84 long-term bicycle parking spaces
- 12 short-term bicycle parking spaces.

### **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. Twelve dwelling units in the building would be barrier-free.

### **Land Use Context**

The area is characterized by low-rise, multi-unit residential buildings, townhouses, single-family dwellings and transient accommodation.

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

The site is presently occupied by two residential buildings containing a total of 21 supportive housing units.

Under the current T-1 Zone, the property could be developed as a single-family dwelling, housekeeping apartment building, boarding or rooming house, or transient accommodation up to seven storeys (a maximum height of 21.5m).

### **Data Table**

The following data table compares the proposal with the existing T1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Current Zone T-1</b>
Site area (m <sup>2</sup> ) – minimum	1981.40	1850.00
Density (Floor Space Ratio) – maximum	<b>1.71:1 *</b>	1.2:1
Total floor area (m <sup>2</sup> ) – maximum	<b>3388.19 *</b>	2377.56



<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Current Zone T-1</b>
Height (m) – maximum	14.73	21.50
Storeys – maximum	5	n/a
Site coverage % – maximum	53.50 *	20
Open site space % – minimum	35	30
<b>Parking – minimum</b>		
Residential	21	19
Commercial	0 *	1
<b>Visitor parking – minimum</b>	4 *	7
<b>Bicycle parking stalls – minimum</b>		
Long-term	84	76
Short-term	12	7
<b>Setbacks – minimum</b>		
Street Boundary – Carroll Street	4.34 *	7.50
Rear (E)	1.53 *	7.50
Side (N)	2.93 *	7.50
Side (S)	5.84 *	7.50
<b>Accessory Building (Gazebo)</b>		
<b>Location</b>	<b>Front yard *</b>	<b>Rear yard</b>
Height (m) – maximum	2.98	3.50
<b>Setback (m) – minimum</b>		
Rear	37.55	0.60
Side	44.32	0.60
Flanking Street (Gorge Road East)	20.19	3.50m or front setback of adjoining lot

Zoning Criteria	Proposal	Current Zone T-1
Separation space from main building (m) – minimum	1.55 *	2.40

### Relevant History

Council referred the original proposal for a six-storey, multi-unit residential building back to staff at the Public Hearing on October 4, 2018 to give the applicant an opportunity to revise the proposal by reducing the number of storeys to conform with the local area plan, possibly including ground-floor commercial, bringing the type of unit percentages more closely in alignment with the Regional Housing First program implementation plan, and considering an increase in parking (Committee of the Whole report dated May 31, 2018 attached). The bylaws associated with the previous proposal received first and second reading, a Statutory Right-of-Way was registered on title and the applicant entered a housing agreement. The previous proposal was also presented at the Advisory Design Panel on April 11, 2018.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC regarding the changes to the development proposal and a CALUC letter dated March 15, 2019 is attached to the report.

## ANALYSIS

### Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit residential buildings up to approximately six storeys and a density of up to approximately 2:1 floor space ratio (FSR), provided that the architecture, landscape and urban design respond to the established place character of the neighbourhood.

The OCP also encourages an increase in the supply of affordable and permanent rental housing and a wide range of housing choice within neighbourhoods to support a diverse and inclusive community. In the new development, the Victoria Cool Aid Society would continue to provide support services including 24/7 staffing for those tenants returning to the building and any new tenants that may require support. The proposal further advances the affordable housing objectives in the OCP.

### Local Area Plan

The land use designation of the subject property in *Burnside Gorge Neighbourhood Plan* (2017) is Urban Residential. This designation supports the development of multi-unit residential development along Gorge Road East and contains urban design policies to ensure that new development is a good fit within established residential neighbourhoods and is oriented positively towards the street to create a more attractive pedestrian environment. The Plan supports buildings up to five storeys at this location, provided that there is ground floor

commercial space and there is a sensitive transition to lower density areas to the north. If there is no ground floor commercial, the Plan supports up to four storeys.

The applicant has revised the proposal from six storeys to five storeys, which has resulted in a loss of rental units; however, the proposal now includes a small coffee shop on the ground floor, which would be operated as a social enterprise. These changes are more aligned with the policies outlined in the Plan. To maintain a commercial use at ground floor in accordance with the Plan, staff can include a restriction in the new zone requiring a minimum amount of ground floor commercial space in the building, which would be approximately 14m<sup>2</sup> and consistent with the proposed plans. In applying this zoning approach, the proposed coffee shop could not be converted to office space for building operations or another non-commercial use without Council approval in the future. However, like any commercial space, there is a potential risk that the building owner cannot find a business willing or able to operate a successful enterprise at this location.

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

The applicant has provided a Tree Preservation Plan prepared by Talbot Mackenzie and Associates (attached). There is one tree on the subject property protected by the Tree Preservation Bylaw (the Horse chestnut located on the corner of Gorge Road and Carroll Street), and this tree would be retained. Clearance pruning would be required, and installing permeable surface treatment and a floating sidewalk around the tree may be required to protect this tree during and after construction. Further exploratory digging would be required to determine the location of the roots and any potential impacts that the construction of a proposed sidewalk may have on this tree.

The plan identifies one non-bylaw protected tree on the subject property to be removed (a smaller Horse chestnut tree). This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is one Hornbeam tree on Gorge Road East that is to be considered for retention at building permit stage as the installation of a hydro utility box may negatively impact the tree's health. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this development as it would be located within one metre of the proposed driveway and within the footprint of the proposed sidewalk. The arborist also recommends the removal of this tree.

Net gain and loss of trees:

- one tree on the subject property would be removed
- one or two public trees would be removed
- three new public trees would be planted in the boulevard
- 23 new trees would be planted onsite.

### **Regulatory Considerations**

#### **Building Height**

For comparison purposes, the maximum height of building permitted in the current T-1 Zone is 21.5m which equates to approximately seven storeys. The height of the proposed building has been reduced to approximately 14.73m, which is over six and a half metres lower than what would be permitted under the existing zone. The applicant has introduced some design elements to reduce the building mass on the north side and to transition to the lower density residential development to the north of the subject property.



### Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 4.91m is required on Gorge Road East. Gorge Road East has been identified as a Greenway, All Ages and Abilities (AAA) cycling corridor, and part of the Frequent Transit Network (FTN), a SRW along this frontage is required to achieve the objectives outlined within these plans.

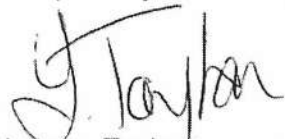
### CONCLUSIONS

The proposal is consistent with the OCP from a use, height and density perspective. The application further advances the housing objectives in the OCP relating to affordable non-market rental housing. The proposal is also generally consistent with the *Burnside Gorge Neighbourhood Plan*. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

### ALTERNATE MOTION

That Council decline Rezoning Application No. 00620 for the property located at 210 Gorge Road East.

Respectfully submitted,




Leanne Taylor  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager

  
Date: March 20, 2019

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 11, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 7, 2019
- Attachment E: Letter from the Burnside Gorge CALUC dated March 15, 2019
- Attachment F: Revised Arborist Report dated March 18, 2019
- Attachment G: Council's motion dated October 4, 2018
- Attachment H: Committee of the Whole report dated May 31, 2018
- Attachment I: Original plans dated February 14, 2018
- Attachment J: Tenant Assistance Plan
- Attachment K: Window overlay dated March 11, 2019.





## Committee of the Whole Report For the Meeting of March 28, 2019

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**To:** Committee of the Whole **Date:** March 14, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 00076 for 210 Gorge Road East

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### RECOMMENDATION

Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped March 11, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the required number of visitor parking spaces from 7 to 4
  - ii. reduce the required number of commercial parking spaces from 1 to 0
  - iii. reduce the surface parking space setback from a street boundary from 7.50m to 2.68m
  - iv. locate a gazebo in the front yard
  - v. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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.

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

## 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 210 Gorge Road East. In response to Council's direction at the October 4, 2018 Council meeting, the applicant has revised the original proposal for a six-storey, multi-unit residential building to a five-storey, mixed-use building consisting of ground floor commercial and residential uses above. At the October 4, 2018 Council meeting, Council passed the following motion:

*Refer this back to staff to see a reduction of storeys to conform with the local area plan, to possibly include ground-floor commercial, to consider an increase in parking, and to bring the type of unit percentages more closely aligned to the Regional Housing First program implementation plan.*

In response to Council's motion above, the applicant revised the proposal as follows:

- reducing the density from 1.87:1 to 1.71:1 floor space ratio
- reducing the number of storeys from six to five
- reducing the height of building from 17.28m to 14.73m
- reducing the number of rental dwelling units from 82 to 72
- introducing restaurant space on the ground level
- adding one additional parking space to increase the residential supply of on-site parking
- refining the overall design of the building in response to the above changes.

The following points were considered in assessing the revised application:

- The subject property is within Development Permit Area 7A: Corridors – Gorge Road East, which encourages revitalization and a sensitive transition in built form and character to the lower density Traditional Residential neighbourhood to the north of the subject property. DPA 7A further recognizes Gorge Road East as a frequent transit corridor and encourages transit-oriented streetscaping.
- The design guidelines for *Multi-Unit Residential, Commercial and Industrial* (2012) and the *Revitalization Guidelines for Corridors, Villages and Town Centres* (2017) apply to the proposed development. The proposal is consistent with the design guidelines.
- The land use designation of the subject property in the new *Burnside Gorge Neighbourhood Plan* (2017) is Urban Residential, which supports the development of multi-unit residential development along Gorge Road East up to five storeys, provided that there is ground floor commercial space and there is a sensitive transition to lower density areas to the north. The applicant has introduced ground floor commercial and reduced the number of storeys from six to five, and now the proposal is more consistent with the Plan.
- The variance to reduce the required number of visitor parking spaces from 7 to 4 and the number of commercial parking spaces from one to nil are supportable. To offset this parking shortfall, the applicant is willing to provide 20 car share memberships and scooter parking. One additional parking space is being added, resulting in a surplus of residential parking on-site.
- The variance to reduce the surface parking space setback from a street boundary from 7.50m to 2.68m is supportable given the extensive landscaping and bike parking being proposed to buffer the parking stall from the street.
- The variances associated with the gazebo, including locating the structure in the front yard and reducing the separation distance between the proposed gazebo and principal building from 2.40m to 1.55m, are supportable as the gazebo forms part of the outdoor landscaping and patio area for the residents.



## **BACKGROUND**

### **Description of Proposal**

The proposal is for a five-storey, mixed-use building consisting of ground floor commercial and residential above. Specific details include:

- contemporary architectural features, including a flat roofline, roofline soffit materials, and contemporary-style windows
- exterior building materials include cementitious fibre board (panel, horizontal and board & batten), brick, aluminium and glass guardrail system, metal roofline soffit material, wood trim, and concrete
- one residential entryway into the building fronting Gorge Road East
- restaurant space on the ground floor with access off of Gorge Road East
- canopy above the residential and commercial entryways
- Juliet balconies on the east and west elevations
- a large lounge, offices and common areas on the ground floor
- large private patio space and gazebo on the southwest corner of the building fronting Carroll Street
- garden plots and substantial landscaping along the Carroll frontage
- permeable surface treatment for all communal areas and exposed parking area
- substantial landscaping around the perimeter of the site
- 25 parking spaces located in a gated underground parking structure
- 84 long-term bicycle parking spaces on-site located in a secure, enclosed bicycle storage room in the underground parking structure and 12 Class 2 bicycle parking spaces located at the main entrance to the building.

The proposed variances are related to reducing the required number of visitor and commercial parking spaces, reducing the setback between a parking space and street boundary and the location of a proposed gazebo on-site.

### **Affordable Housing Impacts**

The applicant proposes the creation of 72 new residential units consisting of affordable rental housing for people based on a range of income levels that includes Income Assistance level units to near market rental rates. The proposal would increase the overall supply of housing in the area and provide a mix of unit types including studio, one bedroom and two bedroom units, including barrier-free units. A Housing Agreement is being proposed to ensure that the dwelling units will remain as rental and affordable in perpetuity. According to the applicant, the near market rental dwelling units would be rented at least 10% below the average rental rates in the region. These units would be offered to residents with household incomes between \$30,000 and \$48,000, which is based on current median household income levels. In all cases, the monthly rents would not exceed 30% of monthly household income. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units

### **Tenant Assistance Policy**

The proposal is to demolish the existing buildings which would result in a temporary loss of 21 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan. Victoria Cool Aid Society assumes full responsibility for finding suitable alternate housing options for all tenants, and the society has a budget for any rent subsidy required to house the current tenants for the interim period during construction.

The current tenants will be provided with the first right of refusal for a unit in the new development.

### **Sustainability Features**

The following sustainability features are associated with this application:

- Step 1 Plus of the BC Energy Step Code
- storm water rain gardens and permeable surface treatment
- energy and water-efficient appliances and fixtures.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- 84 long-term bicycle parking spaces
- 12 short-term bicycle parking spaces.

### **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. Twelve dwelling units in the building would be barrier-free.

### **Land Use Context**

The area is characterized by low-rise multi-unit residential buildings, townhouses, single-family dwellings and transient accommodation.

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

The site is presently occupied by two residential buildings containing a total of 21 supportive housing units.

Under the current T-1 Zone, the property could be developed as a single-family dwelling, housekeeping apartment building, boarding or rooming house, or transient accommodation up to seven storeys (a maximum height of 21.5m).

### **Data Table**

The following data table compares the proposal with the existing T1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Current Zone T-1</b>
Site area (m <sup>2</sup> ) – minimum	1981.40	1850.00
Density (Floor Space Ratio) – maximum	<b>1.71:1 *</b>	1.2:1



Zoning Criteria	Proposal	Current Zone T-1
Total floor area (m <sup>2</sup> ) – maximum	3388.19 *	2377.56
Height (m) – maximum	14.73	21.50
Storeys – maximum	5	n/a
Site coverage % – maximum	53.50 *	20
Open site space % – minimum	35	30
<b>Parking – minimum</b>		
Residential	21	19
Commercial	0 *	1
<b>Visitor parking – minimum</b>	4 *	7
<b>Bicycle parking stalls – minimum</b>		
Long-term	84	76
Short-term	12	7
<b>Setbacks – minimum</b>		
Street Boundary – Carroll Street	4.34 *	7.50
Rear (E)	1.53 *	7.50
Side (N)	2.93 *	7.50
Side (S)	5.84 *	7.50
<b>Accessory Building (Gazebo)</b>		
Location	Front yard *	Rear yard
Height (m) – maximum	2.98	3.50
<b>Setback (m) – minimum</b>		
Rear	37.55	0.60
Side	44.32	0.60
Flanking Street (Gorge Road East)	20.19	3.50m or front setback of adjoining lot

Zoning Criteria	Proposal	Current Zone T-1
Separation space from main building (m) – minimum	1.55 *	2.40

### Relevant History

Council referred the original proposal for a six-storey, multi-unit residential building back to staff at the Public Hearing on October 4, 2018 to give the applicant an opportunity to revise the proposal by reducing the number of storeys to conform with the local area plan, possibly including ground-floor commercial, bringing the type of unit percentages more closely in alignment with the Regional Housing First program implementation plan, and considering an increase in parking (Committee of the Whole report dated May 31, 2018 attached). The bylaws associated with the previous proposal received first and second reading, a Statutory Right-of-Way was registered on title and the applicant entered a housing agreement. The previous proposal was also presented at the Advisory Design Panel on April 11, 2018.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC regarding the changes to the development proposal and a CALUC letter dated March 15, 2019 is attached to the report.

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 variances.

## ANALYSIS

### Development Permit Area and Design Guidelines

The OCP identifies this property in Development Permit Area (DPA) 7A: Corridors. The objectives of this DPA are to ensure that development along corridors is compatible with adjacent and nearby lower density residential neighbourhoods, and encompasses human-scaled urban design and a sensitive transition in building form and place character. DPA 7A further recognizes Gorge Road East as a frequent transit corridor and encourages transit-oriented streetscaping.

The applicant has reduced the height of building from six storeys to five storeys and stepped back the fifth storey by approximately three metres along Gorge Road East to break up the massing, reduce the building bulk and comply with the policies outlined in the Burnside Gorge Neighbourhood Plan. The applicant has further enhanced the ground floor by introducing additional transparent glazing to accommodate a coffee shop, which would encourage interactions between pedestrians and the interior space.

There have been some adjustments to the interior floor plans, which resulted in the following changes to site planning and window placement:

- a slight increase to site coverage from 52% to 53.5%;



- a shift of the east wall facing the courtyard by 3.293m, however, this wall is still setback over 12m from the east property line;
- a slight shift of the east wall along the upper storeys and at the south end of the building, however, a setback of 1.53m is still being maintained (no changes from original proposal); and
- additional windows added to the east elevation to enhance the liveability of these dwelling units.

With respect to the proposed window placement on the east elevation, the additional glazing does break up some of the blank wall that was shown on the original plans. The majority of new windows are offset from the neighbouring windows to the east. There would be some window overlap between the three new windows being proposed towards the northeast side of the building and the neighbouring building.

The proposed landscaping along the Gorge Road East and Carroll Street will improve the streetscape and pedestrian experience at the corner. The large Horse chestnut tree, a landmark tree at this corner, will be retained. The applicant proposes constructing garden plots and soft landscaping along the Carroll Street frontage, as well as, substantial landscaping along Gorge Road East. A Statutory Right-of-Way on Gorge Road East will be required as a condition of rezoning to allow for sidewalk realignment, additional boulevard and trees. Permeable surface treatment would be installed throughout the site.

### **Local Area Plans**

The *Burnside Gorge Neighbourhood Plan* (2017) supports the development of multi-unit residential development along Gorge Road East and contains urban design policies to ensure that new development is a good fit within established residential neighbourhoods, and is oriented positively towards the street to create a more attractive pedestrian environment. The Plan supports buildings up to five storeys on the north side of Gorge Road East and east of Balfour Avenue, provided that there is ground floor commercial space and there is a sensitive transition to lower density areas to the north. If there is no ground floor commercial, the Plan supports up to four storeys.

In response to community concerns and Council's motion above, the applicant has reduced the building height from six to five storeys, which transitions to four storeys at the rear. The applicant is also proposing a small coffee shop on the ground floor; the plan is to operate it as a social enterprise in the building. However, like any commercial space, there is a potential risk that the building owner cannot find a business willing or able to operate a successful enterprise at this location.

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

The applicant has provided a Tree Preservation Plan prepared by Talbot Mackenzie and Associates (attached). There is one tree on the subject property protected by the Tree Preservation Bylaw (the Horse chestnut located on the corner of Gorge Road and Carroll Street), and this tree would be retained. Clearance pruning would be required, and installing permeable surface treatment and a floating sidewalk around the tree may be required to protect this tree during and after construction. Further exploratory digging would be required to determine the location of the roots and any potential impacts that the construction of a proposed sidewalk may have on this tree.



The plan identifies one non-bylaw protected tree on the subject property to be removed (a smaller Horse chestnut tree). This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is one Hornbeam tree on Gorge Road East that is to be considered for retention at building permit stage as the installation of a hydro utility box may negatively impact the tree's health. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this development as it would be located within one metre of the proposed driveway and within the footprint of the proposed sidewalk. The arborist also recommends the removal of this tree.

Net gain and loss of trees:

- one tree on the subject property would be removed
- one or two public trees would be removed
- three new public trees would be planted in the boulevard
- 23 new trees would be planted onsite.

### **Regulatory Considerations**

The applicant is requesting a reduction in the required number of visitor parking spaces from seven to four and commercial parking spaces from one to nil. There would be a parking shortfall of three parking spaces on-site. There is no parking variance associated with the residential uses. Compared to the original proposal, the applicant has managed to add one additional parking space on-site, increasing the overall parking supply from 24 to 25. For this proposal, two parking spaces would be reserved for the 24/7 onsite staff and the remaining 23 parking spaces would be available to tenants and visitors.

To offset the parking shortfall, the applicant is willing to purchase 20 MODO car share memberships for the affordable rental units. MODO has offered to provide \$50 of driving credits to each occupant of the proposed development for joining MODO. Originally, the applicant was proposing to provide two bikes and bike-share parking spaces for a bike-share program onsite and a bike repair station. However, the applicant has indicated to staff that they would like to have the bike racks available for the coffee shop patrons, and there is a lack of space in the underground parkade for a bike repair station with the additional parking space and scooter parking. Given the proposed transportation demand management (TDM) measure, proximity to frequent transit service and cycling infrastructure, the parking variances are seen as supportable.

The applicant is also proposing to reduce the surface parking space setback from a street boundary from 7.50m to 2.68m. This proposed variance is supportable given the extensive landscaping and bike parking being proposed to buffer the parking stall from the street.

A gazebo is being proposed along the Carroll Street frontage, and there are two variances associated with the proposed gazebo:

- locating the proposed gazebo in the front yard
- reducing the separation distance between the proposed gazebo and principal building from 2.40m to 1.55m.

The gazebo would form part of the outdoor landscaping and patio area for the residents. Given the proposed location of the gazebo, it would likely have no impacts on the immediate neighbours and therefore, staff support the proposed variances.



## CONCLUSIONS

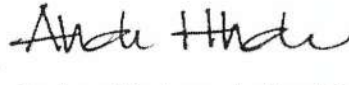
The proposed five-storey, mixed-use building at 210 Gorge Road East is consistent with the relevant design guidelines associated with Development Permit Area 7A: Corridors – Gorge Road East. The proposed parking variances are supportable given the proposed car share memberships and the site's proximity to frequent transit services and cycling infrastructure. A reduction in surface parking setback from the street boundary is also supportable given the landscape treatment along Carroll Street that would help buffer the surface parking space. The variances associated with the gazebo are also supportable given how the structure fits with the overall building and patio design. Staff recommend for Council's consideration that the application proceed to an Opportunity for Public Comment.

## ALTERNATE MOTION


That Council decline Development Permit with Variance Application No. 00076 for the property located at 210 Gorge Road East.

Respectfully submitted,

  
Leanne Taylor  
Senior Planner  
Development Services Division

  
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: March 20, 2019

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 11, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 7, 2019
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- Attachment K: Window overlay dated March 11, 2019.

## I. REPORTS OF COMMITTEES

### I.1 Committee of the Whole

#### I.1.a Report from the March 28, 2019 COTW Meeting

*Councillor Alto withdrew from the meeting at 8:18 p.m. due to a non-pecuniary conflict of interest with the following item.*

#### I.1.b.d **210 Gorge Road East - Rezoning Application No. 00620 and Development Permit with Variances Application No. 00076 (Burnside)**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Collins

##### Rezoning Application No. 00620

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 4.91m on Gorge Road East
  - b. Housing Agreement to ensure that all residential dwelling units would remain as rental and affordable in perpetuity.

##### Development Permit with Variances Application No. 00076

Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped March 11, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the required number of visitor parking spaces from 7 to 4
  - ii. reduce the required number of commercial parking spaces from 1 to 0

- iii. reduce the surface parking space setback from a street boundary from 7.50m to 2.68m
  - iv. locate a gazebo in the front yard
  - v. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.
3. The Development Permit lapsing two years from the date of this resolution."

FOR (7): Mayor Helps, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe  
OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

*Councillor Alto returned to the meeting at 8:19 p.m.*



LOT 5, Section 10, Victoria, Plan 389



## LIST OF DRAWINGS

Zone Existing	T-1 (Limited Transit Accessory District)
Proposed Zone	New Zone
Site Area (sq.m)	1,981 sq.m
Total PSR Floor Area (sq.m)	3,388.19 sq.m
Floor Space Ratio	max. main floor slab is 1.8m to 1.981 sq.m = 3.388 19 sq.m / 1.981 sq.m = 1.71
Site Coverage (%)	1060.0 sq.m / 1,981 sq.m = 53.5%
Open Site Space (%)	702.2 sq.m / 1,981 sq.m = 35.1%
Height of Building (m) From Avg. Grade	14.7m
Number of Stories	5
No. of Parking Stalls	5 (one main floor slab is 1.8m 1.2m to suit of ceiling)
No. of Bike Parking	84 Class 1 and 12 Class 2
Front Yard Setback (West) (Carroll St)	4.3m
Area Yard Setback (East)	1.5m
Side Yard (North)	2.9m
Side Yard (South) (George Rd)	5.8m
Total Number of Units	22
No. of Studio	92
No. of 1 Bed	10
No. of 2 Bed	10
Minimum Unit Floor Area (sq.m)	27.49 sq.m
Total Residential Floor Area (sq.m)	3,388.19 sq.m - 414.22sq.m = 2,973.97 sq.m

A-00 - COVER SHEET, PROJECT DATA  
AND LIST OF DRAWINGS  
A-01 - EXISTING SITE PLAN  
A-02 - EXISTING SITE SURVEY AND CODE  
COMPLIANCE

- A-03 - PROPOSED CONTEXT PLAN  
A-04 - PROPOSED GRADING PLAN  
A-05 - PROPOSED SITE PLAN  
A-06 - PROPOSED MAIN FLOOR PLAN  
A-07 - PROPOSED SECOND FLOOR PLAN  
A-08 - PROPOSED THIRD FLOOR PLAN  
A-09 - PROPOSED FOURTH FLOOR PLAN  
A-10 - PROPOSED FIFTH FLOOR PLAN  
A-11 - PROPOSED ROOF  
A-12 - PROPOSED ELEVATIONS

L-01 - LANDSCAPE CONCEPT PLAN  
L-02 - PLANT LIST AND FENCE DETAIL

## PRELIMINARY SITE PLAN

**Revisions**  
Received Date:  
April 17, 2019

[illegible]

**numberTEN**  
architectural group

100 West 10 Street, Suite 200  
New York, NY 10011  
Tel: 212.260.2100  
Fax: 212.260.2101

[www.number10ny.com](http://www.number10ny.com)

NTS	2019-4
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210 Gorge Road  
Housing Project

Cover Sheet,  
Project Data,  
List of Drawings

ISSUED BY	SP.DS	CHIEFED BY	
CUSTOM PROJECT NO.	XXXXX		A-0
	2017526		

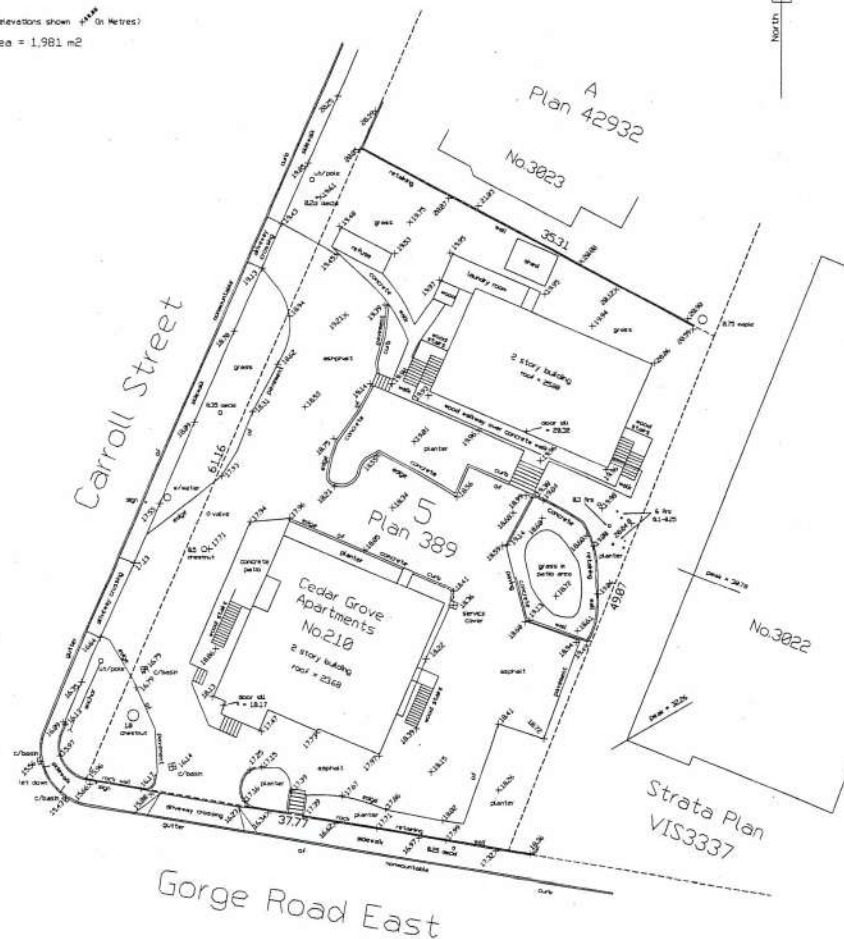




BC Land Surveyors Site Plan of  
No.210 Gorge Road East  
Legal - Lot 5, Section 10, Victoria District, Plan 389

Scale - 1:200  
All distances are shown in metres

Geodetic elevations shown in Metres  
Site Area = 1,981 m<sup>2</sup>



July 19/07

File 10.119 (23)  
POWELL & ASSOCIATES  
BC Land Surveyors  
940 View Street  
Victoria, BC V8V 3L5  
phone (250) 362-8855

Existing Site Survey  
1:200

Name of Project: 210 Gorge Road East Location: Victoria, BC		2017-10-18							
Item	BCBC 2018	Part 3	BCBC Reference						
1	Project Description: - <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Renovation Demolition of 2 existing 2 storey buildings on site and construction of a new 5 storey residential multi dwelling building with amenity space on the Main floor and U/G parking off the Main floor (set into a sloped site).								
2	Major Occupancy(s): Group C - Residential		3.1.2.1 (1)						
3	New Total Building Area: 1,049.4 sq.m. (11,296 sf)		14.1.2 (A)						
4	New Bldg Floor Area: 3,488.41 sq.m. (37,549 sf) U/G Parking Area: 736.04 sq.m. (7,944 sf)		14.1.2 (A)						
5	Number of Storeys: 5		14.1.2(A); 3.2.1.1						
6	Height of Building (m): 14.73 m Max. (Average Grade to top of Roof level)		-						
7	Number of Streets/Access Routes: 2 (Gorge Road East & Carroll Street)		3.2.2.10; 3.2.5.4						
8	Building Size, Construction, Occupancy: Group C, up to 45 Storey, Sprinklered		3.2.2.50						
9	Sprinkler System Proposed: <input checked="" type="checkbox"/> Entire Building <input type="checkbox"/> No		3.2.2.50 1(a)						
10	Standpipe Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3.2.5.8						
11	Fire Alarm Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3.2.4						
12	Water Service/Supply is Adequate: <input checked="" type="checkbox"/> Yes (assumed) <input type="checkbox"/> No		3.2.5.7						
13	High Building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.2.6						
14	Permitted Construction: <input type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input checked="" type="checkbox"/> Both Actual Construction: <input type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input checked="" type="checkbox"/> Both Exterior Wall Cladding: <input checked="" type="checkbox"/> Non-Combustible		3.2.2.50 3.2.2.50 3(a)						
15	Mezzanine(s) Area: N.A.		3.2.1.1						
16	Occupant Load Based On: <input checked="" type="checkbox"/> sq m/person <input checked="" type="checkbox"/> Sleeping Rooms Main floor Lounge (0.95 sq m/person) 97.5 sq.m. = 103 persons Main floor Offices (9.30 sq m/person) 14 sq.m. = 2 persons Number of sleeping rooms (2 persons/room) 82 rooms = 164 persons Total Occupant Load = 269 persons		3.1.17						
17	Barrier-Free Design: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3.8						
18	Hazardous Substances: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N.A.		3.3.1.2						
19	Required Fire Resistance Rating (FRR) Horizontal Assemblies: 3.2.2.50 2(a) Roof: not req'd Floors: 1.0 h FRR of Supporting Floor over Crawl: 45 min or NC N.A.	Listed Design No. or Description See Assemblies (TBD)	3.2.2.50						
20	Spatial Separation - Construction of Exterior Walls: 3.2.3.1.D								
Wall	Area of EBF (m²)	L/D (m)	L/H or H/L	Permitted % of Openings	Proposed % Opening	FRR (hours)	Listed Design or Description	Construction	Cladding
South	N.A.	over 9.0m	-	100%	N.A%	N.A.	N.A.	Combustible or Noncombustible	Noncombustible
West	N.A.	over 9.0m	-	100%	N.A%	N.A.	N.A.	Combustible or Noncombustible	Noncombustible
North	277 sq.m	3.3m	-	22%	16.38%	-	-	Combustible or Noncombustible	Noncombustible
East	543 sq.m	6.6m	-	52%	12.43%	-	-	Combustible or Noncombustible	Noncombustible

Code Compliance Review  
2016-10

1. Approved and/or not-relevant structural requirements	Approved
2. Approved and/or not-relevant structural requirements	Approved
3. Approved and/or not-relevant structural requirements	Approved
4. Approved and/or not-relevant structural requirements	Approved
5. Approved and/or not-relevant structural requirements	Approved
6. Approved and/or not-relevant structural requirements	Approved
7. Approved and/or not-relevant structural requirements	Approved
8. Approved and/or not-relevant structural requirements	Approved
9. Approved and/or not-relevant structural requirements	Approved
10. Approved and/or not-relevant structural requirements	Approved
11. Approved and/or not-relevant structural requirements	Approved
12. Approved and/or not-relevant structural requirements	Approved
13. Approved and/or not-relevant structural requirements	Approved
14. Approved and/or not-relevant structural requirements	Approved
15. Approved and/or not-relevant structural requirements	Approved
16. Approved and/or not-relevant structural requirements	Approved
17. Approved and/or not-relevant structural requirements	Approved
18. Approved and/or not-relevant structural requirements	Approved
19. Approved and/or not-relevant structural requirements	Approved
20. Approved and/or not-relevant structural requirements	Approved



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DATE  
DRAWN BY

1. Project name and location	210 Gorge Road
2. Project description	210 Gorge Road
3. Project location	210 Gorge Road
4. Project owner	210 Gorge Road
5. Project date	210 Gorge Road
6. Project status	210 Gorge Road
7. Project contact	210 Gorge Road
8. Project notes	210 Gorge Road



PROJECT	
DATE	1:1:200
DATE	2019-04-1

210 Gorge Road  
Housing Project

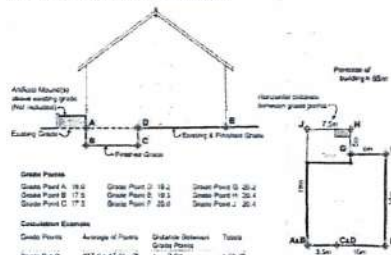
Proposed Context Plan

DATE	SR DS	BC
DATE	XXXXXX	
DATE	2017526	

A-03



"Grade" means an elevation calculated as the average of the elevations of natural grade or finished grade level whichever is lower at any and all points at which any part of a building comes into contact with the surface of the lot, excluding any artificial mounds of earth or rocks placed at or near the wall of the building, and excluding the minimum window well width and depth as required by the British Columbia Building Code.



Grades Points			
Grade Point A: 18.0	Grade Point D: 10.0	Grade Point G: 20.0	
Grade Point B: 17.0	Grade Point E: 11.0	Grade Point H: 21.0	
Grade Point C: 17.2	Grade Point F: 12.0	Grade Point I: 22.0	

Calculation Examples			
Grades Points	Average of Grades	Grade Point Difference	Totals
Points B & C	$(17.0 + 17.2) \div 2$	+ 2.0m	+19.2m
Points D & E	$(10.0 + 11.0) \div 2$	+ 10m	+16.0m
Points E & F	$(11.0 + 12.0) \div 2$	+ 0.5m	+12.5m
Points F & G	$(12.0 + 20.0) \div 2$	+ 0m	+16.0m
Points G & H	$(20.0 + 21.0) \div 2$	+ 0.5m	+19.5m
Points H & I	$(21.0 + 22.0) \div 2$	+ 0.5m	+21.5m
Points J & A...	$(22.0 + 19.2) \div 2$	+ 10m	+19.2m

1279.25 - 45m (garage) of building = **19.67**



Plan Showing Grade Point Locations

POINTS	EXISTING GRADE ELEV.	FINISHED GRADE ELEV.	POINT TO POINT	SUM OF ELEVATIONS	HORIZ. DISTANCE BETWEEN GRADE POINTS (M)	AVERAGE GRADE BETWEEN	TOTALS
A	18.39	17.06	A-B	34.19	9.334	17.10	134.56
B	19.04	17.13	B-C	36.07	0.000	18.04	0.00
C	18.94	19.25	C-D	37.89	1.730	18.94	32.76
D	18.94	20.41	D-E	37.72	5.763	18.86	108.66
E	18.78	20.41	E-F	37.29	2.607	18.64	48.66
F	18.72	18.50	F-G	37.01	1.689	18.50	31.24
G	18.57	18.50	G-H	37.05	0.267	18.53	4.86
H	18.55	19.54	H-I	36.96	1.011	18.48	20.34
I	18.41	19.54	I-J	36.78	0.000	18.39	0.00
J	18.37	19.54	J-K	36.74	1.400	18.37	25.71
K	18.37	19.54	K-L	36.69	1.348	18.35	24.72
L	18.32	19.09	L-M	36.64	1.173	18.32	21.48
M	18.32	19.09	M-N	36.35	1.187	18.25	21.48
N	18.21	18.03	N-O	35.74	3.959	18.17	56.34
O	18.15	17.71	O-P	34.84	0.000	17.93	70.72
P	18.00	17.13	P-Q	34.22	9.486	17.13	162.87
Q	17.66	17.09	Q-R	34.03	0.000	17.03	0.00
R	17.66	16.94	R-S	33.84	9.374	16.92	158.60
S	17.37	16.90	S-T	33.80	3.179	16.90	51.72
T	17.86	16.90	T-U	33.98	0.000	16.99	0.00
U	17.86	17.08	U-V	34.16	10.192	17.08	174.27
V	17.86	17.08	V-W	34.84	0.000	17.43	0.00
W	17.86	17.76	W-X	35.42	5.275	17.71	93.42
X	17.95	17.66	X-Y	35.28	0.764	17.64	13.47
Y	17.95	17.62	Y-Z	35.31	8.530	17.66	150.59
Z	18.54	17.69	Z-A'	35.49	2.378	17.75	42.18
A'	18.33	17.80	A'-B'	35.61	0.000	17.81	0.00
B'	18.33	17.81	B'-C'	37.32	19.655	18.66	366.76
C'	19.51	19.51	C'-D'	36.67	0.000	19.34	0.00
D'	19.51	17.16	D'-E'	34.32	1.283	17.16	22.10
E'	19.52	17.16	E'-F'	34.43	1.100	17.16	18.87
F'	19.53	17.16	F'-G'	35.77	1.869	17.89	33.42
G'	19.75	18.61	G'-H'	36.26	0.000	19.18	0.00
H'	19.75	20.00	H'-I'	39.74	5.138	19.87	102.09
I'	19.99	20.00	I'-J'	39.98	0.000	19.99	0.00
J'	19.99	20.00	J'-K'	39.98	5.293	19.99	105.80
K'	19.99	20.00	K'-L'	39.98	1.138	19.97	22.72
L'	19.95	20.00	L'-M'	39.94	9.575	19.97	191.21
M'	19.99	20.00	M'-N'	39.93	2.689	19.97	53.68
N'	19.94	20.00	N'-O'	39.94	3.603	19.97	71.95
O'	20.02	20.00	O'-P'	37.77	0.000	18.54	0.00
P'	20.02	17.07	P'-Q'	34.26	11.863	17.13	202.87
Q'	19.97	17.13	Q'-R'	34.26	3.006	17.13	51.49
R'	19.76	17.13	R'-S'	34.24	0.611	17.13	10.66
S'	19.76	17.13	S'-T'	34.26	2.831	17.13	48.49
T'	19.96	17.13	T-A	34.19	13.806	17.12	236.36

TOTAL=	166.510	TOTAL=	2999.491
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AVERAGE GRADE = 18.01

LEGEND:	
	BUILDING OUTLINE
BLUE TEXT	EXISTING ELEVATION
RED TEXT	FINISHED ELEVATION
BOLD RED TEXT	GRADE POINT

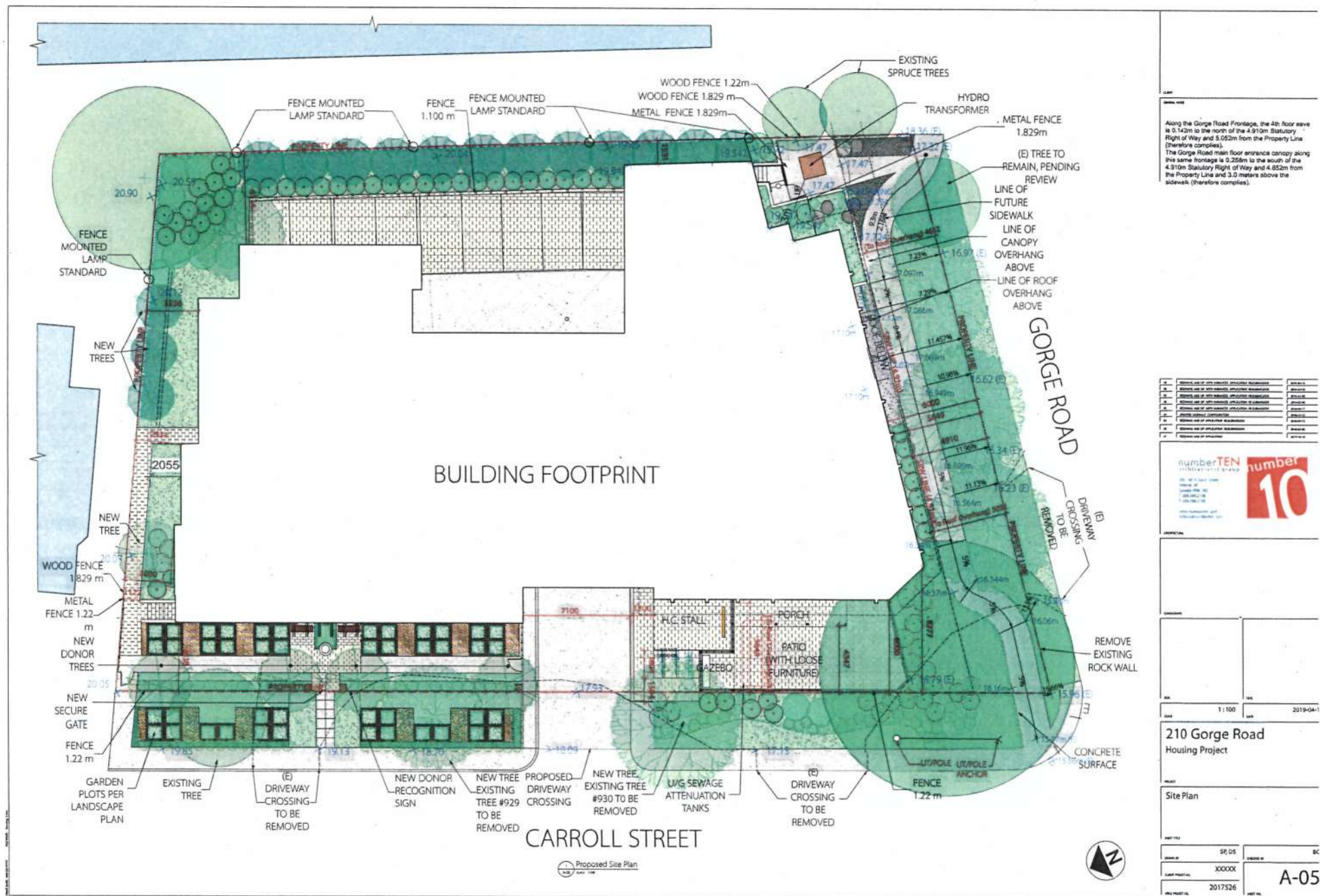
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210 Gorge Road  
Housing Project

Proposed Grading Plan

ISSUED BY	SP, DS	ISSUED BY	
SUBJECT PROJECT NO.	XXXXXX		A-04
WORK PROJECT NO.	2017526	WORK NO.	





Along the Gorge Road Frontage, the 4th floor eave is 0.142m to the north of the 4.910m Statutory Right of Way and 5.052m from the Property Line (therefore complies).  
The Gorge Road main floor entrance canopy along this same frontage is 0.258m to the south of the 4.910m Statutory Right of Way and 4.852m from the Property Line and 3.0 meters above the sidewalk (therefore complies).

1. REMOVE USE OF ANY EXISTING STRUCTURE	2. REMOVE USE OF ANY EXISTING STRUCTURE
3. REMOVE USE OF ANY EXISTING STRUCTURE	4. REMOVE USE OF ANY EXISTING STRUCTURE
5. REMOVE USE OF ANY EXISTING STRUCTURE	6. REMOVE USE OF ANY EXISTING STRUCTURE
7. REMOVE USE OF ANY EXISTING STRUCTURE	8. REMOVE USE OF ANY EXISTING STRUCTURE
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15. REMOVE USE OF ANY EXISTING STRUCTURE	16. REMOVE USE OF ANY EXISTING STRUCTURE
17. REMOVE USE OF ANY EXISTING STRUCTURE	18. REMOVE USE OF ANY EXISTING STRUCTURE
19. REMOVE USE OF ANY EXISTING STRUCTURE	20. REMOVE USE OF ANY EXISTING STRUCTURE



DATE	1:100	DATE	2019-04-1
PROJECT	210 Gorge Road Housing Project	PROJECT	210 Gorge Road Housing Project
CLIENT	Site Plan	CLIENT	Site Plan
DESIGNER	97.05	DESIGNER	97.05
CHECKER	XXXXX	CHECKER	XXXXX
DATE	2017526	DATE	2017526

PROJECT	210 Gorge Road Housing Project
CLIENT	Site Plan
DESIGNER	97.05
CHECKER	XXXXX
DATE	2017526
PROJECT NO.	2017526
SHEET NO.	A-05





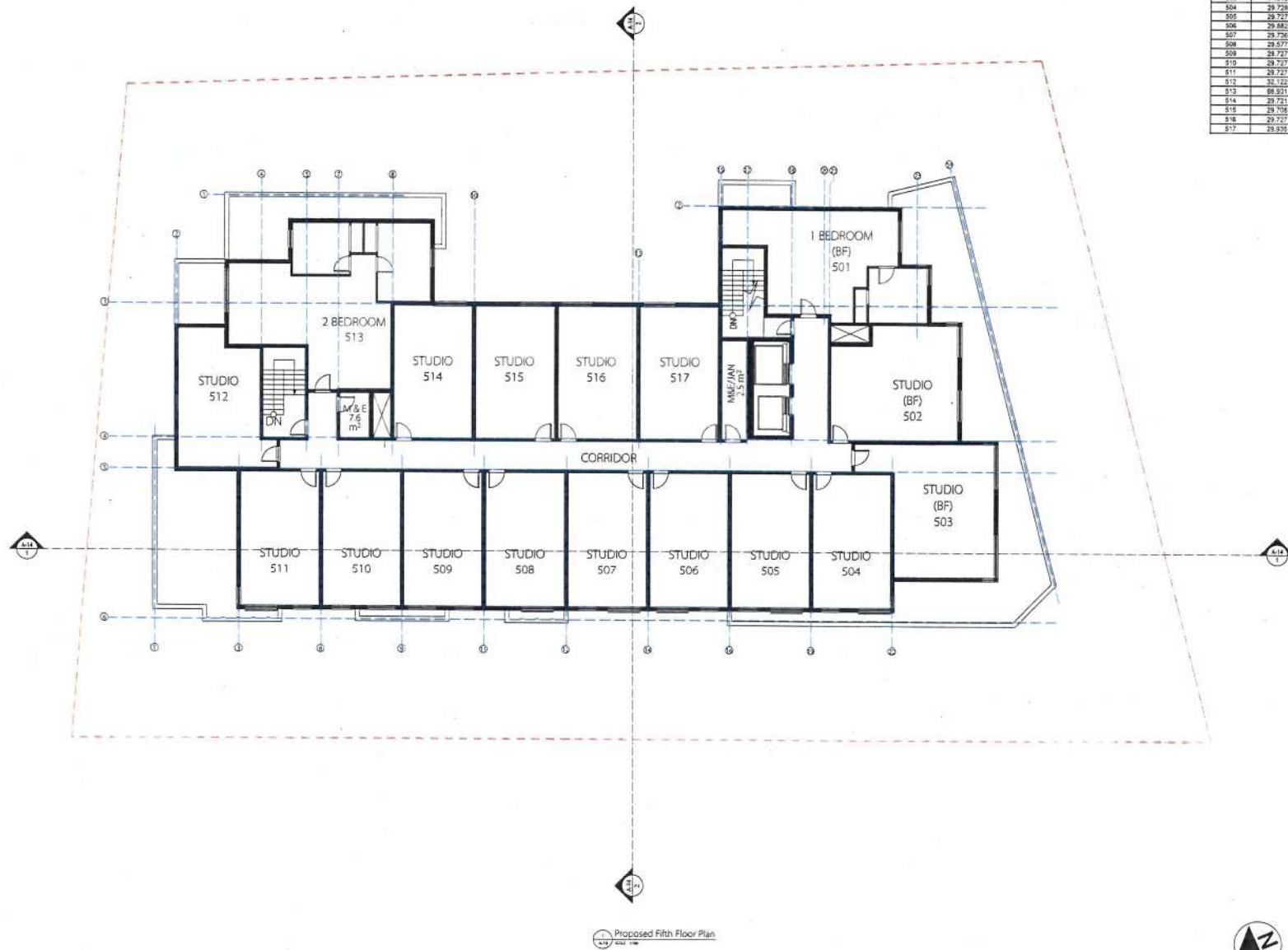












Room #	City Area sqm
501	49.512
502	29.763
503	41.849
504	29.728
505	29.727
506	29.882
507	29.726
508	29.577
509	29.727
510	29.727
511	29.727
512	32.122
513	88.921
514	29.721
515	29.708
516	29.727
517	29.535

#### Unit Breakdown

Studio - 15  
1 Bedroom - 1  
2 Bedroom - 1  
TOTAL - 17

1. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	2. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.
3. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	4. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.
5. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	6. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.
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13. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	14. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.
15. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	16. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.
17. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.	18. All rooms are to be constructed in accordance with the Building Code of Australia (BCA) 2011.



PROPOSED FIFTH FLOOR PLAN

DATE: 2019-04-10

SCALE: 1:100

210 Gorge Road  
Housing Project

Proposed Fifth Floor Plan

DATE: 2019-04-10

SCALE: 1:100

PROJECT NO: 2017526

DATE: 2019-04-10









- LEGEND
- 1 Cementitious Fibre Board "Panel" - (Off White)
  - 2 Cementitious Fibre Board w/ "Board & Batten" - (Off White)
  - 3 Metal Finish - (Light Grey)
  - 4 Wood and/or Trim - (Brown Stain)
  - 5 Cementitious Fibre Board "Horizontal" - (Tan / Brown)
  - 6 Cementitious Fibre Board "Panel" - (Medium / Dark Grey)
  - 7 Cast in Place Concrete - Unfinished
  - 8 Aluminum Fence - (Black)
  - 9 Juliet Balcony Guard Rail (Aluminum & Glass)
  - 10 Giant Brick - (Off White)
  - 11 All Window Frames - (Medium / Dark Grey)

LEGEND

FINISHED GRADE

EXISTING GRADE

20' PROP. LINE

1	Remove old or new materials, structural reinforcement	2	Remove old or new materials, structural reinforcement
2	Remove old or new materials, structural reinforcement	3	Remove old or new materials, structural reinforcement
3	Remove old or new materials, structural reinforcement	4	Remove old or new materials, structural reinforcement
4	Remove old or new materials, structural reinforcement	5	Remove old or new materials, structural reinforcement
5	Remove old or new materials, structural reinforcement	6	Remove old or new materials, structural reinforcement
6	Remove old or new materials, structural reinforcement	7	Remove old or new materials, structural reinforcement
7	Remove old or new materials, structural reinforcement	8	Remove old or new materials, structural reinforcement
8	Remove old or new materials, structural reinforcement	9	Remove old or new materials, structural reinforcement
9	Remove old or new materials, structural reinforcement	10	Remove old or new materials, structural reinforcement
10	Remove old or new materials, structural reinforcement	11	Remove old or new materials, structural reinforcement



210 Gorge Road  
Housing Project

Proposed Elevations

DATE	SP, DS	DATE	BC
2017526	XXXXXX	2017526	A-12



T/O ROOFTOP EQUIP.  
 elev. (34.005m)  
 T/O ROOF FLOOR  
 elev. (32.740m)  
 FIFTH FLOOR FINISHED  
 FLOOR elev. (29.328m)  
 FOURTH FLOOR FINISHED  
 FLOOR elev. (26.271m)  
 THIRD FLOOR FINISHED  
 FLOOR elev. (23.214m)  
 SECOND FLOOR FINISHED  
 FLOOR elev. (20.157m)  
 AVG. GRADE (18.01m)  
 MAIN FLOOR FINISHED  
 FLOOR elev. (17.1m)



East Elevation  
SCALE 1/8" = 1'-0"

- LEGEND
- 1 Cementitious Fibre Board "Panel" - (Off White)
  - 2 Cementitious Fibre Board of "Board & Batten" - (Off White)
  - 3 Metal Finish - (Light Grey)
  - 4 Wood exterior Trim - (Brown Stain)
  - 5 Cementitious Fibre Board "Horizontal" - (Tan / Brown)
  - 6 Cementitious Fibre Board "Panel" - (Medium / Dark Grey)
  - 7 Cast in Place Concrete - "Unfinished"
  - 8 Aluminum Fence - (Black)
  - 9 Juliet Balcony Guard Rail (Aluminum & Glass)
  - 10 Glazed Brick - (Off White)
  - 11 All Window Frames - (Medium / Dark Grey)

FINISHED GRADE  
 EXISTING GRADE  
 (AT PROP. LINE)

1. REMOVE AND RE-INSTALL EXISTING ROOFING	2. REMOVE AND RE-INSTALL EXISTING ROOFING
3. REMOVE AND RE-INSTALL EXISTING ROOFING	4. REMOVE AND RE-INSTALL EXISTING ROOFING
5. REMOVE AND RE-INSTALL EXISTING ROOFING	6. REMOVE AND RE-INSTALL EXISTING ROOFING
7. REMOVE AND RE-INSTALL EXISTING ROOFING	8. REMOVE AND RE-INSTALL EXISTING ROOFING
9. REMOVE AND RE-INSTALL EXISTING ROOFING	10. REMOVE AND RE-INSTALL EXISTING ROOFING
11. REMOVE AND RE-INSTALL EXISTING ROOFING	12. REMOVE AND RE-INSTALL EXISTING ROOFING
13. REMOVE AND RE-INSTALL EXISTING ROOFING	14. REMOVE AND RE-INSTALL EXISTING ROOFING
15. REMOVE AND RE-INSTALL EXISTING ROOFING	16. REMOVE AND RE-INSTALL EXISTING ROOFING
17. REMOVE AND RE-INSTALL EXISTING ROOFING	18. REMOVE AND RE-INSTALL EXISTING ROOFING
19. REMOVE AND RE-INSTALL EXISTING ROOFING	20. REMOVE AND RE-INSTALL EXISTING ROOFING

numberTEN  
 number 10  
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210 Gorge Road  
 Housing Project  
 1:100  
 2019-04-1

210 Gorge Road  
Housing Project

Proposed Elevations

SHEET NO. 2017526  
 A-13

T/O ROOFTOP EQUIP.  
 elev. (34.005m)  
 T/O ROOF FLOOR  
 elev. (32.74m)  
 FIFTH FLOOR FINISHED  
 FLOOR elev. (29.328m)  
 FOURTH FLOOR FINISHED  
 FLOOR elev. (26.271m)  
 THIRD FLOOR FINISHED  
 FLOOR elev. (23.214m)  
 SECOND FLOOR FINISHED  
 FLOOR elev. (20.157m)  
 GRADE (18.01m)  
 MAIN FLOOR FINISHED  
 FLOOR elev. (17.1m)

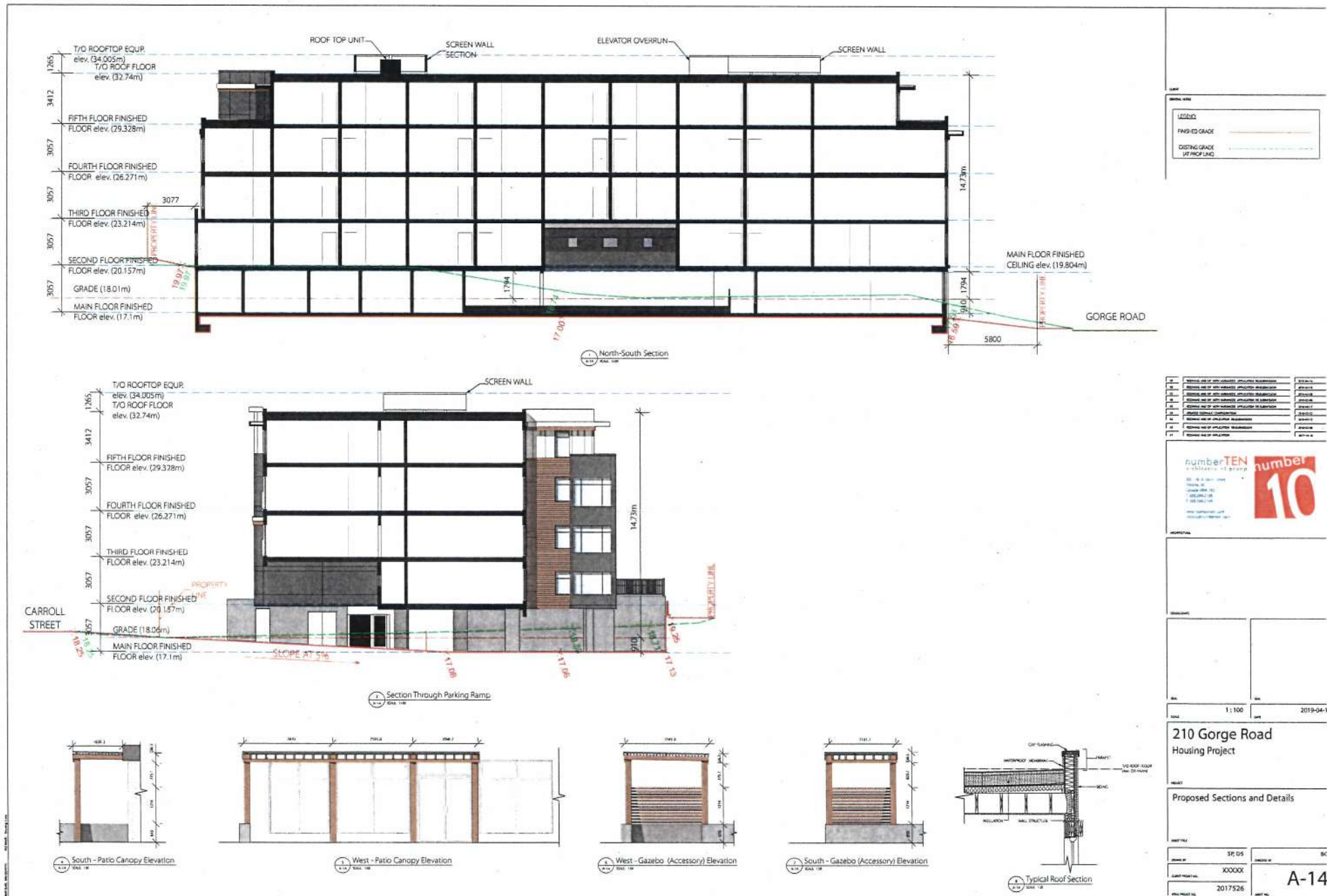


North Elevation  
SCALE 1/8" = 1'-0"

T/O ROOFTOP EQUIP.  
 elev. (34.005m)  
 T/O ROOF FLOOR  
 elev. (32.74m)  
 FIFTH FLOOR FINISHED  
 FLOOR elev. (29.328m)  
 FOURTH FLOOR FINISHED  
 FLOOR elev. (26.271m)  
 THIRD FLOOR FINISHED  
 FLOOR elev. (23.214m)  
 SECOND FLOOR FINISHED  
 FLOOR elev. (20.157m)  
 GRADE (18.01m)  
 MAIN FLOOR FINISHED  
 FLOOR elev. (17.1m)



Interior North Elevation  
SCALE 1/8" = 1'-0"



Legend

FINISHED GRADE	—
DISTING. GRADE	---
UT PROF. LAND	---

1. ROOFING AND CEILING	2. ROOFING AND CEILING	3. ROOFING AND CEILING	4. ROOFING AND CEILING	5. ROOFING AND CEILING	6. ROOFING AND CEILING	7. ROOFING AND CEILING	8. ROOFING AND CEILING	9. ROOFING AND CEILING	10. ROOFING AND CEILING
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DATE	1/100	DATE	2019-04-1
210 Gorge Road Housing Project			
Proposed Sections and Details			
DATE	3/1/05	DATE	BC
DATE	XXXXX	DATE	A-14
DATE	2017526	DATE	



[illegible]

NTS	2019-4
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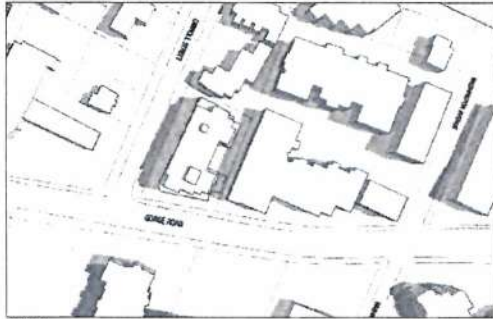
210 Gorge Road  
Housing Project

3D Model Images

ISSUED BY	SP, DS	ISSUED BY	
CURRENT PROJECT NO.	XXXXX		A-1
	2017526		

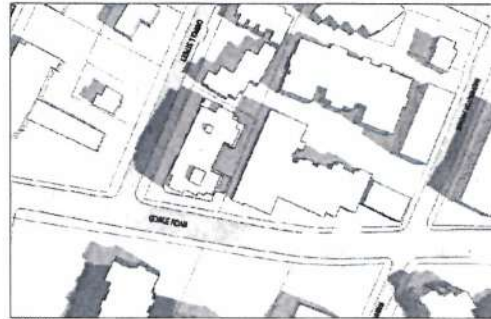


Summer Solstice  
June 21st, 2018



9:00AM

Fall Equinox  
September 22nd, 2018



9:00AM

Winter Solstice  
December 21st, 2018



9:00AM



12:00PM



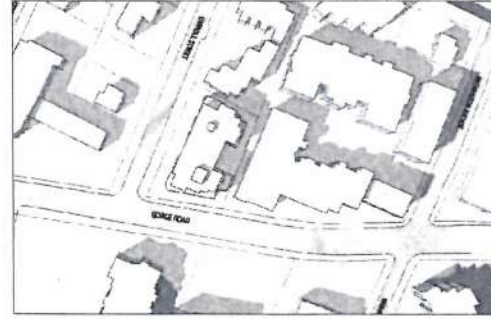
12:00PM



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DATE: 2019-04-10

NTS

2019-04

210 Gorge Road  
Housing Project

Shadow Studies

SP DS

X000X

2017526

A-16



From the preliminary design stages to the city planning and CALUC meeting, the scheme has changed significantly. The changes not only reflect the progression of the scheme to make the building more efficient, more usable and more appealing to users, but also the vast amount of input from the general public and the City of Victoria. This input was gathered over many months, from many different meetings. Each meeting with the public, the neighbours or the City had an impact on the design of the building. There are three distinct design phases since the first meeting with the City in May 2017.

A hand-drawn floor plan of a building, likely a school, showing various rooms and corridors. The drawing is on a grid background and includes labels for different areas such as 'CLASS ROOM', 'OFFICE', 'LABORATORY', and 'RESTROOM'. There are also some handwritten notes and a scale bar at the bottom.

June 22nd 2017  
Community Open House #1

July 4th 2017  
Meeting with: Carrington Court  
Strata Council

August 2nd 2017  
Presentation to:  
Carrington Court AGM

August 10th 2017  
Community Open House #2

September 18th 2017  
CALUC meeting

[illegible]

**numberTEN**  
architectural group

200 - 10th Avenue South  
Atlanta, GA  
Telephone: 404-525-1302  
Fax: 404-525-1308  
E: 100@number10.com

www.number10.com  
info@number10.com

**number**  
**10**

210 Gorge Road  
Housing Project

### Evolution of the Design Process

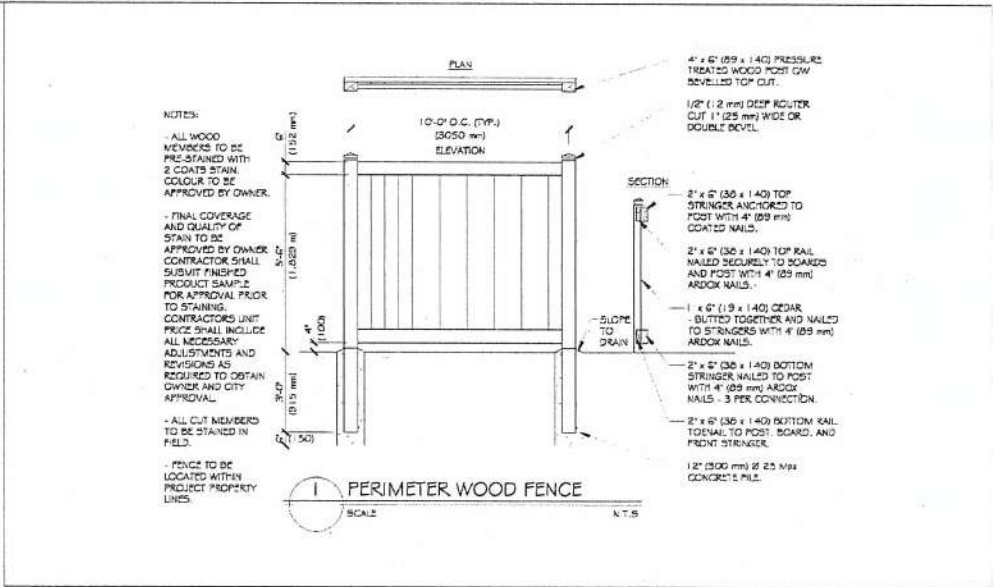
SR DS	
XXXXXX	A-17
2017526	





210 GORGE RD. - SUGGESTED PLANT LIST				
	Key	Common Name	Latin Name	Size
Trees	VMAP	Vine Maple	Acer circinnatum	6m Cal.
	RMAP	Road Maple	Acer rubrum var. thornst.	6m Cal.
	JMAP	Japanese Maple	Acer palmatum var. 'Bloodgood'	6m Cal.
	KAT	Katami Tree	Camptotheca japonica	6m Cal.
	FDGG	Pacific Dogwood	Cornus nuttallii var. 'Satan's White Wonder'	6m Cal.
	PRUN	Amurautumn Poinsettia Cherry	Prunus var. 'Amurautumn'	6m Cal.
	GOAK	Garry Oak	Quercus garmanii	6m Cal.
	PAOW	Japanese Snowgum	Hydnora japonica	6m Cal.
WRC	Western Red Cedar	Thuja plicata var. 'Sewardi'	2.2m H.	
MAL	Manitoba Fruit Tree	Apyla, Edible Cherry, Plum, Pear	15'5' H.	
Large Shrubs	CEAN	California Lilac	Genetium var. 'Nacional'	1.5m H.
	SLAG	Star Magnolia	Magnolia stellata var. 'Royal Star'	#3 Pot.
	PIER	Lily of the Valley Shrub	Pieris japonica var. 'Forest Flame' & 'Valley Rose'	#3 Pot.
	LRJA	Rhododendron	Rhododendron var. 'Pink Wallop' & 'Gumet Watson'	#3 Pot.
	THLI	Himalaya Cedar	Thuja occidentalis var. 'Smaragd'	1.5m H.
NINE	Ninebark	Physocarpus opulifolius var. 'Liberi'	#5 Pot.	
Medium Shrubs	ABE	Glossy Abelia	Abelia x andersonii	#2 Pot.
	MEK	Meconopsis Orange Blechnum	Chamae xantha	#5 Pot.
	KDGO	Kniveslipped Dogwood	Cornus alba var. 'Lutea' / 'Lato'	#2 Pot.
	SPMP	Spineberry	Cornus alba var. 'Lutea' / 'Lato'	#3 Pot.
	MAPE	Dwarf Crapew Grass	Malva sylvestris var. 'Comptata'	#2 Pot.
	OTTO	Ortiz Longstem Laurel	Prunus laurocerasus var. 'Gillo Luyati'	#2 Pot.
	MAKA	Rhododendron	Rhododendron var. 'Christmas Cheer'	#3 Pot.
	RIBE	Red Flowering Currant	Ribes sanguineum var. 'King Edward'	#2 Pot.
	VACC	Vaccinium Huckleberry	Vaccinium cuneatum	#2 Pot.
	LVH	David Viburnum	Viburnum davidii	#2 Pot.
UAFT	Dwarf Burning Bush	Euonymus alata var. 'Comptata'	#5 Pot.	
Small Shrubs	AZAN	Evergreen Azalea	Azalea var. 'Gumpi Pink'	#2 Pot.
	WHEA	Winter Flowering Hebe	Hebe xanthophylla var. 'Arthur Bennett'	#1 Pot.
	EUOP	Creeping Euonymus	Euonymus fortunei var. 'Emerald Gaeley'	#1 Pot.
	SPGF	Gold Flame Spirea	Spiraea bumalda var. 'Gold Flame'	#1 Pot.
	CA5C	Camellia mollis	Malva nemosa	#1 Pot.
	MOCK	Dwarf Mock Orange	Philadelphus lewisii var. 'Snowdrift'	#1 Pot.
	DMFJ	Dwarf Lily of the Valley Shrub	Pieris japonica var. 'Snowdrift'	#1 Pot.
	POLY	Scandal Fern	Polystichum acrostichum	#1 Pot.
	DWHR	Dwarf Rhododendron	Rhododendron var. 'Dow Blue' & 'Dance'	#2 Pot.
	SARG	Sweetgum	Liquidambar styraciflua humilis	#1 Pot.
DDOG	Dwarf Dogwood	Cornus sericea var. 'Kilmorye Dwarf'	#1 Pot.	
NAN	Nearly Bamboo	Nandina domestica var. 'Gulf Stream'	#2 Pot.	
Ground	BEAR	Bearberry	Aquilegia vulgaris var. 'Vancouver Jewel'	SP4
	DEKG	Heartleaf Bergenia	Bergenia cordifolia var. 'Erebusman Ruby'	SP5
	PERN	Periwinkle	Viola minor var. 'Dorothy Blue' & 'Alba'	SP4
	WITI	Mountain Cranberry	Vitis vulpina mixta	SP4
	FRAG	Raspberry	Rubus	AP4
	COTO	Crochod Cottoncuster	Cottoncuster humilis	SP4
Vines	ASM	Amorcan Clematis	Clematis integrifolia	#5 Pot.
	CJAL	Clematis	Clematis var. 'Baptiste'	#5 Pot.
	OLAS	Old-fashioned Jasmine	Jasminum officinale	#1 Pot.
Perennials & Grasses	TSBI	Flume Sodas	Gnaphalium	SP5
	CAKO	Carolina Yarrow	Gnaphalium	AP5
	INDH	Dwarf Daylily	Hebe xanthophylla var. 'Satan's White Wonder'	SP5
	IRIC	Corall Tree	Hebe xanthophylla var. 'Satan's White Wonder'	SP5
	HEUR	Hebe mix	Hebe xanthophylla var. 'Satan's White Wonder'	AP5
	LAV	English Lavender	Lavandula angustifolia var. 'Hidcot'	SP5
	SCIZ	Ruffr Lily	Scilla maritima var. 'Dorothy Blue'	SP5
	WDFW	Wildflower	Scilla maritima var. 'Dorothy Blue'	SP5
Wildflowers & Bulbs	CMAN	Common Camas	Camassia quamash	SP5
	DOUE	Dwarf Dogwood	Doctocaulon hendersonii	SP5
	ERYT	Erigeron Lily	Erigeron philadelphicus	SP5
	CHIZ	Chocolate Lily	Prunella lanceolata	SP5

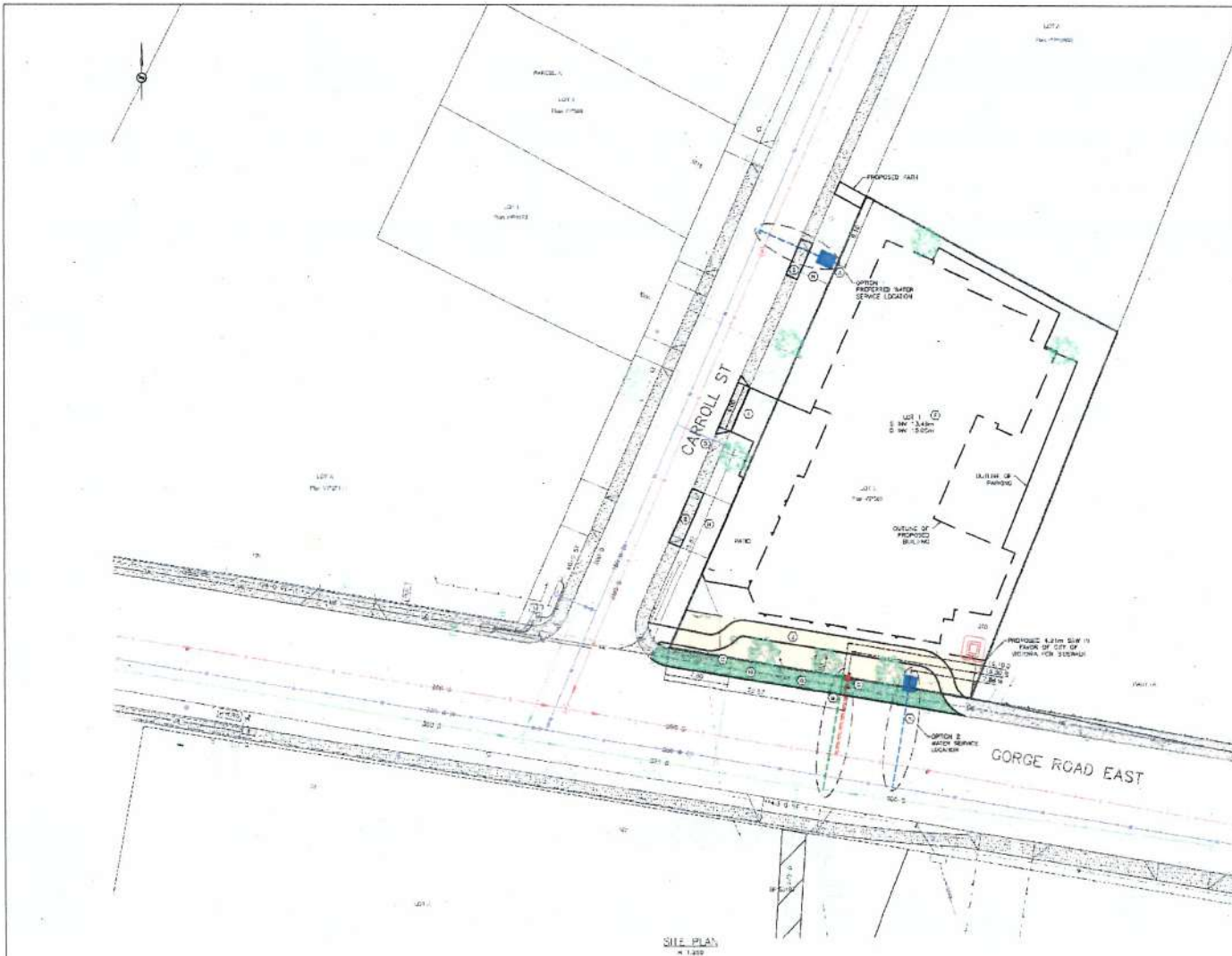
Notes: All landscape work to conform with B.C.S.L.A. / B.C.N.F.A. standards specifications.  
All areas to be irrigated with an automatic underground system.



## PLANT LIST & FENCE DETAIL

DATE: APRIL 16, 2019 (REVISED & RESUBMITTED)

**4★ SITE**  
LANDSCAPE ARCHITECTUR  
AND SITE PLANNING 252.506.78



- DETAILED CONSTRUCTION NOTES:**
- ① CITY OF VICTORIA TO INSTALL FIRE AND DOMESTIC SERVICE TO PROPERTY LINE AT DEVELOPER'S EXPENSE.
  - ② CITY OF VICTORIA TO INSTALL SEWER AND DRAIN SERVICES TO PROPERTY LINE AT DEVELOPER'S EXPENSE.
  - ③ CONTRACTOR TO CAP EXISTING SEWER AND DRAIN SERVICES AT PROPERTY LINE.
  - ④ EXISTING WATER SERVICE TO BE REMOVED FOR RELOCATION.
  - ⑤ CONTRACTOR TO REMOVE EXISTING CURB, CUTTER, SIDEWALK AND DRIVEWAY AND INSTALL NEW CURB, CUTTER AND SIDEWALK TO CITY OF VICTORIA REQUIREMENTS.
  - ⑥ LOWEST AVAILABLE SERVICE ELEVATION.
  - ⑦ CONTRACTOR TO REMOVE EXISTING SIDEWALK AND REINSTATE SIDEWALK CURB AND CUTTER TO CITY OF VICTORIA REQUIREMENTS.
  - ⑧ CONTRACTOR TO REMOVE DRIVEWAY AND REINSTATE SIDEWALK COMPLETE WITH 250mm TOPSIL AND REED.
  - ⑨ CONTRACTOR TO INSTALL SIDEWALK TO CITY OF VICTORIA STANDARDS.
  - ⑩ CONTRACTOR TO INSTALL NEW SIDEWALK TO CITY OF VICTORIA STANDARDS.

SITE PLAN  
1:250

**PRELIMINARY ONLY**

V:\Projects\2012 - Victoria Cool Aid - 210 Gorge Rd - Engineering\02 - Drawings & Services\02\2012 Building - Plot Data January 22, 2019

210 GORGE RD E  
PRELIMINARY SITE PLAN  
VICTORIA COOL AID

Scale: 1:250  
Sheet: 1 of 1  
Eng. Project No: 30612

**JEA** JE ANDERSON & ASSOCIATES  
SURVEYORS - ENGINEERS  
VICTORIA NANAIMO PARKVILLE  
PHONE: 250-727-0214 FAX: 250-727-0206



NO. 18-095

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-89 Zone, Gorge Road Multiple Dwelling District, and to rezone land known as 210 Gorge Road East from the T-1 Zone, Limited Transient Accommodation District to the R-89 Zone, Gorge Road Multiple Dwelling District.

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. 1167)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – 3.120 by adding the following words:  
  
“3.121, R-89, Gorge Road Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.120 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 210 Gorge Road East, legally described as PID: 000-947-130, Lot 5, Section 10, Victoria District, Plan 389 and shown hatched on the attached map, is removed from the T-1 Zone, Limited Transient Accommodation District, and placed in the R-89 Zone, Gorge Road Multiple Dwelling District.

READ A FIRST TIME the	day of	2019
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READ A SECOND TIME the	day of	2019
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Public hearing held on the	day of	2019
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READ A THIRD TIME the	day of	2019
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ADOPTED on the	day of	2019
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CITY CLERK

MAYOR

**PART 3.121 – R-89 ZONE, GORGE ROAD MULTIPLE DWELLING DISTRICT****3.121.1 Permitted Uses in this Zone**

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

- a. Multiple Dwelling
- b. Restaurant
- c. Home occupation subject to the regulations in Schedule “D”
- d. Accessory Buildings subject to the regulations in Schedule “F”

**3.121.2 Lot Area**

<u>Lot area</u> (minimum)	1980m <sup>2</sup>
---------------------------	--------------------

**3.121.3 Floor Space Ratio**

<u>Floor space ratio</u> (maximum)	1.71:1
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**3.121.4 Height, Storeys**

Principal <u>building height</u> (maximum)	14.75m
--------------------------------------------	--------

**3.121.5 Setbacks, Projections**

- a. Gorge Road setback to building (minimum) 5.8m
- b. Gorge Road setback to roof projection (minimum) 4.6m
- c. North side yard setback (minimum) 2.9m
- d. Carroll Street setback (minimum) 4.3m
- e. A portion of the principal building within 19.50m from Gorge Road can have a side yard setback of 1.5m from the easterly property line. All other portions of the principal building must have a minimum side yard setback of 6.0m from the easterly property line.

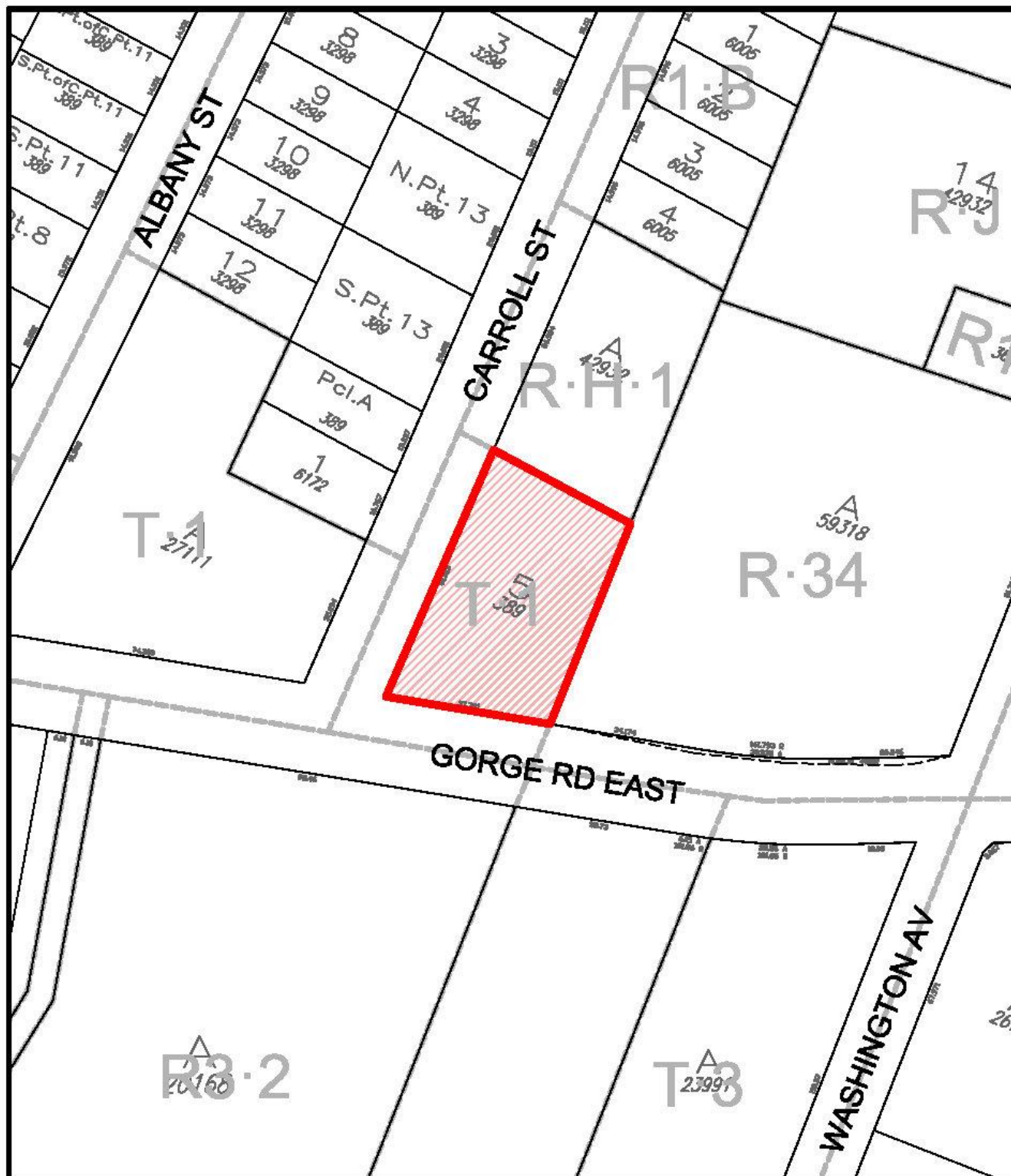
**3.121.6 Site Coverage, Open Site Space**

- a. Site Coverage (maximum) 53.5%
- b. Open site space (minimum) 35%

**PART 3.121 – R-89 ZONE, GORGE ROAD MULTIPLE DWELLING DISTRICT**

**3.121.7 Vehicle and Bicycle Parking**

- |                                     |                                            |
|-------------------------------------|--------------------------------------------|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule “C” |
| b. Bicycle parking (minimum)        | Subject to the regulations in Schedule “C” |



210 Gorge Road East  
Rezoning No.00620







**HOUSING AGREEMENT**  
(Pursuant to section 483 of the *Local Government Act*)

AMONG:

**THE CORPORATION OF THE CITY OF VICTORIA**  
#1 Centennial Square  
Victoria, B.C. V8W 1P6  
(the "City")

OF THE FIRST PART

AND:

**THE VICTORIA COOL AID SOCIETY (Inc. No. S-0012694)**  
102-749 Pandora Avenue  
Victoria, B.C. V8W 1N9  
(as more particularly defined in section 1.1, the "Owner")

OF THE SECOND PART

AND:

**MCAP FINANCIAL CORPORATION ("MCAP")**  
(Inc. No. A0062340)

OF THE THIRD PART

AND:

**PROVINCIAL RENTAL HOUSING CORPORATION ("PRHC")**  
(Inc. No. BC0052129)

OF THE FOURTH PART

AND:

**BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION**  
(**"BCHMC"**)

OF THE FIFTH PART

(BCHMC, MCAP and PRHC together referred to as the "Existing Chargeholders")

**WHEREAS:**

- A. Capitalized terms used in this Agreement, unless otherwise or elsewhere defined or the context otherwise clearly requires, will have the respective meanings ascribed to them in section 1.1;
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- C. The Owner is the registered and beneficial owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 210 Gorge Road East, and legally known and described as:

{00030621-4}

PID: 000-947-130  
 Lot 5, Section 10, Victoria District, Plan 389  
 (as more particularly defined in section 1.1, the "Lands");

- D. The Owner has applied to the City to rezone the Lands to permit 72 housing units within the Development in accordance with this Agreement;
- E. The Owner has agreed that 8 of those units will be Low Income Housing Units, 34 will be Moderate Income Housing Units and the remaining 30 will be Shelter Rate Housing Units;
- F. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Housing Units within the Development on the Lands will be used and held only as rental housing, subject to the terms and conditions set forth herein.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of one dollar now paid by the City to each of the Existing Chargeholder and the Owner, and the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

#### **1.0 DEFINITIONS AND INTERPRETATION**

##### **1.1 Definitions.** In this Agreement:

"**Agreement**" means this Housing Agreement, including the foregoing Recitals and all Schedules hereto;

"**BC Housing**" means the British Columbia Housing and Management Commission;

"**CMHC**" means the Canada Mortgage and Housing Corporation;

"**Development**" means the new building on the Lands containing 72 Housing Units and related facilities authorized and contemplated by the Rezoning Bylaw and all permits issued by the City in respect thereof;

"**Director**" means the City's Director of Sustainable Planning and Development or his authorized nominee;

"**HILs**" means the annual Housing Income Limits that are determined from time to time by BC Housing and that apply to a particular Low Income Housing Unit, for example whether the Low Income Housing Unit is a bachelor, a 1 bedroom or a 2 bedroom Housing Unit. For Victoria for 2018 the HILs rates are \$34,500 for a bachelor unit, \$39,800 for a 1 bedroom unit, and \$51,700 for a 2 bedroom unit;

"**Housing Units**" means any or all, as the context may require, of the 72 self-contained rental housing units within the Development and includes any housing unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Housing Unit**" means any of such rental housing units;

**"Immediate Family"** includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew;

**"Income Assistance"** means financial assistance provided for a person in financial need who has no other resources and/or meets other specified criteria, which Assistance is administered and paid by the Government of British Columbia, the Capital Regional District or another similar governmental organization;

**"Land Title Act"** means the Land Title Act, R.S.B.C. 1996, c.250;

**"Lands"** means that certain parcel of land described in Recital C, and includes any parcel into which some or all of such land is consolidated or subdivided;

**"Local Government Act"** means the Local Government Act, R.S.B.C., c. 1;

**"Low Income Housing Units"** means Housing Units in the Development that are occupied by tenants whose gross annual household income is no more than the HILs rate applicable to the type of unit occupied;

**"Moderate Income"** means gross collective annual household income that does not exceed the top of the second quintile of household incomes (for 2 persons or more) for Victoria Census Metropolitan Area (CMA) households, based on Statistics Canada "Survey of Labour and Income Dynamics" reports, as determined by BC Housing from time to time. For 2016, this figure was \$70,283. If BC Housing ceases to determine this amount annually, the amount may be increased January 1 of each year according to increases in the Consumer Price Index for all items for Victoria, British Columbia (or, where no such index is published for Victoria, Canada) as published by Statistics Canada and measured from October 1 of the year preceding the last year BC Housing provided the amount to October 1 of each subsequent year. For example, if the last year BC Housing provided the amount was for 2016, then for 2018, the amount would be based on the amount for 2016, multiplied by one plus the change in the Consumer Price Index from October 1, 2015 to October 1, 2017;

**"Moderate Income Housing Units"** means Housing Units in the Development that are occupied by tenants whose collective gross annual household income is no more than the Moderate Income rate applicable at the time;

**"Non-owner"** means a person other than the Owner or a member of the Owner's Immediate Family, who occupies a Housing Unit for residential purposes;

**"Occupancy Permit"** means the first occupancy permit issued by the City for the Development;

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 8.3;

**"Residential Tenancy Act"** means the Residential Tenancy Act, S.B.C. 2002, c. 78;

**"Rezoning Bylaw"** means the enacted rezoning bylaw applicable to the Lands resulting from the



rezoning application of the Owner described in Recital D;

**"Shelter Rate Housing Units"** means Housing Units in the Development that are occupied by persons on Income Assistance;

**"Strata Plan"** means a strata plan filed in respect of the Lands or any subdivided portion thereof pursuant to the *Strata Property Act*;

**"Strata Property Act"** means the Strata Property Act, S.B.C. 1998, c. 43;

**"Support Services"** means all such on-site support services as the Owner and the Director may agree, including 24/7 staffing; and

**"Tenancy Agreement"** means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

## 1.2 Interpretation

In this Agreement:

**Captions and Headings.** The captions and headings appearing in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any of the provisions hereof.

**Legislation.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

**Headings.** The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

**Language.** Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

**Party.** Any reference to a party hereto will be deemed to include the heirs, executors, administrators, successors, permitted assigns, employees, servants, agents, officers, contractors, licensees and invitees of such party wherever the context so permits or requires.

**Time.** Time is of the essence of this Agreement.

## 2.0 RENTAL RESTRICTIONS APPLICABLE TO THE DEVELOPMENT

**2.1 Rental Only.** The Owner covenants and agrees that the Housing Units shall only be used as

rental housing, and for that purpose the Housing Units shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Housing Unit.

**2.2 Low Income Housing Units.** The Owner covenants and agrees that:

- (a) the Development will contain 8 Low Income Housing Units;
- (b) each of the Low Income Housing Units will only be occupied by one or more tenants collectively earning no more than the HILs rate applicable to the type of unit occupied by such tenant(s); and
- (c) the rent payable for each Low Income Housing Unit will be no more than 30% of the HILs rate referred to in section 2.2(b).

**2.3 Moderate Income Housing Units.** The Owner covenants and agrees that:

- (a) the Development will contain 34 Moderate Income Housing Units;
- (b) each of the Moderate Income Housing Units will only be rented to one or more tenants collectively earning no more than the Moderate Income level applicable at the time; and
- (c) the rent payable for each Moderate Income Housing Unit will be no more than 30% of the Moderate Income level referred to in section 2.3(b).

**2.4 Shelter Rate Housing Units.** The Owner covenants and agrees that:

- (a) the Development will contain 30 Shelter Rate Units;
- (b) each of the Shelter Rate Housing Units will only be rented to one or more tenants who is/are receiving Income Assistance, and/or such other forms of income assistance as the Owner and the Director may agree;
- (c) the rent charge for each Shelter Rate Housing Unit will be for no more than the applicable monthly Income Assistance shelter allowance, which is \$375 as of the effective date of this Agreement, and as the same may change from time to time; and
- (d) the Owner will ensure that the Development includes and provides on-site Support Services.

**3.0 SUBDIVISION**

**3.1 Subdivision Generally.** If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to Section 3.2:

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will

continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

**3.2 Subdivision by Strata Plan.** If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the strata corporation or the strata corporations created by the deposit of a Strata Plan will perform and observe the Owner's covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan;

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore the strata corporation, responsible to perform and observe the Owner's covenants in this Agreement.

**4.0 REPORTING**

**4.1** The Owner covenants and agrees to provide to the Director, on the 1<sup>st</sup> day of February in each calendar year, a report in writing confirming that:

- (a) all Housing Units are being rented to Non-owners, or are vacant;
- (b) all Low Income Housing Units are being rented to one or more tenant(s) whose collective annual household income does not exceed the HILs rate applicable to the type of unit occupied, or are vacant;
- (c) all Moderate Income Housing Units are being rented to one or more tenant(s) whose collective annual household income does not exceed the Moderate Income level then applicable, or are vacant;
- (d) each Shelter Rate Housing Unit is being rented to one or more tenant(s) that is/are on Income Assistance, or is vacant;
- (e) all agreed Support Services are continuing to be provided; and
- (f) that all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director.

**4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order

to confirm that the Owner is complying with this Agreement.

## **5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

- 5.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## **6.0 LIABILITY**

- 6.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.

- 6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

## **7.0 EXISTING CHARGEHOLDERS PRIORITY AGREEMENTS**

- 7.1** MCAP, as the registered holder of charges by way of a Mortgage and Assignment of Rents registered against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA1043620 and CA1043621, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.
- 7.2** PRHC, as the registered holder of charges by way of a Covenant and Option to Purchase registered against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA1043618 and CA1043619, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.
- 7.3** BCHMC, as the registered holder of charges by way of a Mortgage and Assignment of Rents registered against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA7393978 and CA7393979, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this



Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

## 8.0 GENERAL PROVISIONS

### 8.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received:

- (a) thirty-six (36) hours after the time of its mailing (by registered mail),
- (b) on the date of dispatch if delivered by email or fax before 5:00 pm on a regular business day, and otherwise on the next regular business day thereafter, and
- (c) on the date of delivery if hand-delivered,

if to the City, addressed as follows:

**City of Victoria**  
 #1 Centennial Square  
 Victoria, B.C. V8W 1P6

Attention: City Clerk  
 Fax: 250-361-0348  
 Email: [ccoates@victoria.ca](mailto:ccoates@victoria.ca)

if to the Owner, addressed as follows:

**Kathy Stinson**  
 #101 – 749 Pandora Avenue  
 Victoria, B.C. V8W 1N9

Attention: CEO  
 Fax: 250-383-1639  
 Email: [kstinson@coolaid.org](mailto:kstinson@coolaid.org)

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address/person.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

### 8.2 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner

only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

- 8.3 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 8.4 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.5 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.6 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.7 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.8 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner; provided; however, that the Owner acknowledges and agrees that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.
- 8.9 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.10 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.11 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**8.12 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF VICTORIA by )  
its authorized signatories: )

### MAYOR: Lisa Helps

CITY CLERK: Chris Coates

Date signed: \_\_\_\_\_

**THE VICTORIA COOL AID SOCIETY**  
by its authorized signatory(ies):

Print Name: Kathy Stinson

Print Name: \_\_\_\_\_

Date signed: May 31, 2019

**MCAP FINANCIAL CORPORATION**

by its authorized signatory(ies):

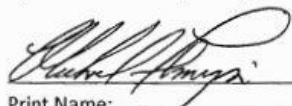

Print Name: \_\_\_\_\_

Print Name LARRY SIMPSON  
ASSOCIATE DIRECTOR, ASSET MANAGEMENT  
MCAP FINANCIAL CORPORATION

Date signed: May 29, 2019

## PROVINCIAL RENTAL HOUSING CORPORATION

by its authorized signatory(ies):

 Print Name: Michael G. Flanigan  
Provincial Rental Housing Corporation

 Dan Maxwell  
 Chief Financial Officer

Print Name: \_\_\_\_\_

Date signed: May 30, 2019

## BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION

by its authorized signatory(ies):




 Print Name: Michael G. Flanigan  
British Columbia Housing  
Management Commission

 Dan Maxwell  
 Chief Financial Officer

Print Name: \_\_\_\_\_

Date signed: May 30, 2019





## Council Report

For the Meeting of June 13, 2019

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**To:** Council **Date:** June 4, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Miscellaneous Bylaws Consequential Amendments Bylaw (Re: Zoning Bylaw 2018)

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### RECOMMENDATION

That Council give first, second and third readings for the attached Bylaw No. 19-067, Miscellaneous Bylaws Consequential Amendments Bylaw (Re: Zoning Bylaw 2018).

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with administrative amendments to various City of Victoria bylaws to update these bylaws so that they reference the new *Zoning Bylaw 2018*. These amendments have been prepared by the City's Legal Services Department to incorporate the new *Zoning Bylaw 2018* into City bylaws in the same manner as the *Zoning Regulation Bylaw*.

### BACKGROUND

*Zoning Bylaw 2018* was approved on July 26, 2018 and applies to the downtown area, while the *Zoning Regulation Bylaw* applies to the remainder of the city. To incorporate *Zoning Bylaw 2018*, staff have identified the need for a few minor administrative amendments to the *Inspection Bylaw*, *Land Use Procedures Bylaw*, *Short-Term Rental Regulation Bylaw*, *Sign Bylaw*, *Ticket Bylaw*, *Tree Preservation Bylaw* and the *Victoria Subdivision and Development Servicing Bylaw* to incorporate the new *Zoning Bylaw 2018* into City bylaws in the same manner as the *Zoning Regulation Bylaw*. These amendments will ensure that the regulations and requirements of these various City bylaws apply consistently to both zoning bylaws.

### CONCLUSIONS

The proposed administrative amendments will ensure that *Zoning Bylaw 2018* is referenced in a similar manner as the current *Zoning Regulation Bylaw* so that the regulations and requirements of the various City bylaws apply consistently to both zoning bylaws.

Respectfully submitted,

A stylized, handwritten signature in black ink.

Robert Batallas  
Senior Planner  
Community Planning Division

A handwritten signature in black ink, appearing to read 'Andrea Hudson'.

Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Joeelyn Jenkins*

Date:

*June 4, 2019*

**List of Attachments**

- Attachment A: Miscellaneous Bylaws Consequential Amendments Bylaw No. 19-067

**MISCELLANEOUS BYLAWS CONSEQUENTIAL AMENDMENTS BYLAW  
(RE ZONING BYLAW 2018)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend a number of City Bylaws as a consequence of the adoption of the Zoning Bylaw 2018, No. 18-072.

**Contents**

- 1 Title
- 2 Amendments to the Inspection Bylaw
- 3 Amendments to the Land Use Procedures Bylaw
- 4 Amendments to the Short-Term Rental Regulation Bylaw
- 5 Amendments to the Sign Bylaw
- 6 Amendments to the Streets and Traffic Bylaw
- 7 Amendments to the Ticket Bylaw
- 8 Amendments to the Tree Preservation Bylaw
- 9 Amendments to the Victoria Subdivision and Development Servicing Bylaw
- 10 Commencement

Under its statutory powers, including section 479 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “Miscellaneous Bylaws Consequential Amendments Bylaw 2019”.

**Amendments to the Inspection Bylaw**

- 2 Bylaw No. 06-061, the Inspection Bylaw, is amended in section 3 by repealing subsection (t), and substituting the following subsections (t) and (u):

- “(t) Zoning Regulation Bylaw;
- (u) Zoning Bylaw 2018.”

**Amendments to the Land Use Procedures Bylaw**

- 3 Bylaw No. 16-028, the Land Use Procedures Bylaw, 2016, is amended as follows:
  - (a) in its preamble, by inserting “, Zoning Bylaw 2018,” immediately after “Official Community Plan”, and

- (b) in Schedule A, section 2(2)(a), by striking out “*Zoning Regulation Bylaw*” and substituting “zoning bylaw”.

#### **Amendments to the Short-Term Rental Regulation Bylaw**

- 4 Bylaw No. 18-036, the Short-Term Rental Regulation Bylaw, is amended in its preamble by inserting “or Zoning Bylaw 2018 No. 18-072,” immediately after “Zoning Regulation Bylaw No. 80-159”.

#### **Amendments to the Sign Bylaw**

- 5 Bylaw No. 14-097, the Sign Bylaw, is amended as follows:
  - (a) in section 3(3), by striking out “Regulation Bylaw”, and
  - (b) in section 40(2), by inserting “or Zoning Bylaw 2018” immediately after “Zoning Regulation Bylaw” at:
    - (i) paragraph (a), and
    - (ii) paragraph (b)(iii).

#### **Amendments to the Streets and Traffic Bylaw**

- 6 Bylaw No. 09-079, the Streets and Traffic Bylaw, is amended by inserting “or Zoning Bylaw 2018” immediately after “Zoning Regulation Bylaw” at:
  - (a) section 53(2)(d), and
  - (b) sections 95(1), 95(3) and 95(4).

#### **Amendments to the Ticket Bylaw**

- 7 Bylaw No. 10-071, the Ticket Bylaw, is amended as follows:
  - (a) inserting in the Table of Contents, immediately below the line “Schedule NN – Zoning Regulation Bylaw Offences and Fines”, a new line as follows:
 

“Schedule OO – Zoning Bylaw 2018 Offences and Fines”,
  - (b) in sections 4, 5, and 6, by striking out “NN” and substituting “OO”,
  - (c) in Schedule A, Bylaws & Enforcement Officers, by adding a new row numbered 44 immediately below row 43 as follows:
 

44	Zoning Bylaw 2018	Bylaw Officer
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”, and
  - (d) by inserting immediately after Schedule NN the new Schedule OO, Zoning Bylaw 2017 Offences and Fines, which is attached to this bylaw as Appendix A.



## Amendments to the Tree Preservation Bylaw

**8** Bylaw No. 05-106, the Tree Preservation Bylaw, is amended as follows:

- (a) in section 2, by inserting “or Zoning Bylaw 2018” immediately after “Zoning Regulation Bylaw” within the definitions for:
  - (i) “building envelope”, and
  - (ii) “building envelope line”, and
- (b) in section 5(2)(b)(ii), by inserting “or Zoning Bylaw 2018” immediately after “Zoning Regulation Bylaw”.

## Amendments to the Victoria Subdivision and Development Servicing Bylaw

**9** Bylaw No. 12-042, the Victoria Subdivision and Development Servicing Bylaw, is amended by inserting “and Zoning Bylaw 2018” immediately after “Zoning Regulation Bylaw” at:

- (a) section 5(4), and
- (b) section 9(2)(b).

## Commencement

**10** This Bylaw comes into force on adoption.

READ A FIRST TIME the day of 2019

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2019

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2019

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2019

CITY CLERK

MAYOR

## Appendix A

**Schedule OO****Zoning Bylaw 2018  
Offences and Fines**

Column 1 - Offence	Column 2 - Section	Column 3 - Set Fine	Column 4 – Fine if paid within 30 days
Use/allow use contrary to bylaw	1.1.10	\$350.00	\$300.00
Place, erect, construct or alter contrary to bylaw	1.1.11	\$350.00	\$300.00
More than one building on lot, or a building on more than one lot	1.1.12	\$350.00	\$300.00
Parking, loading, screening or landscaping contrary to bylaw	1.1.13	\$350.00	\$300.00

**LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 10)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the *Land Use Procedures Bylaw* to:

1. clarify certain provisions in relation to fees and process;
2. add row numbers for ease of reference in Schedule D;
3. add a type of parking variance and Development Permit Area 15F to the list of delegated permits in Schedule D; and
4. update and clarify the items required in a landscape security estimate in Schedule E.

**Contents**

1. Title
2. Definition
- 3-5. Amendments
6. Effective Date

Under its statutory powers, including Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

**Title**

1. This Bylaw may be cited as the “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 10)”.

**Definition**

2. “LUP Bylaw” means Bylaw No. 16-028, Land Use Procedures Bylaw, 2016.

**Amendments**

3. The LUP Bylaw is amended as follows:
  - (a) in section 4, under the definition of “zoning bylaw”, by adding “and Zoning Bylaw 2018” after “the City’s Zoning Regulation Bylaw”;
  - (b) by striking out section 21 and replacing it with:

“21. An applicant who has paid the base application fee is entitled to:

    - a. a 90% refund if the application is withdrawn or cancelled within 15 business days from the date of submission; or
    - b. a 75% refund if the application is withdrawn or cancelled within 40 business days from the date of submission.”;

- (c) in section 24, by inserting “(a)” prior to “If an application”, and inserting the following new subsection:
    - “(b) If an application is declined by Council resolution, the file will be closed.”;
  - (d) in section 25, by:
    - (i) adding “(a)” prior to “An applicant wishing to”;
    - (ii) striking out “closed file” and replacing it with “cancelled file under Section 24(a)”;
    - (iii) inserting the following new subsection:
      - “(b) An applicant wishing to reopen a closed file under Section 24(b) must submit a new application in accordance with the timeline under Section 35 and pay the application fee prescribed in Schedule A of this Bylaw.”;
  - (e) in section 27(a) by striking out “*Zoning Regulation Bylaw*” and replacing it with “zoning bylaw”;
  - (f) by striking out section 28 and replacing it with:
    - “Section 27 does not apply to City-initiated amendments:
      - a. that involve ten or more parcels; or
      - b. where, in the opinion of the Director, the posting of signage is not practical because the owner of the affected site does not consent and there is no suitable public property for the signage in sufficiently close proximity to the affected site.”
  - (g) in section 50(a), by inserting “or under the Director’s delegated authority;” after “by Council”.
4. The LUP Bylaw is amended in Schedule A as follows:
- (a) by striking out section 2(5)(f), and replacing it with:
    - “(f) If a development permit or heritage alteration permit application is submitted under paragraph 5(a)(i),(ii) or (iii) in conjunction with an application under paragraph 2 for the same project:
      - i) only one base application fee is payable, calculated in accordance with paragraph (3); and
      - ii) only one variance fee is payable for each proposed variance, calculated in accordance with paragraph (3).”;



- (b) by striking out section 2(11) and replacing it with:

“(11) Notwithstanding paragraphs 4(b) and 8, no base application fee is payable for a heritage alteration permit for a single family dwelling or duplex; however, where a variance is proposed, a fee of \$250 for each variance applies.”;

- (c) in section 4(1), by striking out “If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.”; and

- (d) in section 4(3), by inserting “City staff,” immediately after “comments arising from”.

5. The LUP Bylaw is further amended as follows:

- (a) by striking out section 4 in each of Schedules B and C and replacing it with:

“4. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.”

- (b) by repealing Schedules D and E and replacing each with the respective Schedules D and E attached as Schedule 1 to this Bylaw.

### Effective Date

6. This Bylaw comes into force on adoption.

READ A FIRST TIME the **23<sup>rd</sup>** day of **May** 2019

READ A SECOND TIME the **23<sup>rd</sup>** day of **May** 2019

READ A THIRD TIME the **23<sup>rd</sup>** day of **May** 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

## Schedule 1

### City of Victoria Bylaw No. 16-028

## Schedule D

### DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
1	DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
2	HAP without variances for a single family dwelling or duplex	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  Permit valid for two years from the date of issuance.
3	DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas and all HCAs	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP.  The expiry date of the original permit applies.
4	DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas and all HCAs	The permit being renewed must be: <ul style="list-style-type: none"> <li>o unexpired at the time of application;</li> <li>o unchanged from the original application; and</li> <li>o not subject to any new policies or regulations.</li> </ul> Permit valid for two years from the date of issuance.
5	DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied.  Permit is valid for two years from the date of issuance.
6	DP for new buildings, building additions, structures and equipment that are less than 100 m <sup>2</sup> in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages	Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
7	DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential – Duplex DPA 15E: Intensive Residential – Garden Suites DPA 15F: Intensive Residential – Attached Residential Development	Permit is valid for two years from the date of issuance.
8	DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
9	DP for floating buildings, floating building additions and floating structures that do not exceed 100 m <sup>2</sup> in floor area	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.
10	DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.
11	DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 1 (HC) DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		DPA 14: Cathedral Hill Precinct HCA 1 DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character DPA 15F: Intensive Residential – Attached Residential Development HCA 1: Traditional Residential	
12	DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit
13	Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	The proposed landscaping must comply with applicable guidelines.  Permit is valid for two years from the date of issuance.



Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
14	Temporary buildings and structures that do not exceed 100 m <sup>2</sup> in floor area	All DP Areas and all HCAs	<p>Temporary buildings and structures located on private property.</p> <p>Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.</p>
15	Temporary construction trailers and temporary residential unit sales trailers	All DP Areas and all HCAs	<p>Temporary construction trailers and temporary residential unit sales trailers located on private property.</p> <p>Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:</p> <ul style="list-style-type: none"> <li>○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or</li> <li>○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or</li> <li>○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.</li> </ul>
16	DP for new buildings and building additions that are less than 150m <sup>2</sup> in floor area.	CD-9 Zone, Dockside District within DPA 13: Core Songhees	The proposed building and building addition must comply with applicable guidelines Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
17	DP for changes to landscaping previously approved under a Development Permit or Heritage Alteration Permit	CD-9 Zone, Dockside District within DPA 13: Core Songhees	The proposed landscaping must comply with applicable guidelines or be in accordance with a landscape plan that is attached to and form part of an approved permit. Permit is valid for two years from the date of issuance.
18	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw and relates to a commercial, institutional or industrial use; and iii) the variance does not exceed 5 motor vehicle parking stalls; and iv) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 16: General Form and Character	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.
19	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw and relates to a commercial, institutional or industrial use; and iii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the <i>Local Government Act</i> ; and iv) the proposed new use requires no more than 5 additional motor vehicle parking stalls, even if the total variance for the building exceeds 5 motor vehicle parking stalls; and v) the proposed new use requires no more than 6 additional bicycle parking	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 16: General Form and Character	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.		

**City of Victoria  
Bylaw No. 16-028**

**Schedule E**

**LANDSCAPE SECURITY**

**1 Landscape security amount**

The landscape security shall be calculated at 120% of the total landscaping cost, based on an estimate of the landscaping costs that the applicant provides to the Director, with a minimum landscape security of \$2000.

**2 Landscaping costs**

(a) The landscaping costs that must be included within the estimate provided to the Director include but are not limited to the following:

- (1) Tree protection measures;
- (2) Landscape grading;
- (3) Landscape retaining walls;
- (4) Landscape paving including structural bases;
- (5) Landscape structures, such as fences, screen walls, living walls, built-in planters, and shade structures;
- (6) Landscape furnishings, such as benches and seating, bicycle parking facilities, waste and recycling containers, recreational equipment, and play equipment;
- (7) Plant materials, such as trees, shrubs, perennials, grasses or other ground cover;
- (8) Green roofs;
- (9) Sod and seeding;
- (10) Growing medium;
- (11) Structural soil cells;
- (12) Water features;
- (13) Site lighting;
- (14) Labour;
- (15) Irrigation; and
- (16) Other landscape materials.

(b) All estimated costs provided under subsection (a) must include applicable taxes.





## **Council Report**

### **For the Meeting of June 13<sup>th</sup>, 2019**

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**To:** Council

**Date:** May 28<sup>th</sup>, 2019

**From:** Chris Coates, City Clerk

**Subject:** Vancouver Island Inter-Community Business Licensing Bylaw

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### **RECOMMENDATION**

That Council give first, second, and third readings to the Inter-Community Business Licensing Bylaw at the June 13<sup>th</sup> Council meeting.

### **EXECUTIVE SUMMARY**

On October 4<sup>th</sup>, 2018, Council approved the following motion:

"That Council direct staff to bring forward a bylaw establishing the City's participation in a Vancouver Island Inter-Community Business Licensing (ICBL) program."

The Vancouver Island Inter-Community Business Licensing Bylaw is attached as Appendix A. The September 27, 2018 Committee of the Whole report providing details on this issue is attached as Appendix B.

This program would allow mobile businesses to obtain a licence to operate in all participating local governments. Participating local governments currently include Duncan, Esquimalt, Ladysmith, Lake Cowichan, Nanaimo, North Cowichan, Parksville, and Sooke. More local governments are considering participation in this framework.

Eligible mobile businesses would not need to be located within a participating local government, therefore Esquimalt and Songhees Nation businesses would be able to benefit from this business licence.

The business licence fee is set at \$170 in order to maintain existing licensing revenue, offset any anticipated administrative costs, and promote consistency across participating communities. The Province drew upon analysis of 2017 Metro West Vancouver business licensing data to conclude that increasing the business licence fee by 12% supports revenue neutrality. The Central Island ICBL fee is set at \$150 and when multiplied by 1.12 equals \$168, which can be rounded up to \$170.

Higher administrative costs would result from greater ICBL business licence uptake and data sharing with participating local governments.

Respectfully submitted,



Monika Fedyczkowska  
Legislative and Policy Analyst



Chris Coates  
City Clerk



Susanne Thompson  
Deputy City Manager



Quinn Anglin  
Business Ambassador

Report accepted and recommended by the City Manager:



Date:

May 28, 2019

**List of Attachments**

Attachment A: Vancouver Island Inter-Community Business Licensing Bylaw

Attachment B: September 27, 2018 Committee of the Whole report

NO. 19-064

**VANCOUVER ISLAND INTER-COMMUNITY BUSINESS LICENSING BYLAW****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to establish the City of Victoria's participation in an intercommunity business licensing framework on Vancouver Island.

***Contents*****PART 1 - INTRODUCTION**

- 1 Title
- 2 Definitions

**PART 2 - INTER-COMMUNITY BUSINESS LICENCE REGULATIONS**

- 3 Participation in the Inter-Community Business Licensing Program

**PART 3 – LICENCE ADMINISTRATION**

- 4 Licence Application and Fee
- 5 Information Sharing with Participating Local Governments
- 6 Licence Suspension or Cancellation

**PART 4 – MISCELLANEOUS**

- 7 Withdrawal from Inter-Community Business Licensing Program
- 8 Severability
- 9 Effective Date

**PART 1 – INTRODUCTION****Title**

- 1 This Bylaw may be cited as the "Vancouver Island Inter-Community Business Licensing Bylaw".

**Definitions**

- 2 In this Bylaw:

**“Business”**

Has the same meaning as defined by the Community Charter Schedule – Definitions and Rules of Interpretation.

**“Excluded Business”**

Means a business excluded from application for an Inter-Community Business Licence and includes those businesses referred to in Schedule A.

**“Inter-Community Business”**

Means a business that performs a service or activity within more than one Participating Local Government by moving from client to client rather than have clients come to them. This includes but is not limited to trades, plumbers, and electricians, cleaning services, pest control and other similar businesses. This does not include fruit stands, flea markets, trade shows and other similar businesses.

**“Inter-Community Business Licence”**

Means a business licence that authorizes inter-community business to be carried on within the boundaries of any or all of the Participating Local Governments in accordance with this Bylaw.

**“Municipal Business Licence”**

Means a licence or permit, other than an Inter-Community Business Licence, used by a Participating Local Government that authorizes a business to be carried on within the jurisdictional boundaries of that Participating Local Government.

**“Participating Local Government”**

Means local governments located on Vancouver Island that have adopted a corresponding bylaw and any other local governments located on Vancouver Island that adopt a corresponding bylaw at a later date.

**“Person”**

Has the same meaning as in the Interpretation Act.

**“Premise”**

Means a fixed or permanent location where the applicant ordinarily carries on business.

**“Principal Local Government”**

Means the Participating Local Government where a business is physically located, or has a premise, or, where the licensee does not maintain a Premise in any of the Participating Local Governments, the Participating Local Government that issues the Inter-Community Business Licence.

**PART 2 – INTER-COMMUNITY BUSINESS LICENCE REGULATIONS****Participation in the Inter-Community Business Licensing Program**

- 3      (1)      Subject to Subsection (3) and (5), a Person who has obtained an Inter-Community Business Licence may carry on Business within a Participating Local Government without obtaining a Municipal Business Licence in the other Participating Local Governments.



- (2) A Participating Local Government may issue an Inter-Community Business Licence to an Inter-Community Business that is not an Excluded Business, and the applicant meets the requirements of this Bylaw.
- (3) A Person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Local Government in which they are carrying on business.
- (4) A Business that operates under an Inter-Community Business Licence in more than one Participating Local Government shall only apply for an Inter-Community Business Licence from the Participating Local Government in which they maintain a Premise.
- (5) Notwithstanding the issuance of an Inter-Community Business Licence, every Person who carries on, maintains, owns or operates, within a Participating Local Government, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premise or store shall obtain a separate Municipal Business Licence for each branch, office, place, premise or store. Further notwithstanding Sections (2), (3), and (4), the Participating Local Governments agree that where an applicant for an Inter-Community Business Licence:
  - (a) Does not maintain Premises in any of the Participating Local Governments, then the applicant may apply at any one of them; or
  - (b) Maintains a Premise in more than one of the Participating Local Governments, the applicant must apply at one of the Participating Local Governments where they maintain a Premise.

### **PART 3 – LICENCE ADMINISTRATION**

#### **Licence Application and Fees**

- 4 (1) Every Inter-Community Business Licence shall be issued on a standard form provided for that purpose, as agreed upon from time to time by the Participating Local Governments and including, as a minimum, the following information:
  - (a) Disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking, or thing to be carried on, maintained, owned or operated by the applicant;
  - (b) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
  - (c) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling undertaking or thing;
  - (d) Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing
  - (e) Disclosing the number of distinctive lines of goods sold or offered for sale;
  - (f) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing, which the Participating Local Government may require.

- (2) The fee for an Inter-Community Business Licence is \$170

### **Information Sharing with Participating Local Governments**

- 5 Each Participating Local Government shall provide to all other Participating Local Governments standardized information regarding the Inter-Community Business Licences issued by way of at least weekly updates on a shared database available to all Participating Local Governments.

### **Licence Suspension or Cancellation**

- 6 (1) A Council or Designated Officer or Employee of a Participating Local Government may suspend or cancel an Inter-Community Business Licence. The suspension or cancellation shall be in effect throughout all Participating Local Governments.
- (2) Before suspending or cancelling an Inter-Community Business Licence under Section 6(1), the Participating Local Government must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- (a) If the licence holder wishes to exercise this right, the Participating Local Government shall communicate in writing to the licence holder and Principal Local Government that issued the Inter-Community Business Licence, together with such documentary evidence of the reasons for suspension or cancellation as may be available and the request to be heard. Such Principal Local Government shall then as soon thereafter as reasonably possible provide the Licence Holder an opportunity to address their respective Council who will then consider whether to suspend or cancel the Inter-Community Business Licence.
- (b) If the licence holder does not exercise their right to be heard, the Participating Local Government may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(1).
- (3) Any conduct by a licence holder resulting in a hearing made under Section 6(2)(a) shall be considered by the Council of the Principal Local Government as though it happened within the jurisdiction of the Principal Local Government.
- (4) A decision by a Principal Local Government or Participating Local Government to cancel or suspend an Inter-Community Business Licence under Section 6(2) shall be honoured by all Participating Local Governments.
- (5) Nothing in this Bylaw impedes the authority of a Participating Local Government to suspend or cancel any business licence issued by that Local Government, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the Community Charter.

## PART 5 – MISCELLANEOUS

### Withdrawal from Inter-Community Business Licensing Program

- 7 (1) A Participating Local Government may, by notice in writing to each of the other Participating Local Governments, withdraw from the Inter-Community Business Licensing Program established by this bylaw. The notice must:
- (a) Set out the date on which the withdrawing Participating Local Government will not longer recognize the validity within its boundaries of business licences issued pursuant to this Bylaw, which date must be at last six months from the date of the notice; and
  - (b) Include a certified copy of the Bylaw authorizing the withdrawal.
- (2) An Inter-Community Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Local Government.
- (3) If any section, paragraph, or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

### Severability

- 8 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

### Effective Date

- 9 This Bylaw shall come into force and effect on the day it is adopted.

READ A FIRST TIME the	day of	2019.
READ A SECOND TIME the	day of	2019.
READ A THIRD TIME the	day of	2019.
ADOPTED on the	day of	2019.

CITY CLERK

MAYOR

**SCHEDULE A**

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Framework set out in the bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines, or buses)
- Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique)
- Cannabis related businesses (a business which involves the sale of cannabis)





## Committee of the Whole Report For the Meeting of September 27, 2018

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<b>To:</b>	Committee of the Whole	<b>Date:</b>	September 19, 2018
<b>From:</b>	Chris Coates, City Clerk Susanne Thompson, Director of Finance		
<b>Subject:</b>	Vancouver Island Intercommunity Business Licensing Proposal		

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### RECOMMENDATION

That Council direct staff to bring forward a bylaw establishing the City's participation in a Vancouver Island Inter-Community Business Licensing (ICBL) program.

### EXECUTIVE SUMMARY

An inter-municipal business licence or ICBL makes obtaining a licence easier and less costly for businesses which provide services in more than one municipality.

The City of Victoria (City) has participated in the Greater Victoria Inter-Municipal Business Licensing program with all 13 municipalities in the Capital Regional District (CRD) since January 1, 2000. In February 2018, a representative of the Greater Victoria business licensing group and of the Central Island business licensing group met to discuss progress in building business partnerships on Vancouver Island. This meeting resulted in a recommendation to develop a Vancouver Island Inter-Community Business Licensing program.

As broader program administration could accommodate a business licence uptake without staff implications, staff recommend that Council approve participation in the Vancouver Island Inter-Community Business Licensing program, with business licences available for \$170, to continue promoting businesses by removing administrative barriers for mobile businesses providing services in other Vancouver Island municipalities.

### PURPOSE

The purpose of this report is to provide information to Council on a new Vancouver Island Initiative for an Inter-Community Business Licensing regime for Vancouver Island municipalities and to recommend that Council approve the City's participation in the Program.

### BACKGROUND

The City has participated in the Greater Victoria Inter-Municipal Business Licensing program since its inception in 2000. In this program that all Capital region municipalities participate in, a local business owner can purchase a business licence for \$100 to operate in any municipality in the Capital region. A business owner qualifies for an Inter-Municipal Business Licence by living in or

having a business located in a municipality within the Capital region. Out of town businesses may only obtain a business licence to operate in Victoria. In 2017, the City issued 1259 inter-municipal business licences to local businesses and 225 licences to out of town businesses. It is unknown how many businesses based in Greater Victoria purchase licences in other Vancouver Island municipalities that would participate in the proposed ICBL program.

On February 8<sup>th</sup>, 2018, representatives from the Greater Victoria Inter-Municipal Business Licensing program, the Central Island ICBL program, and the Cowichan Valley Regional District met to discuss expanding business partnerships throughout Vancouver Island. Other Vancouver Island municipalities in the north (Alert Bay, Port Alice, Port Hardy, Port McNeil) and west (Tofino and Ucluelet) were invited to this meeting, as these municipalities are considering ICBL partnerships. Following discussions, they recommended developing an ICBL program for Vancouver Island municipalities.

As of July 2018, Esquimalt and Ladysmith Councils have directed to proceed with developing ICBL framework and Sooke Council has agreed in principle. Provincial staff will continue to update an ICBL adoption tracker with intent of other Vancouver Island municipalities to participate in an ICBL program.

## **ISSUES AND ANALYSIS**

### Purpose and Goals of Inter Community Business Licensing Program

Created in partnership with local governments, the Union of British Columbia Municipalities and the Province, ICBL agreements simplify the business licensing process by enabling a business to purchase a single business licence to operate in all participating municipalities.

The Province conducted a business licensing analysis concluding that ICBL partnerships support a significant number of mobile businesses (e.g. contractors, caterers, and other service providers) throughout Vancouver Island by reducing administrative burden, fostering intercommunity partnerships, increasing compliance and displaying business friendliness without substantial impact to municipal revenues.

The Greater Victoria Inter-Municipal Business Licensing program has met these goals since 2001 and the Central Island ICBL program has done likewise since 2014.

### ICBL Impact on Vancouver Island Businesses

In 2017, the Province received business licensing data from most participating Central Island and Greater Victoria ICBL communities. The data shows that approximately 10% of non-resident businesses purchased licences in both ICBL programs. Assuming that most mobile business are in the construction sector which has 32,000 businesses on Vancouver Island according to Statistics Canada, and that 10% of these businesses are working in both the Central Island and Greater Victoria ICBL communities, then 3,200 businesses could benefit from broader ICBL partnerships.

It is unknown how many Victoria businesses would directly benefit from an ICBL program. The City does not collect data regarding the number of local businesses that purchase business licences outside of the Greater Victoria Inter-Municipal Business Licensing area. The proposed ICBL program would enable to City to collect this data.



An ICBL program would also establish a business licensing framework that would allow out of town businesses, whose business owners do not live or reside in participating municipalities, to purchase a single business licence to operate in participating municipalities rather than purchasing a business licence in each municipality. As a result, Esquimalt Nation and Songhees Nation businesses, which are currently unable to get a Greater Victoria Inter-Municipal Business Licence, would be able to benefit from the ICBL program.

#### ICBL Fee, Revenue, and Administrative Costs

The Province indicated that a business licence fee increase of 12% supports revenue neutrality, based on an analysis of 2017 Metro West Vancouver business licensing data. The Central Island ICBL fee is \$150 and when multiplied by 1.12 equals \$168, which could be rounded up to a \$170. This proposed ICBL fee would maintain existing licensing revenues, offset any anticipated administrative costs in Victoria, and also promote consistency across participating communities. At an October 30, 2017 Central Island ICBL progress meeting, representatives agreed this prorated licensing fee will maintain licensing revenues.

Local mobile businesses who currently hold Greater Victoria Inter-Municipal Business Licences are likely to accept the fee increase for the ICBL license in return for the ability to operate in participating Vancouver Island communities.

Some revenue may be lost from out of town businesses that could purchase their licences in another participating municipality and still operate here; however, there is also potential for additional revenue from out of town applicants that may prefer to obtain licences in Victoria.

Although the proposed ICBL licence presents minimal risks for the City, a greater volume of licences would require more data entry. These licences would require staff to enter licence data into a master list that the Province maintains and all participating ICBL communities can access. While this requirement is unlikely to significantly increase staff workload, higher licence fees would offset any potential administrative costs.

### **OPTIONS AND IMPACTS**

#### **Option 1 - Participate in an Inter-Community Business Licensing program (Recommended)**

The development of this program requires a new bylaw to list participating municipalities and disclose the business licence fee to \$170. Businesses would be able to then purchase either an Inter-Municipal Business Licence for \$100 or an ICBL for \$170.

#### **Option 2 – Do not participate in an Inter-Community Business Licensing program**

Local businesses would continue to purchase licences for \$100 to operate in Greater Victoria and would be required to pay the cost of any additional business licence elsewhere.

#### **2015 – 2018 Strategic Plan**

The recommendation aligns well with the City's strategic goals in Economic Development for reducing red tape and barriers for businesses while supporting innovation, creativity and collaboration and making it easier to do business in the City of Victoria.

### Impacts to Financial Plan

The suggested licence fee of \$170, and anticipated administrative support required to manage the proposed ICBL licence, would be revenue neutral and would not impact the Financial Plan.

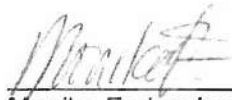
### Accessibility Impact Statement

A new licensing program of this nature has no specific accessibility implications.

### CONCLUSION

The City's participating in a Vancouver Island Inter-Community Business Licensing Program would promote business partnerships by streamlining business licensing requirements within participating communities.

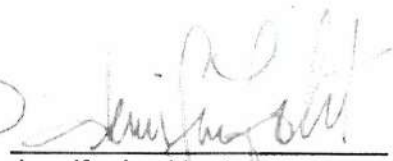
Respectfully submitted,



Monika Fedyczkowska  
Legislative and Policy Analyst



Quinn Anglin  
Business Ambassador



Jennifer Lockhart  
Manager of Revenue




Chris Coates  
City Clerk



Susanne Thompson  
Director of Finance

Report accepted and recommended by the City Manager:

  
Date: Sept. 20, 2018



**VANCOUVER ISLAND INTER-COMMUNITY BUSINESS LICENSING BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to establish the City of Victoria's participation in an intercommunity business licensing framework on Vancouver Island.

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- 9 Effective Date

**PART 1 – INTRODUCTION**

**Title**

- 1 This Bylaw may be cited as the "Vancouver Island Inter-Community Business Licensing Bylaw".

**Definitions**

- 2 In this Bylaw:

**“Business”**

Has the same meaning as defined by the Community Charter Schedule – Definitions and Rules of Interpretation.

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Means a business excluded from application for an Inter-Community Business Licence and includes those businesses referred to in Schedule A.

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Means a business that performs a service or activity within more than one Participating Local Government by moving from client to client rather than have clients come to them. This includes but is not limited to trades, plumbers, and electricians, cleaning services, pest control and other similar businesses. This does not include fruit stands, flea markets, trade shows and other similar businesses.

**“Inter-Community Business Licence”**

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**“Municipal Business Licence”**

Means a licence or permit, other than an Inter-Community Business Licence, used by a Participating Local Government that authorizes a business to be carried on within the jurisdictional boundaries of that Participating Local Government.

**“Participating Local Government”**

Means local governments located on Vancouver Island that have adopted a corresponding bylaw and any other local governments located on Vancouver Island that adopt a corresponding bylaw at a later date.

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Has the same meaning as in the Interpretation Act.

**“Premise”**

Means a fixed or permanent location where the applicant ordinarily carries on business.

**“Principal Local Government”**

Means the Participating Local Government where a business is physically located, or has a premise, or, where the licensee does not maintain a Premise in any of the Participating Local Governments, the Participating Local Government that issues the Inter-Community Business Licence.

**PART 2 – INTER-COMMUNITY BUSINESS LICENCE REGULATIONS****Participation in the Inter-Community Business Licensing Program**

- 3      (1)      Subject to Subsection (3) and (5), a Person who has obtained an Inter-Community Business Licence may carry on Business within a Participating Local Government without obtaining a Municipal Business Licence in the other Participating Local Governments.

- (2) A Participating Local Government may issue an Inter-Community Business Licence to an Inter-Community Business that is not an Excluded Business, and the applicant meets the requirements of this Bylaw.
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- (5) Notwithstanding the issuance of an Inter-Community Business Licence, every Person who carries on, maintains, owns or operates, within a Participating Local Government, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premise or store shall obtain a separate Municipal Business Licence for each branch, office, place, premise or store. Further notwithstanding Sections (2), (3), and (4), the Participating Local Governments agree that where an applicant for an Inter-Community Business Licence:
  - (a) Does not maintain Premises in any of the Participating Local Governments, then the applicant may apply at any one of them; or
  - (b) Maintains a Premise in more than one of the Participating Local Governments, the applicant must apply at one of the Participating Local Governments where they maintain a Premise.

### **PART 3 – LICENCE ADMINISTRATION**

#### **Licence Application and Fees**

- 4 (1) Every Inter-Community Business Licence shall be issued on a standard form provided for that purpose, as agreed upon from time to time by the Participating Local Governments and including, as a minimum, the following information:
  - (a) Disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking, or thing to be carried on, maintained, owned or operated by the applicant;
  - (b) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
  - (c) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling undertaking or thing;
  - (d) Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing
  - (e) Disclosing the number of distinctive lines of goods sold or offered for sale;
  - (f) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing, which the Participating Local Government may require.

- (2) The fee for an Inter-Community Business Licence is \$170

### **Information Sharing with Participating Local Governments**

- 5 Each Participating Local Government shall provide to all other Participating Local Governments standardized information regarding the Inter-Community Business Licences issued by way of at least weekly updates on a shared database available to all Participating Local Governments.

### **Licence Suspension or Cancellation**

- 6 (1) A Council or Designated Officer or Employee of a Participating Local Government may suspend or cancel an Inter-Community Business Licence. The suspension or cancellation shall be in effect throughout all Participating Local Governments.
- (2) Before suspending or cancelling an Inter-Community Business Licence under Section 6(1), the Participating Local Government must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- (a) If the licence holder wishes to exercise this right, the Participating Local Government shall communicate in writing to the licence holder and Principal Local Government that issued the Inter-Community Business Licence, together with such documentary evidence of the reasons for suspension or cancellation as may be available and the request to be heard. Such Principal Local Government shall then as soon thereafter as reasonably possible provide the Licence Holder an opportunity to address their respective Council who will then consider whether to suspend or cancel the Inter-Community Business Licence.
- (b) If the licence holder does not exercise their right to be heard, the Participating Local Government may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(1).
- (3) Any conduct by a licence holder resulting in a hearing made under Section 6(2)(a) shall be considered by the Council of the Principal Local Government as though it happened within the jurisdiction of the Principal Local Government.
- (4) A decision by a Principal Local Government or Participating Local Government to cancel or suspend an Inter-Community Business Licence under Section 6(2) shall be honoured by all Participating Local Governments.
- (5) Nothing in this Bylaw impedes the authority of a Participating Local Government to suspend or cancel any business licence issued by that Local Government, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the Community Charter.



## PART 5 – MISCELLANEOUS

### Withdrawal from Inter-Community Business Licensing Program

- 7        (1)        A Participating Local Government may, by notice in writing to each of the other Participating Local Governments, withdraw from the Inter-Community Business Licensing Program established by this bylaw. The notice must:
- (a)        Set out the date on which the withdrawing Participating Local Government will not longer recognize the validity within its boundaries of business licences issued pursuant to this Bylaw, which date must be at last six months from the date of the notice; and
- (b)        Include a certified copy of the Bylaw authorizing the withdrawal.
- (2)        An Inter-Community Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Local Government.
- (3)        If any section, paragraph, or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

### Severability

- 8        Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

### Effective Date

- 9        This Bylaw shall come into force and effect on the day it is adopted.

READ A FIRST TIME the	day of	2019.
READ A SECOND TIME the	day of	2019.
READ A THIRD TIME the	day of	2019.
ADOPTED on the	day of	2019.

CITY CLERK

MAYOR

**SCHEDULE A**

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Framework set out in the bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines, or buses)
- Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique)
- Cannabis related businesses (a business which involves the sale of cannabis)



## **Committee of the Whole Report**

### **For the Meeting of September 27, 2018**

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**To:** Committee of the Whole  
**From:** Chris Coates, City Clerk  
Susanne Thompson, Director of Finance  
**Date:** September 19, 2018  
**Subject:** Vancouver Island Intercommunity Business Licensing Proposal

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### **RECOMMENDATION**

That Council direct staff to bring forward a bylaw establishing the City's participation in a Vancouver Island Inter-Community Business Licensing (ICBL) program.

### **EXECUTIVE SUMMARY**

An inter-municipal business licence or ICBL makes obtaining a licence easier and less costly for businesses which provide services in more than one municipality.

The City of Victoria (City) has participated in the Greater Victoria Inter-Municipal Business Licensing program with all 13 municipalities in the Capital Regional District (CRD) since January 1, 2000. In February 2018, a representative of the Greater Victoria business licensing group and of the Central Island business licensing group met to discuss progress in building business partnerships on Vancouver Island. This meeting resulted in a recommendation to develop a Vancouver Island Inter-Community Business Licensing program.

As broader program administration could accommodate a business licence uptake without staff implications, staff recommend that Council approve participation in the Vancouver Island Inter-Community Business Licensing program, with business licences available for \$170, to continue promoting businesses by removing administrative barriers for mobile businesses providing services in other Vancouver Island municipalities.

### **PURPOSE**

The purpose of this report is to provide information to Council on a new Vancouver Island Initiative for an Inter-Community Business Licensing regime for Vancouver Island municipalities and to recommend that Council approve the City's participation in the Program.

### **BACKGROUND**

The City has participated in the Greater Victoria Inter-Municipal Business Licensing program since its inception in 2000. In this program that all Capital region municipalities participate in, a local business owner can purchase a business licence for \$100 to operate in any municipality in the Capital region. A business owner qualifies for an Inter-Municipal Business Licence by living in or

having a business located in a municipality within the Capital region. Out of town businesses may only obtain a business licence to operate in Victoria. In 2017, the City issued 1259 inter-municipal business licences to local businesses and 225 licences to out of town businesses. It is unknown how many businesses based in Greater Victoria purchase licences in other Vancouver Island municipalities that would participate in the proposed ICBL program.

On February 8<sup>th</sup>, 2018, representatives from the Greater Victoria Inter-Municipal Business Licensing program, the Central Island ICBL program, and the Cowichan Valley Regional District met to discuss expanding business partnerships throughout Vancouver Island. Other Vancouver Island municipalities in the north (Alert Bay, Port Alice, Port Hardy, Port McNeil) and west (Tofino and Ucluelet) were invited to this meeting, as these municipalities are considering ICBL partnerships. Following discussions, they recommended developing an ICBL program for Vancouver Island municipalities.

As of July 2018, Esquimalt and Ladysmith Councils have directed to proceed with developing ICBL framework and Sooke Council has agreed in principle. Provincial staff will continue to update an ICBL adoption tracker with intent of other Vancouver Island municipalities to participate in an ICBL program.

## **ISSUES AND ANALYSIS**

### Purpose and Goals of Inter Community Business Licensing Program

Created in partnership with local governments, the Union of British Columbia Municipalities and the Province, ICBL agreements simplify the business licensing process by enabling a business to purchase a single business licence to operate in all participating municipalities.

The Province conducted a business licensing analysis concluding that ICBL partnerships support a significant number of mobile businesses (e.g. contractors, caterers, and other service providers) throughout Vancouver Island by reducing administrative burden, fostering intercommunity partnerships, increasing compliance and displaying business friendliness without substantial impact to municipal revenues.

The Greater Victoria Inter-Municipal Business Licensing program has met these goals since 2001 and the Central Island ICBL program has done likewise since 2014.

### ICBL Impact on Vancouver Island Businesses

In 2017, the Province received business licensing data from most participating Central Island and Greater Victoria ICBL communities. The data shows that approximately 10% of non-resident businesses purchased licences in both ICBL programs. Assuming that most mobile business are in the construction sector which has 32,000 businesses on Vancouver Island according to Statistics Canada, and that 10% of these businesses are working in both the Central Island and Greater Victoria ICBL communities, then 3,200 businesses could benefit from broader ICBL partnerships.

It is unknown how many Victoria businesses would directly benefit from an ICBL program. The City does not collect data regarding the number of local businesses that purchase business licences outside of the Greater Victoria Inter-Municipal Business Licensing area. The proposed ICBL program would enable to City to collect this data.



An ICBL program would also establish a business licensing framework that would allow out of town businesses, whose business owners do not live or reside in participating municipalities, to purchase a single business licence to operate in participating municipalities rather than purchasing a business licence in each municipality. As a result, Esquimalt Nation and Songhees Nation businesses, which are currently unable to get a Greater Victoria Inter-Municipal Business Licence, would be able to benefit from the ICBL program.

#### ICBL Fee, Revenue, and Administrative Costs

The Province indicated that a business licence fee increase of 12% supports revenue neutrality, based on an analysis of 2017 Metro West Vancouver business licensing data. The Central Island ICBL fee is \$150 and when multiplied by 1.12 equals \$168, which could be rounded up to a \$170. This proposed ICBL fee would maintain existing licensing revenues, offset any anticipated administrative costs in Victoria, and also promote consistency across participating communities. At an October 30, 2017 Central Island ICBL progress meeting, representatives agreed this prorated licensing fee will maintain licensing revenues.

Local mobile businesses who currently hold Greater Victoria Inter-Municipal Business Licences are likely to accept the fee increase for the ICBL license in return for the ability to operate in participating Vancouver Island communities.

Some revenue may be lost from out of town businesses that could purchase their licences in another participating municipality and still operate here; however, there is also potential for additional revenue from out of town applicants that may prefer to obtain licences in Victoria.

Although the proposed ICBL licence presents minimal risks for the City, a greater volume of licences would require more data entry. These licences would require staff to enter licence data into a master list that the Province maintains and all participating ICBL communities can access. While this requirement is unlikely to significantly increase staff workload, higher licence fees would offset any potential administrative costs.

### **OPTIONS AND IMPACTS**

#### **Option 1 - Participate in an Inter-Community Business Licensing program (Recommended)**

The development of this program requires a new bylaw to list participating municipalities and disclose the business licence fee to \$170. Businesses would be able to then purchase either an Inter-Municipal Business Licence for \$100 or an ICBL for \$170.

#### **Option 2 – Do not participate in an Inter-Community Business Licensing program**

Local businesses would continue to purchase licences for \$100 to operate in Greater Victoria and would be required to pay the cost of any additional business licence elsewhere.

### **2015 – 2018 Strategic Plan**

The recommendation aligns well with the City's strategic goals in Economic Development for reducing red tape and barriers for businesses while supporting innovation, creativity and collaboration and making it easier to do business in the City of Victoria.

### Impacts to Financial Plan

The suggested licence fee of \$170, and anticipated administrative support required to manage the proposed ICBL licence, would be revenue neutral and would not impact the Financial Plan.

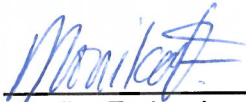
### Accessibility Impact Statement

A new licensing program of this nature has no specific accessibility implications.

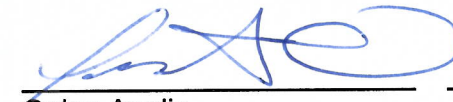
### CONCLUSION

The City's participating in a Vancouver Island Inter-Community Business Licensing Program would promote business partnerships by streamlining business licensing requirements within participating communities.

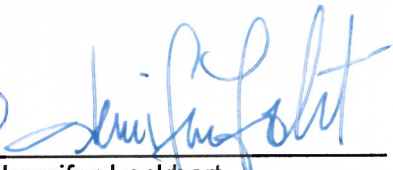
Respectfully submitted,



Monika Fedyczkowska  
Legislative and Policy Analyst



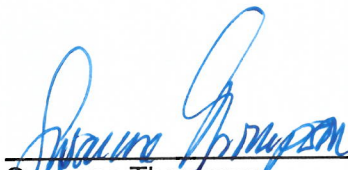
Quinn Anglin  
Business Ambassador



Jennifer Lockhart  
Manager of Revenue




Chris Coates  
City Clerk



Susanne Thompson  
Director of Finance

Report accepted and recommended by the City Manager:

Date:

  
Sept. 20, 2018



Sechelt  
Office of the Mayor

June 5, 2019

Attn: All UBCM Mayors and Chairs,

**RE: Fentanyl Crisis in BC – Call to Action: Help promote naloxone distribution and training in your community**

Dear Mayors and Chairs,

Despite escalated efforts across the province, B.C. continues to see record numbers of illicit drug overdose deaths. Many of these deaths result from people using drugs alone. With four people a day dying of a preventable overdose, B.C. is experiencing the worst public health crisis the province has seen in decades. Naloxone is proven to save lives by reviving a person who has overdosed to give them enough time to get to the hospital. Naloxone cannot be self-administered, so drug users must rely on friends or family to help.

On January 29, 2019 Town of Gibsons Mayor Bill Beamish, shíshálh Nation Chief Warren Paull, Sunshine Coast Regional District Chair Lori Pratt and District of Sechelt Mayor Darnelda Siegers participated in a media event where we received naloxone training to raise awareness and fight stigma. We are writing to encourage you, as community leaders, to take action by helping to promote naloxone distribution and training in BC communities, to raise awareness about the fentanyl crisis, fight stigma and save lives.

Staging a media event like we did can help, but there are many other ways to start saving lives in your community as well. The latest Overdose Response Progress Update (Nov 2018 – Feb 2019) includes statistics and information on many programs and grants that are now available.

Sincerely,

Darnelda Siegers  
Mayor, District of Sechelt

Lori Pratt  
Chair, Sunshine Coast Regional District

Warren Paull  
hiwus, shíshálh Nation

Bill Beamish  
Mayor, Town of Gibsons