



**AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF JULY 23, 2015, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE**

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

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| 1. | Minutes from the Meeting held on July 9, 2015. | 5 - 15 |
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COMBINED DEVELOPMENT APPLICATION REPORTS

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| 2. | Rezoning Application No. 00480 for 2280 Forbes Street
--J. Tinney, Director - Sustainable Planning and Community Development | 17 - 70 |
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A proposal to rezone the property to authorize a two lot subdivision and construct one new house on a small lot. A Public Hearing is required prior to Council making a final decision on the application.

Staff Recommendation: *To advance the application to a Public Hearing.*

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| 3. | Development Permit with Variances Application No. 00480 for 2280 Forbes Street
--J. Tinney, Director - Sustainable Planning and Community Development | 71 - 104 |
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An application to authorize the design and siting of a house on a small lot.

Staff Recommendation: *Following the Public Hearing for the rezoning, that Council consider authorizing the permit.*

DEVELOPMENT APPLICATION REPORTS

4. Development Permit Application No. 000429 for C8-1 Dallas Road 105 - 125
--J. Tinney, Director – Sustainable Planning and Community Development
- An application to authorize an addition to a float home located at Fisherman's Wharf.*
- Staff Recommendation: That Council consider authorizing the permit.
5. Development Variance Permit Application No. 00152 for 361 and 363 127 - 148
Foul Bay Road
--J. Tinney, Director – Sustainable Planning and Community Development
- An application to authorize the design of a two-car garage in the rear yard of the property. A hearing is required prior to Council making a final decision on the application.*
- Staff Recommendation: That Council consider authorizing the permit.
6. Development Permit With Variances Application No. 000419 for 330 149 - 192
Irving Road
--J. Tinney, Director – Sustainable Planning and Community Development
- An application to authorize the design of a one-storey house on a panhandle lot to the rear of an existing house. A hearing is required prior to Council making a final decision on the application.*
- Staff Recommendation: That Council consider authorizing the permit.
7. Development Permit With Variances Application No. 000377 for 613 193 - 243
Herald Street
--J. Tinney, Director – Sustainable Planning and Community Development
- An application to authorize the design of a five-storey, commercial-residential building. A hearing is required prior to Council making a final decision on the application.*
- Staff Recommendation: That Council consider authorizing the permit.

POLICY REPORTS

8. Mandatory Seismic Upgrading Bylaw 245 - 256
--J. Tinney, Director - Sustainable Resources and Community Development
- A report proposing amendments to the Provincial Building Act that would allow the City of Victoria to require seismic upgrading to vulnerable buildings.*
- Staff Recommendation: That Council consider advocating to the Province a

location-specific regulation within British Columbia Building Act that would allow the City of Victoria to require mandatory seismic upgrading.

DECISION REQUESTS

9. Application for a Permanent Special Event Area Endorsement for the Vancouver Island Brewery - 2330 Government Street - License No. 000179 257 - 270
--R. Woodland, Director - Legislative and Regulatory Services

A report to seek Council approval for a permanent change to license a 60 person Special Events Area inside the brewery.

Staff Recommendation: *That Council pass a resolution in support of the application.*
10. Application for Patron Participation Endorsement for the Oswego Hotel - 500 Oswego Street - License No. 000178 271 - 278
--R. Woodland, Director - Legislative and Regulatory Services

A report to seek Council approval for a small dance floor within the existing restaurant at the Oswego Hotel.

Staff Recommendation: *That Council pass a resolution in support of the application.*

ADJOURNMENT

MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, JULY 9, 2015, 9:00 A.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; T. Soulliere – Director, Parks & Recreation; K. Hamilton – Director, Citizen Engagement & Strategic Planning; B. Dellebuur – Acting Assistant Director, Transportation & Parking Services; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; S. Hutchinson – Transportation Planner; S. Stern – Land Development Technologist; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; M. MacLeod-Shaw – Assistant City Solicitor; C. Mycroft – Executive Assistant to the City Manager; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

The Chair canvassed Committee, who approved bringing forward the following items for approval:

- Item # 1 Minutes from the meeting held on June 25, 2015
- Item # 4 Development Permit Application No. 000427 for 1284 – 1298 Gladstone Avenue
- Item # 5 Development Variance Permit Application No. 00149 for 1362 Dallas Road
- Item # 6 Development Permit with Variances Application No. 000425 for 755 Caledonia Avenue

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the July 9, 2015, Planning & Land Use Committee meeting be approved, as amended.

CARRIED UNANIMOUSLY 15/PLUC

3. CONSENT AGENDA

3.1 Minutes

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held June 25, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC

3.2 Development Permit Application No. 000427 for 1284-1298 Gladstone Avenue

Committee received a report regarding an application for 1284-1298 Gladstone Avenue. The proposal is to modify the rear yard garbage and recycling enclosure with the addition of a shipping container for storage.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000427 for 1284-1298 Gladstone Avenue, in accordance with:

1. Plans date stamped May 14, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC

3.3 Development Variance Permit Application No. 00149 for 1362 Dallas Road

Committee received a report regarding an application for 1362 Dallas Road. The proposal is to convert the existing single family dwelling into four residential units.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00149 for 1362 Dallas Road, in accordance with:

1. Plans date stamped June 10, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, Section 16.A.7, reducing the off-street parking requirement from three stalls to two parking stalls for the four unit conversion.
 - b. Schedule G, Section 6.B, relaxation to allow changes to the exterior of the building for the addition of an unenclosed deck space on the south side yard.

- c. Schedule C, Section 6.E, relaxation to allow changes to the exterior of a building facing a street, for the addition of an unenclosed deck space on the south side yard.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC

3.4 Development Permit with Variances Application No. 000425 for 755 Caledonia Avenue

Committee received a report regarding an application for 755 Caledonia Street. The proposal is for the replacement of ground floor retail space with residential units.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000425 for 755 Caledonia Avenue, in accordance with:

1. Plans date stamped May 7, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Section 6.8.1(e) Increase of up to 435m² in permitted residential use on the first storey.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC

4. DECISION REQUEST

4.1 Dr. Sun Yat-Sen Statue Donation and Site Approval

Committee received a request from the Sun Yat-Sen Foundation for Peace and Education, to accept a donation of a statue of Dr. Sun Yat-Sen. The Foundation and the Canada Ocean Media Group Corporation will each donate \$10,000 to cover the costs of the statue and base for a total of \$20,000. The Foundation has requested that the City, in return for the gift, assist with the coordination of the project, including installation and unveiling of the statue.

Committee discussed:

- The location of the statue in Capital Regional District Square.
- The recommendation to reduce the base so that the total height including the base will be 10 feet to align this statue with the other public art in the area.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.

2. Accept the recommendation of the Art in Public Places Committee to reduce the height of the base to 7 feet and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

Committee discussed:

- The location in Capital Regional District Square was chosen as it was close to Chinatown and it is expected that the statue will be a draw for visitors.
- How tall the statue and base will be when combined.
- The statue and base cannot be altered but the concrete base could be modified to lower the overall height.

Amendment: It was moved by Councillor Young, seconded by Councillor Alto, that the motion be amended as follows:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.
2. Accept the recommendation of the Art in Public Places Committee to ~~reduce the height of the base to 7 feet~~ **to reduce the height of the statue and base to a total of 10 feet or less** and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

Committee discussed:

- If it is feasible to reduce the overall height to 10 feet or less.
- Cultural practice would have the statue on a plinth of a set height to convey a sense of respect.

On the amendment:
DECLINED UNANIMOUSLY 15/PLUC

Amendment: It was moved by Councillor Madoff, seconded by Councillor Alto, that the motion be amended as follows:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.
2. Accept the recommendation of the Art in Public Places Committee **to reduce the base as much as practically possible** and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC

On main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC

A Council member inquired about the status of the Council policy for consideration of memorial requests that has been under development. The City Manager advised that the report is underway.

5. POLICY REPORT

5.1 Density Bonus Report

Committee received a report regarding the use of density bonus to facilitate the provision of community amenities outside of the Downtown Core Area and the feasibility of setting a fixed-rate amenity contribution target to enhance or accelerate amenity development.

Committee discussed:

- If other municipalities use a fixed rate approach.
 - Every municipality has a different approach. Many have moved to fixed rates in locations outside of the downtown and where there are commercial and higher density areas in the downtown.
- The City is in the process of working with neighbourhoods regarding local area planning and this proposal seems contrary to that work.
- The importance of input from the communities many of which are having a hard time understanding the implications of bonus density.

- Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee recommends that Council:
1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
 2. Direct staff to consider the appropriate community amenity contribution approach based on the following:
 - a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 3. That staff report back to Council in the fall of 2015 with a proposed approach to community amenity contributions, including proposed public engagement.

- Amendment:** It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:
1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
 2. Direct staff to consider the appropriate community amenity contribution approach based on the following:

- a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 - e. **Consultation with neighbourhoods on the type of amenity desired in neighbourhoods.**
3. **That staff include consideration of a fixed rate bonus density calculation in the downtown.**
 4. That staff report back to Council in the fall of 2015 with a proposed approach to community amenity contributions including proposed public engagement.

Committee discussed the amendment

- The need to have meaningful consultation with the neighbourhoods to ask them what they want to see by way of amenities noting that consultation has taken place with the development community.
 - The intent was to understand from the development community the opportunities to generate funds for contributions.
- Noting that the OCP provides high level guidance where development occurs.
- This will provide the development community with more assurance about additional fees which can affect the viability of a project.
- How do Development Cost Charges (DCC) factor in? If rates went up would the amenity go down?
 - The DCCs are being reviewed to ensure costs are in keeping with current market conditions.

Amendment to the amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, to amend the amendment as follows:

1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
2. Direct staff to consider the appropriate community amenity contribution approach based on the following:
 - a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 - e. Consultation with neighbourhoods on the type of amenity desired in neighbourhoods.
3. That staff include consideration of a fixed rate bonus density calculation in the downtown.

4. **That staff be directed to report back on the Development Cost Charges (DCC) review process.**
5. That staff report back to Council in the fall of 2015 with a proposed approach to the community amenity contributions, including proposed public engagement.

On the amendment:

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe and Young.

Against: Councillor Madoff

On the amended amendment:

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe and Young.

Against: Councillor Madoff

On the main motion as amended:

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe and Young.

Against: Councillor Madoff

6. STRATA CONVERSION APPLICATION

6.1 1237-1239 Oscar Street – Strata Conversion Application

Committee received a report regarding a request to reconsider the covenant placed on the property located at 1237-1239 Oscar Street. In 2012, Council approved the conversion of the building from rental to strata units, subject to the condition that one of the existing units be secured as rental accommodation for a period of five years. The applicant has requested that the covenant be removed and replaced with a contribution of \$10,000 to the Victoria Housing Reserve Fund.

Committee discussed:

- That the owner is anxious to sell and is worried that the covenant would impede the sale and impact a future purchaser.
- How the contribution amount of \$10,000 was agreed to.
 - The applicant initially offered \$5,000; during discussions with staff in the Community Planning Department, it was determined that the larger amount would be a reasonable number and could provide flexibility for a future affordable unit.

Action: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Committee recommends that Council approve a contribution of \$10,000 to the Victoria Housing Reserve Fund in lieu of the previous approval from June 28, 2012, requiring a covenant securing one of the units at 1237-1239 Oscar Street, as rental for a five (5) year period.

Committee discussed:

- Concern that by allowing the request it will set a precedent for future applications.
- The unit was not classed as affordable; the contribution toward the housing reserve can be used in a targeted way.
- Concern that a covenant for 5 years is too short a time frame and that the initial application should have stipulated the type of rental, such as affordable or low-income.
 - When the application was approved it was carefully considered. At the time the City wanted more rental units.

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe and Young.

Against: Councillor Madoff

Committee recessed at 10:45 a.m.

Committee reconvened at 10:52 a.m.

Councillor Lucas excused herself from the meeting at 10:53 a.m. due to a potential pecuniary conflict as she oversees all operations of a liquor retail store located at the Hotel Rialto.

7. POLICY REPORT

7.1 Review of Licensee Retail Rezoning Policy

Committee received a report regarding recommendations for amendments to the City's current Licensee Retail Stores Rezoning Policy. At the March 12, 2015, Governance and Priorities Committee meeting, staff were directed to consult with stakeholders to explore the viability of using the District of Saanich's approach to liquor stores as a basis for the City's policy.

Committee discussed:

- Grocery stores and the impact the new liquor policy would have on the sale of liquor in those locations.
 - The sale of liquor in grocery stores would be dependent on the existing zoning of the property and would be subject to a rezoning and Public Hearing if that use was not permitted on the land.
- How many grocery stores are currently zoned to sell liquor?
 - None.
- Every grocery store that would want to sell liquor must meet all conditions and a rezoning would be required.

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive advice on the advisability of having regulations for liquor being sold in grocery stores.

Committee discussed:

- Provincial legislation could change and evolve, and Council may have to rethink the sale of liquor in grocery stores.
- Concerns regarding the availability of liquor and the lack of inspection services to ensure safeguards are in place.

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe.
Against: Councillor Young

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council consider the following changes to the Licensee Retail Stores Rezoning Policy:

“The Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.
2. The recommended store size be increased to 275m².
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan*.”

Action: It was moved by Councillor Young, seconded by Councillor Isitt, that the motion be amended as follows:

“The Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.
2. The recommended store size be increased to 275m², **with larger sizes to be considered under special circumstances.**
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan*.”

Committee agreed to divide the motion:

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that the Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.

CARRIED 15/PLUC

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, Thornton-Joe and Young.

Against: Councillors Isitt and Loveday

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that:
2. The recommended store size be increased to 275m², with larger sizes to be considered under special circumstances.

Amendment: It was moved by Councillor Alto, seconded by Councillor Coleman that the motion be amended as follows:

2. The recommended store size be increased to 275m², with larger sizes to be considered ~~under special circumstances~~ **on a case-by-case basis**.

On the amendment:

CARRIED UNANIMOUSLY 15/PLUC

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that:
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan*."

CARRIED UNANIMOUSLY 15/PLUC

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the Planning & Land Use Committee convene a Closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(e) The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.
- Section 12(3)(i) The receipt of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

CARRIED UNANIMOUSLY 15/PLUC

Mayor Helps left the meeting at 11:39 a.m. and Councillor Thornton-Joe assumed the Chair.

Committee recessed at 11:39 a.m.

Committee reconvened at 11:45 a.m.

8. CLOSED MEETING AT 11:45 A.M.

8.1 Approval of Agenda

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Agenda of the July 9, 2015, Closed Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC

8.2 Adoption of Minutes from the Closed Meeting held June 25, 2015

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Minutes from the Closed Planning & Land Use Committee meeting held June 25, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC

8.3 Proposed Amendments to the Master Development Agreement

Committee received a report regarding the Master Development Agreement.

The discussion and motion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC

9. ADJOURNMENT

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee adjourn the Planning & Land Use Committee meeting of July 9, 2015, at 1:05 p.m.

CARRIED UNANIMOUSLY 15/PLUC

Mayor Helps, Chair



Planning and Land Use Committee Report For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Leanne Taylor, Planner, Development Services Division
Subject: Rezoning Application No. 00480 for 2280 Forbes Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00480 for 2280 Forbes 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 903 (c) 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 904(1) 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 2280 Forbes Street. The proposal is to rezone the subject property from the R-2 Zone, Two Family Dwelling District, to the R1-B Zone, Single Family Dwelling District, and the R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District, in order to permit a two-lot subdivision 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 in the *Official Community Plan, 2012* (OCP).

- The proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy, 2002*.
- When the *Fernwood Neighbourhood Plan* was established, the subject property was still part of the Jubilee Neighbourhood therefore the policies in the *Jubilee Neighbourhood Plan (1996)* would apply, and the proposal is generally consistent with these policies.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the subject property from the R-2, Two Family Dwelling District, to the R1-B Zone, Single Family Dwelling District, and the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The proposal is to create two lots, retain the existing house on the proposed R1-B lot, and construct one 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.

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 applicant will provide two bicycle storage spots for each single family dwelling.

Public Realm Improvements

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

Land Use Context

The neighbourhood is characterized by a mix of single family houses and duplexes. Across the street and to the east of the subject property is a public school.

Existing Site Development and Development Potential

The subject property is presently a single family house. Under the current R-2 Zone, the property could be developed as a duplex. Should the property be rezoned to the R1-B and R1-S2 Zones and subdivided then one new small lot house would be permitted in accordance with the *Small Lot House Rezoning Policy*. Secondary suites are not permitted on small lots; however, a secondary suite would be permitted in the existing house on the proposed R1-B lot.

Data Table

The following data table compares the proposal with the existing R1-B and R1-S2 Zones. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify the existing non-conformities.

Zoning Criteria	Proposal – Lot 1 (New Small Lot House)	Zone Standard R1-S2	Proposal – Lot 2 (Existing House)	Zone Standard R1-B
Site area (m ²) - minimum	398.91	260	488.81	460.00
Density (Floor Space Ratio) - maximum	0.48:1	0.6:1	n/a	n/a
1 st and 2 nd storey floor area (m ²) - maximum	n/a	n/a	165.23	280.00
Total floor area (m ²) - maximum	190.00	190	225.00	300.00
Lot width (m) - minimum	10.00	10.00	11.95*	15
Height (m) - maximum	7.50	7.50	8.05**	7.60
Storeys - maximum	2	2	3**	2
Site coverage % - maximum	39.77	40.00	35.56	40.00
Setbacks (m) - minimum				
Front	6.00	6.00	4.57** – porch	7.50
Rear	10.74	6.00	14.79	7.50
Side (north)	1.50*	2.40	1.50*	3.00
Side (south)	1.73*	2.40	1.54**	1.50
Combined side yards	n/a	n/a	3.04*	4.50
Parking - minimum	1	1	1	1
Accessory Building				
Location	Rear yard	Rear yard	Rear yard	Rear yard
Combined floor area (m ²) - maximum	26.76	37.00	26.76	37.00
Height (m) – maximum	3.50	4.00	3.50	3.50
Setbacks				
Front	32.29	18.00	n/a	n/a
Rear	0.61	0.60	0.61	0.60
Side	0.00*	0.60	0.00*	0.60
Rear yard site coverage	26.57	30	15.15	25.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on January 7, 2015. A letter dated February 13, 2015 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 100% support for 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 OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.

Small Lot House Rezoning Policy (2002)

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits in with the existing character of a neighbourhood. The Policy refers to a "Small Lot House" with a minimum lot size of 260m² and a minimum lot width of 10m. The small lot meets the minimum lot size and lot width requirements in the R1-S2 Zone.

Local Area Plan

When the *Fernwood Neighbourhood Plan* was established, the subject property was still part of the Jubilee Neighbourhood; therefore, the policies contained in the *Jubilee Neighbourhood Plan (1996)* still apply. The *Jubilee Neighbourhood Plan* states that properties zoned R-2, west of Victor Street, including the subject property, should not be expanded and should be rezoned to the R1-B Zone to coincide with the policies in the *Fernwood Neighbourhood Plan (1994)*. The plan's summary map contains language indicating that the consideration of duplexes and small lot single family dwellings meeting established city criteria would be acceptable.

Constructing one new small lot house would fit in with the existing form and character of the neighbourhood and the established density. The applicant also received 100% support from the immediate neighbours as indicated in the Small Lot House Rezoning Petition Summary. The existing R-2 Zone permits a duplex (two dwelling units). The applicant is proposing to add an additional dwelling unit; however, it would be in the form of a single family dwelling.

Regulatory Considerations

Reciprocal Access Easement

The applicant is proposing to provide one shared driveway in between the proposed two lots. To secure the shared driveway access, the applicant will be required to register a reciprocal access easement at the time of subdivision.

Tree Preservation Requirements

There is a protected Weeping Willow tree in the rear yard of proposed Lot 1. The location of the detached garage is within the protected root zone of the tree. The applicant has provided an

arborist report outlining the impact mitigation measures to successfully retain the tree during the construction phase (attached).

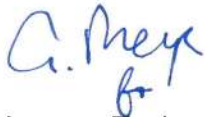
CONCLUSIONS

This proposal to rezone the subject property to the R1-B and R1-S2 Zones, retain the existing single family dwelling and construct one new small lot house is consistent with the objectives in the OCP and the *Small Lot House Rezoning Policy* for sensitive infill development. Staff recommend that Council consider supporting this Application.

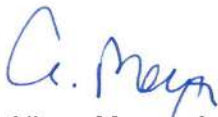
ALTERNATE MOTION

That Council decline Application No. 00480 for the property located at 2280 Forbes Street.

Respectfully submitted,



Leanne Taylor, Senior
Planner, Development
Services Division



Alison Meyer, Assistant
Director, Development
Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

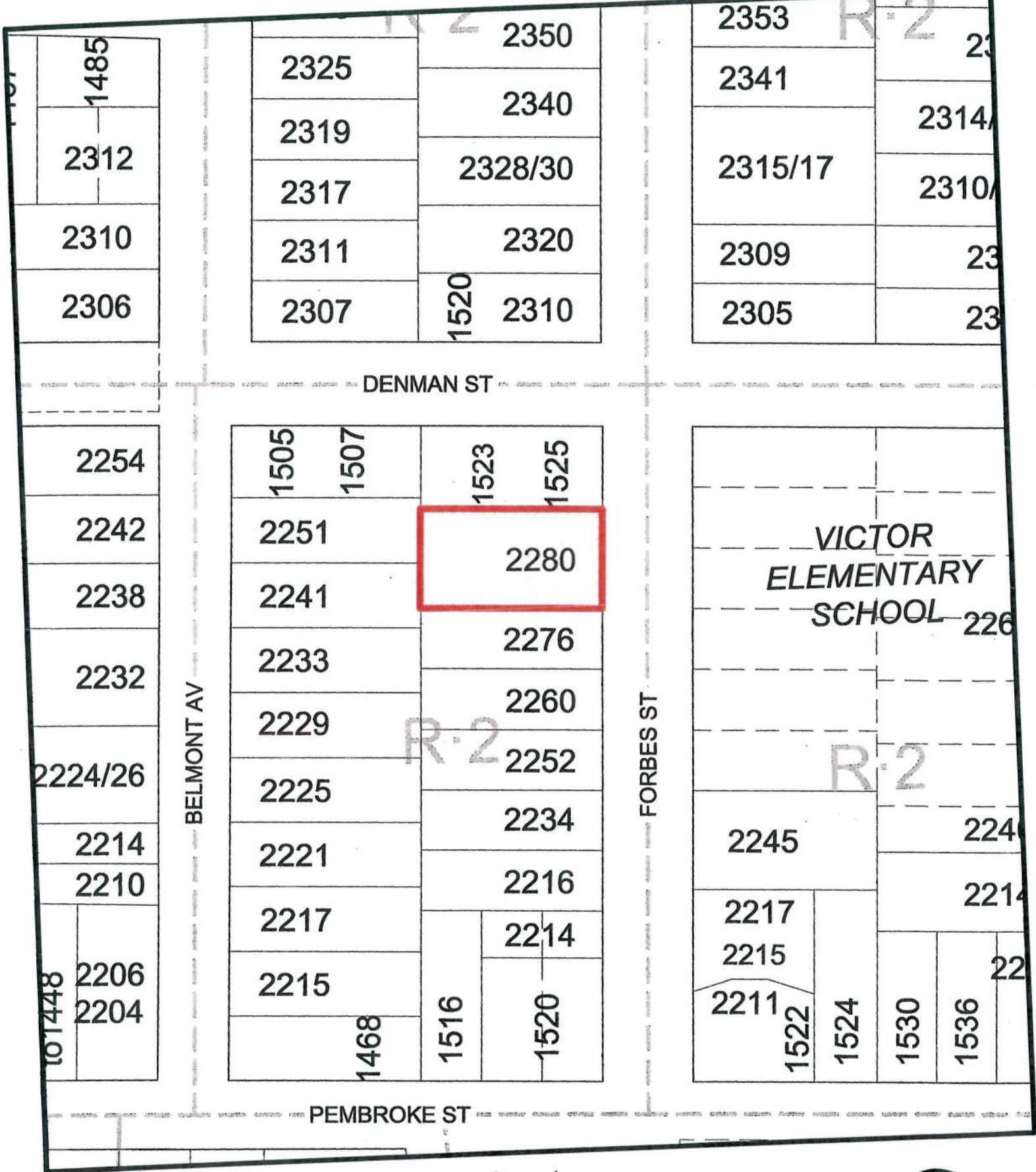
July 14, 2015

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S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00480\REZ PLUC REPORT1.DOC

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated June 29, 2015
- Letter from Fernwood Community Association dated February 13, 2015
- Arborist report dated June 26, 2015
- Small Lot Housing Rezoning Petition
- Summary of Green Initiatives dated March 25, 2015
- Plans dated June 30, 2015.

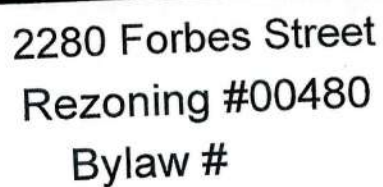


2280 Forbes Street

Rezoning #00480

Bylaw #

Rezoning Application No. 00480 for 2280 Forbes Street --J. T...





June 29, 2015

#1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: 2280 Forbes Street, Victoria BC – Rezoning Application

Dear Honourable Mayor and Council,

On behalf of our clients Denise Hodgins and Robert Irish, we are making an application to rezone their property at 2280 Forbes Street, and establish a small lot to the north of their home, for a new single family home, while retaining an R1 B zone for the existing home.

The existing lot is 882.74 M² (9501.73 square feet) which is 162.74 M² (1751.72 SF) larger than the minimum requirements for the R1 B and R1 S2 lots, combined. This lot is also zoned duplex, allowing for two families to reside on this property. After reviewing the possibilities for developing this property, it was decided that leaving the existing home on a R1 B zoned lot and subdividing a R1 S2 lot was the preferred option.

There will be a reciprocal easement between the buildings that will allow driveway access between the houses to reach the proposed detached shared garage at the rear of the properties. The proposed shared garage will provide off street parking for both homes and two bicycle storage spots for each home. For each Lot a 0.61M setback variance is required for the shared accessory building for the fire-rated party-wall located on the shared lot line.

Between the existing building and the proposed new one, to preserve the existing windows on the older home that are on the face of the cantilevered bay and to meet the building code requirement for spatial separation for windows, we are requesting a variance between the two lots that will allow these windows to remain. The lot line will jog out around the bay window to 1.5M (4.92 feet) on the existing proposed Lot 2 and consequentially allow a 1.73M (7.91 feet) setback to the proposed house on Lot 1.

Zebra Design& Interiors Group Inc. • 1161Newport Avenue, Victoria BC V8S 5E6

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

Email: info@zebragroup.ca Website: www.zebragroup.ca

The existing house will require a lot width variance of 3.05 M and a combined sideyard variance of 1.46M (4.79 feet). But, the character house will remain on a lot that is 23.8 M² larger than the minimum required for R1 B zoning.

The proposed R1 S2 small lot requires two habitable setback variances of 0.9M on the Lot 2 North sideyard and a 0.67M variance on the drive side. Also, the lot is 138.9 M² larger than the minimum required for R1 S2 zoning.

The proposed small lot house is designed to complement the existing neighbourhood with a steep pitched gable roof facing the street. We are proposing a slightly contemporary finish to the house with horizontal siding on the front and rear, with cementitious panels in the middle of each side to break up the overall massing. We are also proposing minimal trim, with windows in a contrasting colour that will give interest and punctuate the facades with light.

Between the efforts of our clients, Sam Ganong (Abstract Developments) and myself we have reached almost all the neighbouring property owners and renters including School District 61 and have had strong support for the project. At the neighbourhood information meeting held on January 7th we answered questions from the attendees, and no concerns were raised.

The character and massing of the new home are appropriate to the neighbourhood, and we feel will enrich the streetscape. Significant trees will be retained, and a landscape plan is included to enhance the site and proposal. Architectural details include: pitched and shed roofs; a wooden front entry door; covered porch with wooden stair railings and tapered posts at the front entry; knee brackets; horizontal siding; painted siding panels; wooden bargeboards, moulding and trim; and as previously mentioned, a contemporary look to the windows.

We feel that this single family project is well suited to this neighbourhood due to its proximity to schools, shopping, recreational opportunities, downtown and various other amenities.

We thank you for your time and consideration of this application.

Sincerely,



Rus Collins



Zebra Design& Interiors Group Inc. • 1161Newport Avenue, Victoria BC V8S 5E6

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

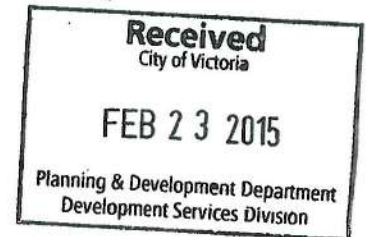
Email: info@zebragroup.ca Website: www.zebragroup.ca



Fernwood Community Association

1923 Fernwood Road,
Victoria, B.C., V8T 2Y6

(250) 384-7441
Email: landuse@thefcaca



February 13, 2015

Sustainable Planning and Community Development Department
City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

Re: 2280 Forbes Street

The proposal to subdivide 2280 Forbes Street to build a small lot house and preserve the existing house was formally presented at the Fernwood Community Association Land Use Committee meeting of January 7, 2015.

Attending the meeting were two neighbours and two of the registered owners of the property. A supportive email was received from a neighbour two doors from the property was also received. The general tone of the meeting was accepting to the development.

The proponent's designer made a presentation showing the proposed subdivision, the proposed dwelling and the required variances to accommodate preserving the existing house. The look of the proposed small lot house was generally well received.

A question was raised about the magnitude of the variance for reduced lot width for the R1B lot and reduced side yard setback on the existing house, although no opposition was voiced. A question was also raised about the zero clearance garage at the rear of the proposal. This was not presented with a request for a variance, but it was felt one would be required. A member of the committee thought this was acceptable, as it provided needed parking, and did not sterilize/waste land between 2 separate garages. A vehicle turn-around space might be considered so vehicles do not have to back all the way out to Forbes Street.

The FCA Land Use Committee supports the preservation and restoration of existing structures and generally supports small variances to achieve that goal.

Sincerely,

David Maxwell
Chair, Land Use Committee
Fernwood Community Association



Talbot Mackenzie & Associates

Consulting Arborists

June 26, 2015

Zebra Design Group
1161 Newport Avenue
Victoria, BC V8S 5E6

Attention: Bohdan Kurylo



Re: Proposed Garage – 2280 Forbes Street

Assignment: Review the plan provided and provide arborist recommendations to be used during excavation for the proposed garage within the critical root zone of an 89cm dbh Weeping willow, located in the Northwest corner of the 2280 Forbes Street property.

Methodology: Information such as tree species, size(dbh), crown spread, critical root zone(crz), health and structural condition, relative tolerance to construction impacts and general remarks and recommendations was recorded in table below.

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
no tag	89	8.0	Weeping willow	19.0	Good	Fair	Good	Large deadwood. Recommend deadwood pruning prior to the introduction of new targets.

Observations: The proposed garage footprint is located within the critical root zone of the bylaw protected Willow tree on the property, but as the species has a good tolerance to construction impacts, it will likely be possible to build in this location providing any critical roots encountered are protected during the construction process. Whether roots can be pruned to allow for a traditional footing or roots must be preserved and the footings must be designed around the existing roots will have to be determined through exploratory excavations or during the excavations at the time of construction.

Mitigation of impacts: In order to minimize the impacts to the 89cm dbh Weeping willow and construct the proposed garage in the proposed location, we recommend the following course of action.

Barrier fencing: We recommend that barrier fencing be erected along the perimeter of the critical root zone on the East side of the tree, and approximately 1 meter off of the proposed garage footprint, where it encroaches the critical root zone of the tree. The barrier fencing to be erected 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.

.../2

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

This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). 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.

Proposed accessory building construction: The North exterior wall is approximately 4 meters from the trunk of the 89cm dbh Weeping willow. The project arborist must be onsite to supervise excavation for the footprint of the proposed garage, where it encroaches into the critical root zone of this tree. If significant roots are encountered during excavation, we may recommend that the proposed garage be designed so that it incorporates the existing grades, and be constructed in such a way that it does not significantly impact the existing structural roots, and maintains the existing hydrology and drainage patterns within the critical root zone of the tree. This will likely involve a traditional footing along the East, West and South side of the proposed garage, with pad footings and possibly post and grade beam construction in the portion nearest the tree, incorporating a suspended slab floor. It may be necessary to eliminate the need for perimeter drains on the north side of the garage to avoid additional root loss. Once more detailed plans of the proposed garage construction are made available, we can review and comment further on the potential impacts that it may have on the trees to be retained.

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

Yours truly,
Talbot Mackenzie & Associates

Graham Mackenzie & Tom Talbot
ISA Certified, & Consulting Arborists
Encl. – Site plan, barrier fencing specifications

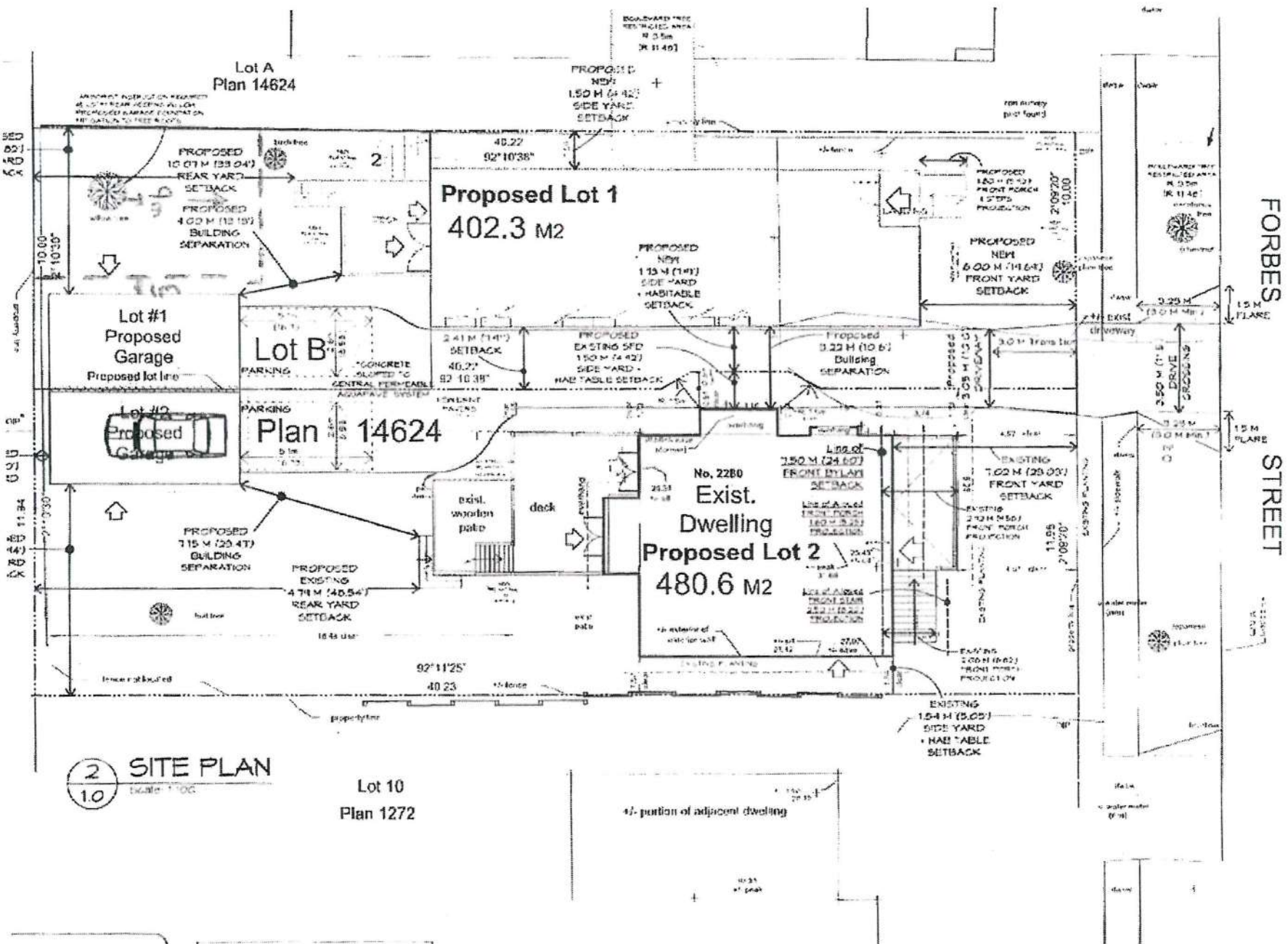
Disclosure Statement

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.

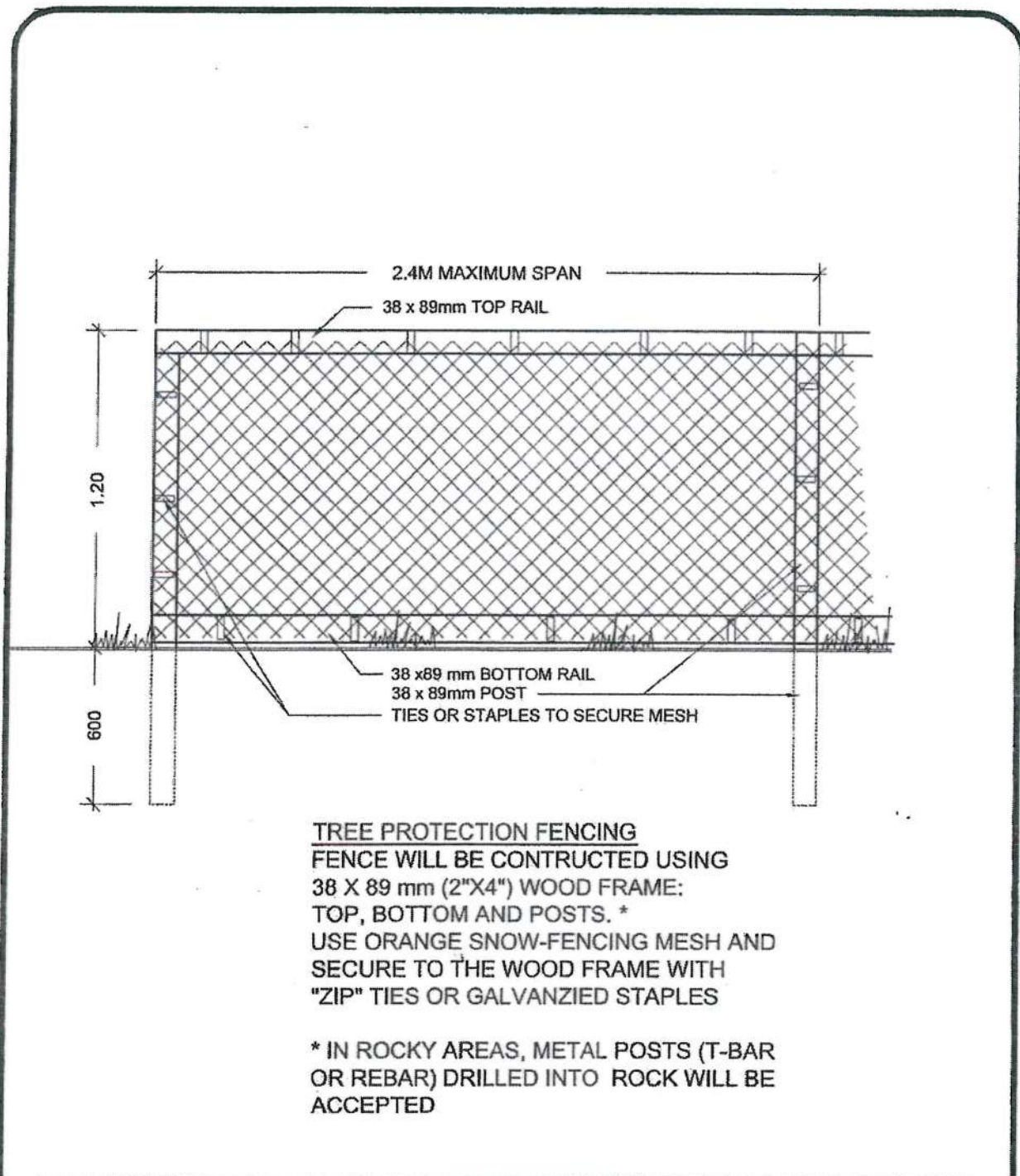
Box 48153 RPO Uptown
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net



vevor's
ubdivison of:
 , Victoria
 4624

Glen Mitchell
Land Surveying Inc.
 1030 North Park Street
 Victoria, B.C.
 V8T 1C6
 tel 250-385-1712
 email glen@mitchellsurvey.ca
 fb 275 fb 13-15-4670 (c)

App. 2. Barrier Fencing Loc. 4 m



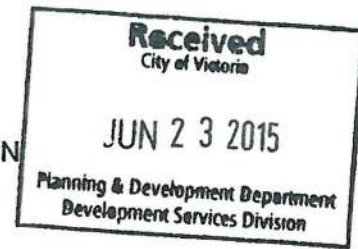
DETAIL NAME:

TREE PROTECTION FENCING

DATE: Oct 30/07
 DRAWN: DM
 APP'D: RR
 SCALE: N.T.S.

E105
 DRAWING

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**



I, SAM GANONG (applicant), have petitioned the adjacent neighbours* in compliance with

the Small Lot House Rezoning Policies for a small lot house to be located at 2280 Forbes (location of proposed house)

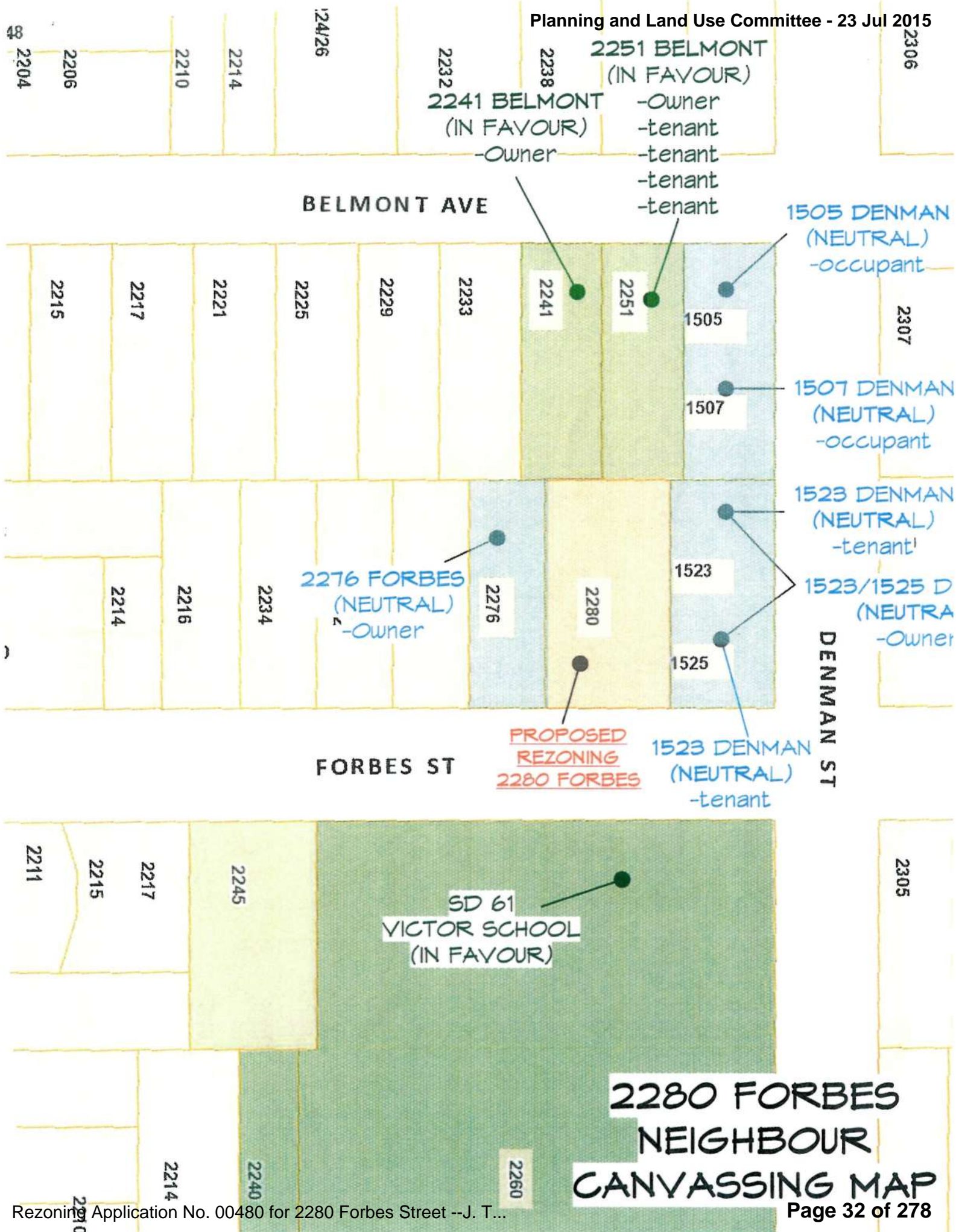
street and the petitions submitted are those collected by Feb. 20, 2015 (date). **

Address	In Favour √	Opposed √	Neutral (30-day time expired) √
1523 Denman street (owner)			✓
1523 Denman street (tenant)			✓
1523 Denman street (tenant)			✓
2276 Forbes street			✓
1505 Denman street			✓
1507 Denman street			✓
2251 Belmont Avenue (owner)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2241 Belmont Avenue	✓		
2260 Victor street (sd 61)	✓		

SUMMARY	Number	%
IN FAVOUR	7	100%
OPPOSED	0	0%
TOTAL RESPONSES		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.





November/December 2014

#1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: Proposed rezoning for new small lot home at 2280 Forbes Street, Victoria, B.C.

After reviewing the plans and elevations regarding the proposed rezoning and new home project at 2280 Forbes Street, we the undersigned have no objections.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
<i>Sarah Howley</i>	<i>Board of Education no 61 (Greater Victoria) 491 Cecelia St. V8T 4T4</i>	<i>Jan 6th - 2015</i>
<i>Director of Facilities</i>		

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

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) COLIN DAVIS (see note above)

ADDRESS: 2251 BELMONT

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 4 / 15
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

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) HEATHER WEIR (see note above)

ADDRESS: #1, 2251 BELMONT AVE, VICTORIA BC V8R 3Z9

Are you the registered owner? Yes ☐ No ☒ (TENANT)

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

PLEASE DO NOT REMOVE THE LARGE
WEeping WILLOW TREE.

FEB 10 / 2015
Date

Heather Weir
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Russ Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

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) Kevin Ainey (see note above)

ADDRESS: 2251 BELMONT AVE.

Are you the registered owner? Yes ☐ No ☐ ☒ RENTER

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. 04, 2015
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

to the following Small Lot Zone: R1-52

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) Maria Nunn + Andrew Duffels (see note above)

ADDRESS: 44 2257 Belmont Ave

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:

please leave the willow tree.

Feb 8/2015
Date

M. Nunn
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

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) MORAGNE, Celia, ROBERT (see note above)

ADDRESS: 2241 BELMONT AVENUE

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:

I would prefer a wood fence along the west property
line if the existing is removed. CMM

Jan 5, 2015
Date

Celia A. Moragne
Signature

R. Collins



Date: March 25, 2015

To: City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

RE: Rezoning proposal, 2280 Forbes Street, Victoria B.C.

Attn: Planning and Development Department

The proposed new building will strive to incorporate 'Green Initiatives' in an effort to increase the energy efficiency, to improve indoor air quality and reduce the impact of construction on our environment.

The 'Green Initiatives' focus on:

- Energy efficiency
- Indoor air quality
- Resource use
- Overall environmental impact.

The following list contains items the private homeowner is considering employing in the potential new home:

Operational Systems:

- Installation of high efficiency, direct vent, gas fuelled fireplaces with electronic ignition
- All windows to be Energy Star labelled
- All appliances to be Energy Star labelled
- Home is built 'Solar Ready' providing for a rough-in of 3"(75mm) thermal run from mechanical room to attic
- Minimum 50% of recess lights to use halogen bulbs
- Use of Air tight contact insulation on recessed lights to prevent air leakage

Building Materials:

- Use of finger-jointed non structural framing material
- Use of advanced sealing non HCFC expanding foam around window and door openings

Interior and Exterior Finishes:

- Cementitious siding;
- Minimum 30 year manufacturer warranty of roofing material
- MDF casing and baseboard trim (reducing reliance on old growth forest products)

Indoor Air Quality:

- Installation of hardwired carbon monoxide detector
- Central Vac system vented to exterior
- All insulation in home to be third party certified with low formaldehyde
- Low formaldehyde subfloor sheathing, exterior sheathing, insulation, carpet underlayment and cabinetry (less than 0.18 ppm)
- All wood or laminate flooring to be factory finished
- Interior paints to have low VOC (Volatile Organic Compounds) content (less than 250 grams/litre)

Ventilation:

- Programmable Energy Star thermostat
- Ventilation fans to meet or exceed Energy Star Requirements

Waste Management:

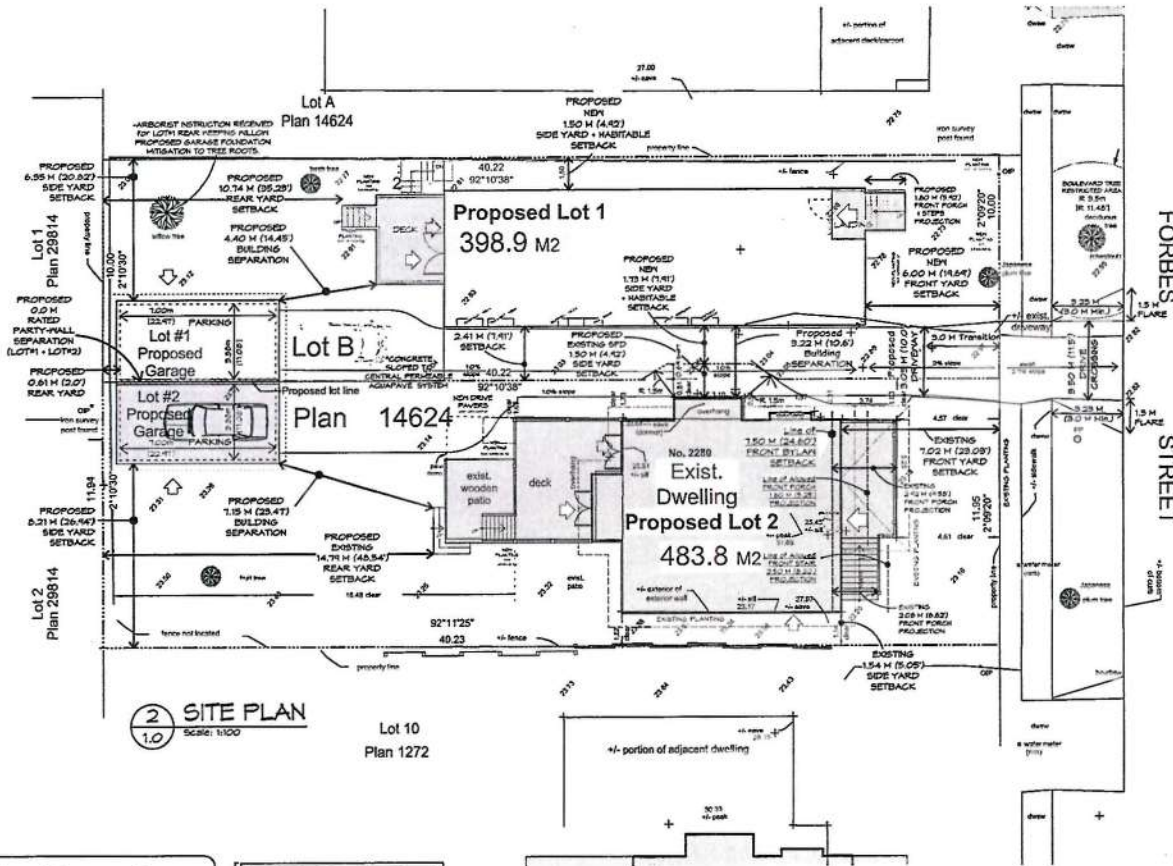
- Trees and natural features to be protected during construction
- Install into new home and renovation a built-in recycling centre with two or more bins
- Provide composter to both units
- Existing dwelling maintained as much as possible

Water Conservation:

- CSA approved single flush toilet averaging 1.6 GPF (gallons per flush) or less installed in all bathroom locations
- Insulate hot water lines with pipe insulation on all hot water lines
- Install hot water recirculation line
- Install low flow faucets in kitchen, on lavatories and shower valves

Cordially Yours,

Bohdan Kurylo
Zebra Design



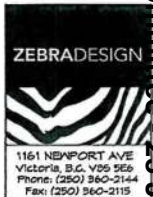
SITE PLAN
Scale: 1:100

B.C. Land Surveyor's
Plan of Proposed Subdivision of:
Lot B, Section 75, Victoria
District, Plan 14624
City address: 2280 Forbes Street
Victoria, B.C.
Phone: (250) 360-2144

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-365-1712
email glen@mitchellsurvey.ca
B 275 file 13-15-4670 (c)

SITE DATA	PROPOSED LOT#1 - NEW S.F.D.	PROPOSED LOT#2 - EXIST. HOUSE
LOT AREA	310.41 sq-meters (4294.0 sq-ft)	483.81 sq-meters (5207.8 sq-ft)
FRONTAGE	10.0-meters (32.81 ft)	11.45-meters (37.57 ft) "VARIANCE"
SITE COVERAGE	111.551 M2 HOUSE + 26.76 GARAGE + 20.00 M2 DECK + PORCHES + 26.76 GARAGE + 172.06 M2 / SITE 310.41 M2 + 34.70% (w/ GARAGE)	42.10 M2 HOUSE + 26.76 GARAGE + 53.302 M2 DECK + PORCHES + 26.76 GARAGE + 172.06 M2 / SITE 483.81 M2 + 35.56% (w/ GARAGE)
FLOOR SPACE RATIO	0.48 to 1.0	N/A
UPPER FLOOR	94.21 sq-meters (1018.6 sq-ft)	44.72 sq-meters (481.4 sq-ft)
MAIN FLOOR	109.66 sq-meters (1175.5 sq-ft)	87.06 sq-meters (937.2 sq-ft)
BASEMENT	15.75 sq-meters (169.6 sq-ft) (NOT COUNTED 1/2M below Avg. Gr.)	74.02 sq-meters (800.6 sq-ft) (COUNTED 1/2M below Avg. Gr.)
MAXIMUM FLOOR AREA	109.66 sq-meters (1175.5 sq-ft)	230.80 sq-meters (2481.1 sq-ft)
SETBACKS		
FRONT YARD - East	6.00M (19.69')	7.02M (22.87')
FRONT YARD - East	1.60M (5.25')	2.42M (7.93')
FRONT YARD - East	1.60M (5.25')	2.08M (6.80')
REAR YARD - West	10.74M (35.23')	14.79M (48.54')
SIDEYARD - South	1.73M (5.68')	1.54M (5.05')
SIDEYARD - North	1.50M (4.92')	1.50M (4.92')
SIDEYARD - Combined		5.04M (16.54')
HABITABLE SETBACK - North	1.50M (4.92')	1.50M (4.92')
HABITABLE SETBACK - South	1.73M (5.68')	1.54M (5.05')
HOUSES SEPARATION	9.22M (30.25')	9.22M (30.25')
BUILDING HEIGHT	7.5M (24.61') (2 storeys)	8.05M (26.41') (2 1/2 storeys)
AVERAGE GRADE	22.82 M elev.	23.14 M elev.
GARAGE (freed party wall's)	26.76 sq-meters (288.0 sq-ft)	26.76 sq-meters (288.0 sq-ft)
SETBACKS		
FRONT YARD - East	32.31M (105.00')	32.31M (105.00')
FRONT YARD - West	0.61M (2.00')	0.61M (2.00')
SIDEYARD - North	6.55M (21.49')	0.00M (freed party wall's) "VARIANCE"
SIDEYARD - South	0.00M (freed party wall's) "VARIANCE"	0.21M (0.69')
BUILDING TO HOUSE SEPARATION	4.02M (13.20')	1.15M (3.77')
REAR YARD COVERAGE	26.76 M2 GARAGE/ 173.65 M2 REAR + 27.0%	26.76 M2 GARAGE/ 173.65 M2 REAR + 27.0%
PARKING	ONE STALL/ single family unit	ONE STALL/ single family unit
BICYCLE STORAGE	THRU unit	THRU unit

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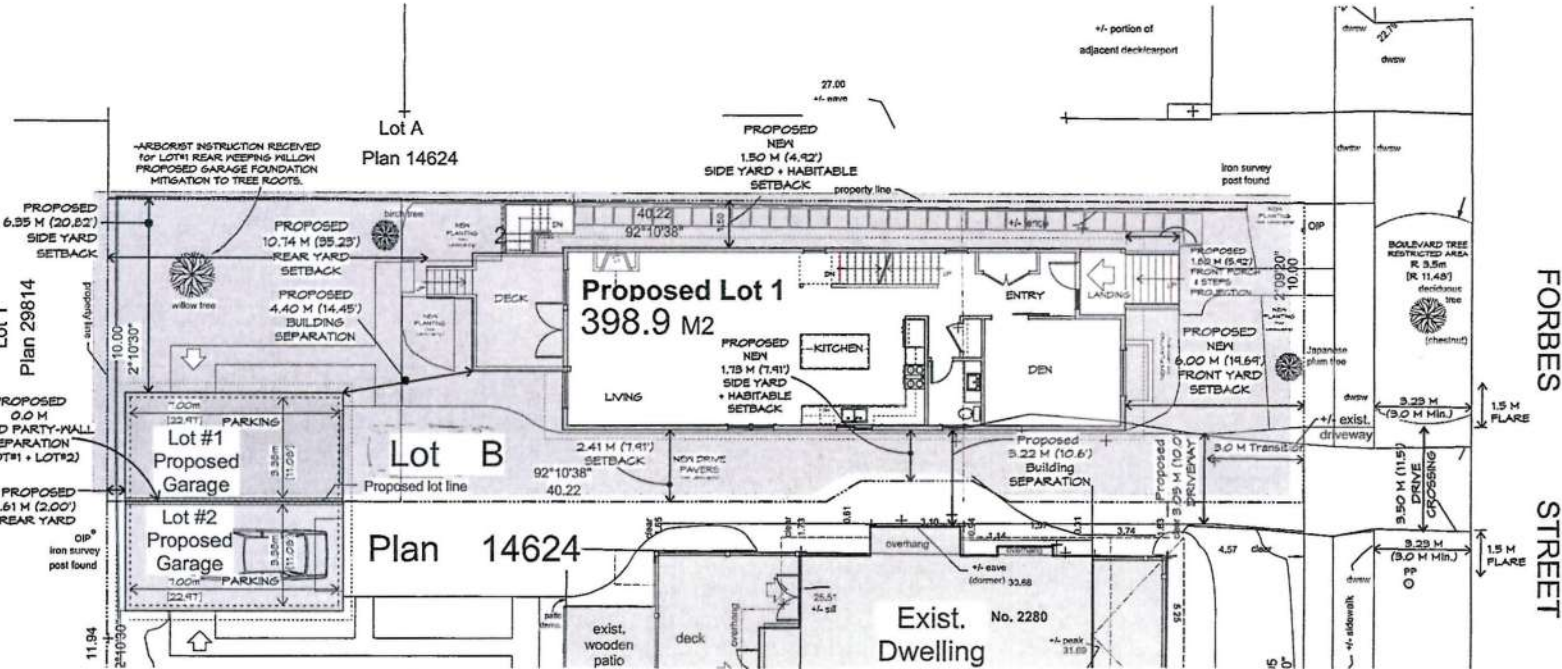


SITE PLAN
SK 1.0

PROPOSED New + Exist. Single Family Dwellings

REVISED JULY 06, 2015

2280 FORBES St. R1-S2/R1-B REZONING



1 SITE PLAN
1.1
Scale: 1/8"

B.C. Land Surveyor's
Plan of Proposed Subdivision of:
Lot B, Section 75, Victoria
District, Plan 14624
Our address: 2280 Forbes Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen@mitchellsurvey.ca
fb 275 file 13-15-4670 (c)

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen@mitchellsurvey.ca
fb 275 file 13-15-4670 (c)

SITE DATA	PROPOSED LOT#1 - NEW S.F.D.	R1-S2 ZONE COMPARISON	REGD.
LOT AREA	398.91 sq-meters (4294.0 sq-ft)	390 sq-meters (4211 sq-ft) min.	
FRONTAGE	10.0 meters (32.81 ft)	10.0 meters (32.81 ft) min.	
SITE COVERAGE	111,291 M2 HOUSE + 26.76 GARAGE + 20.00 M2 DECK + 1.10 M2 PORCH + 26.76 GARAGE + 159.61 / SITE 398.91 M2 + 34.16% (w/ GARAGE)	40% entire lot	
FLOOR SPACE RATIO	0.45 to 1.0	0.6 to 1.0 MAX, or 140 SQMETERS (2 045.3 SQ.FT.) + 1st + 2nd MAX.	
MAIN FLOOR (1st FLOOR)	103.66 sq-meters (1119.8 sq-ft)		
UPPER FLOOR (2nd FLOOR)	34.27 sq-meters (369.6 sq-ft)		
BASEMENT	45.73 sq-meters (493.4 sq-ft) (NOT COUNTED 11.24 below Avg. Gr.)		
MAXIMUM FLOOR AREA	184.43 sq-meters (2 044.5 sq-ft)	140 SQMETERS (2 045.3 SQ.FT.) + 1st + 2nd MAX.	
SETBACKS			
FRONT YARD - East	6.00M (19.69')	6.0M (19.69')	
FRONT - East	1.80M (5.92')	2.5M (8.20') allowed projection into Setback	
REAR YARD - West	10.74M (35.25')	6.0M (19.69')	
SEDIYARD - North	1.50M (4.92')	1.5M (4.92')	
SEDIYARD - South	1.78M (5.84')	1.5M (4.92')	
HABITABLE SETBACK - North	1.50M (4.92') - 10.4M VARIANCE req'd		
HABITABLE SETBACK - South	1.78M (5.84') - 10.67M VARIANCE req'd		
HOUSES SEPARATION	3.32M (10.56')		
BUILDING HEIGHT	1.5M (24.6') (2 storeys) (Maximum 1.24 below Avg. Gr. - street)	1.5m (24.6') and 3 storeys MAX.	
AVERAGE GRADE	22.82 M elev.		
GARAGE (detached party wall)	26.76 sq-meters (288.0 sq-ft)		
SETBACKS			
FRONT YARD - East	32.81M (105.00')		
REAR YARD - West	0.61M (2.00')		
SEDIYARD - North	6.35M (20.83')		
SEDIYARD - South	0.00M (detached party wall) - 10.67M VARIANCE req'd		
BUILDING TO HOUSE SEPARATION	4.40M (14.45')		
REAR YARD COVERAGE	26.76 M2 GARAGE/ 91.34 M2 REAR = 21.0%	30.0% OF REAR YARD MIN.	
PARKING	ONE STALL/ single family unit	ONE STALL	
BIKE STORAGE	THRU UNIT	NONE/ unit	

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SITE PLAN + DATA Sk 1.1

PROPOSED LOT #1, New Single Family Dwelling
2280 FORBES St. R1-S2/R1-B

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1161 NEWPORT AVE
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Phone: (250) 360-2144
Fax: (250) 360-2115



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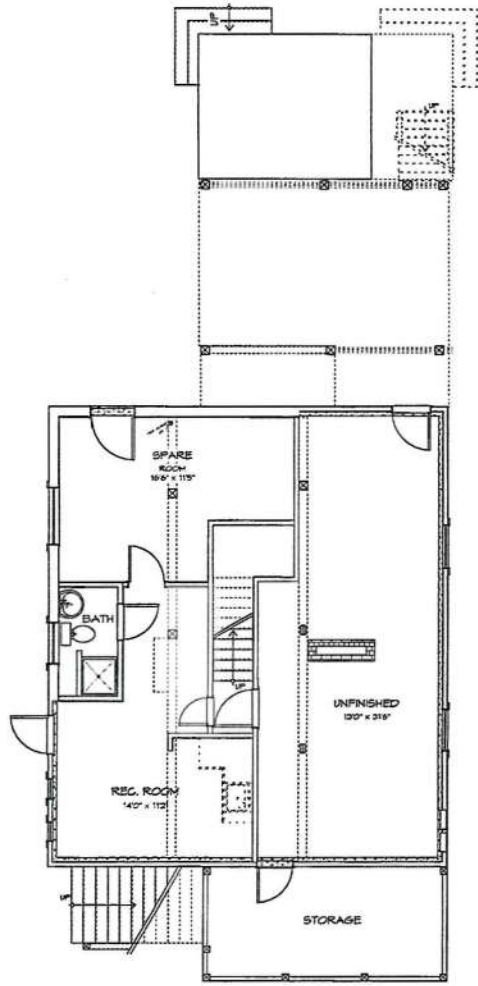
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

Planning and Land Use Committee - 23 Jul 2015

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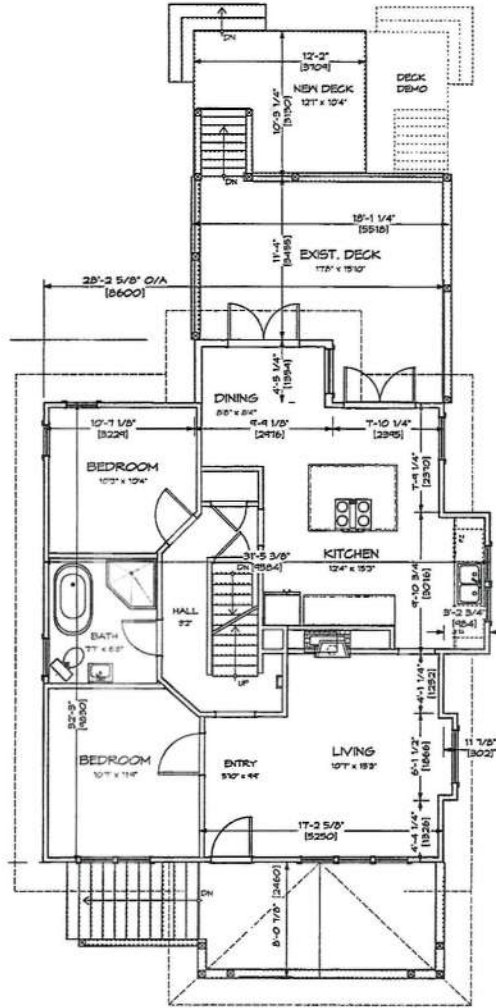
Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen @ mitchellsurvey.ca
fb 275 file 13-15-4670 (c)

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3 LOWER - As Built
Scale: 1/4" = 1'-0"

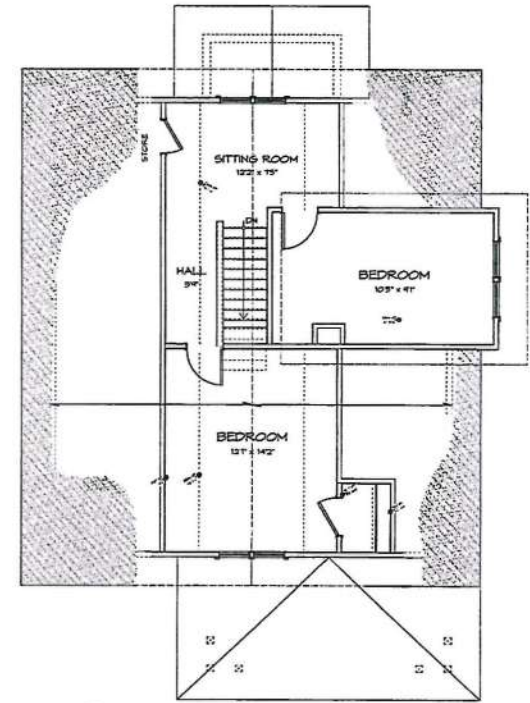
LOWER area 79.02 M2
(850.6 SF)



2 MAIN - Reno
Scale: 1/4" = 1'-0"

MAIN area 87.06 M2
(937.2 SF)

DECKS/PORCH/EXT. STAIRS 53.20 M2
(572.7 SF)



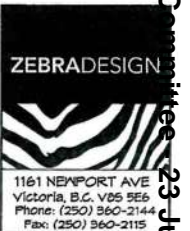
1 UPPER - As Built
Scale: 1/4" = 1'-0"

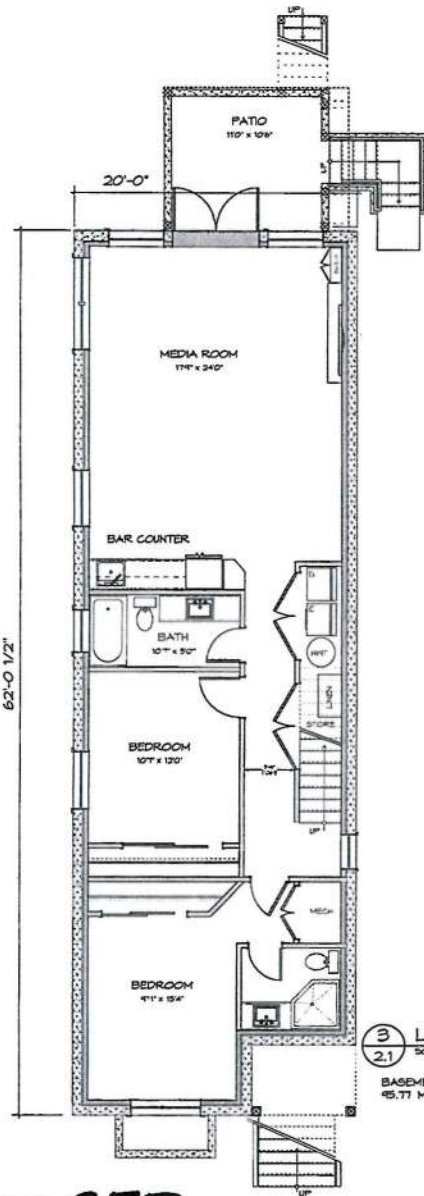
UPPER area 44.72 M2
(481.4 SF)

Exist. SFD + Reno
OK 2.0

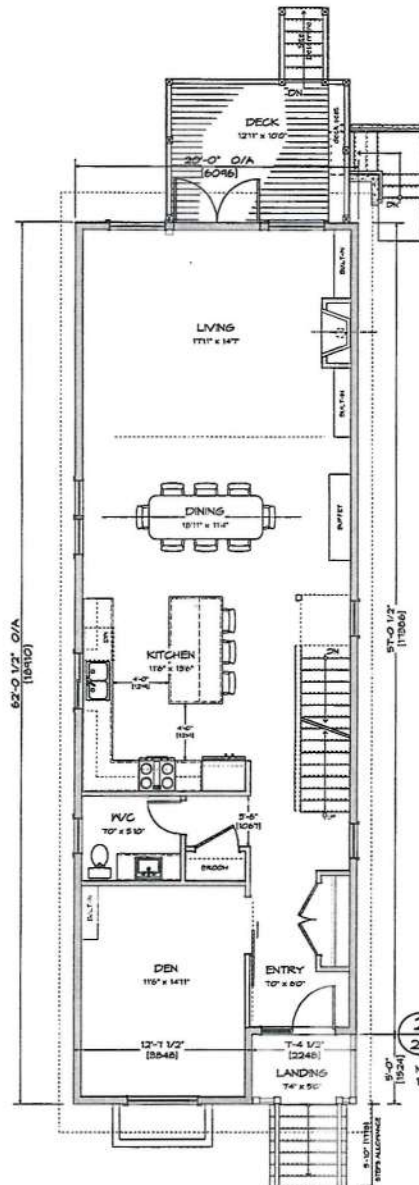
Exist. SINGLE FAMILY HOME

2280 FORBES St. R1-S2/R1-B REZONING

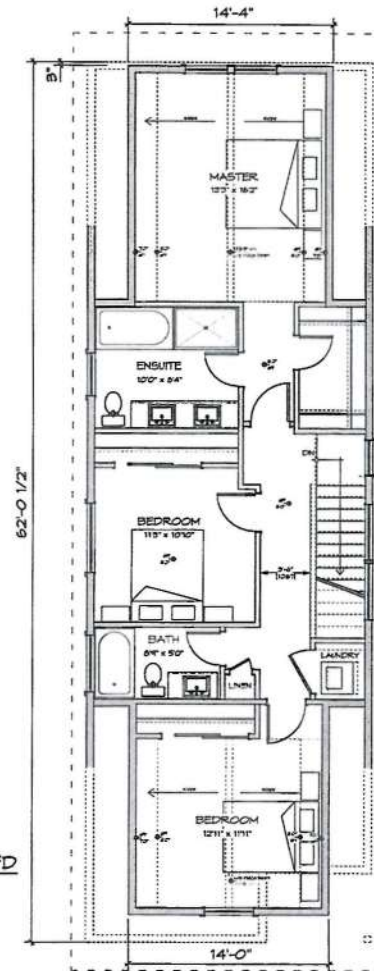




3 LOWER - New SFD
2.1
Scale: 1/4" = 1'-0"
BASEMENT area
45.77 M² (1230.9 SF)



2 MAIN - New SFD
2.1
Scale: 1/4" = 1'-0"
MAIN area
103.66 M² (1115.3 SF)

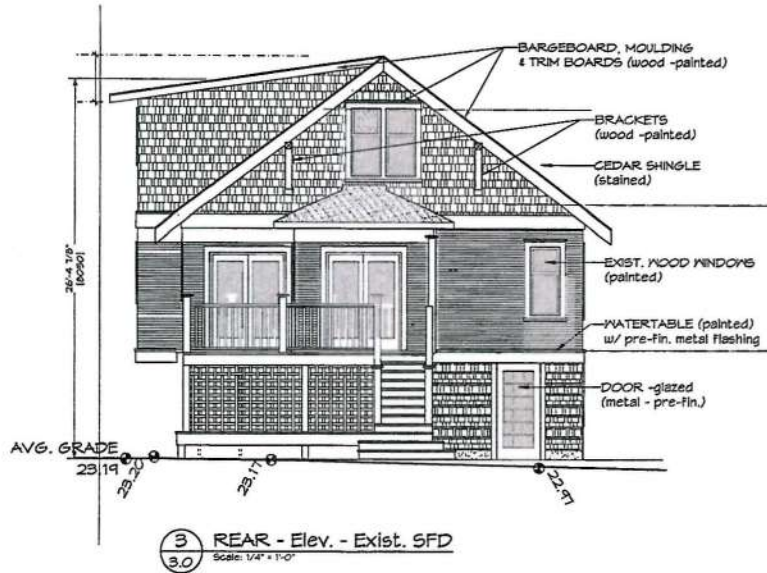


1 UPPER - New SFD
2.1
Scale: 1/4" = 1'-0"
UPPER area
86.27 M² (928.6 SF)

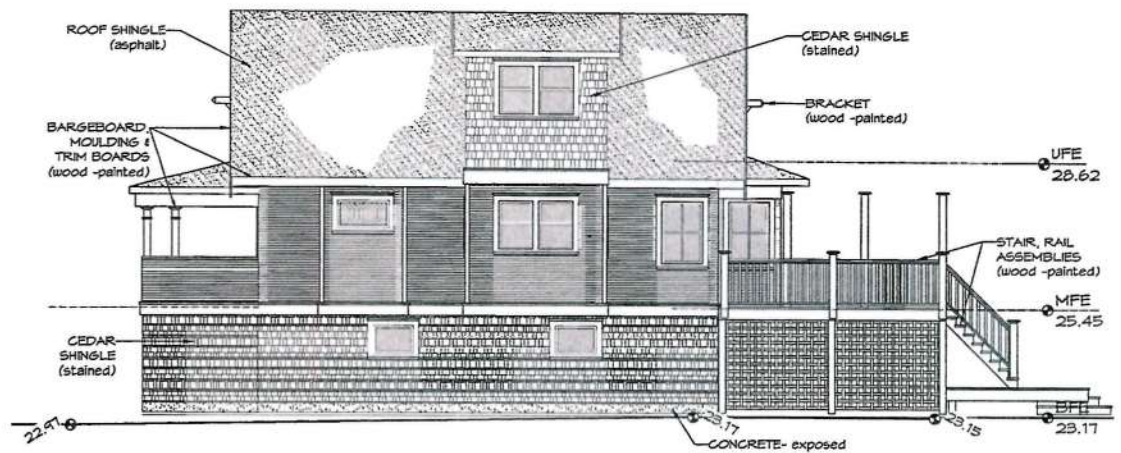
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Phone: (250) 360-2144
Fax: (250) 360-2115

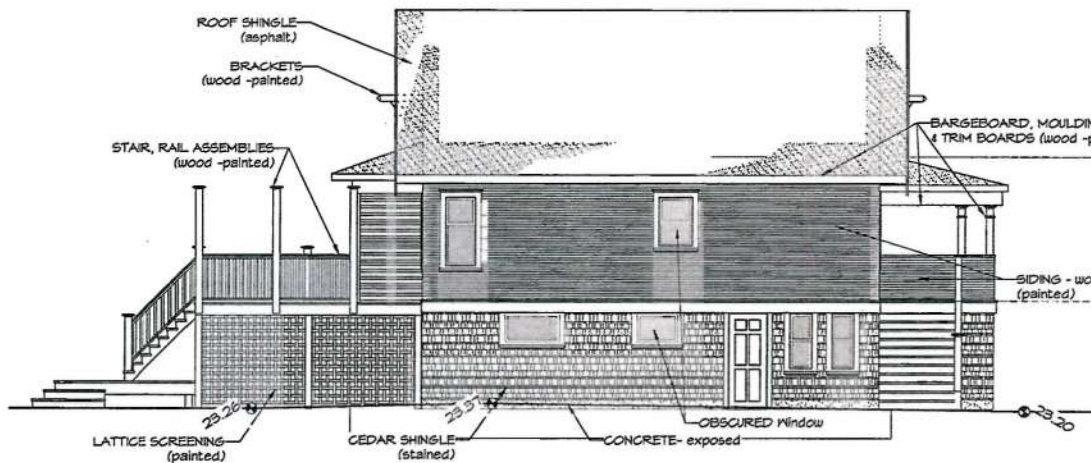
PROPOSED SINGLE FAMILY HOME
2280 FORBES St. R1-S2/R1-B REZONING
REVISED JULY 06, 2015



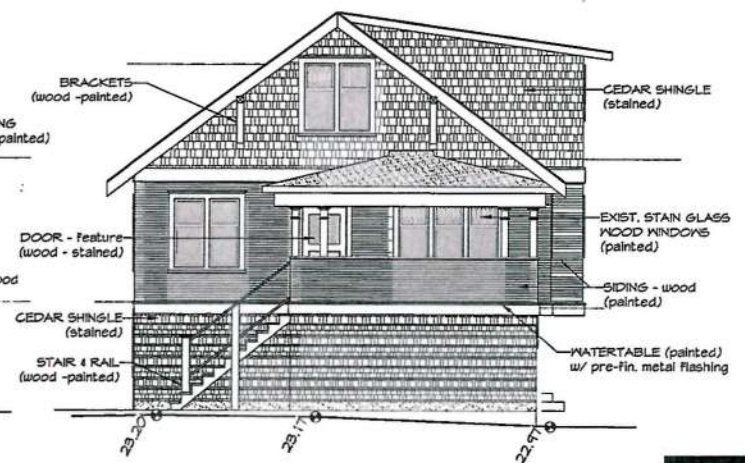
3 REAR - Elev. - Exist. SFD
Scale: 1/4" = 1'-0"



4 SIDE Elev. - Exist. SFD
Scale: 1/4" = 1'-0"



2 SIDE Elev. - Exist. SFD
Scale: 1/4" = 1'-0"



1 FRONT Elev. - Exist. SFD
Scale: 1/4" = 1'-0"

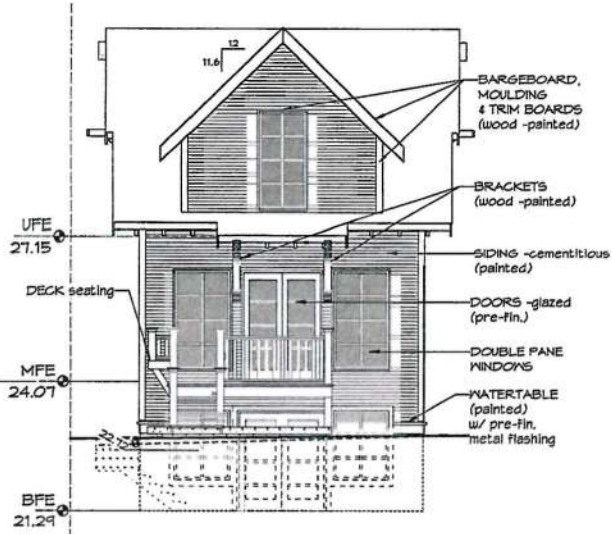
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Exist. SINGLE FAMILY HOME

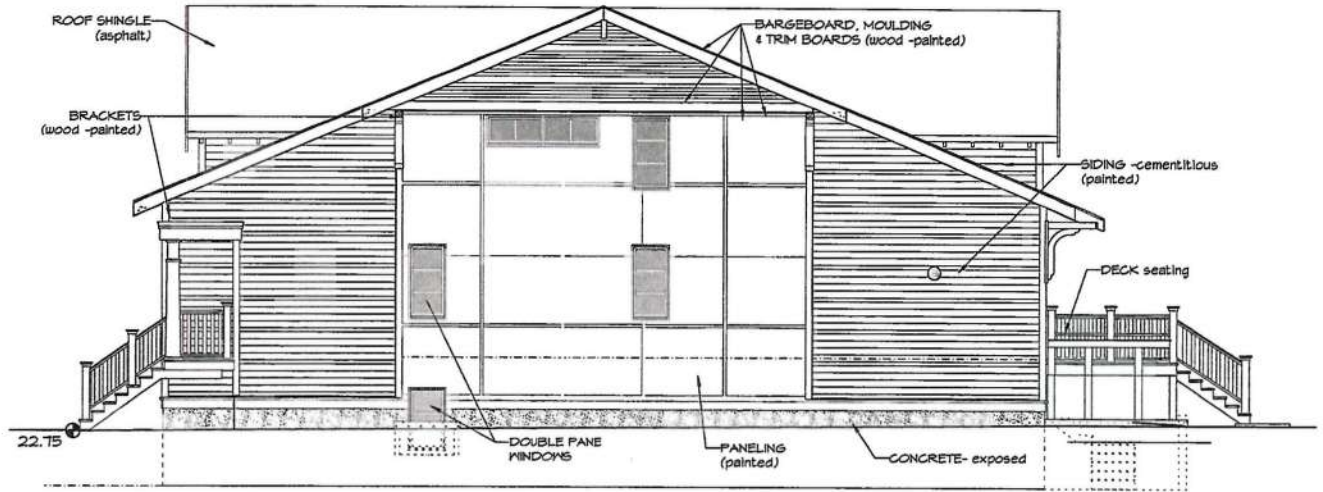
2280 FORBES St. R1-S2/R1-B REZONING

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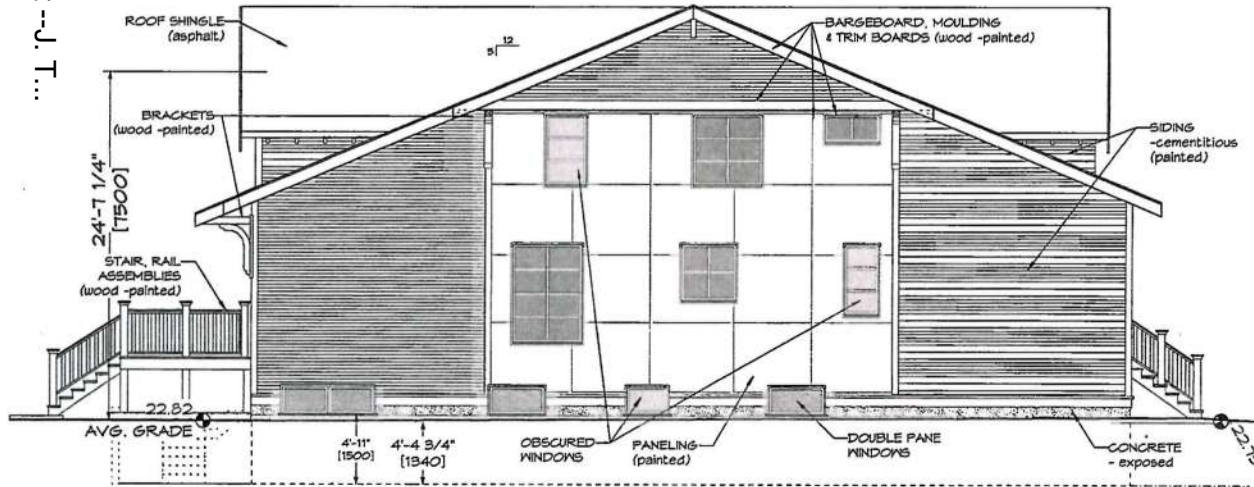
ZEBRADesign
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115



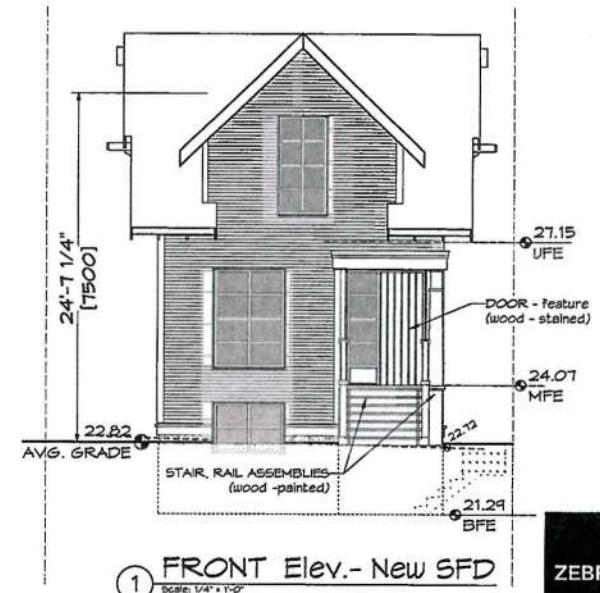
③ REAR Elev.- New SFD
Scale: 1/4" = 1'-0"



④ SIDE Elev.- New SFD
Scale: 1/4" = 1'-0"



② SIDE Elev.- New SFD
Scale: 1/4" = 1'-0"



① FRONT Elev.- New SFD
Scale: 1/4" = 1'-0"

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OK 3.1
Page 4 of 278

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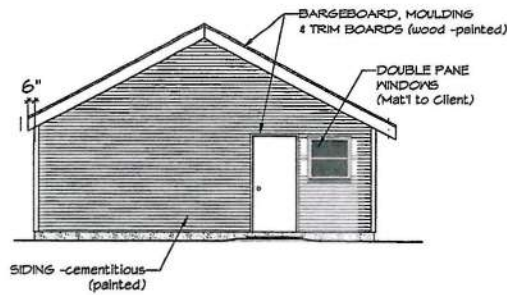
PROPOSED SINGLE FAMILY HOME

2280 FORBES St. R1-S2/R1-B REZONING

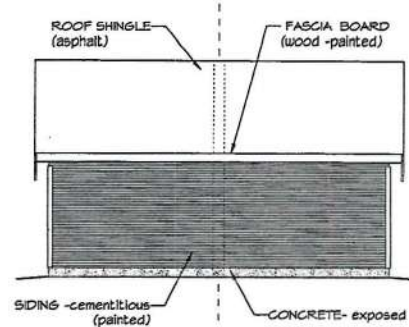
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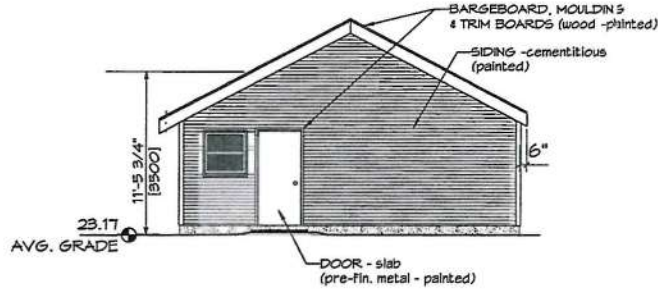
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115



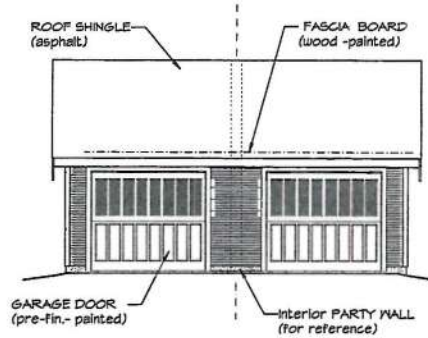
④ SIDE (North) Elev.
Scale: 1/4" = 1'-0"



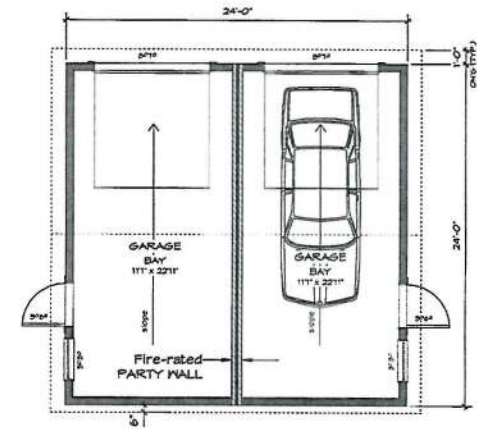
③ REAR (East) Elev.
Scale: 1/4" = 1'-0"



② SIDE (South) Elev.
Scale: 1/4" = 1'-0"



① FRONT (East) Elev.
Scale: 1/4" = 1'-0"



⑤ PLAN -GARAGE
Scale: 1/4" = 1'-0"

GARAGE
OK 3.2
Page 49 of 278

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PROPOSED DUAL PROPERTY USE

2280 FORBES St. R1-S2/R1-B REZONING

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Fax: (250) 360-2115



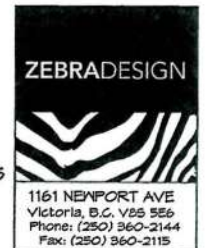
① STREETScape
Scale: 3/16" = 1'-0"

STREETScape SK 3.3

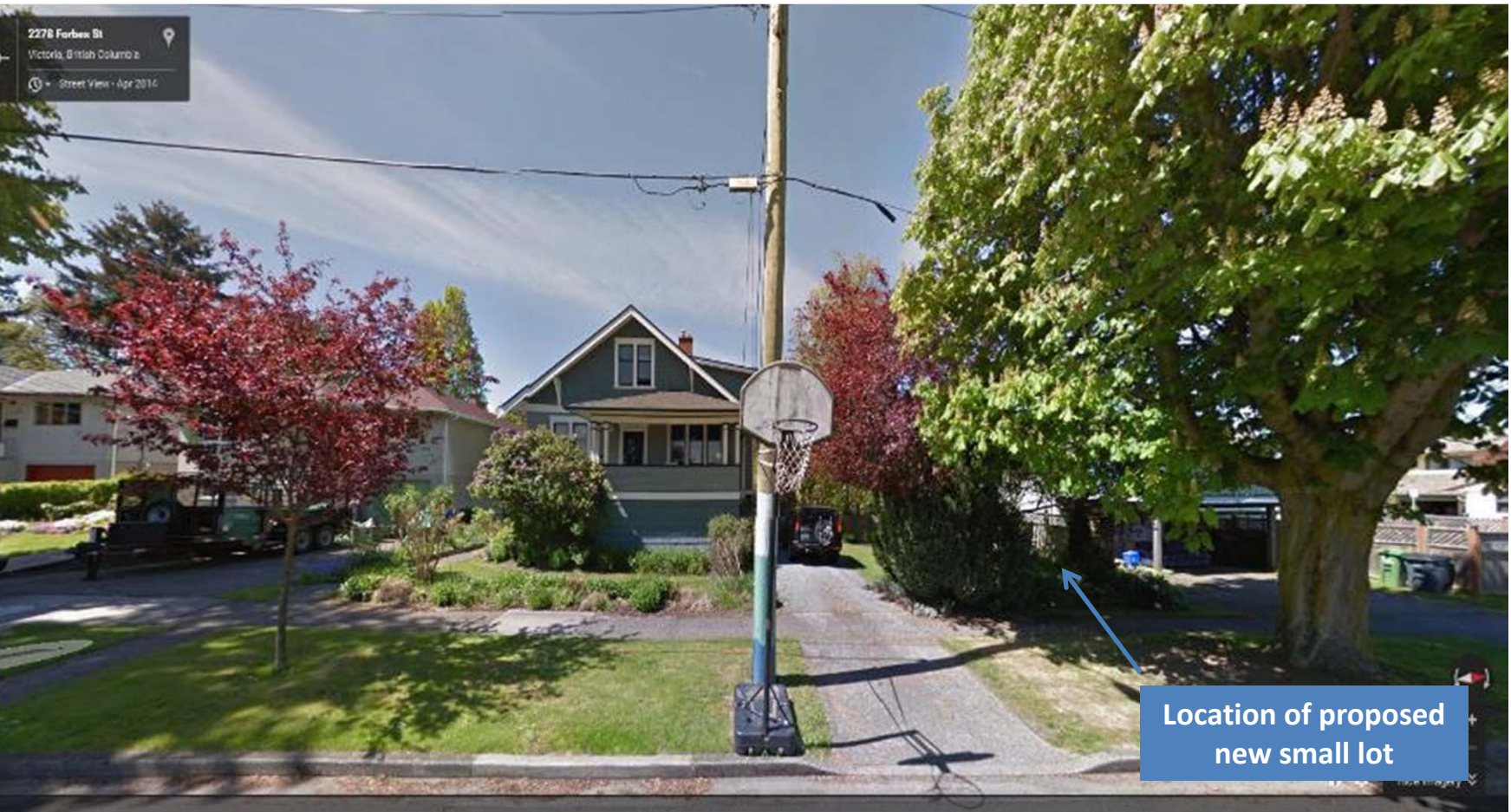
PROPOSED Exist. + New Single Family Dwellings
2280 FORBES St. R1-S2/R1-B REZONING

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JUN 30 2015
Planning & Development Department
Development Services Division

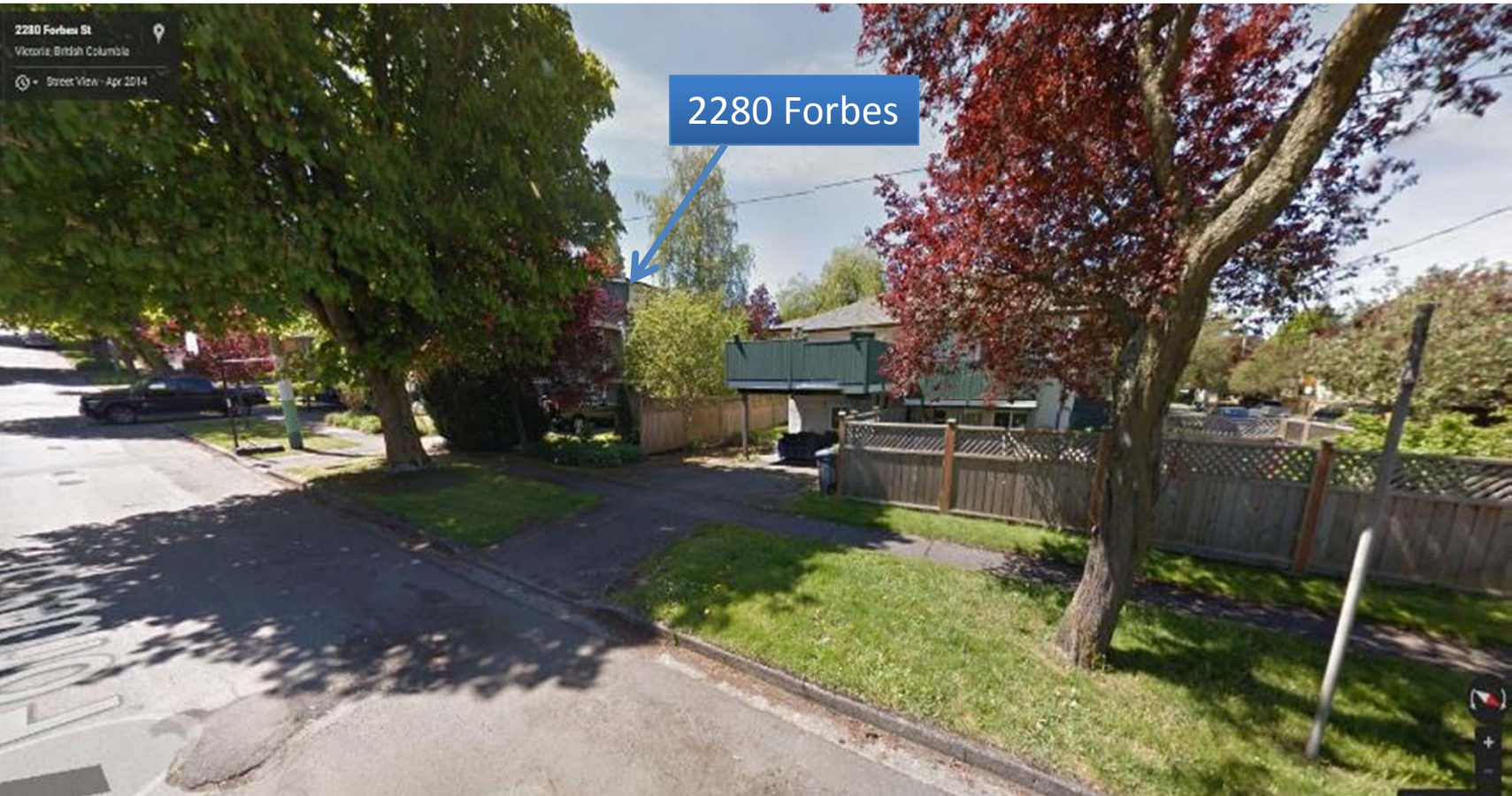
REVISED JULY 06, 2015







2280 FORBES Street View



**FORBES Street View From
DENMAN Street**



Property to the North



Property to the South



**FORBES Street View From
DENMAN Street
To PUBLIC SCHOOL**



2280 FORBES St. Proposed REZONING

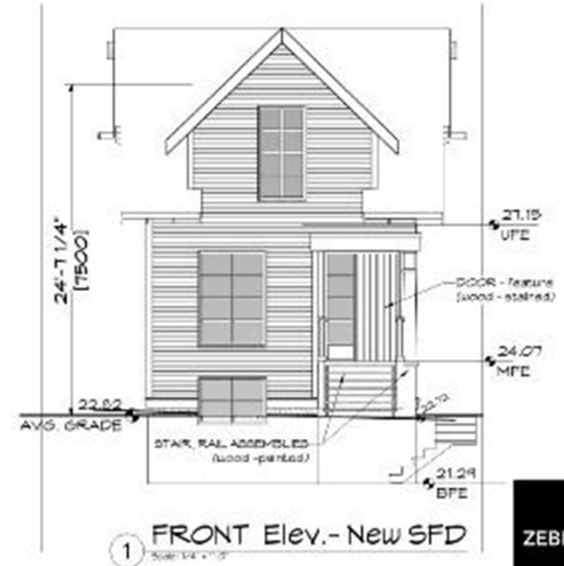
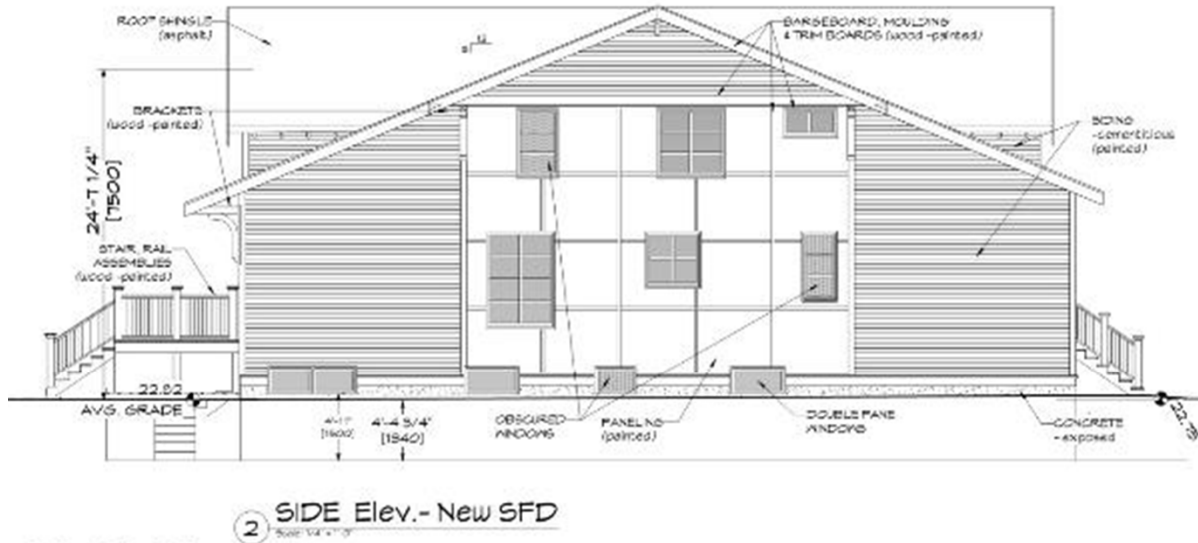
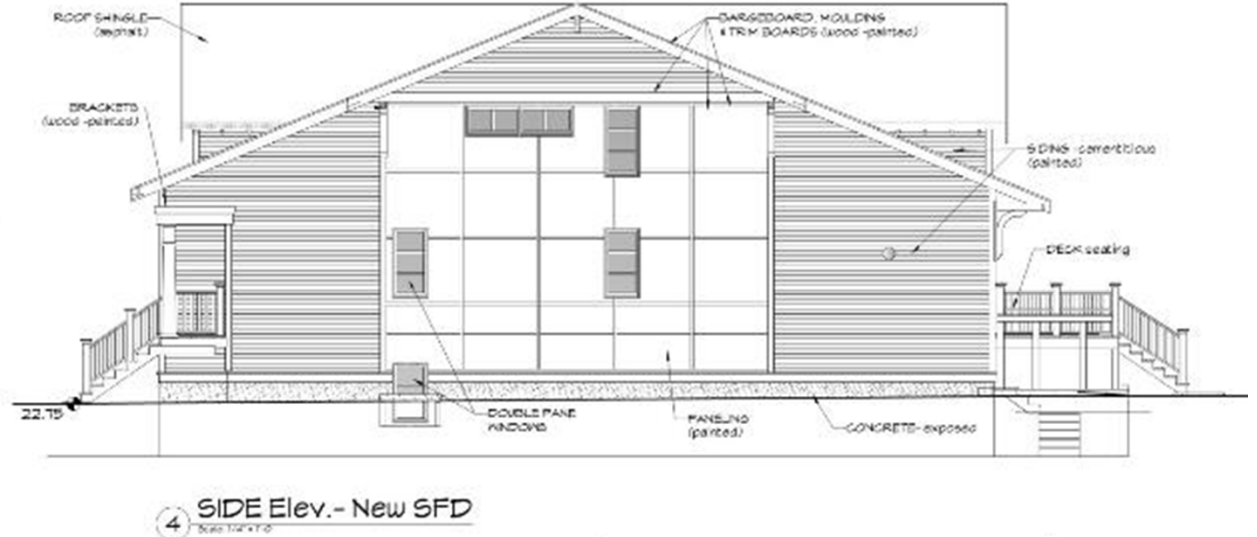
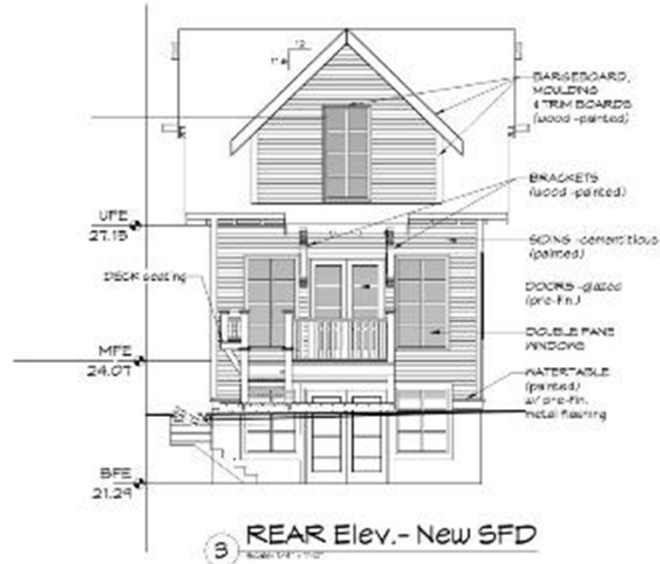


2280 FORBES St. R1-S2/R1-B REZONING



Development Permit with Variances Application No. 00480 for 2280 Forbes Street

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ELEVS
Sk 3.1

PROPOSED SINGLE FAMILY HOME
2280 FORBES St. R1-S2/R1-B REZONING

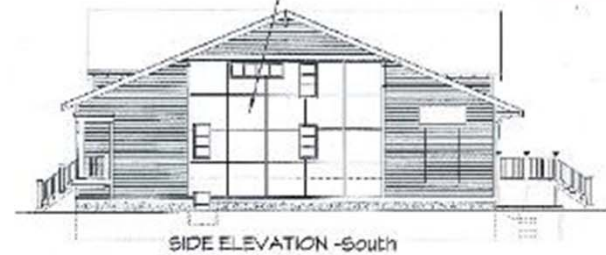
REVISED JULY 06, 2015



**PROPOSED NEW
SINGLE FAMILY HOME
Lot #1
2280 FORBES St.
COLOUR BOARD**



**New SINGLE FAMILY HOME
2280 FORBES St. REZONING**



MARCH 28, 2015

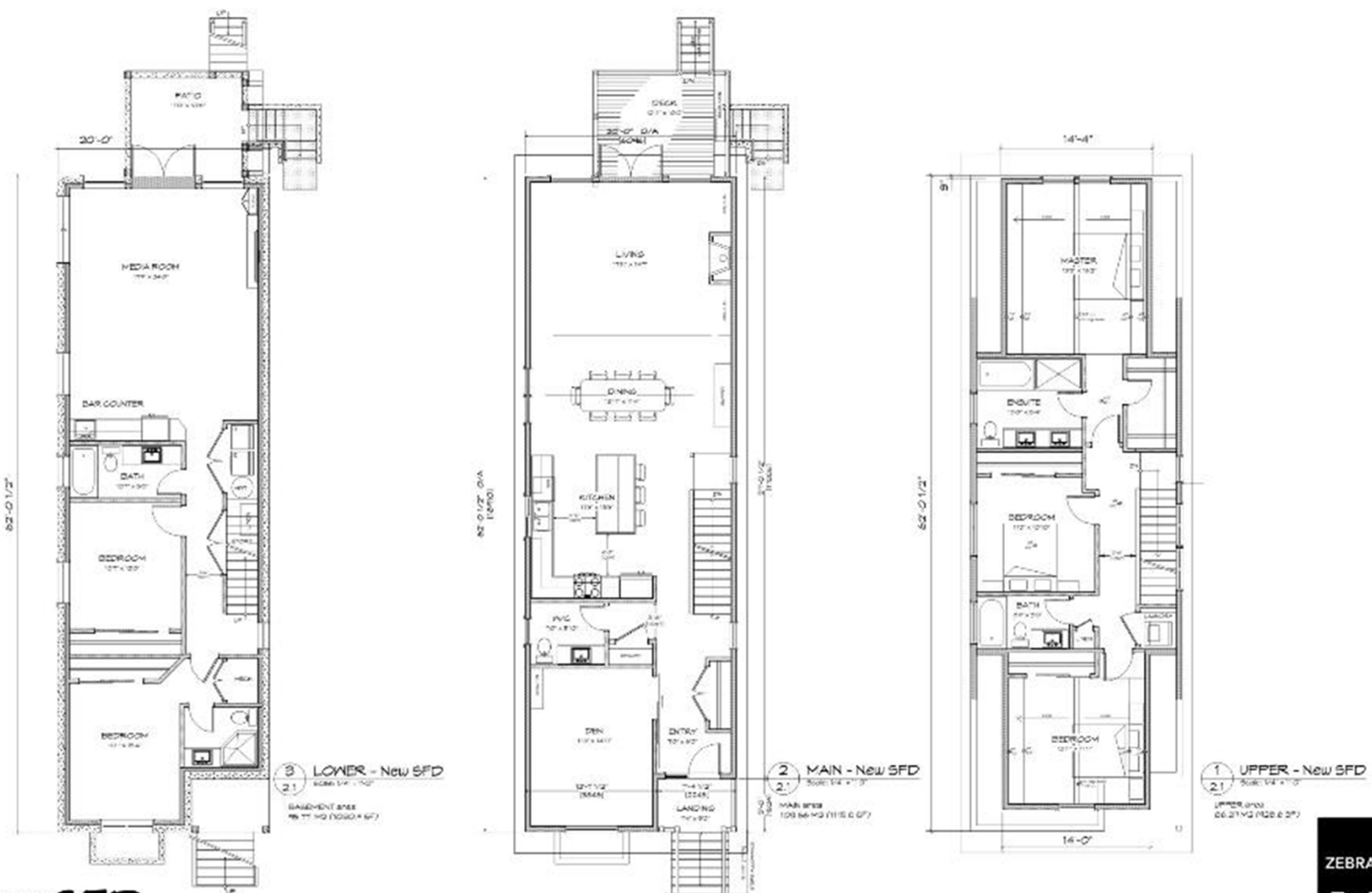
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1161 NEANPORT AVE
Victoria, B.C. V8N 5S6
Phone: (250) 260-2144
Fax: (250) 560-2118

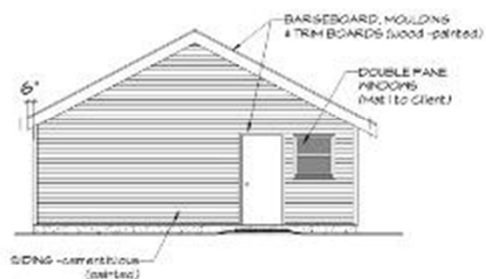


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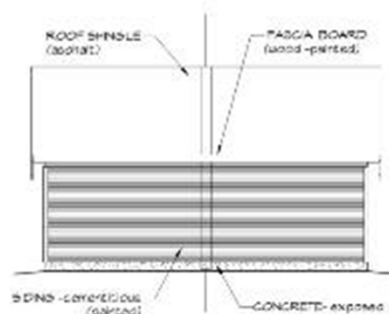
PROPOSED SINGLE FAMILY HOME 2280 FORBES St. R1-S2/R1-B REZONING



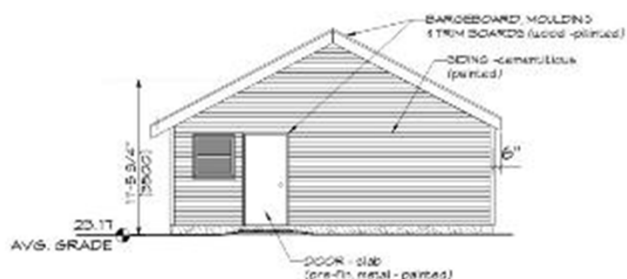
New SFD
Sk 2.1



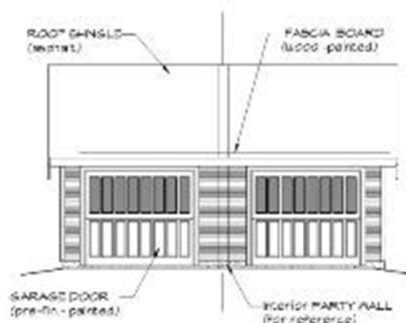
④ SIDE (North) Elev.
Scale: 1/4" = 1'-0"



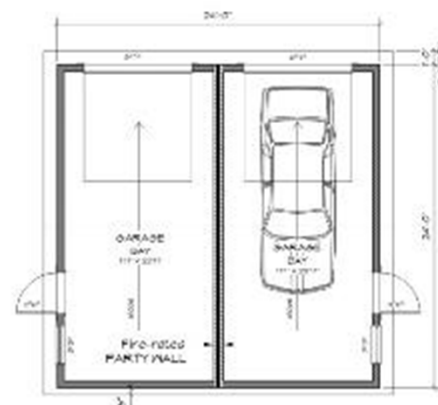
③ REAR (East) Elev.
Scale: 1/4" = 1'-0"



② SIDE (South) Elev.
Scale: 1/4" = 1'-0"



① FRONT (East) Elev.
Scale: 1/4" = 1'-0"



⑤ PLAN - GARAGE
Scale: 1/4" = 1'-0"

GARAGE
Sk 3.2

PROPOSED DUAL PROPERTY USE

2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015





1 STREETScape
Scale: 1/8" = 1'-0"

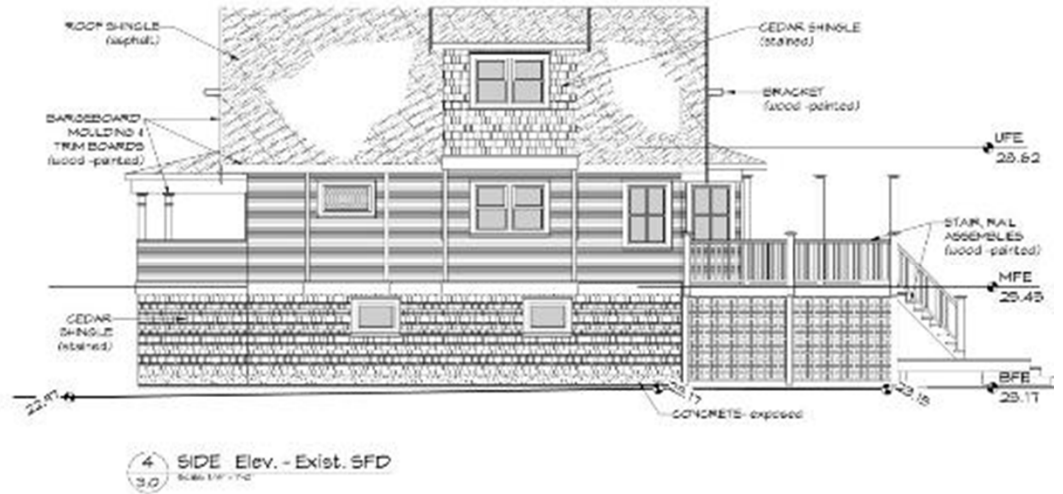
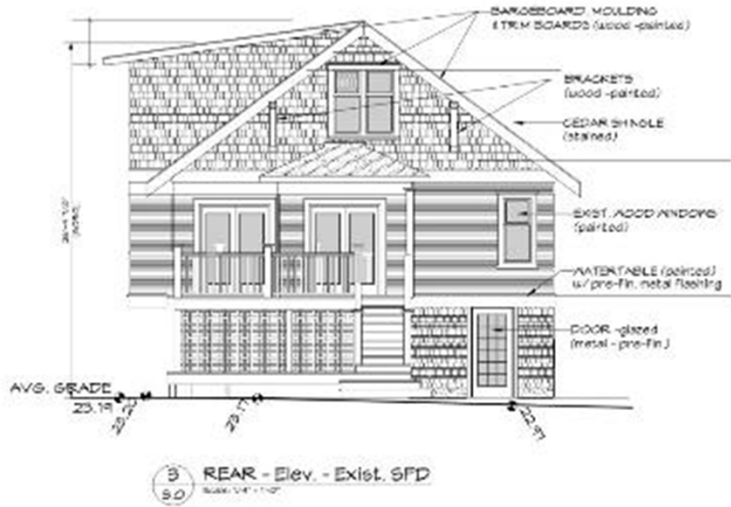
STREETScape Sk 3.3

PROPOSED Exist. + New Single Family Dwellings

2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015





ELEVS
Sk 3.0

Exist. SINGLE FAMILY HOME
2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015

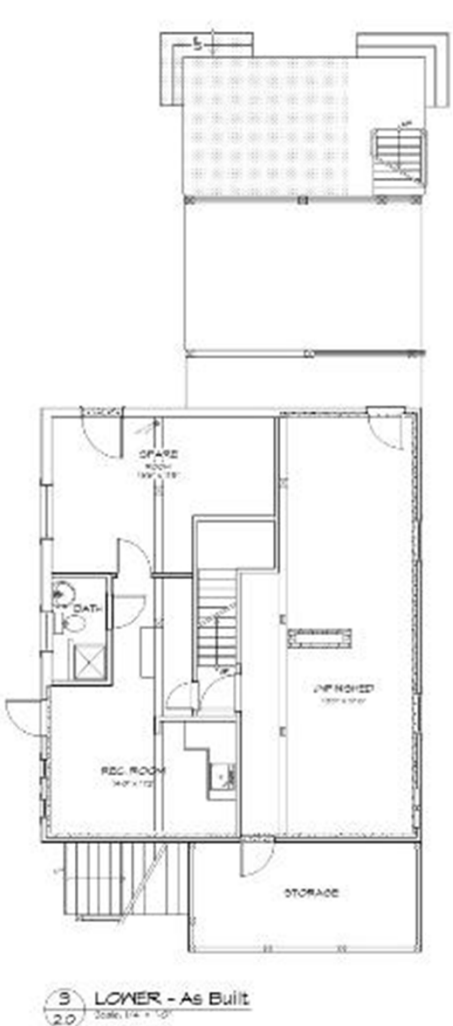




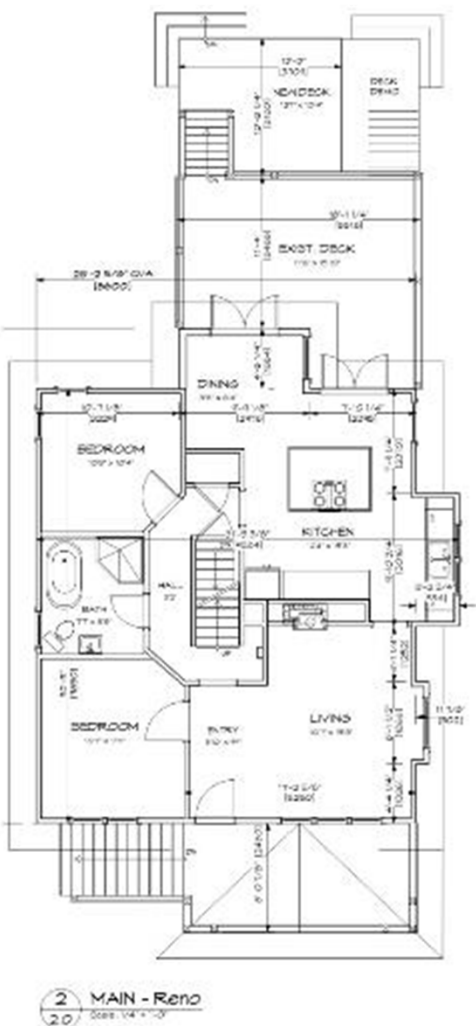
REVISED JULY 06, 2015

Exist. SINGLE FAMILY HOME 2280 FORBES St. R1-S2/R1-B REZONING

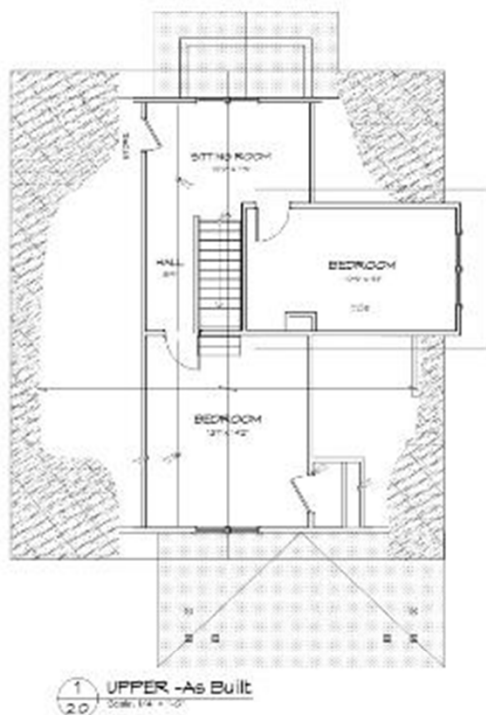
Exist. SFD + Reno Sk 2.0



LOWER area 79.02 M2
(850.6 SF)



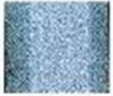
MAIN area 87.06 M2
(937.2 SF)
DECKS/PORCH/EXT. STAIRS 53.20 M2
(572.1 SF)



UPPER area 44.72 M2
(481.4 SF)

**PROPOSED NEW
GARAGE**
Lot # 1 + # 2
2280 FORBES St.
COLOUR BOARD

WINDOWS
'SILVER'
Vinyl Windows



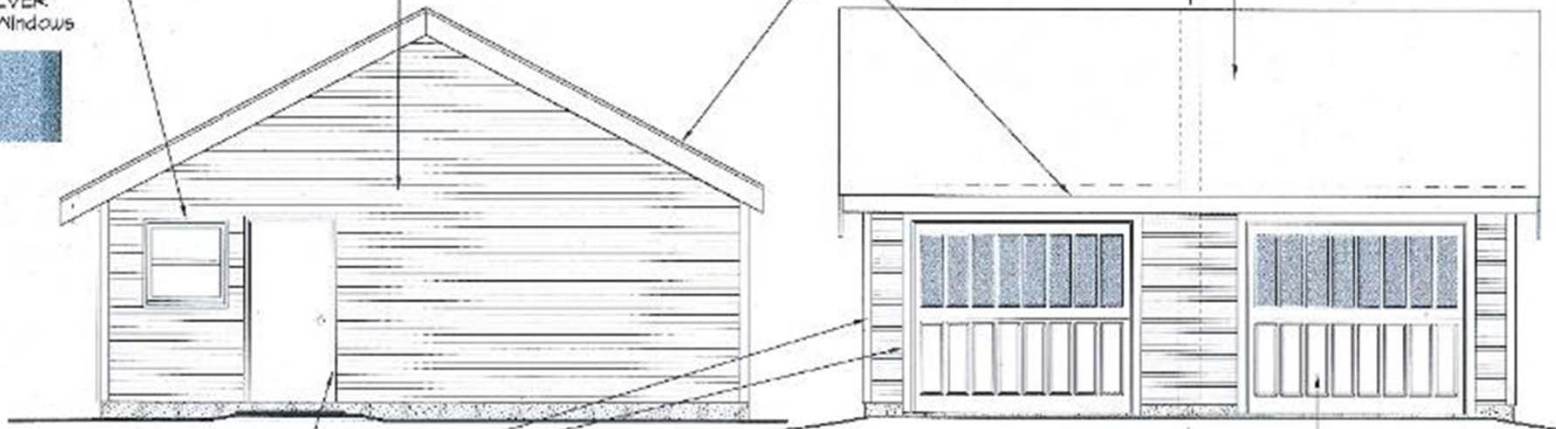
SIDING Cementitious
'GRAY MATTERS- SW 7066'
SHERWIN WILLIAMS



FASCIA + TRIM
'CAVIAR - SW 6990'
SHERWIN WILLIAMS



ASPHALT SHINGLE ROOF
'BLACK OAK'
MALARKEY - Northwest XL



WOOD TRIM
'NEBULOUS WHITE - SW 7063'
SHERWIN WILLIAMS



DOORS - WOOD
'CHEERFUL MORN - # 100'
SHERWIN WILLIAMS



1 **GARAGE- LOT #1 + #2**
- Colour Board

New SHARED GARAGE
2280 FORBES St. REZONING

MARCH 28, 2015



1161 NW 40TH AVE
VICTORIA, B.C. V8B 3E8
Phone: (250) 880-2144
Fax: (250) 340-2115



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015

From: Leanne Taylor, Senior Planner, Development Services Division

Subject: **Development Permit with Variances Application No. 00480 for 2280 Forbes Street**

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00480, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00480 for 2280 Forbes Street, in accordance with:

1. Plans date stamped July 7, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Small Lot House (Proposed Lot 1)

- i. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.50m;
- ii. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.73m;

Existing House (Proposed Lot 2)

- iii. Part 1.2, Section 1.2.2 (b): Reduce the lot width from 15m to 11.95m;
- iv. Part 1.2, Section 1.2.5(c): Reduce the side yard setback from 3.0m to 1.5m;
- v. Part 1.2, Section 1.2.5(d): Reduce the combined side yard setbacks from 4.50m to 3.04m;

Accessory Building

- vi. Schedule "F" (4)(b): Reduce the side yard setback of an accessory building on Lot 1 and Lot 2 from 0.6m to 0m.

3. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official*

Community Plan. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Sections 920 (8), where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 2280 Forbes Street. The proposal is to construct a small lot house. The variances being requested to facilitate a two-lot subdivision are related to lot width and side yard setbacks.

The following points were considered in assessing these Applications:

- The proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan 2012* (OCP).
- The requested variance associated with the small lot house is to reduce a side yard setback (north side). The proposed setback is supportable as the applicant has minimized the number of windows on the north elevation to respect privacy and overlook onto the adjacent property. An existing fence would be retained.
- The requested variances associated with the existing house are to reduce the lot width and side yard setbacks and would have a minimal impact on the neighbouring properties.

BACKGROUND

Description of Proposal

The proposal is for a small lot house. Specific details include:

- a two-storey building with a basement
- design elements such as a pitched roofline, distinctive front entryway and traditional-style windows
- the exterior materials include cementitious siding, painted panel, exposed concrete, wood-painted brackets, and asphalt roof shingles
- parking would be provided in detached garages in the rear yard
- new hard and soft landscaping would be introduced.

The proposed variances are related to:

- reducing the lot width of proposed Lot 2 (zoned R1-B) and side yard setbacks of the existing house
- reducing the side yard setback of the new small lot house
- reducing the side yard setbacks of the detached garage.

Sustainability Features

As indicated in the applicant's letter dated March 25, 2015 the following sustainability features are associated with this Application:

- energy efficiency
- water conservation
- indoor air quality.

Active Transportation Impacts

The applicant will provide two bicycle storage spots for each single family dwelling.

Public Realm Improvements

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

Existing Site Development and Development Potential

The subject property is currently in the R-2 Zone, Two Family Dwelling District.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fernwood CALUC regarding the rezoning proposals at a Community Meeting held on February 13, 2015. A letter dated February 13, 2015 is attached to this 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 within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed design of the new small lot house is consistent with the *Design Guidelines for Small Lot House (2002)*.

The proposal is for a two-storey dwelling unit with a basement. The design of the small lot house incorporates architectural elements, such as a pitched roofline, a distinctive front entryway and traditional-style windows. The pitched roofline and front porch entryway are prominent design elements of other existing houses in the neighbourhood. Windows are maximized on the front and rear elevations, and the windows on the side elevations are smaller and carefully located to respect the privacy of adjacent neighbours.

Each dwelling unit would have one parking space provided in a detached garage in the rear yard of the each subject property. Both detached garages would be constructed side by side at zero lot line with an interior party wall. A shared driveway between the two dwelling units would provide access to the parking area. Locating the detached garages in the rear yard allows for a

better streetscape appearance and more landscaped areas in the front yard. The roofline of the detached garages relates in style and slope to the principal dwelling units.

The applicant is proposing a mix of hard and soft landscaping in the front and rear yards of both properties. The proposed soft landscaping in the front yard would define the line between the public domain and private property. The applicant is also proposing to plant additional trees on site.

Regulatory Considerations

Lot Width Variance

The applicant is requesting to reduce the lot width of proposed Lot 2 (R1-B lot) from the required 15m to 11.95m. It is a significant reduction in the minimum frontage requirement in the zone; however, the average lot width of adjacent properties is approximately 13m. Comparing to these adjacent properties, the proposed lot width would not change the overall characteristic of the streetscape.

Setback Variances

The applicant is requesting setback variances in order to facilitate a two-lot subdivision. The proposed variances are detailed in the following data table below.

Lot/Zoning Criteria	Required	Proposed (Variances Required)
Lot 1 (Small Lot House) - Setbacks		
Side Yard (north side)	2.4m	1.5m
Side Yard (south side)	2.4m	1.73m
Lot 2 (Existing House) - Setbacks		
Side Yard	3m	1.5m
Combined Side Yard	4.5m	3.04m
Detached Garages (Accessory Building)		
Side yard setback (Lot 1 and Lot 2)	0.6m	0m

The proposed side yard setback (north side) of 1.5m for the small lot house is the minimum side yard setback permitted in the R1-S2 Zone. However, in the Zone, the minimum side yard setback is increased to 2.4m for any portion of a dwelling used as habitable space (e.g. bedroom, living room) which also has a window. The existing duplex located on the property to the north is setback approximately 2.50m from the shared property line, therefore the separation distance between the proposed small lot house and the existing duplex would be approximately 4m. There is an existing fence and trees along the property line, which would provide adequate screening between the two properties. A reduction in the side yard setback (south side) of the small lot house from 2.4m to 1.73m is a result of adjusting the property line so that the applicant can retain windows on the north side of the existing house and meet building code requirements.

The new side yard setback (north side) of the existing house would have the greatest impact on the proposed small lot house. Even with a 1.50m side yard setback, there would still be a separation distance of 3.22m between the existing house and the proposed small lot house, providing adequate space for a shared driveway. The windows on the side elevations of each dwelling unit are carefully located to reduce privacy impacts.

Even with a reduction in the side yard setbacks and the addition of a new small lot house, each lot would still have adequate yard space and landscaping.

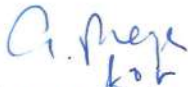
CONCLUSIONS

The proposal to construct a new small lot house and associated variances is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of sensitive infill development and fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

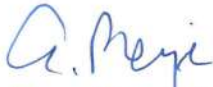
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00480 for the property located at 2280 Forbes Street.

Respectfully submitted,



Leanne Taylor, Senior
Planner, Development
Services Division



Alison Meyer, Assistant
Director, Development
Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

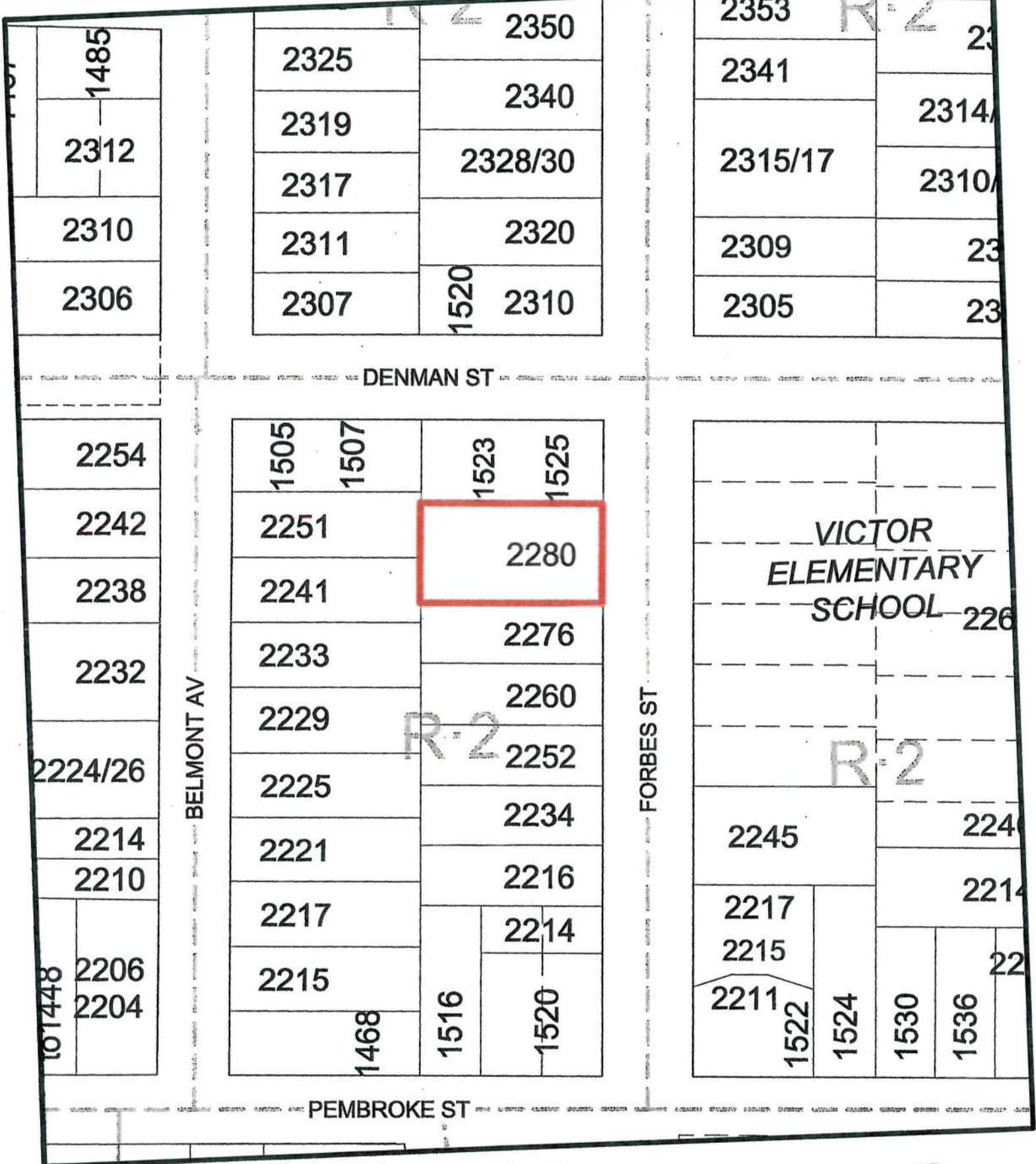
July 14, 2015

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List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated June 29, 2015
- Letter from the Fernwood Community Association dated February 13, 2015
- Arborist report dated June 26, 2015
- Small Lot Housing Rezoning Petition
- Summary of Green Initiatives dated March 25, 2015
- Plans dated June 30, 2015.



2280 Forbes Street
 Rezoning #00480
 Bylaw #





2280 Forbes Street
Rezoning #00480
Bylaw #



Development Permit with Variances Application No. 00480 for ...



June 29, 2015

#1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: 2280 Forbes Street, Victoria BC – Rezoning Application

Dear Honourable Mayor and Council,

On behalf of our clients Denise Hodgins and Robert Irish, we are making an application to rezone their property at 2280 Forbes Street, and establish a small lot to the north of their home, for a new single family home, while retaining an R1 B zone for the existing home.

The existing lot is 882.74 M² (9501.73 square feet) which is 162.74 M² (1751.72 SF) larger than the minimum requirements for the R1 B and R1 S2 lots, combined. This lot is also zoned duplex, allowing for two families to reside on this property. After reviewing the possibilities for developing this property, it was decided that leaving the existing home on a R1 B zoned lot and subdividing a R1 S2 lot was the preferred option.

There will be a reciprocal easement between the buildings that will allow driveway access between the houses to reach the proposed detached shared garage at the rear of the properties. The proposed shared garage will provide off street parking for both homes and two bicycle storage spots for each home. For each Lot a 0.61M setback variance is required for the shared accessory building for the fire-rated party-wall located on the shared lot line.

Between the existing building and the proposed new one, to preserve the existing windows on the older home that are on the face of the cantilevered bay and to meet the building code requirement for spatial separation for windows, we are requesting a variance between the two lots that will allow these windows to remain. The lot line will jog out around the bay window to 1.5M (4.92 feet) on the existing proposed Lot 2 and consequentially allow a 1.73M (7.91 feet) setback to the proposed house on Lot 1.

Zebra Design& Interiors Group Inc. • 1161Newport Avenue, Victoria BC V8S 5E6

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

Email: info@zebragroup.ca Website: www.zebragroup.ca

The existing house will require a lot width variance of 3.05 M and a combined sideyard variance of 1.46M (4.79 feet). But, the character house will remain on a lot that is 23.8 M² larger than the minimum required for R1 B zoning.

The proposed R1 S2 small lot requires two habitable setback variances of 0.9M on the Lot 2 North sideyard and a 0.67M variance on the drive side. Also, the lot is 138.9 M² larger than the minimum required for R1 S2 zoning.

The proposed small lot house is designed to complement the existing neighbourhood with a steep pitched gable roof facing the street. We are proposing a slightly contemporary finish to the house with horizontal siding on the front and rear, with cementitious panels in the middle of each side to break up the overall massing. We are also proposing minimal trim, with windows in a contrasting colour that will give interest and punctuate the facades with light.

Between the efforts of our clients, Sam Ganong (Abstract Developments) and myself we have reached almost all the neighbouring property owners and renters including School District 61 and have had strong support for the project. At the neighbourhood information meeting held on January 7th we answered questions from the attendees, and no concerns were raised.

The character and massing of the new home are appropriate to the neighbourhood, and we feel will enrich the streetscape. Significant trees will be retained, and a landscape plan is included to enhance the site and proposal. Architectural details include: pitched and shed roofs; a wooden front entry door; covered porch with wooden stair railings and tapered posts at the front entry; knee brackets; horizontal siding; painted siding panels; wooden bargeboards, moulding and trim; and as previously mentioned, a contemporary look to the windows.

We feel that this single family project is well suited to this neighbourhood due to its proximity to schools, shopping, recreational opportunities, downtown and various other amenities.

We thank you for your time and consideration of this application.

Sincerely,



Rus Collins



Zebra Design& Interiors Group Inc. • 1161Newport Avenue, Victoria BC V8S 5E6

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

Email: info@zebragroup.ca Website: www.zebragroup.ca



Fernwood Community Association

1923 Fernwood Road,
Victoria, B.C., V8T 2Y6

(250) 384-7441
Email: landuse@thefcaca



February 13, 2015

Sustainable Planning and Community Development Department
City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

Re: 2280 Forbes Street

The proposal to subdivide 2280 Forbes Street to build a small lot house and preserve the existing house was formally presented at the Fernwood Community Association Land Use Committee meeting of January 7, 2015.

Attending the meeting were two neighbours and two of the registered owners of the property. A supportive email was received from a neighbour two doors from the property was also received. The general tone of the meeting was accepting to the development.

The proponent's designer made a presentation showing the proposed subdivision, the proposed dwelling and the required variances to accommodate preserving the existing house. The look of the proposed small lot house was generally well received.

A question was raised about the magnitude of the variance for reduced lot width for the R1B lot and reduced side yard setback on the existing house, although no opposition was voiced. A question was also raised about the zero clearance garage at the rear of the proposal. This was not presented with a request for a variance, but it was felt one would be required. A member of the committee thought this was acceptable, as it provided needed parking, and did not sterilize/waste land between 2 separate garages. A vehicle turn-around space might be considered so vehicles do not have to back all the way out to Forbes Street.

The FCA Land Use Committee supports the preservation and restoration of existing structures and generally supports small variances to achieve that goal.

Sincerely,

David Maxwell
Chair, Land Use Committee
Fernwood Community Association



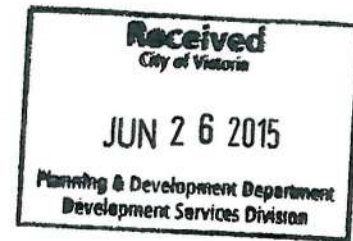
Talbot Mackenzie & Associates

Consulting Arborists

June 26, 2015

Zebra Design Group
1161 Newport Avenue
Victoria, BC V8S 5E6

Attention: Bohdan Kurylo



Re: Proposed Garage – 2280 Forbes Street

Assignment: Review the plan provided and provide arborist recommendations to be used during excavation for the proposed garage within the critical root zone of an 89cm dbh Weeping willow, located in the Northwest corner of the 2280 Forbes Street property.

Methodology: Information such as tree species, size(dbh), crown spread, critical root zone(crz), health and structural condition, relative tolerance to construction impacts and general remarks and recommendations was recorded in table below.

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
no tag	89	8.0	Weeping willow	19.0	Good	Fair	Good	Large deadwood. Recommend deadwood pruning prior to the introduction of new targets.

Observations: The proposed garage footprint is located within the critical root zone of the bylaw protected Willow tree on the property, but as the species has a good tolerance to construction impacts, it will likely be possible to build in this location providing any critical roots encountered are protected during the construction process. Whether roots can be pruned to allow for a traditional footing or roots must be preserved and the footings must be designed around the existing roots will have to be determined through exploratory excavations or during the excavations at the time of construction.

Mitigation of impacts: In order to minimize the impacts to the 89cm dbh Weeping willow and construct the proposed garage in the proposed location, we recommend the following course of action.

Barrier fencing: We recommend that barrier fencing be erected along the perimeter of the critical root zone on the East side of the tree, and approximately 1 meter off of the proposed garage footprint, where it encroaches the critical root zone of the tree. The barrier fencing to be erected 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.

.../2

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

This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). 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.

Proposed accessory building construction: The North exterior wall is approximately 4 meters from the trunk of the 89cm dbh Weeping willow. The project arborist must be onsite to supervise excavation for the footprint of the proposed garage, where it encroaches into the critical root zone of this tree. If significant roots are encountered during excavation, we may recommend that the proposed garage be designed so that it incorporates the existing grades, and be constructed in such a way that it does not significantly impact the existing structural roots, and maintains the existing hydrology and drainage patterns within the critical root zone of the tree. This will likely involve a traditional footing along the East, West and South side of the proposed garage, with pad footings and possibly post and grade beam construction in the portion nearest the tree, incorporating a suspended slab floor. It may be necessary to eliminate the need for perimeter drains on the north side of the garage to avoid additional root loss. Once more detailed plans of the proposed garage construction are made available, we can review and comment further on the potential impacts that it may have on the trees to be retained.

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

Yours truly,
Talbot Mackenzie & Associates

Graham Mackenzie & Tom Talbot
ISA Certified, & Consulting Arborists
Encl. – Site plan, barrier fencing specifications

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.

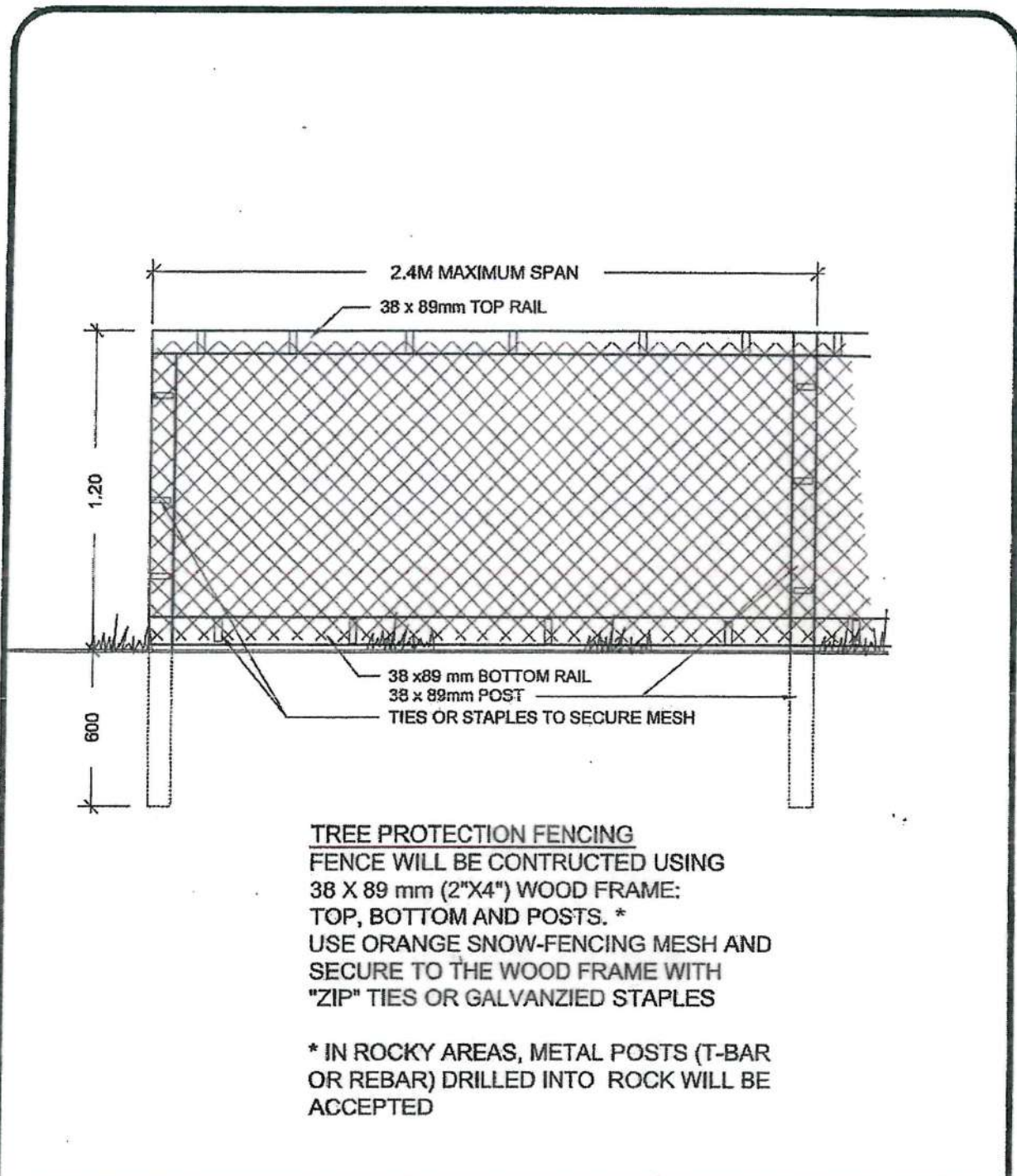
Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible 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.

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



b275 144 13-15-4670 (c)



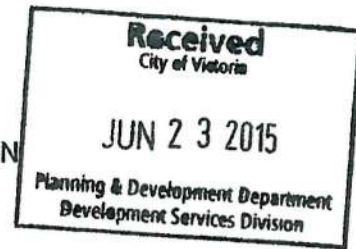
DETAIL NAME:

TREE PROTECTION FENCING

DATE: Oct 30/07
 DRAWN: DM
 APP'D: RR
 SCALE: N.T.S.

E105
 DRAWING

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**



I, Sam GANONE (applicant), have petitioned the adjacent neighbours* in compliance with

the Small Lot House Rezoning Policies for a small lot house to be located at 2280 Forbes (location of proposed house)

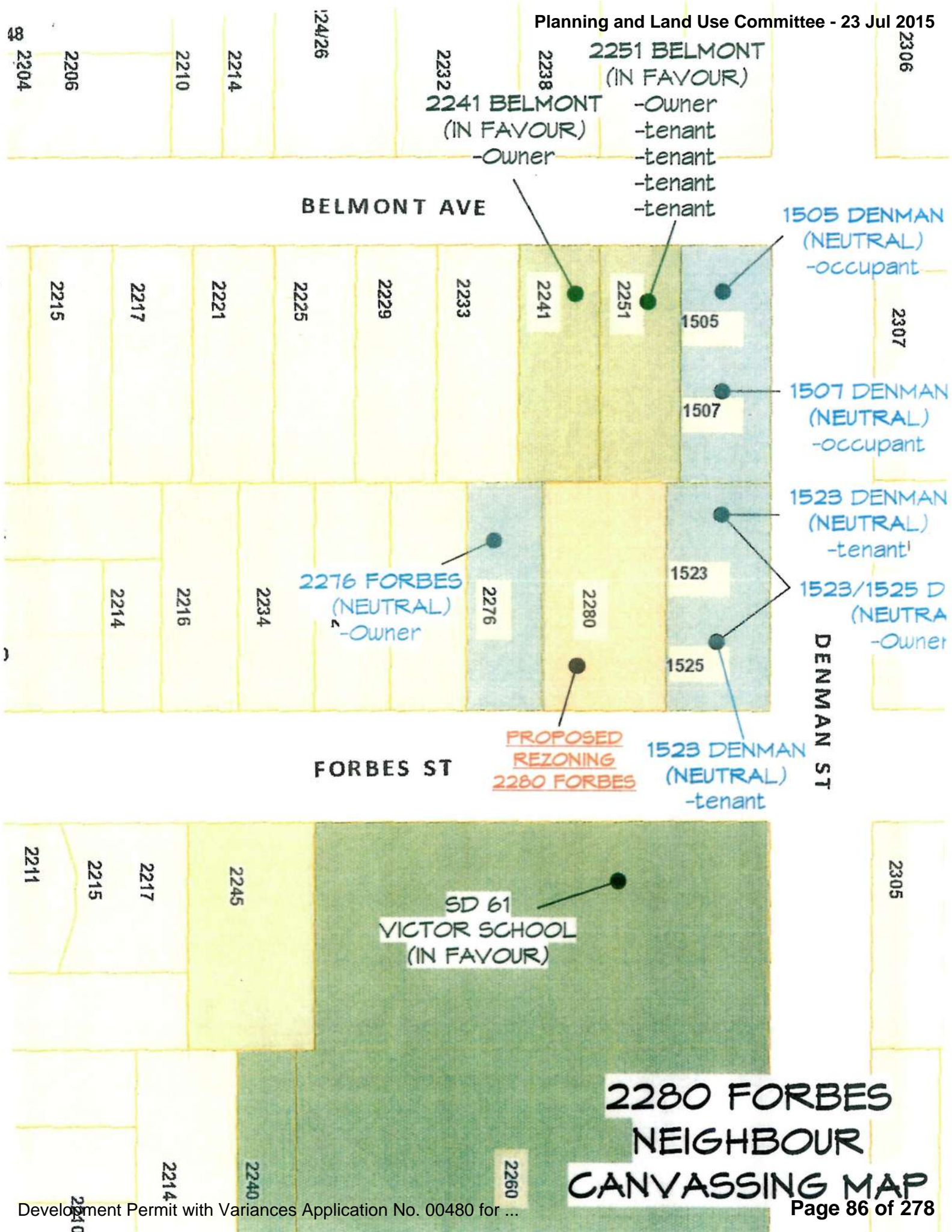
street and the petitions submitted are those collected by Feb. 20, 2015 (date). **

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
1523 Denman street (owner)			✓
1523 Denman street (tenant)			✓
1523 Denman street (tenant)			✓
2276 Forbes street			✓
1505 Denman street			✓
1507 Denman street			✓
2251 Belmont Avenue (owner)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2251 Belmont Avenue (tenant)	✓		
2241 Belmont Avenue	✓		
2260 Victor street (SD 61)	✓		

SUMMARY	Number	%
IN FAVOUR	7	100%
OPPOSED	0	0%
TOTAL RESPONSES		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.





November/December 2014

#1 Centennial Square
 Victoria, B.C.
 V8W 1P6

Re: Proposed rezoning for new small lot home at 2280 Forbes Street, Victoria, B.C.

After reviewing the plans and elevations regarding the proposed rezoning and new home project at 2280 Forbes Street, we the undersigned have no objections.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
<i>Sean Howley.</i>	<i>Board of Education no 61 (Greater Victoria) 491 Cecelia St. V8T 4T4</i>	<i>Jan 6th - 2015</i>
<i>Director of Facilities</i>		

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

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) COLIN DAVIS (see note above)

ADDRESS: 2251 BELMONT

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 4 / 15
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

to the following Small Lot Zone: R1-62

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) HEATHER WEIR (see note above)

ADDRESS: #1, 2251 BELMONT AVE, VICTORIA BC V8R 3Z9

Are you the registered owner? Yes ☐ No ☒ (TENANT)

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

PLEASE DO NOT REMOVE THE LARGE
WEeping WILLOW TREE.

FEB 10 / 2015
Date

Heather Weir
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

to the following Small Lot Zone: R1 - S2

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Please review the plans and indicate the following:

NAME: (please print) Kevin Ainey (see note above)

ADDRESS: 2251 BELMONT AVE.

Are you the registered owner? Yes ☐ No ☐ ☒ RENTER

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. 04, 2015
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins (print name), am conducting the petition requirements for the

property located at 2280 Forbes Street

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) Maria Nunn + Andrew Duffels (see note above)

ADDRESS: 44 2257 Belmont Ave

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:

please leave the willow tree.

Feb 8/2015
Date

M. N.
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Sam Ganong / Rus Collins, am conducting the petition requirements for the
(print name)

property located at 2280 Forbes Street

to the following Small Lot Zone: R1-62

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) MORAGNE, Celia, ROBERT (see note above)

ADDRESS: 2241 BELMONT AVENUE

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

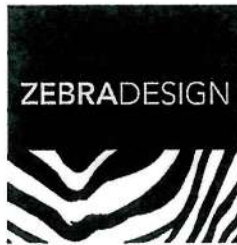
☐ I am opposed to the application.

Comments:

I would prefer a wood fence along the west property
line if the existing is removed. CMM

Jan 5, 2015
Date

Celia A. Moragne
Signature



Date: March 25, 2015

To: City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

RE: Rezoning proposal, 2280 Forbes Street, Victoria B.C.

Attn: Planning and Development Department

The proposed new building will strive to incorporate 'Green Initiatives' in an effort to increase the energy efficiency, to improve indoor air quality and reduce the impact of construction on our environment.

The 'Green Initiatives' focus on:

- Energy efficiency
- Indoor air quality
- Resource use
- Overall environmental impact.

The following list contains items the private homeowner is considering employing in the potential new home:

Operational Systems:

- Installation of high efficiency, direct vent, gas fuelled fireplaces with electronic ignition
- All windows to be Energy Star labelled
- All appliances to be Energy Star labelled
- Home is built 'Solar Ready' providing for a rough-in of 3"(75mm) thermal run from mechanical room to attic
- Minimum 50% of recess lights to use halogen bulbs
- Use of Air tight contact insulation on recessed lights to prevent air leakage

Building Materials:

- Use of finger-jointed non structural framing material
- Use of advanced sealing non HCFC expanding foam around window and door openings

Interior and Exterior Finishes:

- Cementitious siding;
- Minimum 30 year manufacturer warranty of roofing material
- MDF casing and baseboard trim (reducing reliance on old growth forest products)

Indoor Air Quality:

- Installation of hardwired carbon monoxide detector
- Central Vac system vented to exterior
- All insulation in home to be third party certified with low formaldehyde
- Low formaldehyde subfloor sheathing, exterior sheathing, insulation, carpet underlayment and cabinetry (less than 0.18 ppm)
- All wood or laminate flooring to be factory finished
- Interior paints to have low VOC (Volatile Organic Compounds) content (less than 250 grams/litre)

Ventilation:

- Programmable Energy Star thermostat
- Ventilation fans to meet or exceed Energy Star Requirements

Waste Management:

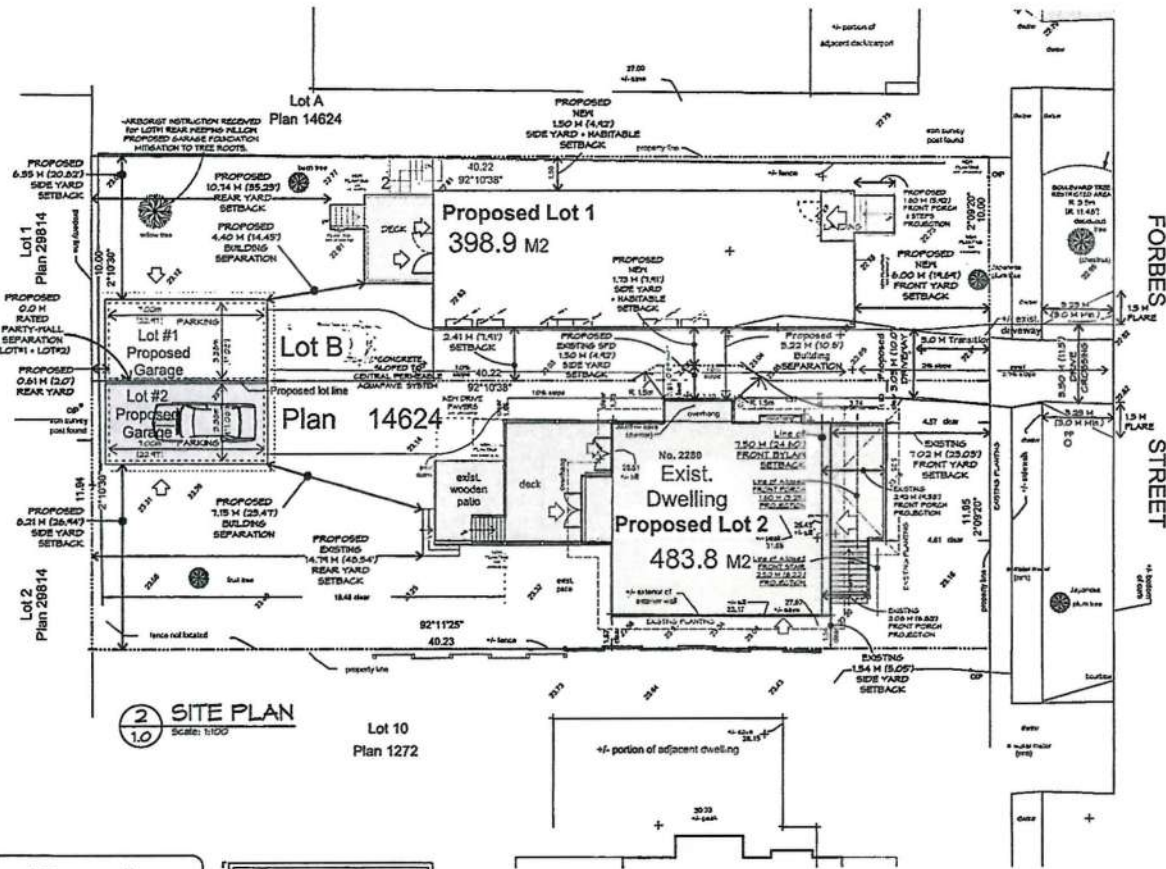
- Trees and natural features to be protected during construction
- Install into new home and renovation a built-in recycling centre with two or more bins
- Provide composter to both units
- Existing dwelling maintained as much as possible

Water Conservation:

- CSA approved single flush toilet averaging 1.6 GPF (gallons per flush) or less installed in all bathroom locations
- Insulate hot water lines with pipe insulation on all hot water lines
- Install hot water recirculation line
- Install low flow faucets in kitchen, on lavatories and shower valves

Cordially Yours,

Bohdan Kurylo
Zebra Design



2 SITE PLAN
1.0
Scale: 1:100

B.C. Land Surveyor's
Plan of Proposed Subdivision of:
Lot B, Section 75, Victoria
District, Plan 14624
Our address: 2880 Forbes Street
Victoria, B.C.
Parcel Identifier Number 014-244-044

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
Tel 250-385-1712
email glen@mitchellsurvey.ca
B275 S16 13-15-4670 (c)

SITE DATA	PROPOSED LOT1 - NEW S.F.D.	PROPOSED LOT2 - EXIST. HOUSE
LOT AREA	398.91 sq-meters (4244.0 sq-ft)	483.81 sq-meters (5237.0 sq-ft)
FRONTAGE	10.0 METERS (32.81 FT)	11.45 METERS (37.91 FT) ~VARIANCE~
SITE COVERAGE	111.851 M2 HOUSE + 26.76 GARAGE + 22.00 M2 DECK/LANDSCAPE + 26.76 GARAGE = 186.37 M2 /SITE 342.41 M2 = 34.75% (for garage)	112.10 M2 HOUSE + 26.76 GARAGE + 33.252 M2 DECK/LANDSCAPE + 26.76 GARAGE = 198.87 M2 /SITE 483.81 M2 = 35.56% (for garage)
FLOOR SPACE RATIO	0.40 to 1.0	N/A
UPPER FLOOR	86.21 sq-meters (923.6 sq-ft)	44.12 sq-meters (474.4 sq-ft)
MAIN FLOOR	109.56 sq-meters (1185.9 sq-ft)	87.05 sq-meters (931.2 sq-ft)
BASE-HEIGHT	4.72 meters (15.50 ft) (COUNTED 1.2M below Avg. Gr.)	7.42 sq-meters (80.0 sq-ft) (COUNTED 1.2M below Avg. Gr.)
HAND-UP FLOOR AREA	104.45 sq-meters (1124.5 sq-ft)	310.80 sq-meters (3364.1 sq-ft)
SETBACKS		
FRONT YARD - East PORCH - East (allows projection)	6.00M (19.69')	7.02M (23.04') --- EXIST. Non-Conforming 2.42M (7.95') --- EXIST. Non-Conforming 3.08M (10.10')
REAR YARD - West SIDEYARD - South	10.74M (35.25')	14.79M (48.54')
SIDEYARD - North	1.73M (5.68')	1.54M (5.05')
SIDEYARD - Combined	1.50M (4.92')	3.04M (9.97') ~VARIANCE~
HABITABLE SETBACK - North - South	1.50M (4.92') ~VARIANCE~ req'd 1.54M (5.05') ~VARIANCE~ req'd	1.50M (4.92') 1.54M (5.05')
HOUSES SEPARATION	3.22M (10.56')	3.22M (10.56')
BUILDING HEIGHT	1.73M (5.68') (2 1/2 stories) 23.82 M elev. (COUNTED 1.2M below Avg. Gr. - EXIST.)	6.05M (19.85') (2 1/2 stories) 23.19 M elev. EXIST. Non-Conforming
AVERAGE GRADE	23.82 M elev.	23.19 M elev.
GARAGE (rated party wall)	26.76 sq-meters (288.0 sq-ft)	26.76 sq-meters (288.0 sq-ft)
SETBACKS		
FRONT YARD - East	32.31M (105.00')	32.31M (105.00')
REAR YARD - West	0.81M (2.66')	0.81M (2.66')
SIDEYARD - North	6.35M (20.83')	0.00M (rears party wall) ~VARIANCE~
SIDEYARD - South	0.00M (rears party wall) ~VARIANCE~ req'd	6.31M (20.70') req'd
BUILDING TO HOUSE SEPARATION	4.02M (13.19')	1.19M (3.91')
REAR YARD COVERAGE	26.76 M2 GARAGE/ 4124 M2 REAR = 2.10%	26.76 M2 GARAGE/ 175.85 M2 REAR = 15.2%
PARKING	ONE STALL/ single family unit	ONE STALL/ single family unit
BICYCLE STORAGE	THO/ unit	THO/ unit

Received
City of Victoria
Deemed
JUN 30 2015
Planning & Development Department
Development Services Division

ZEBRADesign
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-3144
Fax: (250) 360-2115

PROPOSED New + Exist. Single Family Dwellings
2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015

SITE PLAN
Sk 1.0



Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
tel 250-385-1712
email glen @ mitchellsurvey.ca

(b 275 file 13-15-4670 (c)

SITE DATA		PROPOSED LOT#1 - NEW 6,572	R1-S2 ZONE COMPARISON	REQUIREMENTS
LOT AREA	394.91 SQ-METERS (9244.0 SQ-FT)		260 SQUARES (2788 SQ-FT) MIN.	
SETBACKS	10.0 METERS (32.81 FT)		10.0 METERS (32.81 FT) MIN.	
SITE COVERAGE	111.891 H2 HOUSE - 28.7% GARAGE + 20.0% MD DISCHARGE-PAVED DRIVEWAYS + 28.7% GARAGE = 159.6% /SITE 394.91 H2 + 54.7% To low GARAGES		40% entire lot	
FLOOR SPACE RATIO	0.45 to 1.0		0.6 to 1.0 MAX. OR MD SQ-METERS (2 045.3 SQ-FT) +1st + 2nd max.	
MAIN FLOOR (1st floor)	109.60 SQ-METERS (1115.0 SQ-FT)		MD SQ-METERS (2 045.3 SQ-FT) +1st + 2nd max.	
UPPER FLOOR (2nd floor)	36.27 SQ-METERS (388.6 SQ-FT)			
BASEMENT	49.73 SQ-METERS (535.0 SQ-FT) (NOT COUNTED 1/2nd below Avg. Gr.)			
MAXIMUM FLOOR AREA	194.86 SQ-METERS (2 045.3 SQ-FT)		MD SQ-METERS (2 045.3 SQ-FT) +1st + 2nd max.	
SETBACKS				
FRONT YARD - East	6.00M (19.67')		6.0M (19.67')	
PORCH + STAIR - East	1.60M (5.24')		2.5M (8.20') allowed projection into Street	
REAR YARD - West	10.74M (35.23')		6.0M (19.67')	
SIDEYARD - North	15.04M (49.32')		1.5M (4.92')	
SIDEYARD - South	1.73M (5.65')		1.5M (4.92')	
HAZARDOUS SETBACK:			2.4M (7.87') to HABITABLE W/INDOW	
- North	1.50M (4.92') - "0.6M VARIANCE" req'd			
- South	1.73M (5.65') - "0.6M VARIANCE" req'd			
HOUSES SEPARATION	3.32M (10.89')			
BUILDING HEIGHT	7.5M (24.61') 2 stories/ Maximum 1/2nd below Avg. Gr. - MAX. 4.1		7.5m (24.61') and 2 stories MAX.	
AVERAGE GRADE	32.62 M elev.			
GARAGE (rated party wall)	28.7% sq-meters (288.0 sq-ft)			
SETBACKS				
FRONT YARD - East	32.81M (108.60')			
REAR YARD - West	0.61M (2.00')			
SIDEYARD - North	6.35M (20.82')			
SIDEYARD - South	0.00M (rated party wall) "0.6M VARIANCE" req'd			
BUILDING TO HOUSE SEPARATION	4.40M (14.45')			
REAR YARD COVERAGE	28.7% MD GARAGE/49.24 H2 REAR + 27.0%		30.0% OF REAR YARD MAX.	
PARKING	ONE STALL - 1st floor entry unit		ONE STALL	
BICYCLE STORAGE	THOR unit		NONE/unit	

REVISÉD JULY 06, 2015

ZEBRADESIGN



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

Planning and Land Use Committee - 23 Jul 2015

SITE PLAN + DATA

Sk 1.1

PROPOSED LOT #1, New Single Family Dwelling
2280 FORBES St. R1-S2/R1-B

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SITE DATA		PROPOSED LOT2 - EXIST. HOUSE	R1-B ZONE COMPARISON	REMARKS
LOT AREA		453.81 SQ-METERS (102971.8 sq ft)	460 sqmeters (4932 sq ft) min.	
FRONTAGE		11.45 METERS (39'4.31 ft) - "0.50M VARIANCE" req'd	15.0 METERS (49.21 FT) min.	
SITE COVERAGE		92.10 M2 HOUSE / 26.76 GARAGE + 59.302 M2 DRIVE/PORCHES/STAIRS = 151.162 GARAGE + 172.056 M2 / SITE = 453.81 M2 = 55.56% (maximum)	40% entire lot	
BASEMENT - 1st FLOOR		714.02 sqmeters (1550.6 sq ft) (COUNTED 1.2M below Avg. Gr.)		
MAIN FLOOR - 2nd FLOOR		81.026 sqmeters (1971.2 sq ft)		
1st + 2nd STOREY AREA		166.006 sqmeters (1787.8 sq ft)	280 sqmeters (3014 sq ft) - 1st + 2nd max	
UPPER FLOOR - 1/2 story		44.72 sqmeters (481.4 sq ft)	1/2 STOREY 10% MAX. of Ground Floor Area (714.02 M2) = 55.81 M2 allowed	
MAXIMUM FLOOR AREA		310.73 sqmeters (3369.1 sq ft)	300 sqmeters (3228 sq ft) - 1/2 Floors max.	
SETBACKS				
FRONT YARD - East		1.03M (33.04') - - - - - BUILT: Non-Conforming	1.5M (4.92')	
PORCH - East		2.43M (7.95') - - - - - BUILT: Non-Conforming	1.8M (5.90') allowed projection into Setback	
STAIR - East		0.00M (6.82')	2.5M (8.20') allowed projection into Setback	
REAR YARD - West		14.78M (48.45') - - - - -	MIN. + GREATER OF 1.5M (4.92') or 25% Lot Depth 40.23M or 10.06M	
SIDEYARD - South		1.50M (5.05')	MIN. + GREATER OF 1.5M (4.92') or 10% Lot Width = 11.45M	
SIDEYARD - North		1.50M (4.92')	5.0M (16.40') Lot width rear line - - - - -	
SIDEYARD - COIN-ED		3.04M (9.97') * 1.66M VARIANCE* req'd	4.5M (14.76') - - - - -	
HOUSES SEPARATION		3.02M (10.56')		
BUILDING HEIGHT		0.50M (26.41') (2 1/2 storeys) (BASED-DTH 1.2M to Avg. Grade + storage) BUILT: Non-Conforming	7.6m (24.7') and 2 storeys MAX.	
AVERAGE GRADE		25.14 ft elev.		
GARAGE (free party w/)		26.76 sqmeters (285.0 sq ft) - - - - -		
SETBACKS				
FRONT YARD - East		32.83M (105.00')		
REAR YARD - West		0.61M (2.00')		
SIDEYARD - North		0.00M (free party unit) - - - - - * 0.61M VARIANCE* req'd		
SIDEYARD - South		8.23M (26.94')		
BUILDING TO HOUSE SEPARATION		1.15M (23.47')		
REAR YARD COVERAGE		26.76 M2 GARAGE/ 175.63 M2 REAR = 15.2%	N/A	
PARKING		ONE STALL single family unit	ONE STALL	
BIKE STORAGE		TRICY unit	NONE/unit	

REVISÉD JULY 06, 2015

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Glen Mitchell
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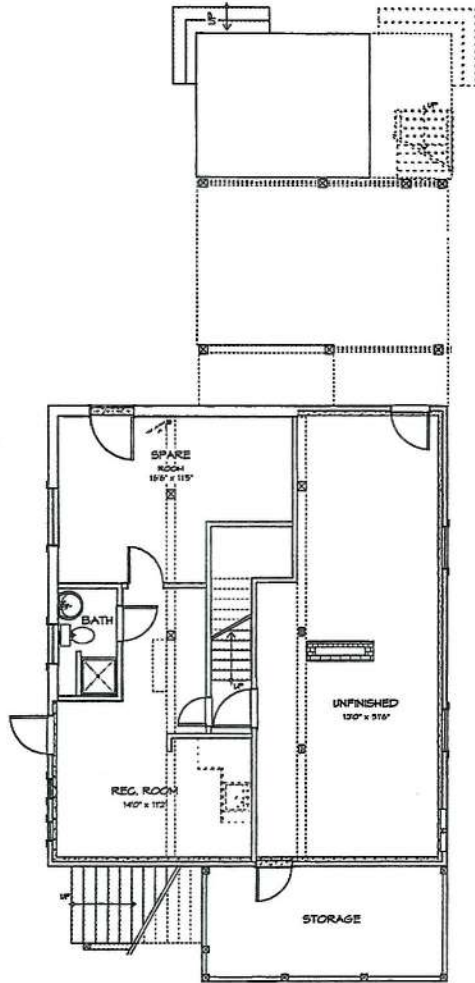
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SITE PLAN + DATA

PROPOSED LOT #2, Exist. Single Family Dwelling
2280 FORBES St. R1-S2/R1-B RE

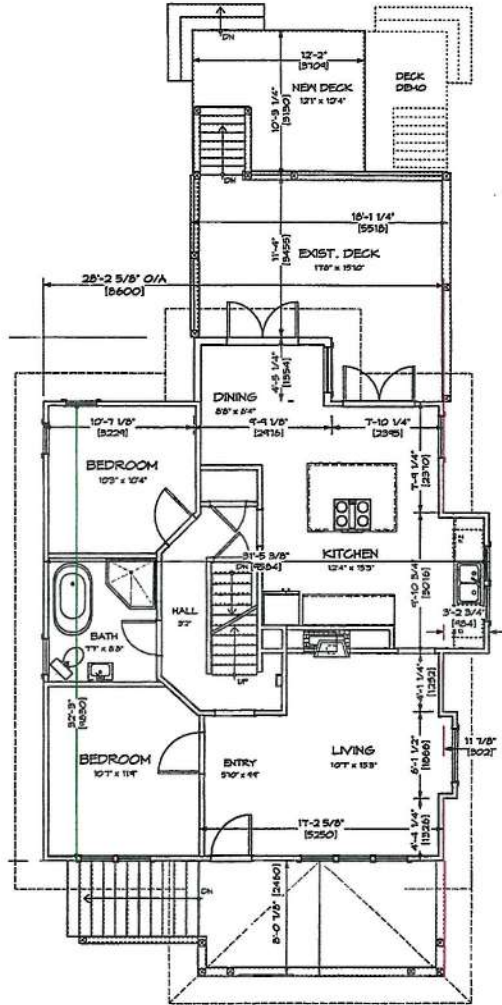
Received
City of Victoria
JUN 30 20
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Planning & Development Department
Development Services Division



③ LOWER - As Built
Scale: 1/4" = 1'-0"

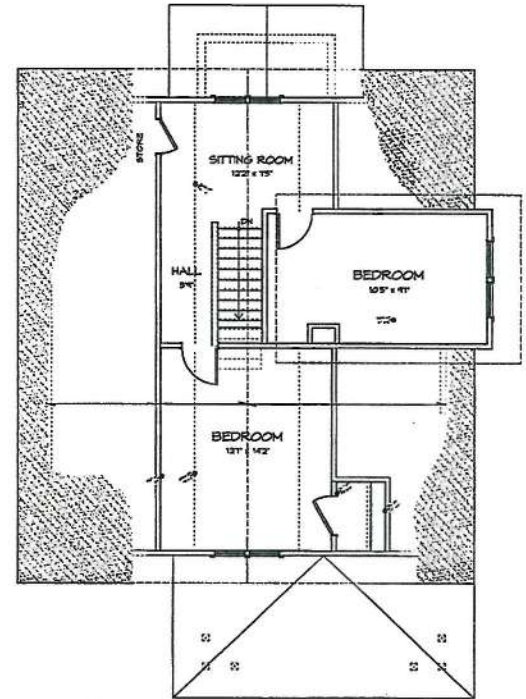
LOWER area 19.02 M2
(850.6 SF)



② MAIN - Reno
Scale: 1/4" = 1'-0"

MAIN area 87.06 M2
(937.2 SF)

DECKS/PORCH/EXT. STAIRS 53.20 M2
(572.7 SF)



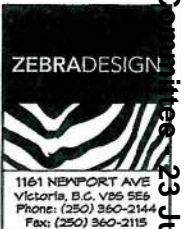
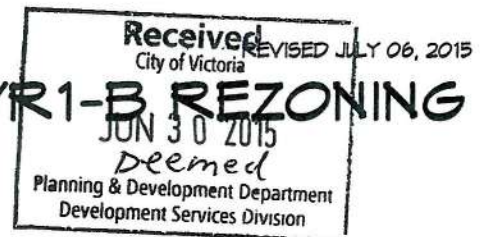
① UPPER - As Built
Scale: 1/4" = 1'-0"

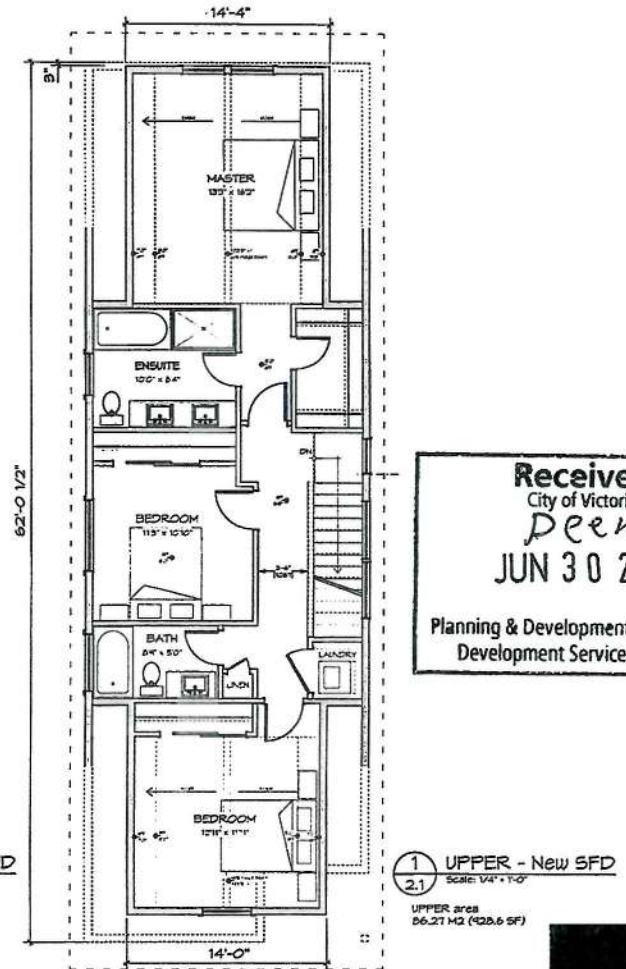
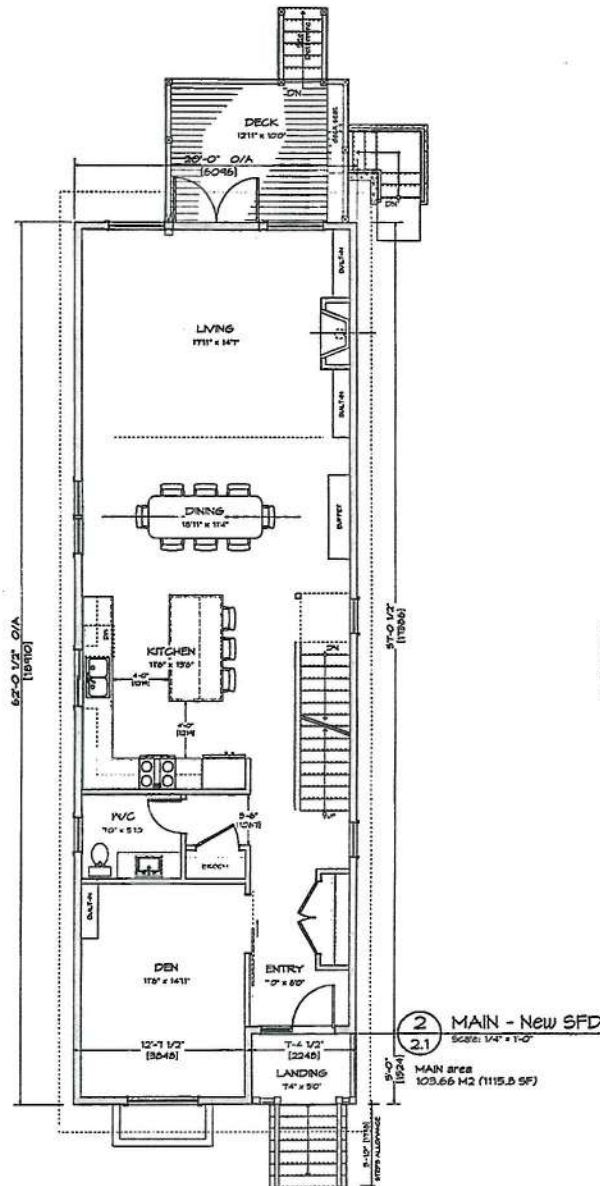
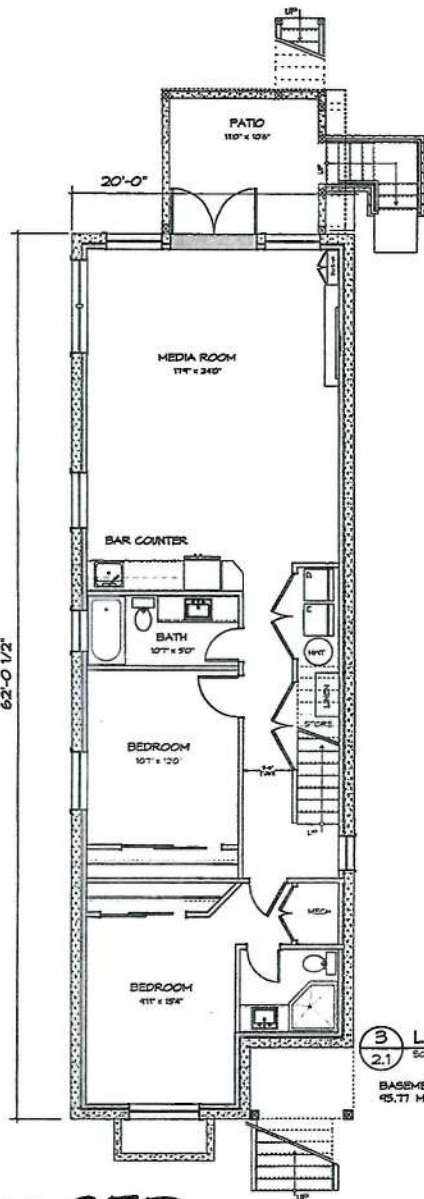
UPPER area 44.72 M2
(481.4 SF)

Exist. SFD + Reno
OK 2.0

Exist. SINGLE FAMILY HOME

2280 FORBES St. R1-S2/R1-B



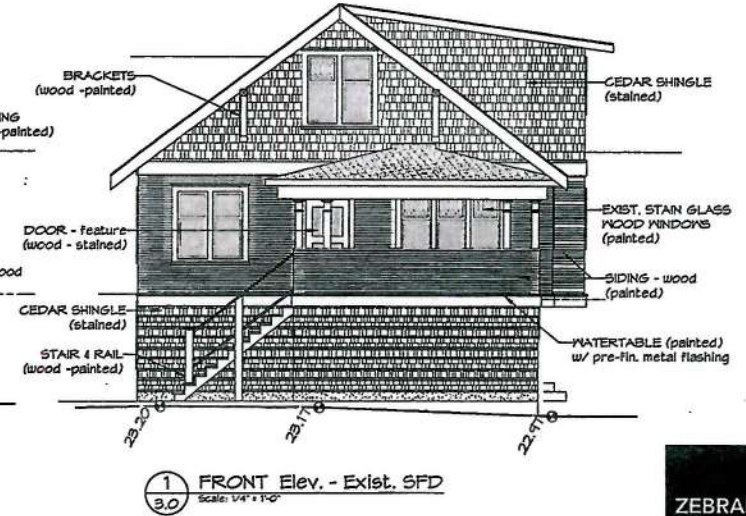
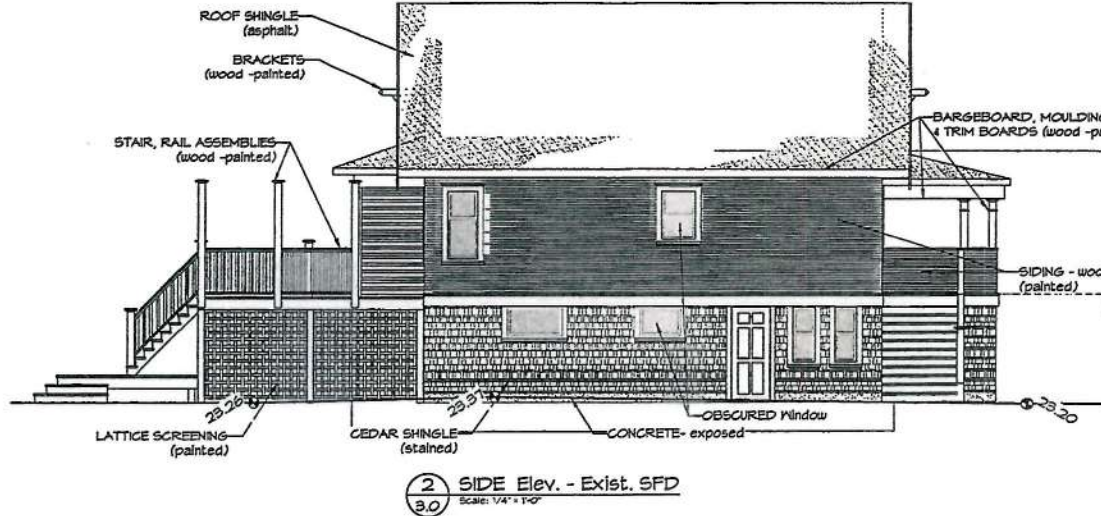
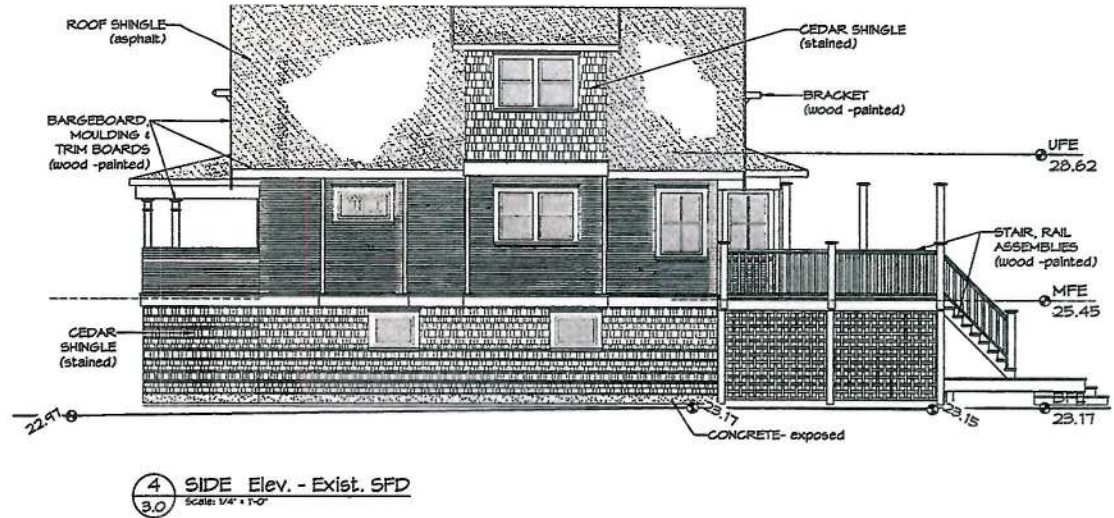
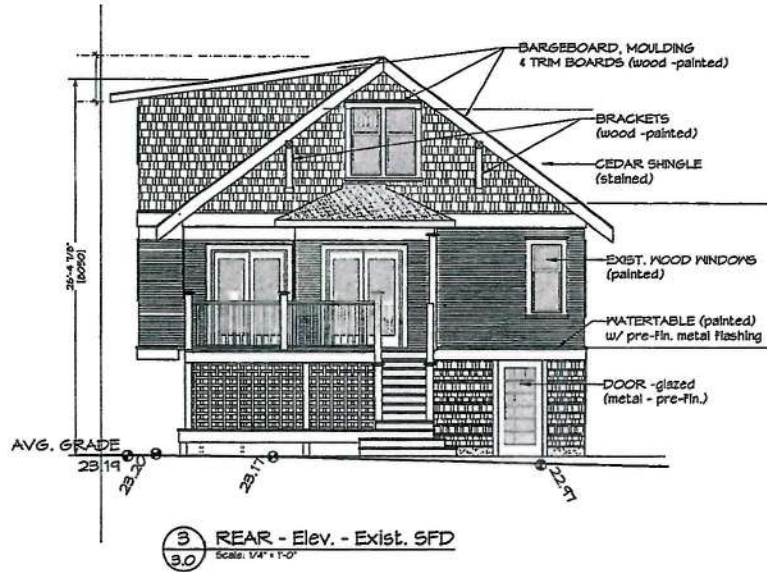


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JUN 30 2015
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Development Services Division

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

PROPOSED SINGLE FAMILY HOME
2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015



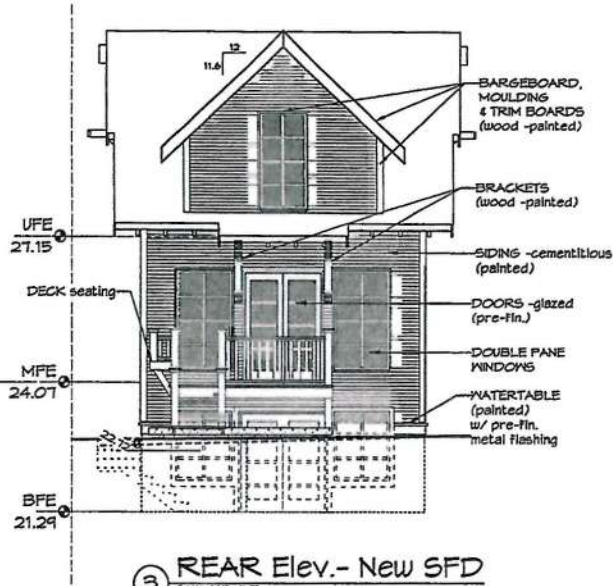
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Development Services Division

EXIST. SINGLE FAMILY HOME

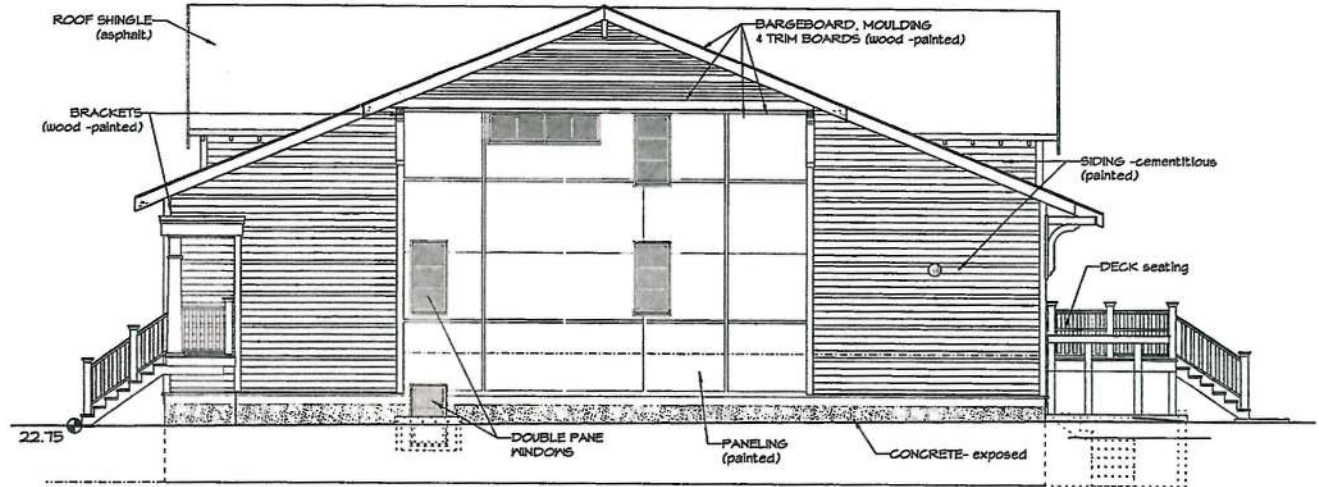
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REVISED JULY 06, 2015

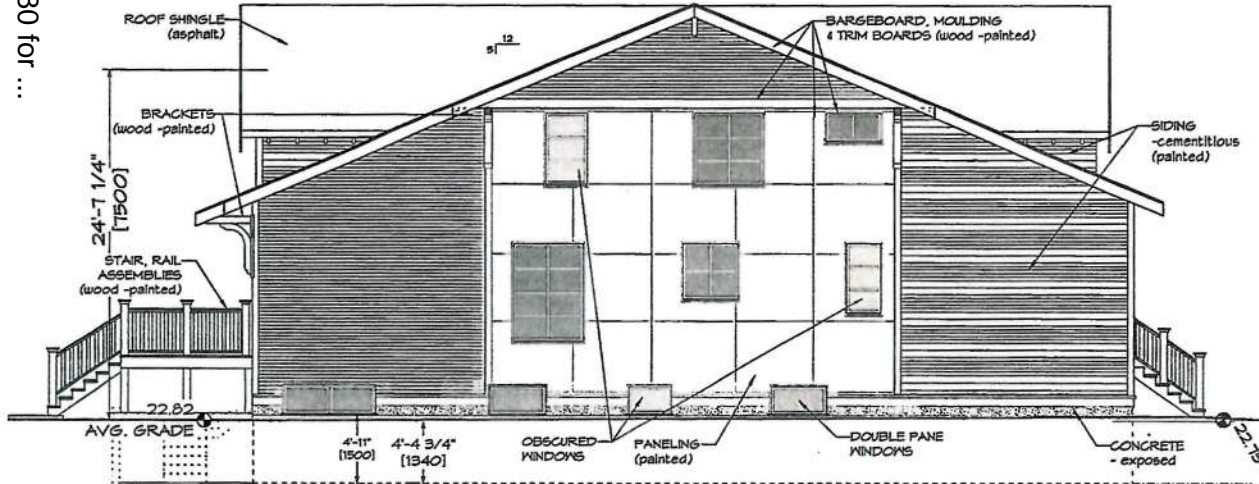
ZEBRADESIGN
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-214
Fax: (250) 360-215



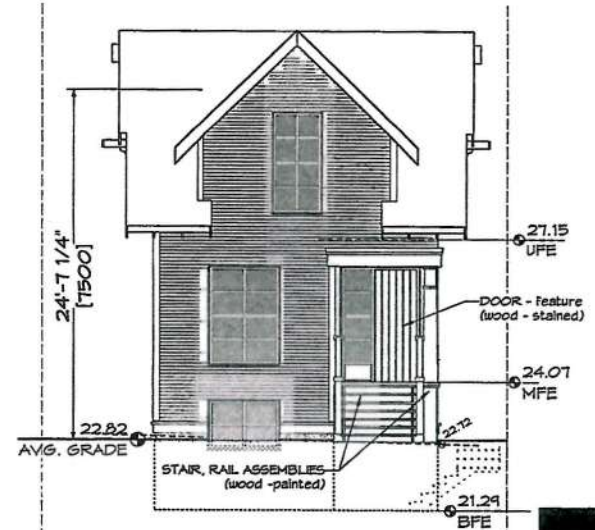
③ REAR Elev.- New SFD
Scale: 1/4" = 1'-0"



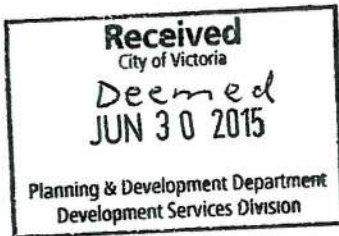
④ SIDE Elev.- New SFD
Scale: 1/4" = 1'-0"



② SIDE Elev.- New SFD
Scale: 1/4" = 1'-0"



① FRONT Elev.- New SFD
Scale: 1/4" = 1'-0"

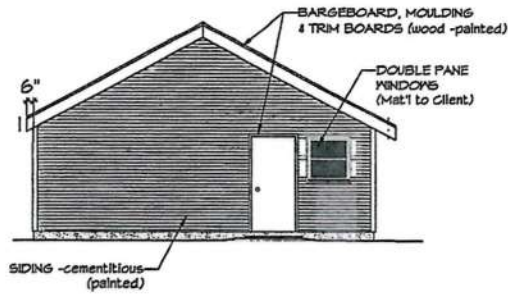


PROPOSED SINGLE FAMILY HOME

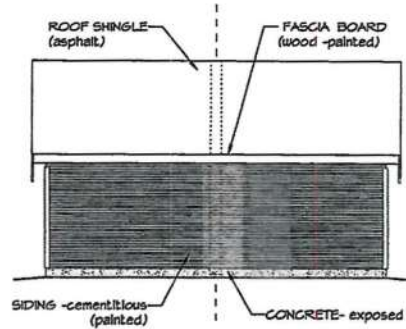
2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015

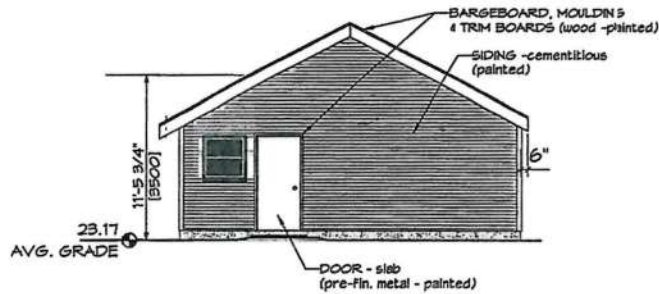




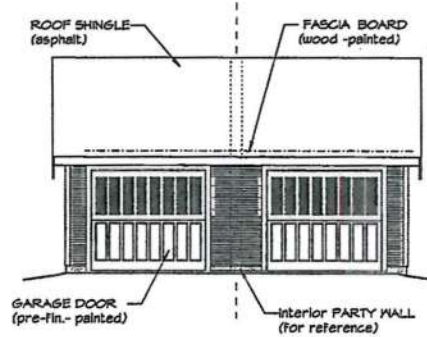
④ SIDE (North) Elev.
Scale: 1/4" = 1'-0"



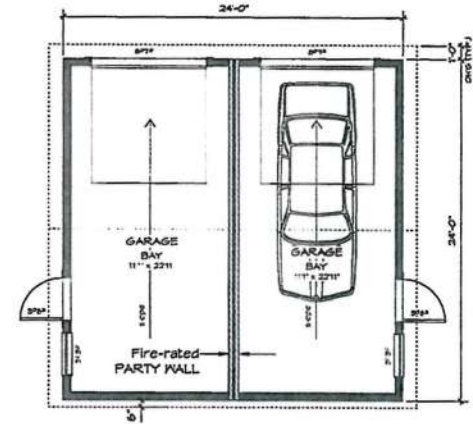
③ REAR (East) Elev.
Scale: 1/4" = 1'-0"



② SIDE (South) Elev.
Scale: 1/4" = 1'-0"



① FRONT (East) Elev.
Scale: 1/4" = 1'-0"



⑤ PLAN -GARAGE
Scale: 1/4" = 1'-0"

GARAGE
3.2

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City of Victoria
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Development Services Division

PROPOSED DUAL PROPERTY USE

2280 FORBES St. R1-S2/R1-B REZONING

REVISED JULY 06, 2015

ZEBRADESIGN
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Victoria, B.C. V8S 5E6
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2276 FORBES St.

2280 FORBES St.

1523 DENMAN St.

1 STREETScape
Scale: 3/16" = 1'-0"

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STREETSCAPE
Sk 3.3

PROPOSED Exist. + New Single-Family Dwellings
2280 FORBES St. R1-S2/R1-B REZONING



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Jim Handy, Senior Planner – Development Agreements
Subject: Development Permit Application No. 000429 for C8-1 Dallas Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000429 for C8-1 Dallas Road, in accordance with:

1. Plans date stamped June 15, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of commercial, industrial and multi-family residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at C8-1 Dallas Road (Fisherman's Wharf). The proposal is to construct a small addition to a float home. The following points were considered in assessing this Application:

- The proposed building design is consistent with the applicable *Fisherman's Wharf Design Guidelines* and the *Buildings Signs and Awnings Advisory Design Guidelines*.
- The size of the proposed building is modest and will have a minimal impact on the surrounding area.

BACKGROUND

Description of Proposal

The proposal is to construct a small addition to a float home at Fisherman's Wharf, C8-1 Dallas Road. The addition would be on the second floor of the building and would enclose part of an existing patio area. The addition would be 6m in height and have a floor area of 11m².

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The subject site is currently in the FWM Zone, Fisherman's Wharf Marine District, which permits float homes.

Data Table

The following data table compares the proposal with the existing FWM Zone, Fisherman's Wharf Marine District. The Application does not propose any variances to the *Zoning Regulation Bylaw*.

Zoning Criteria	Proposal	Zone Standard
Total floor area (m ²) - maximum	11	n/a
Height (m) - maximum	6	7.5

Community Consultation

This Application does not propose any variances and, therefore, in accordance with the Community Association Land Use Committee (CALUC) Procedures, the Application has not been referred to the James Bay Neighbourhood Association Land Use Committee.

ANALYSIS

The following section provides a summary of the Application's consistency with the relevant City Design Guidelines.

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property as within DPA 11: James Bay and Outer Harbour. Both the *Fisherman's Wharf Design Guidelines* and the *Buildings Signs and Awnings Advisory Design Guidelines* are applicable and the proposal is consistent with these Guidelines in the following ways:

- the building addition is relatively small in scale and consistent with the design and appearance of the existing float home
- the Application proposes hardie-board siding and metal roofing as finishing materials. This is consistent with exterior finish of the existing building.

CONCLUSIONS

The Application proposes an addition to an existing float home which is relatively small in scale and consistent with the Design Guidelines for the area.

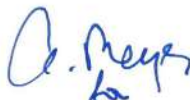
ALTERNATE MOTION

That Council decline Development Permit Application #000429 for the property located at 1 Dallas Road.

Respectfully submitted,



Jim Handy
Senior Planner –
Development Agreements
Development Services
Division

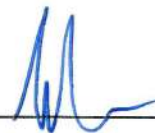


Alison Meyer,
Assistant Director,
Development
Services Division



Jonathan Tinney,
Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

July 13, 2015

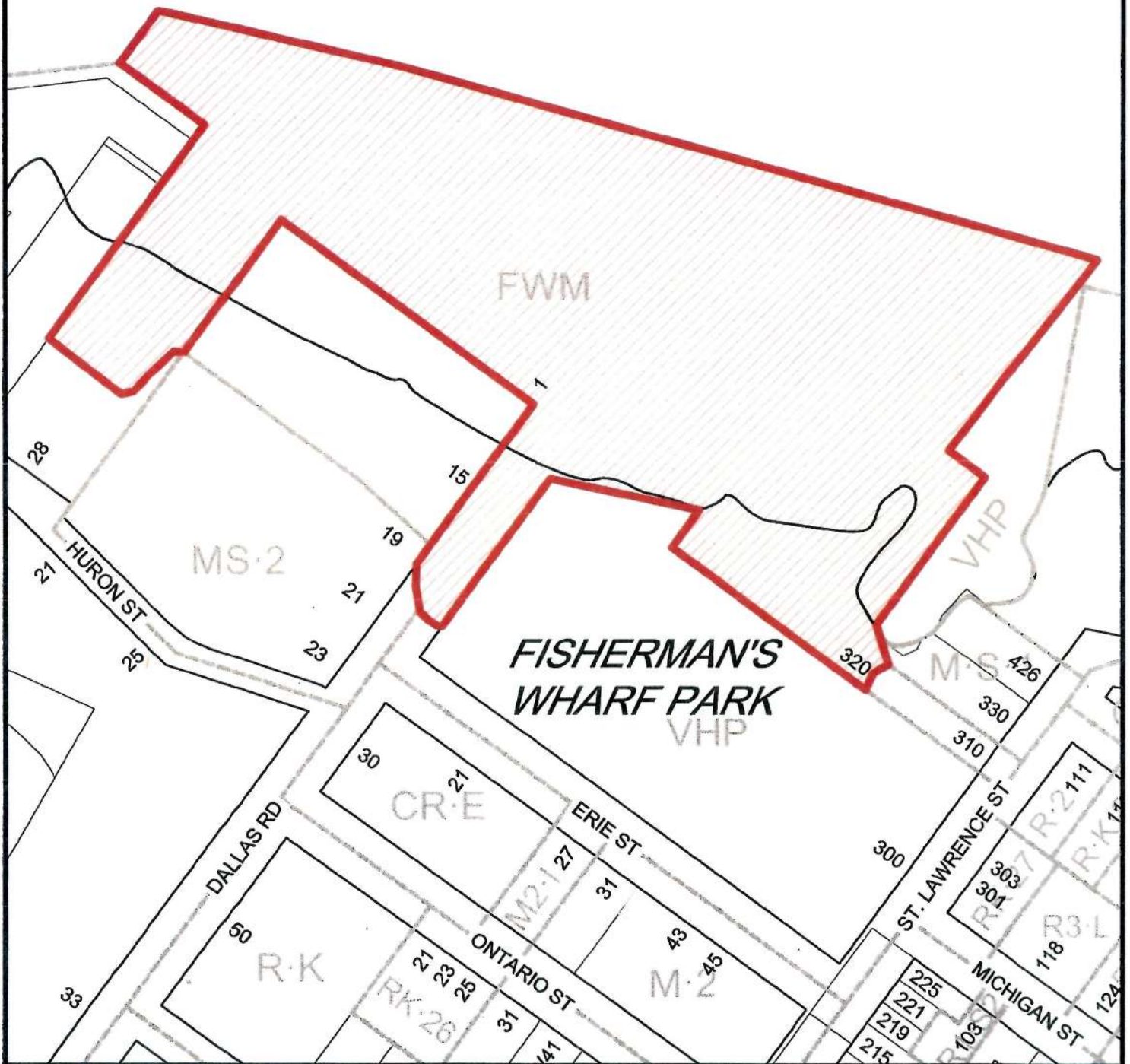
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List of Attachments

- Zoning Map
- Aerial Map
- Letter from applicant dated June 12, 2015
- Plans dated June 15, 2015.

VICTORIA HARBOUR



1 Dallas Road
Development Permit #000429



CITY OF
VICTORIA
Page 109 of 278

VICTORIA HARBOUR



1 Dallas Road
Development Permit #000429



CITY OF
VICTORIA
Page 110 of 278

Sarah Chandler & Peter McMullen
The Swan, C8-1 Dallas Road
Victoria, BC, V8V 0B2
June 12, 2015

Mayor Helps,
The City of Victoria

Your worship Mayor Helps,

Thank you for consideration of my development permit proposal. We are float home residents of Fisherman's Wharf. We seek your approval to create more living space by building a room over our deck.

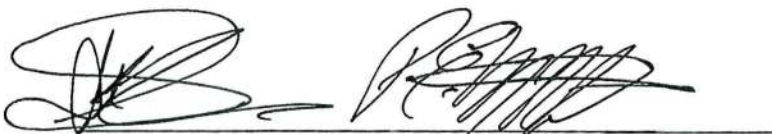
We have been residents at Fisherman's Wharf for two years. During our time at the docks, the Fisherman's Wharf Marine Zone has been established, firmly guaranteeing a permanent place for our community. Having been granted this permanency by the City has given us the confidence to invest in this proposed renovation. Fisherman's Wharf is a major tourist draw for the city and continued investment by all stakeholders (GVHA, City, Homeowners) is essential to maintain the attraction. We have worked with the Greater Victoria Harbor Authority (GVHA) to reduce any impact on tourist operations at Fisherman's Wharf by doing the renovation after the tourist season has ended. The GVHA has been a partner with us as we plan the renovation.

Trip Advisor ranks Fisherman's Wharf as #10 or 150 attractions in the City.

Our proposal is to add an additional 11 square meters (118.3 sqft) of living space on top of an existing second floor deck. The proposal will allow us to have a 'living room' thereby greatly improving our quality of life. The enhanced 'curb' appeal will increase the attraction of the ever increasing number of tourist at Fisherman's Wharf. The GVHA has reviewed the plans and has given us approval vis-à-vis the Fisherman's Wharf Design Guidelines.

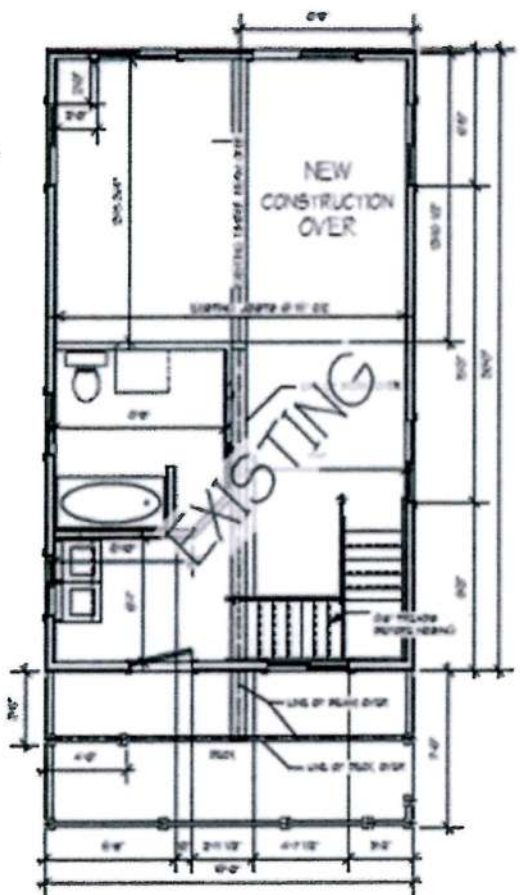
I trust you will find our proposal in line with the spirit of our community and grant us the development permit we seek.

Yours truly,

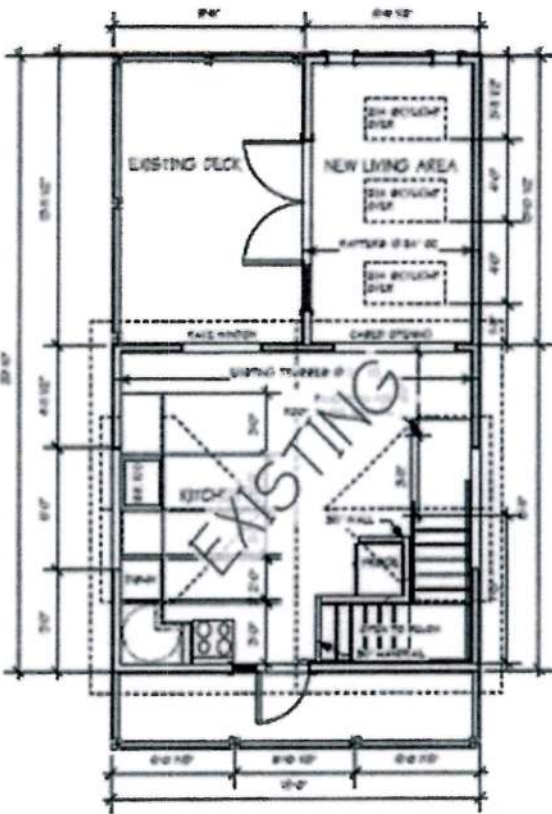


Sarah Chandler & Peter McMullen

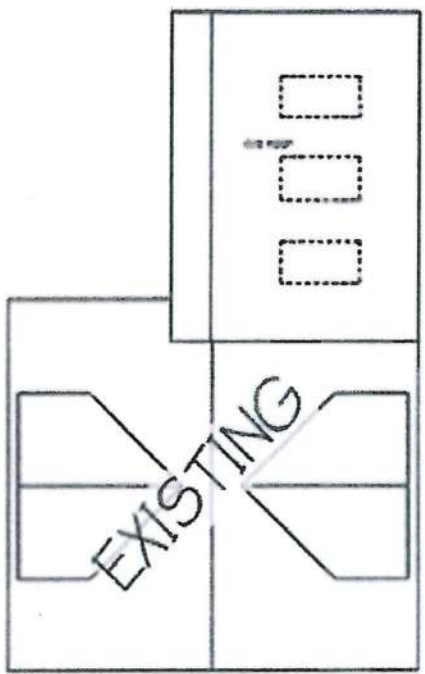




1 MAIN FLOOR
1 = 3/16"



2 UPPER FLOOR
1 = 3/16"

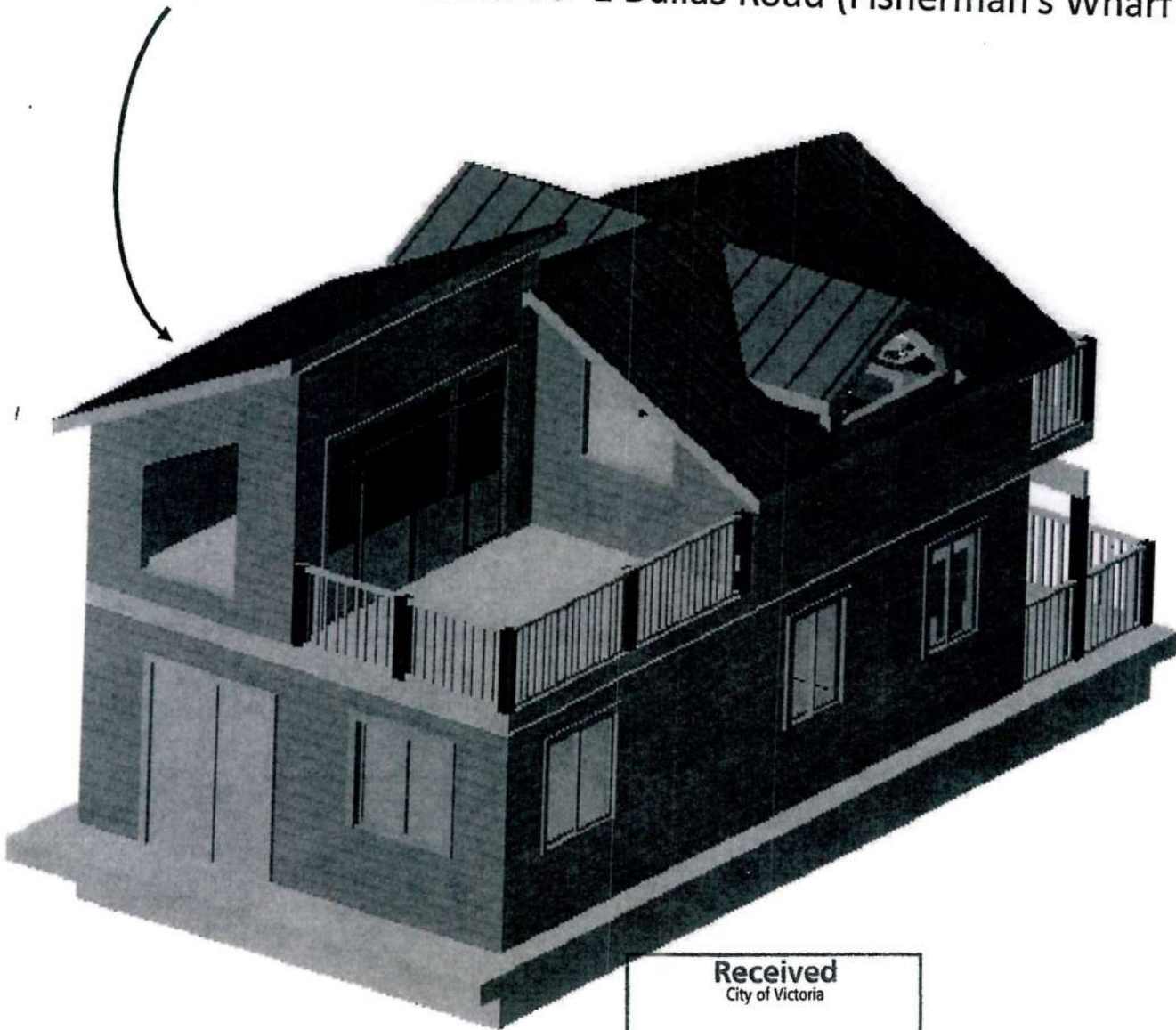


3 ROOF
1 = 3/16"

Received
City of Victoria
JUN 12 2015
Planning & Development Department
Development Services Division

Project No.	1000429	Project Name	CHANDLER/MCMULLEN C8-1 DALLAS RD. VDV 002
Client	CHANDLER/MCMULLEN	Architect	JAKE TAISS DESIGN
Project Manager	AS SHOWN	Project Engineer	AS SHOWN
Project Date	JAN 29/2014	Project Status	FEB 19/2
Project Location	AS SHOWN	Project Scale	1" = 3/16"

Proposed Renovation: C8 -1 Dallas Road (Fisherman's Wharf)



Received
City of Victoria

JUN 12 2015

Planning & Development Department
Development Services Division

June 11, 2015

Development Permit Application No. 000429 for 18-1 Hillis Rd.

Page 115 of 278

June 11, 2015

Development Permit Application No. 000429 for 8-1 Hillis Rd.

Page 115 of 278



Development Permit Application



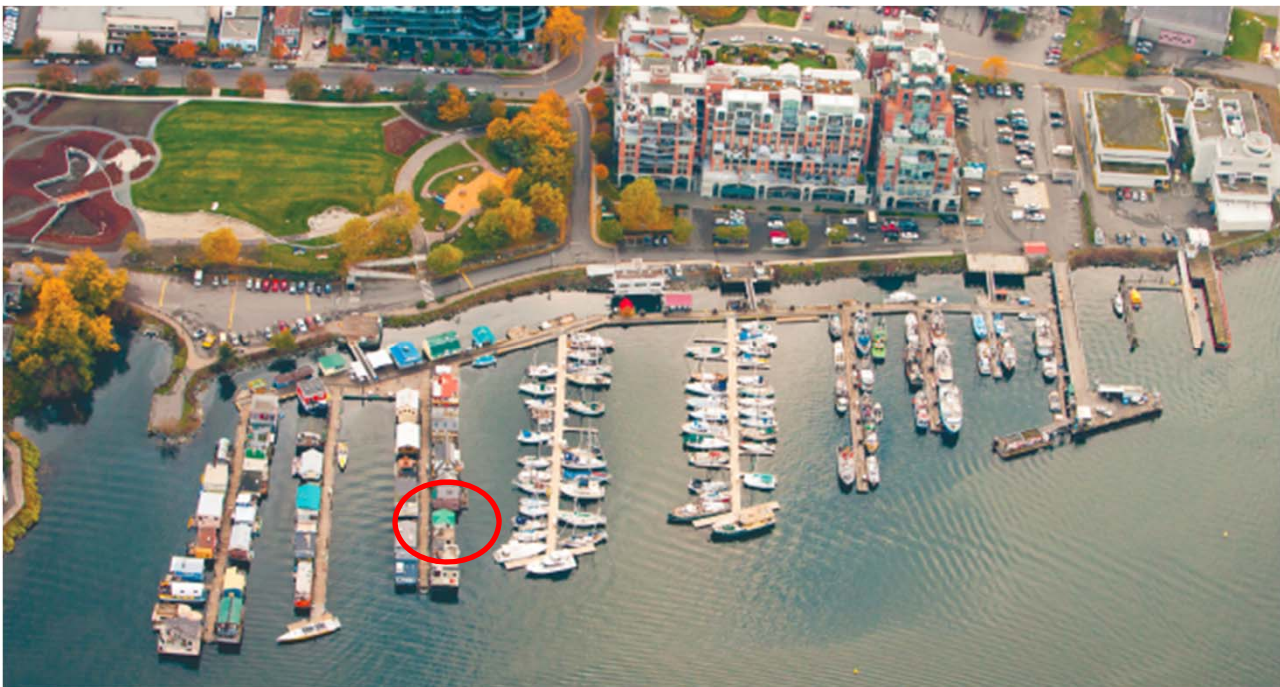
A renovation of the Float Home "The Swan"

Located at





Where is 'The Swan'



Courtesy of GVHA



Courtesy of GVHA



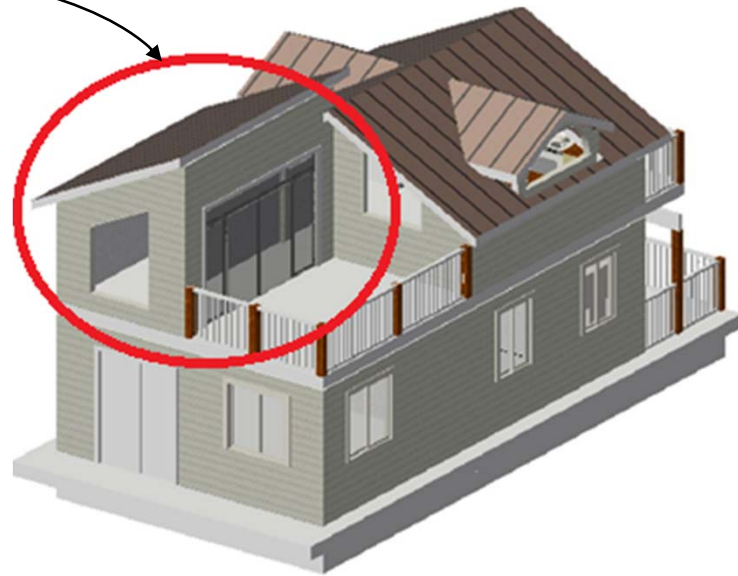
The Swan – Today. C8-1 Dallas Rd



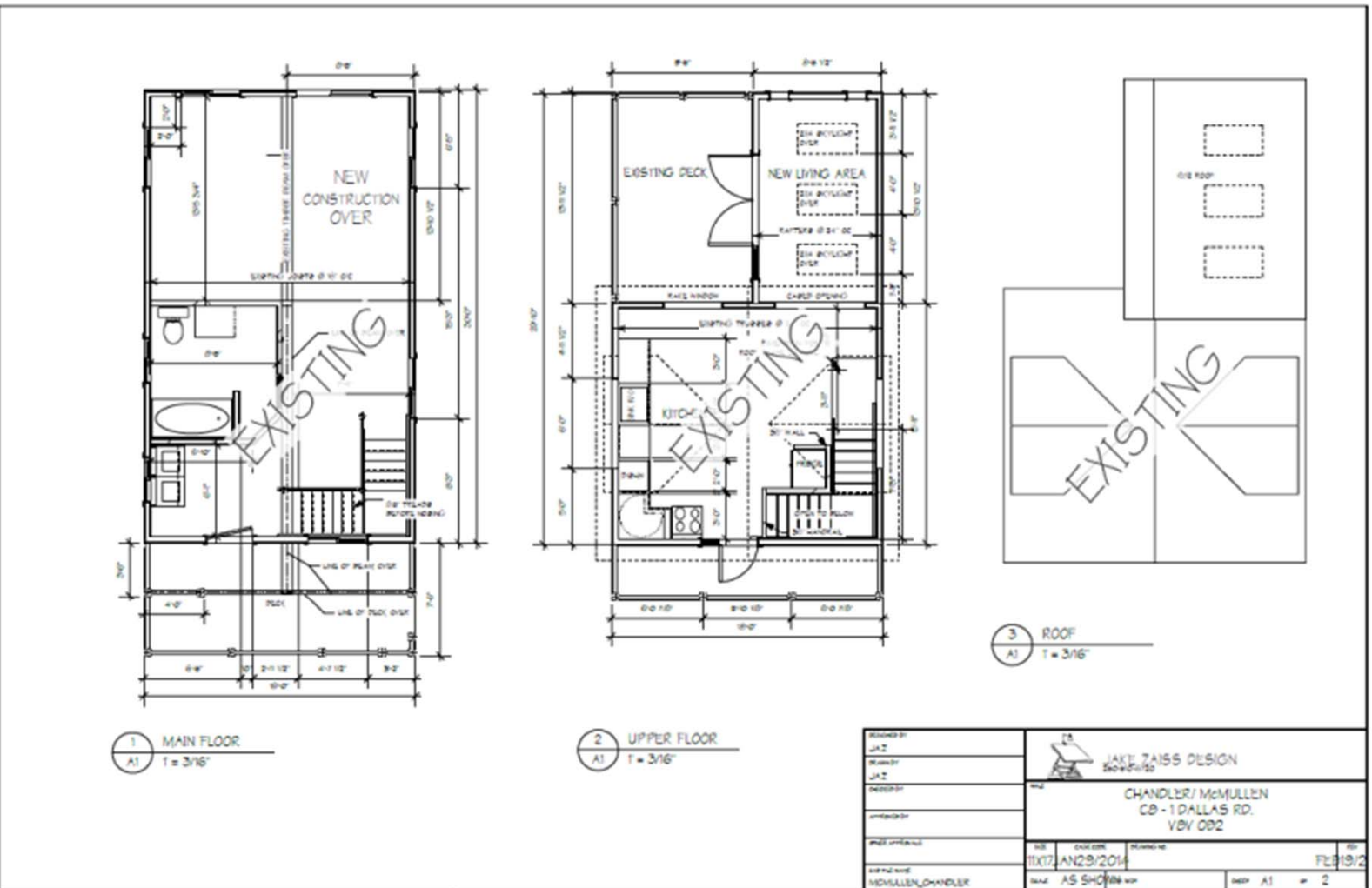


Scope of the Renovation

- Add 11 Square Meters to the second floor that will become a living room

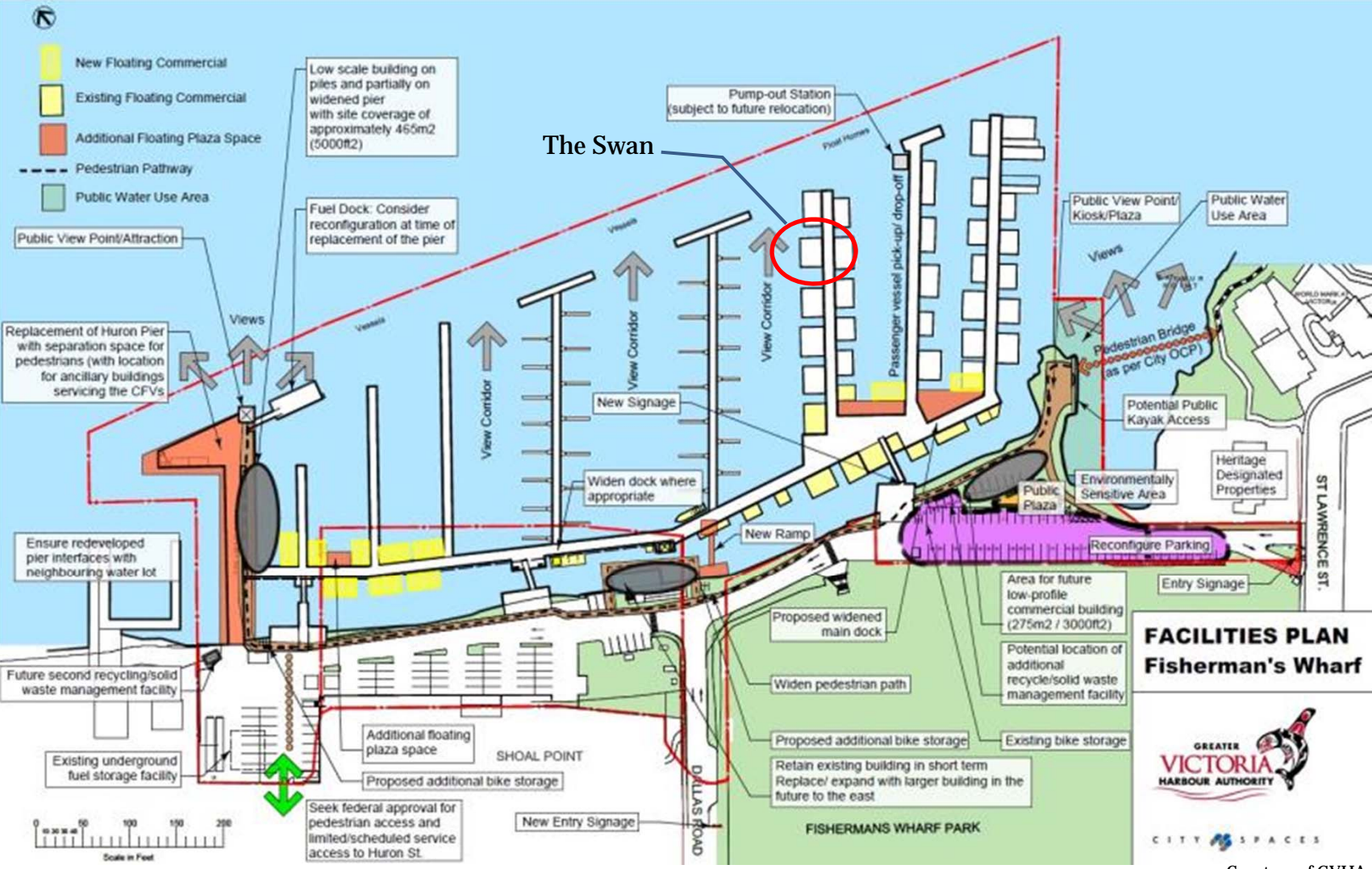








Overview – Site Plan of Fisherman's Wharf



Courtesy of GVHA





Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015

From: Brian Sikstrom, Senior Planner

Subject: Development Variance Permit No. 00152 for 361-363 Foul Bay Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

1. Plans date stamped June 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 1.6.6.a. – relaxation to increase site coverage from 30 percent to 41.10 percent;
 - ii. Schedule F, 5.b – relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent;
 - iii. Schedule F, Section 4.c – relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 922 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 Development Variance Permit Application for the property located at 361-363 Foul Bay Road. The proposal is to construct a two-car garage in the rear yard of a three-suite conversion. The variances are related to an increase in overall site coverage as well as rear yard site coverage and reducing a flanking street setback.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 16, General Form and Character, but is exempt from the applicable guidelines as the proposal includes a house conversion.
- The proposed site coverage increases (overall and for the rear yard) and reduced flanking street setback will not affect existing landscaping and will have minimal impacts on neighbouring properties.

BACKGROUND

Description of Proposal

The proposal is for the construction of a two-car garage in the rear yard of a three-suite conversion. The garage would replace two rear yard parking stalls. The proposed variances are related to an increase in overall site coverage, as well as rear yard site coverage and reducing flanking street setback.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is presently occupied by a three-suite conversion.

Under the existing R1-G Zone, the house could be replaced with a new single-family detached dwelling with a maximum floor area of 300 m², which could include a secondary suite. The size and depth of the lot meet the criteria for consideration of a rezoning for a duplex.

Data Table

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Zone Standard R1-G
Site area (m ²) - minimum	691.90	460.00
Number of units - maximum	3	4

Zoning Criteria	Proposal	Zone Standard R1-G
Density (Floor Space Ratio) - maximum	0.5:1	0.5:1
Total floor area (m ²) - maximum	345.76**	300.00
Lot width (m) - minimum	17.78	15.00
Height (m) - maximum	5.60	7.60
Storeys - maximum	2	2
Site coverage % - maximum	41.10*	30.00
Open site space % - minimum	52.25	50.00
Accessory Building		
Floor area - maximum	36.58	37.00
Height – maximum	3.12	3.50
Setbacks		
Flanking Street – Quixote	5.9*	7.5
Rear (north)	0.6	0.6
Side (east)	0.6	0.6
Separation Space - minimum	4.75	2.4
Rear yard site coverage – maximum	25.30*	25.00

Relevant History

On January 14, 2010 the Board of Variance approved an appeal granting a variance to permit exterior changes to the street façade (Quixote Place) for a triplex conversion. These changes included closing in two garages beneath the house.

On June 9, 2011 and October 29, 2012 the Board of Variance denied appeals for an accessory building in the rear yard. The minutes of the meeting indicate the objection of one adjacent neighbour citing construction impacts, the effect on views, crowding on the property and devaluing of property values. The minutes indicate no objections from two other neighbours; however, they expressed concerns regarding lack of consultation by the owner. The Board noted that there are three parking stalls on-site and acknowledged neighbours' concerns about construction and crowding. The Application was declined in a 3 to 1 vote.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 4, 2015 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances. Staff advised the applicant that they should consult with the immediate neighbours, especially given the past experience and feedback from the Board of Variance.

ANALYSIS

Proposed Variances

The requested site coverage variance is in part due to the footprint of the existing house, which was built under the R1-B Zone which permits 40 percent site coverage. The requested rear yard site coverage for the garage is only marginally above the maximum of 25 percent. These variances do not affect existing landscaping and private open space, which is sufficient. The requested variance for distance of the garage from the flanking street is due to the narrow lot width in this location. The proposed garage structure is at a lower elevation than the house to the east and screened from it by vegetation.

CONCLUSIONS

Staff have reviewed the proposal and recommend that the Application move forward, based on the proposed garage having minimal impacts on the existing landscaping and to the surrounding neighbourhood. Staff, therefore, recommend for Council's consideration that Council support the proposed rear yard garage.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00152 for the property located at 361-363 Foul Bay Road.

Respectfully submitted,



Brian Sikstrom,
Senior Planner
Development Services Division



Alison Meyer,
Assistant Director
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

July 13, 2015

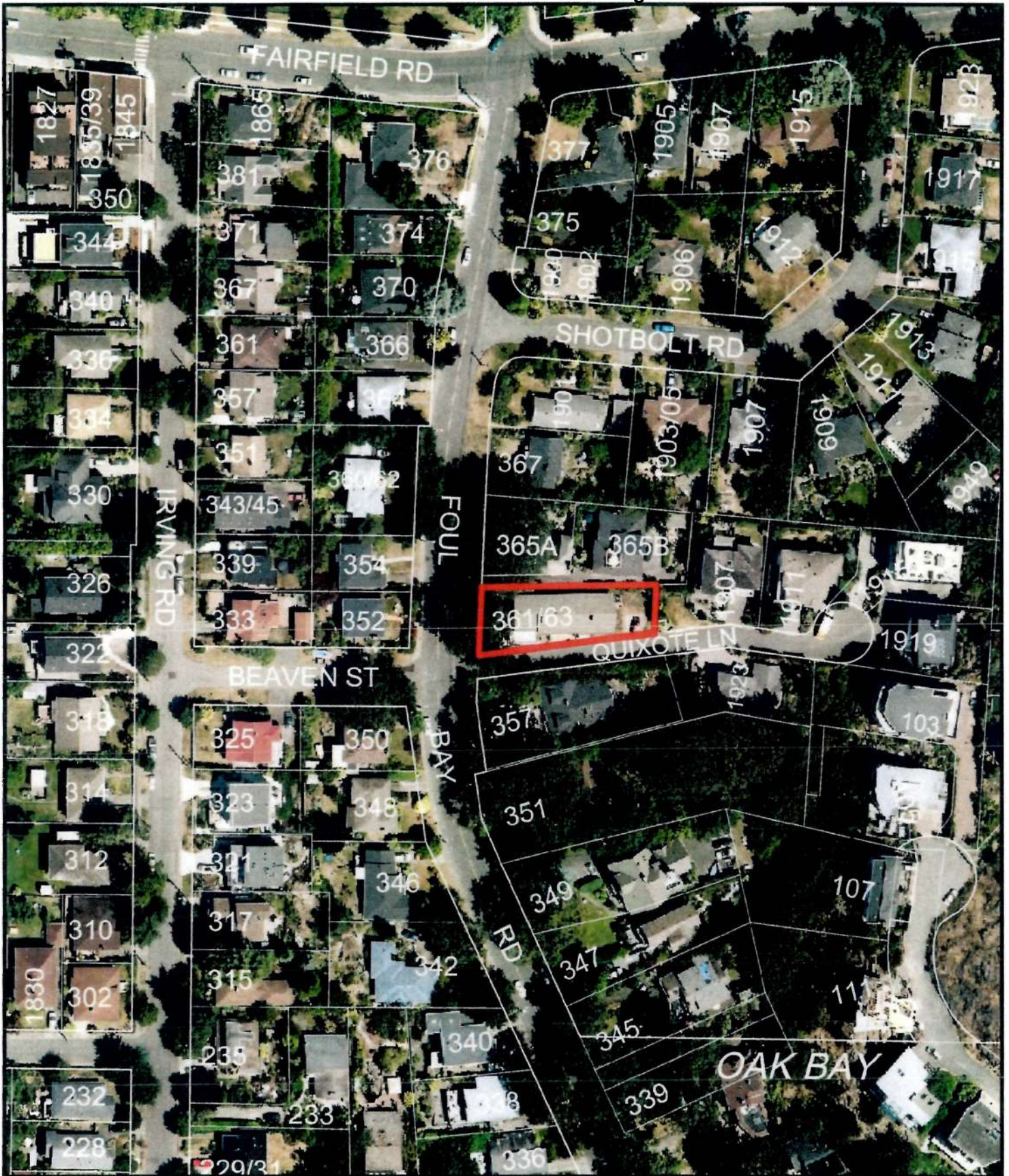
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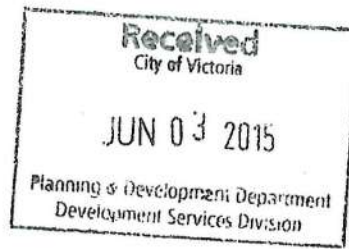
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List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 25, 2015
- Plans dated June 3, 2015.







225 Skinner Street,
Victoria BC V9A 3B2
May 25, 2015

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

Dear Mayor Helps and Council,

Re: Application for Garage at 361, 363, 363A Foul Bay Road, Victoria BC

I hereby apply to the City of Victoria for a Development Permit to construct a garage at the above-mentioned address according to the plans submitted.

When I purchased this property, it was in need of improvements to both the interior and exterior to bring it up to the aesthetic and livability levels of the neighbouring properties.

I contacted Mr. Will Peereboom, of Victoria Design, who advised and provided me with an overall plan for the property. Part of his plan suggested converting the two existing garages, with the intent of constructing a new double garage in a safer location on the lot with better visibility to the street. Those existing garages were oriented in such a way that there was a major blind spot for exiting vehicles, creating a hazard for both the property residents' and other vehicles entering and exiting Quixote, as well as children and other pedestrians on the roadway.

I submitted a plan to the Board of Variance for the renovations specifically to enclose the garages, and was instructed to verify that there was proper access by way of the right-of-way (easement) to the upper part of this lot for replacement of the two garages.

My surveyor researched the easement over Quixote and verified there was proper access. This verification was forwarded to both the Board of Variance and the City of Victoria Building Department. When I received permission from the Board of Variance to proceed, there was no mention that I would not be able to replace the two garages with a proper two-car garage.

The currently submitted plans for the garage will not obstruct any views, including the upper properties, and will not require removal of any of the trees. The garage will be set back from Quixote to provide proper site lines and visibility for exiting vehicles.

This triplex has three two-bedroom units and a garage is a vital need for the residents of the property. Quixote is a very narrow cul-de-sac, and in order to accommodate emergency and other large vehicles, does not allow any on-street parking.

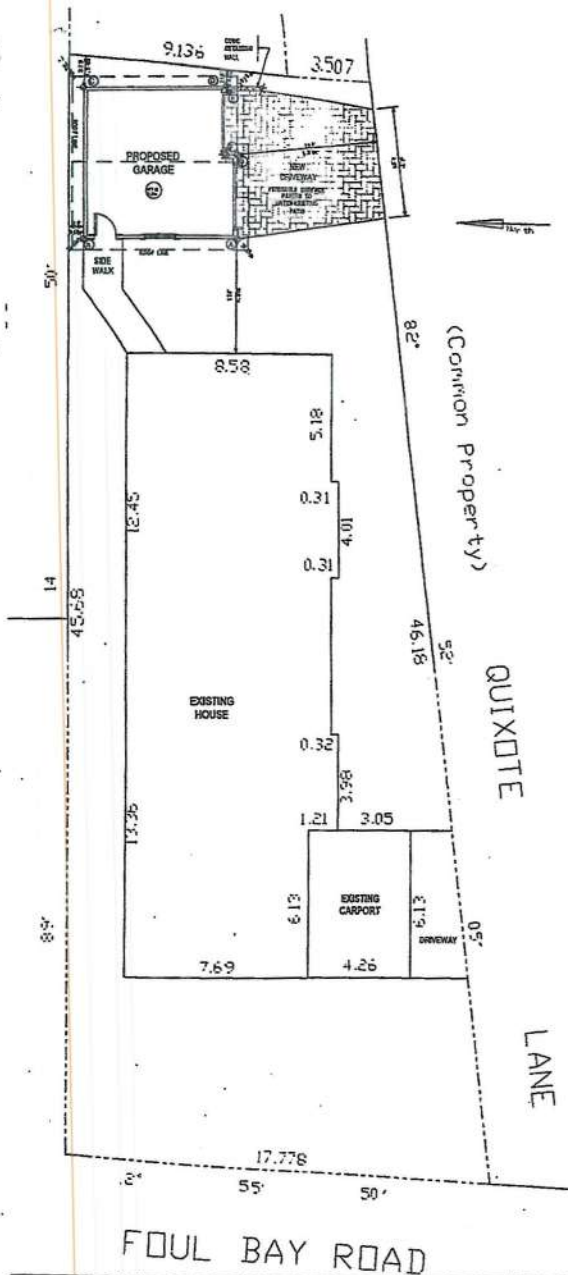
I thank you for your time in considering a Development Permit for this garage.

Sincerely



Ron MacDonald





B.C. Land Surveyor's Site Plan of

Lot A, Plan VIP87527.
Section 68, Victoria District

All distances are in metres.
Lot dimensions derived from registered plans.

CIVIC ADDRESS:
361 Foul Bay Road, Victoria, BC

PID: 028-121-678

Legend:

Denotes spot elevation + 0.00

Elevations are geodetic:
derived from monument 10-98

MICHAEL CLAXTON
LAND SURVEYING INC.

B.C. & Canada Lands Surveyor
Unit 80A 4223 Commerce Circle
Victoria, B.C. V8Z-6N6
Phone: 250-479-2258 Fax: 250-479-3831
Email: surveys@hllibre.ca

File: 18915(elle) AL FB423

Foul Bay Road

Lot A
Plan VIP87527

dwelling not located

Quixote Lane
Common Property
Strata Plan 1880

This plan is prepared from
unchecked field data.
Check measurements prior to construction.

This document is for approval/discussion purposes only and not
to be used for the re-establishment of property boundaries.

This plan was prepared for design purposes and is for the
exclusive use of our client.

The signatory accepts no responsibility for any damages that
may be suffered by a third party as a result of reproduction, transmission,
or alteration to this document without consent of the signatory.

Field Survey: September 19, 2012

© MICHAEL E. CLAXTON, B.C.L.S. 2012

AVERAGE GRADE CALCULATIONS						
ALL CALCULATIONS ARE IN METRIC						
GRADE POINT SEQUENCE	GRADE POINTS	AVERAGE OF POINTS (①+②) ÷ 2	=	DISTANCE BETWEEN POINTS	=	TOTAL(S)
① 20.25	② 20.25	20.25	20.25	6.00		120.00
② 20.50	③ 20.50	20.50	20.50	6.00		120.00
③ 20.80	④ 20.80	20.80	20.80	5.14		120.00
④ 20.75	⑤ 20.75	20.75	20.75	5.00		50.00
⑤ 20.25	⑥ 20.25	20.25	20.25	2.00		50.00
⑥ 20.25	⑦ 20.25	20.25	20.25	4.00		50.00
⑦ 20.25	⑧ 20.25	20.25	20.25	3.51		71.00
BUILDING PERIMETER				25.00		
SIZE OF TOTAL						125.00
GRADE CALCULATIONS TOTAL(S) DERIVED BY: STUDENT PERIMETER						
125.00 ÷ 25.00 = AVERAGE GRADE: 20.25m						

SITE PLAN

CIVIC ADDRESS @ 361063 FOUL BAY ROAD

SCALE @ 1:100

THIS SITE PLAN IS BASED ON A COPY OF A
DIGITAL SITE SURVEY AS SUPPLIED BY:
MRS CLAXTON-SOLE

SITE DATA

ALL MEASUREMENTS ARE IN METRIC

○ LEGAL DESCRIPTION: LOTA ; SECTION 68
VICTORIA DISTRICT ; PLAN VIP87527
PID: 028-121-678
ZONED: R1-0 ; MUNICIPALITY OF VICTORIA

○ LOT SIZE @: 51.9 m²

○ LOT COVERAGE @: 41.0% = 21.41 m²

(ALLOWABLE @ 30.0%)

(BOARD OF VARIANCE APPROVAL WILL BE REQUIRED)

PRINCIPAL BUILDING: TOTAL @ 24.54 m²

NEW ACCESSORY BUILDING: @ 19.67 m²

○ OPEN SPACE CALCULATIONS:

○ HOUSE @ 24.54 m²

○ PROPOSED GARAGE @ 35.57 m²

○ TOTAL @ 28.11 m²

○ LOT AREA @ 51.9 m²

○ BUILDINGS @ 24.11 m² DRIVEWAY(S) @ 48.40 = 330.40

○ OPEN SITE SPACE @ 330.40

○ LOT AREA @ 51.9 m²

○ PERCENTAGE OF LOT COVERAGE @ 47.2%

○ MAX ALLOWABLE @ 50.0%

○ REAR LOT COVERAGE @ 25.3%

○ ALLOWABLE @ 25.0%

(BOARD OF VARIANCE APPROVAL WILL BE REQUIRED)

REAR LOT SIZE @ 196.7

REAR LOT COVERAGE @ 39.57



NO.	DATE	DESCRIPTION
1	Feb 2012	Working & Permit Drawings
2	Apr 2012	Working & Permit Drawings
3	Apr 2012	Working & Permit Drawings

PROJECT TYPE
NEW GARAGE

SITE: 361063
FOUL BAY ROAD

FOR: RON
MacDONALD

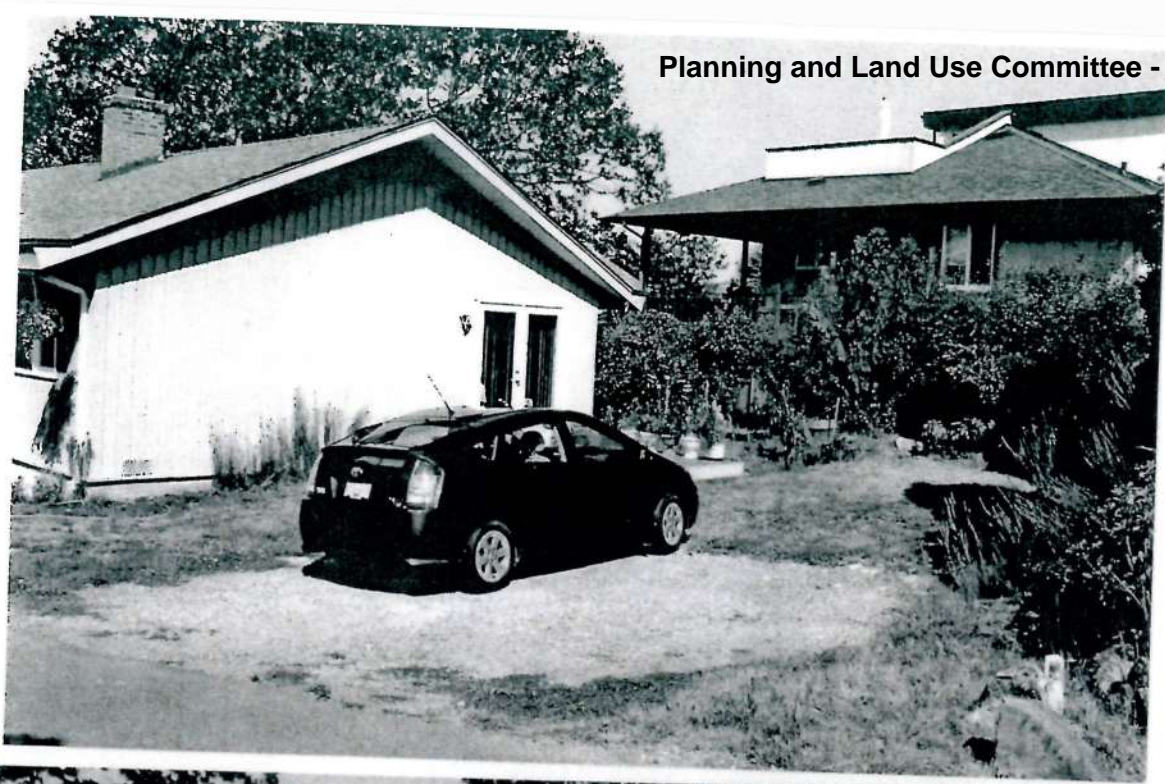
DRAWN BY: Alan Blason

DRAWING NO.

1 of 1

NOTE TO PRINTERS
AND HOME DESIGN QUOTE
IT IS REQUESTED THAT THE
OWNER OF THIS PLAN TO BE
PRINTED AND NOT TO BE
FLASH COPY THESE PLANS
PRINT IN GREEN/BLACK

Received
City of Victoria
JUN 03 2015
Planning & Development Department
Development Services Division





361&363 Foul Bay Road

Development Variance Permit Application # 00152

Foul Bay Road Frontage



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Quixote Road Frontage



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Existing Rear Yard Parking



361&363 Foul Bay Road
Development Variance Permit Application # 00152
Existing Rear Yard Parking



361&363 Foul Bay Road
Development Variance Permit Application # 00152
Neighbouring House to the East



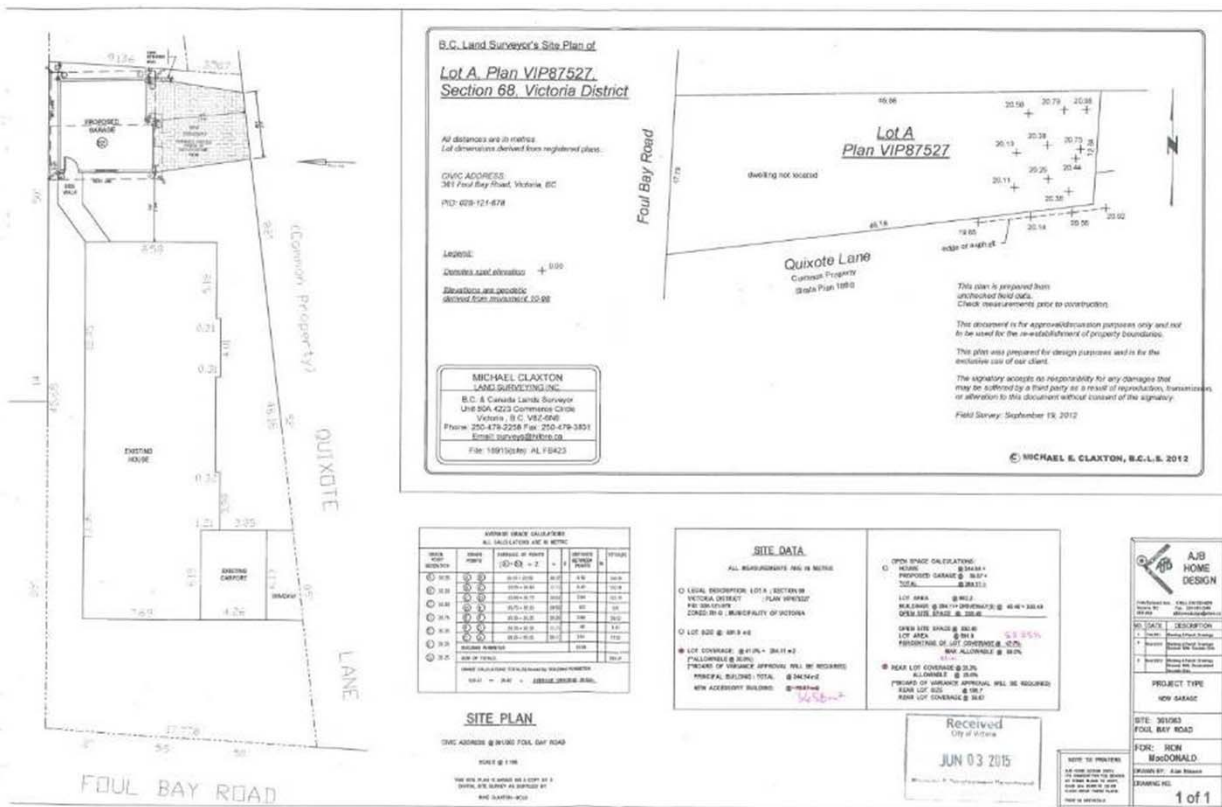
361&363 Foul Bay Road
Development Variance Permit Application # 00152
Existing Parking with Neighbouring House to the North



361&363 Foul Bay Road
Development Variance Permit Application # 00152
Existing House Looking West



361&363 Foul Bay Road Development Variance Permit Application # 00152 Site Plan



Page 148 of 278





Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015

From: Brian Sikstrom, Senior Planner

Subject: Development Permit with Variances Application No. 000419 for 330 Irving Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:

1. Plans date stamped June 2, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m;
 - ii. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m;
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with section 920(2) 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 Sections 920(8), where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 330 Irving Road. The proposal is to construct a one-storey single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling. The variances are related to a reduced side yard setback.

The following points were considered in assessing this application:

- the proposed development is consistent with the land use policies of the *Official Community Plan, 2012*
- the proposed development meets all of the panhandle lot regulations in the *Zoning Regulation Bylaw*
- the area of the new panhandle lot would be considered large by City standards and would be larger than many properties in the immediate area
- the requested variances for side yard setbacks are for the existing house and due to subdivision for the panhandle lot access to the street
- the design of the proposed single-family detached dwelling is consistent with the applicable design guidelines under Development Permit Area 15B: Intensive Residential – Panhandle Lot
- the proposed new house is in the rear yard of the existing house and meets the more stringent height, setback and site coverage standards for a panhandle lot. The proposed one-storey height, setbacks from the neighbouring properties, and the location of habitable rooms minimizes the impacts on privacy and overshadowing of yards.

BACKGROUND

Description of Proposal

The proposal is for a one-storey single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling. The existing lot is large with a width of 24m and a depth of 73m. The lot areas for the existing house and the new house would be 831m² and 763m², respectively. The area of the new panhandle lot would be considered large by City standards and would be larger than many properties in the immediate area.

The proposed single family detached dwelling meets all the panhandle lot zoning requirements, including maximum floor area, building height, setbacks and site coverage.

Specific details include:

- total floor area of 197m²
- incorporation of a single car garage and front yard parking pad
- low retaining walls and grade to match neighbouring property to the south
- flat roof
- cladding materials include: smooth acrylic stucco, cultured stone, vinyl windows and stained wood.

Retention of existing landscaping is proposed with the exception of two willow trees in the proposed building envelope and the removal of a large fir tree at the panhandle driveway entrance. The fir tree will be replaced with two replanted trees as required in the Tree Preservation Bylaw. Some additional plantings and new fencing is also proposed.

The applicant has agreed to the provision of a 1.39m road dedication for future right-of-way improvements. Irving Road is identified as a People Priority Greenway in the *Greenways Plan, 2003*.

The proposed variances are related to:

- a reduced side yard setback for the existing house, which would be created with subdivision of the new panhandle lot and its access driveway. No change is proposed in the location of the existing house and its separation from its neighbour to the south.

Sustainability Features

As indicated in the applicant's letter dated March 19, 2015, sustainability features associated with this application include:

- permeable driveway and parking surfaces
- engineering for Hydro grid tie-in
- rain collection system
- raised beds for food production.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- bicycle parking area
- electric car charging outlet
- electric scooter plug in.

Public Realm Improvements

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

Existing Site Development and Development Potential

The 1783 m² lot is in the R1-G Zone, Gonzales Single Family Dwelling District. It is occupied by a two-storey single-family detached dwelling constructed in 1931. The house has sufficient habitable floor area for a secondary suite. The lot slopes downward to the west and has numerous trees and shrubs screening its boundaries.

Under the existing R1-G Zone, the house could be replaced with a new single-family detached dwelling with a maximum floor area of 300 m², which could include a secondary suite. The size and depth of the lot meet the criteria for consideration of a rezoning for a duplex. Another possibility is narrow-lot subdivision for the construction of two single-family dwellings. This would require Council approval of a Development Variance Permit for lot width.

Data Table

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Lot A Existing House	Zone Standard R1-G	Lot B New House on Panhandle Lot	Zone Standard Schedule H
Site area (m ²) - minimum	830.9	460	762.6 (not including panhandle)	600
Lot width (m) - minimum	21.4	15.0	24.4	18.0
Density (Floor Space Ratio) - maximum	0.23:1	0.50:1	0.28:1	0.50:1
Total floor area (m ²) - maximum	341.3**	300.0	196.7	280.0
Height (m) - maximum	6.3	7.6	4.7	5.0
Storeys - maximum	2	2	1	1
Site coverage % - maximum	27.4	30.0	24.8	25.0
Open site space % - minimum	64.2	50.0	51.2	n/a
Setbacks (m) - minimum				
Front (east)	8.0	7.5	7.5	7.5
Rear (west)	12.3	12.3	7.5	7.5
Side (north)	2.0**	3.2	4.0	4.0
Side (south)	1.6*	3.2	4.0	4.0
Combined side yard	3.6*	5.4	8.0	5.4
Parking - minimum	2	1	2	1

Relevant History

A Development Permit was approved by Council on December 12, 2013 to permit a panhandle lot with a new single family detached dwelling on the neighbouring property to the south.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on April 16, 2015 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. This notwithstanding, the applicant held a Community Meeting on February 16, 2015. The comments received at this meeting are attached in a letter from the Fairfield Gonzales CALUC.

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

In the *Official Community Plan* (OCP) panhandle lot developments are included in DPA #15B, Intensive Residential – Panhandle Lot. The applicable design guidelines are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981) as well as the *Small Lot House Design Guidelines* (2002).

The proposed house is consistent with the design guidelines and meets the more stringent height, setback and site coverage standards for a panhandle lot. The one-storey height and setbacks from the neighbouring properties as well as the location of habitable rooms minimizes the impacts on the privacy and overshadowing of yards.

The requested variances for the south side yard setback and combined side yard setbacks are for the existing house. These variances are due to the subdivision and the creation of the driveway access to the street on the panhandle portion of the proposed panhandle lot and do not create negative impacts for neighbouring properties.

Local Area Plans

The *Official Community Plan, 2012* designates the area as "Traditional Residential". The proposed development is consistent with the Plan's land use policies.

The *Gonzales Neighbourhood Plan, 2002* encourages the retention of single-family dwellings in established neighbourhoods. The proposed residential land use is consistent with the Plan.

Note: The Neighbourhood Plan includes a recommendation to exclude panhandle lot subdivisions and to retain the large lot character in the Queen Anne Heights/Foul Bay Road/Gonzales Hill area. This property is not in that area, which is to the west.

CONCLUSIONS

The proposed development is consistent with the land use policies of the *Official Community Plan, 2012* and is designed to meet the panhandle lot regulations in the *Zoning Regulation Bylaw* and minimize privacy and overshadowing impacts on neighbouring properties. The requested variances for side yard setback of the existing house are the result of the subdivision for access to the proposed house. Staff recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000419 for the property located at 330 Irving Road.

Respectfully submitted,


Brian Sikstrom
Senior Planner
Development Services Division


Alison Meyer
Assistant Director
Development Services Division


Jonathan Tinney
Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____

Date: _____

Jason Johnson

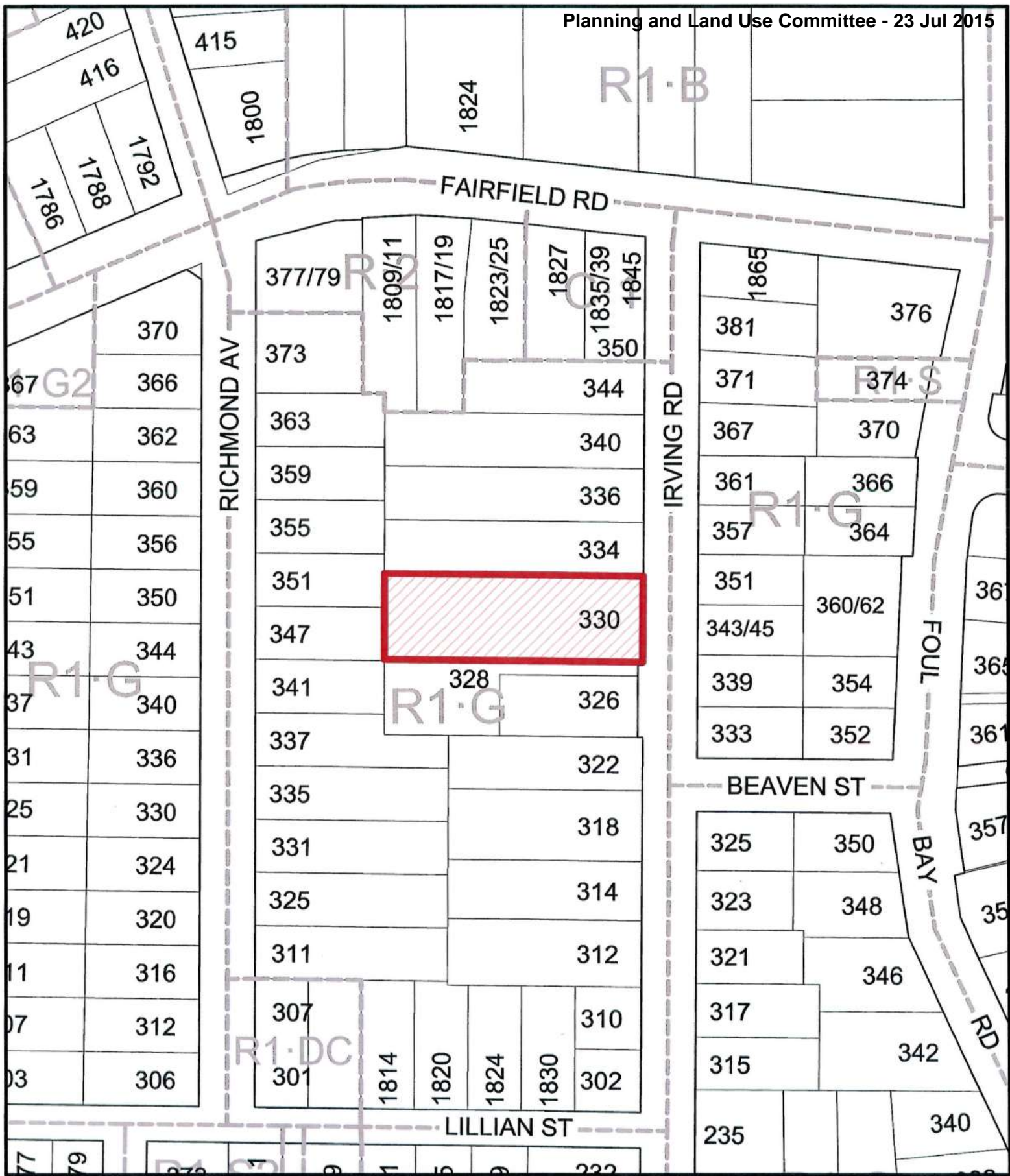
July 14, 2015

BMS:lw

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List of Attachments

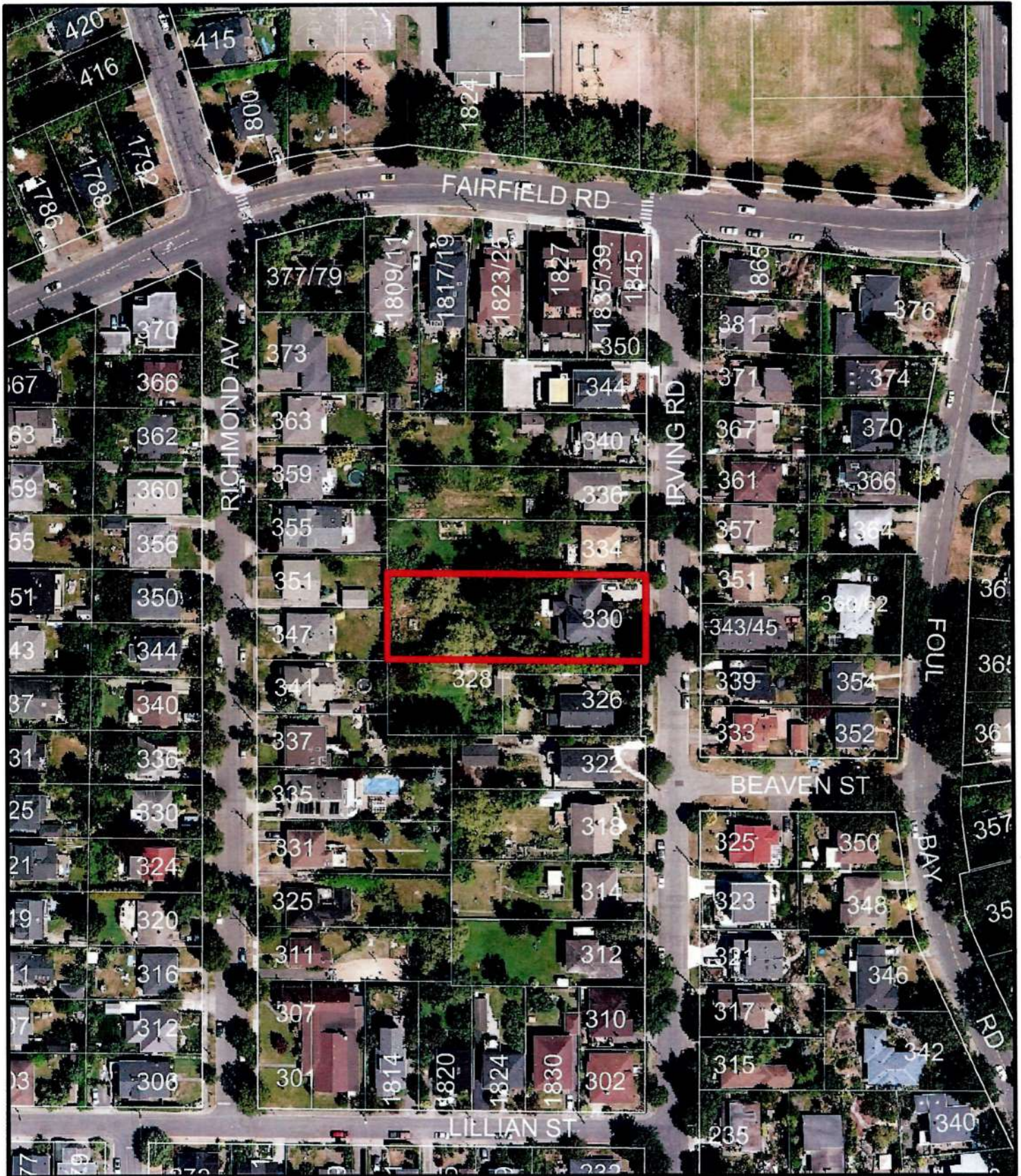
- Zoning map
- Aerial map
- Letter from applicant dated March 19, 2015
- Letter from the Fairfield Gonzales Community Association dated February 16, 2015
- Plans dated June 2, 2015.



330 Irving Road
Development Permit #000419

Development Permit With Variances Application No. 000419 for...





330 Irving Road
Development Permit #000419

Development Permit With Variances Application No. 000419 for...

March 19, 2015



LETTER TO MAYOR AND COUNCIL

PROPOSAL TO DEVELOP 330 IRVING ROAD

DESCRIPTION OF PROPOSAL

To subdivide in order to create a panhandle lot in the rear yard.

330 Irving is located in the Gonzales Neighbourhood, 1 ½ blocks from the centre of Gonzales Beach. The lot is 80' wide by 240' deep, one of 5 lots in a row of this depth, and the largest in width. The existing home is a unique 1931 late-deco period bungalow with an addition designed by Eric Clarkson added ten years later. Many a passerby has remarked on its appeal. It has been well cared for, and has many years of life left. The proposed building is a modest 2 bedroom, 2 bath single storey on grade, sited on a 9887 sqft lot.

The proposal requires 2 variances for the existing lot, lot A. There are no variances required for the proposed lot, Lot B. Please refer to General Guidelines for more detail.

NEIGHBOURHOOD

Irving Road is 2 blocks long, and is comprised mostly of single family dwellings, although there are several duplexes and a 3-unit conversion. 2 of those SFD are on panhandle lots. Recently, there has been considerable redevelopment, with all new building expressing the modern vernacular. We feel that this proposal is in concert with the community guidelines, with the development of the underutilized land and the design of a modest and livable building, while retaining the character building and current streetscape.

The owner has lived in the Fairfield/Gonzales neighbourhood for 36 years, and moved to Irving in 1999. The owner is well thought of on the street, as evidenced by the number of letters of support, and the minutes of the CALUC meeting. Especially the adjacent property owners.

GENERAL GUIDELINES

We feel that a panhandle lot is an appropriate use of the land and is compatible with the area. The existing lot requires 2 variances, one related to the other: a interior side yard setback variance of 1.788m and a resulting total combined side yard setback variance of 1.446m. It is important for us to convey that we feel that one of the reasons for setbacks is to keep houses a good distance apart. As the setback is measure to the new access strip property line, in fact the actual appearance of the setbacks seperation is unchanged. The distance between the south adjacent house remains unchanged at approximately 49 feet. The proposed panhandle access acts as a separation between the houses, this allows for appealing streetscape, as the houses will never be close together.

The proposed rear panhandle lot requires no variances. Great care has been taken with the design to accommodate adjoining neighbours and the natural environment. The proposed height is below the maximum allowable height, and also as it is a flat roof is considerable lower then a sloped roof. This is because a flat roof is measured from the top of roof, where a sloped roof is measured from the mid point. A sloped roof ridge height would be much higher then a flat roof. This potential could shade neighbours backyards in winters day. The proposed site coverage and total floor are also under the allowable for a panhandle lot as per zoning. Careful consideration has been taken in window placement as not to reduce privacy of adjoining neighbours. And a smartly placed hedge in the parking area will keep any headlight pollution from annoying our nice adjoining neighbours.

The proposed lot, at 9887 sqft, is substantially larger than standard sized lots in Fairfield/Gonzales. There are 2 willow trees in the building envelope, which would need to be removed. They are decadent and show signs of decay. There is a Douglas Fir in the panhandle access, as well as several overgrown and untended cedars on the property line. These would be replaced according to the Tree Replacement Guidelines. The rest of the property is amply treed, including a very large, health, Birch tree.

STREETSCAPE

There will be no alteration to the Irving Road streetscape other than the new driveway for the panhandle access.

PARKING

Ample parking on site will make street parking unnecessary. The permeable driveway, hammerhead turn around and parking stalls will permit a vehicle a turnaround, allowing for forward ingress and egress via the panhandle access. This reduces and safety concerns when pulling out onto Irving Road.

We are proposing secure, lit, bicycle parking on the south side of our home, between the kitchen and much room.

GREEN BUILDING FEATURES

- Permeable driveway & parking surfaces
- Engineering for Hydro Grid Tie-in
- Rain collection system
- On-demand hot water and High mass heating system
- Thermal windows
- Bicycle parking area
- Electric car charging outlet
- Electric scooter plug in
- E-Bike charging area
- Acrylic stucco
- LED lighting
- Raised beds for food production

**Minutes of Community Meeting
Planning and Zoning Committee
Fairfield-Gonzales Community Association (FGCA)
February 16, 2015**

Facilitators for the FGCA: George Zador (Chair)
Susan Snell
Ken Roueche

Subject property: 330 Irving Rd.; subdivision for panhandle lot (148 notices sent)
Proposal by Mr. Stephen Macrae
Presenter: Lindsay Justin Baker of Aspire Custom Designs

Attendance: 15 in person, 1 by proxy

Information given by presenter that the proposal needs no rezoning,
involves variances only.

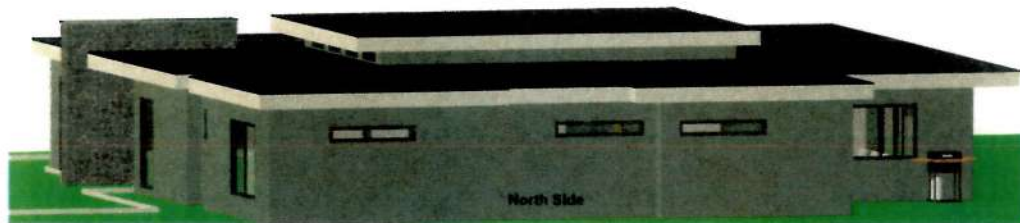
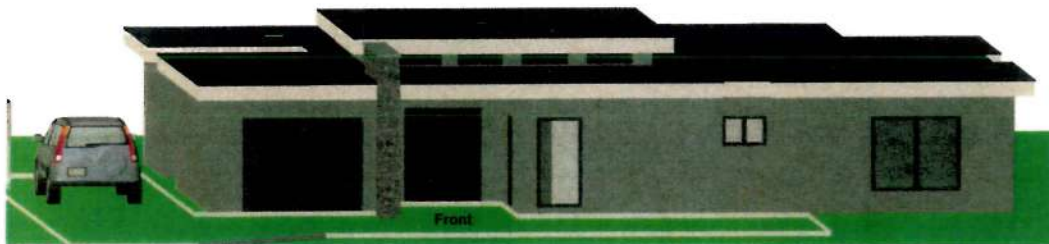
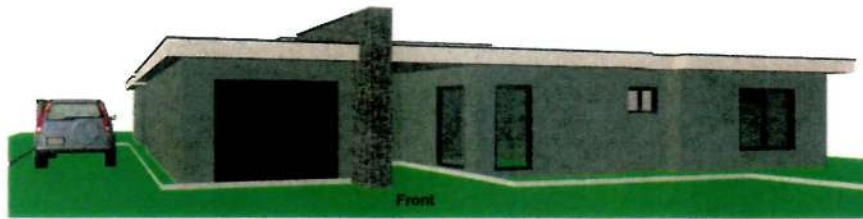
Attendee Questions and Comments:

- Large fir tree by entrance to be saved if possible.
- Concern by neighbour for having sufficiently wide access for emergency vehicles and to have a rock wall, or similar separation from his driveway at 326 Irving.
- Surface water pooling and drainage are significant issues for several attendees, suggest that gravity drainage may be insufficient, perhaps pumping needed.. Ensure that new building does not make the drainage problem worse.
- Concern about potential additional traffic on Irving Rd
- Several comments about existing trees and shrubs, favouring removal of blackberry bushes, retaining as many trees as possible on property
- Neighbour behind (347 Richmond) assured her hedge will not be removed.

Thirteen (13) of the attendees indicated to be favouring the project, subject to satisfying the comments made. Two attendees were neutral in their position. Lindsay Baker handed out business cards to all with invitation for dialogue about details of the project.

George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca
Facebook



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Development Services Division

Scale 1 - 100 11/17 Sheet 3d Concept Elevations

Development Permit With Variances Application No. 000419 for...

Page 161 of 278

330 IRVING ROAD PANHANDLE SUBDIVISION PROPOSAL

Aspire Custom Designs.ca



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City of Victoria

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Planning & Development Department
Development Services Division

Proposed panhandle lot B new home

Existing 330 Irving Rd Lot area 1905.1sq/ft (1782.17)

1 hc HsdCZnc

Panhandle site Lot B 9887 sq/ft (918.55m2) / With panhandle access

(Max allowable) footprint-coverage 2471 sq/ft (229.65m2) 25%

Proposed site footprint-coverage 2448 sq/ft (227.42m2) 24.75%

Panhandle access - 1677 sq/ft (155.9m2)

Site Area-Lot B 8208 sq/ft (762.63m2)

(Lot area without panhandle driveway area)

Proposed road dedication (1.39m)

Main dwelling main floor area 2117 sq/ft (196.67 m2)

Main dwelling garage floor area 190 sq/ft (17.65 m2)

Total dwelling floor area 2306 sq/ft (214.25 m2)

All habitable space w/ windows 7.5m minimum setbacks met.

All 4.0m building minimum setbacks met.

Allowable building height - 16'5" (5.0m)

Proposed building height - 15'6" (4.7244m)

Number of storeys 1

No basement

4 off street parking stalls

Bicycle parking

Proposed lot A existing home

R1-G Zone

Site Lot A 8944 sq/ft (830.92m2)

Proposed site footprint-coverage 2452 sq/ft (227.79m2) 27.4%

(With attached deck)

Proposed road dedication (1.39m)

Existing 2 storeys

Height 6.3m (As per survey)

Main floor area 2085 sq/ft

Lower floor area 1256 sq/ft

Attached garage 555 sq/ft

Total floor area 3874 sq/ft (359.9m2)

Proposed front yard setback (8.967m)

Proposed rear yard setback (12.246m)

Existing North side yard setback (2.0m)

Proposed South side yard setback (1.612m)

South side yard setback variance relaxation of (1.445m)

Proposed total combined side yard setback (3.612m)

Combined side yard setback variance relaxation of (1.788m)

2 car attached garage

GRADE CALCULATION BUILDING B

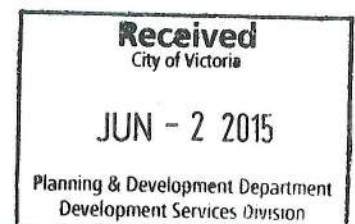
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Grade Point A: 14.6	Points A-B	(A+B)/2	8.36m	121.63
Grade Point B: 14.5	Points B-C	(B+C)/2	3.5m	50.75
Grade Point C: 14.5	Points C-D	(C+D)/2	3.3m	47.85
Grade Point D: 14.5	Points D-E	(D+E)/2	3.5m	50.75
Grade Point E: 14.5	Points E-F	(E+F)/2	4.3m	62.56
Grade Point F: 14.6	Points F-G	(F+G)/2	12.6m	182.7
Grade Point G: 14.4	Points G-H	(G+H)/2	3.6m	51.84
Grade Point H: 14.4	Points H-I	(H+I)/2	3.8m	54.72
Grade Point I: 14.4	Points I-J	(I+J)/2	12.5m	178.65
Grade Point J: 14.65	Points J-K	(J+K)/2	10.5m	150.12
Grade Point K: 14.5	Points K-L	(K+L)/2	2.7m	39.15
Grade Point L: 14.5	Points L-M	(L+M)/2	2.5m	36.25
Grade Point M: 14.5	Points M-N	(M+N)/2	2.7m	39.15
Grade Point N: 14.5	Points N-A	(A+N)/2	3.6m	52.38
			77.06 m	1118.5

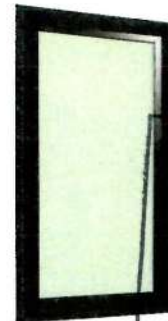
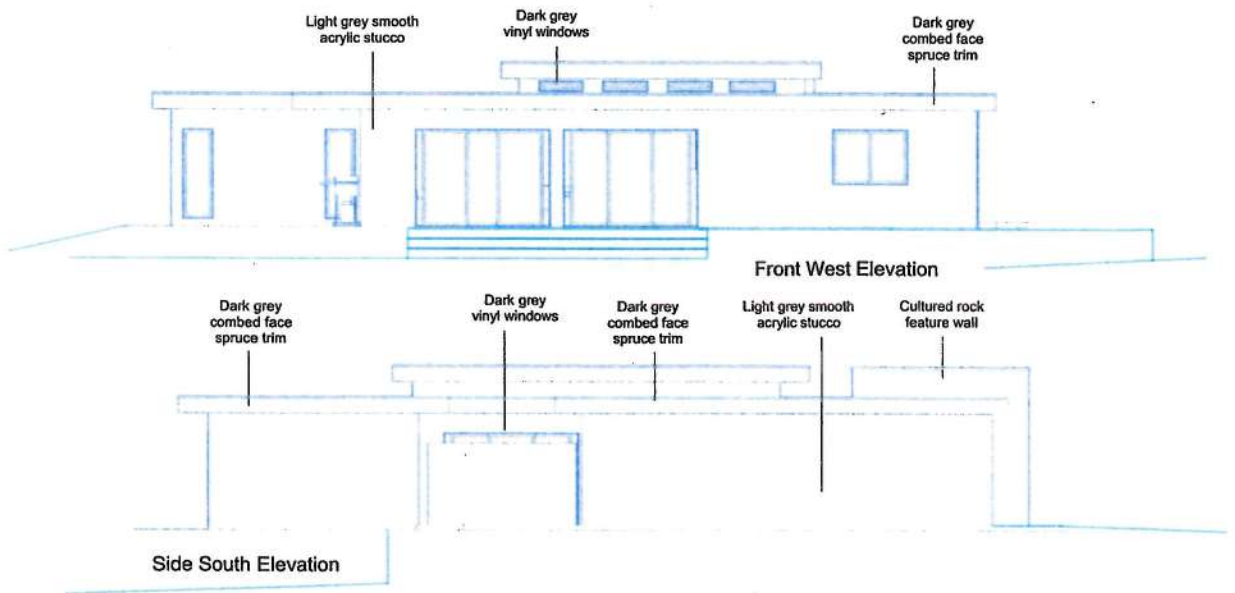
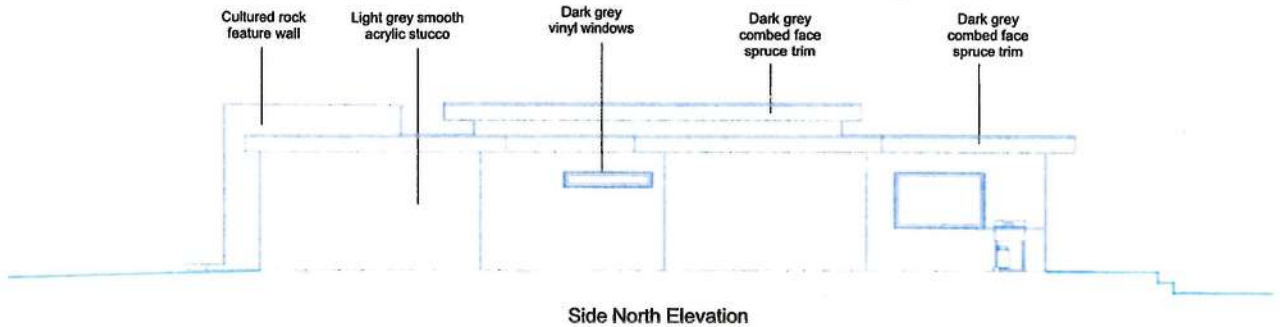
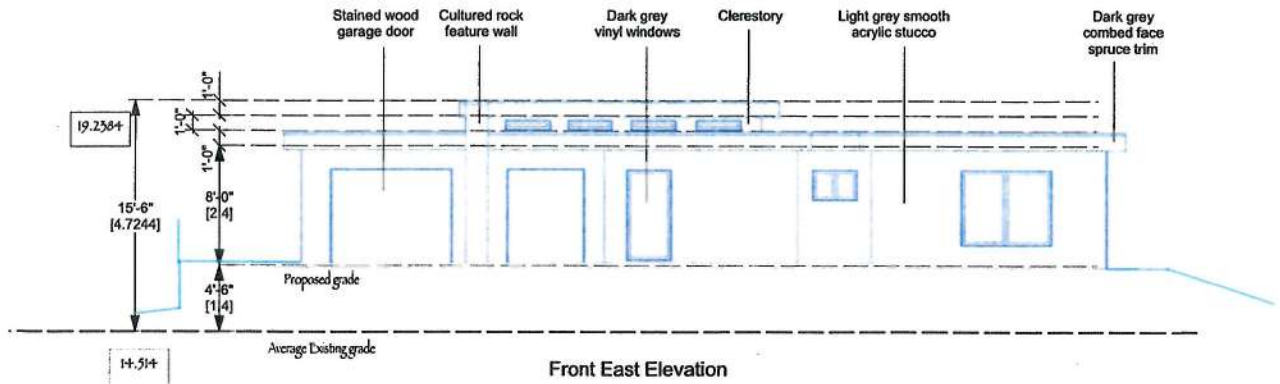
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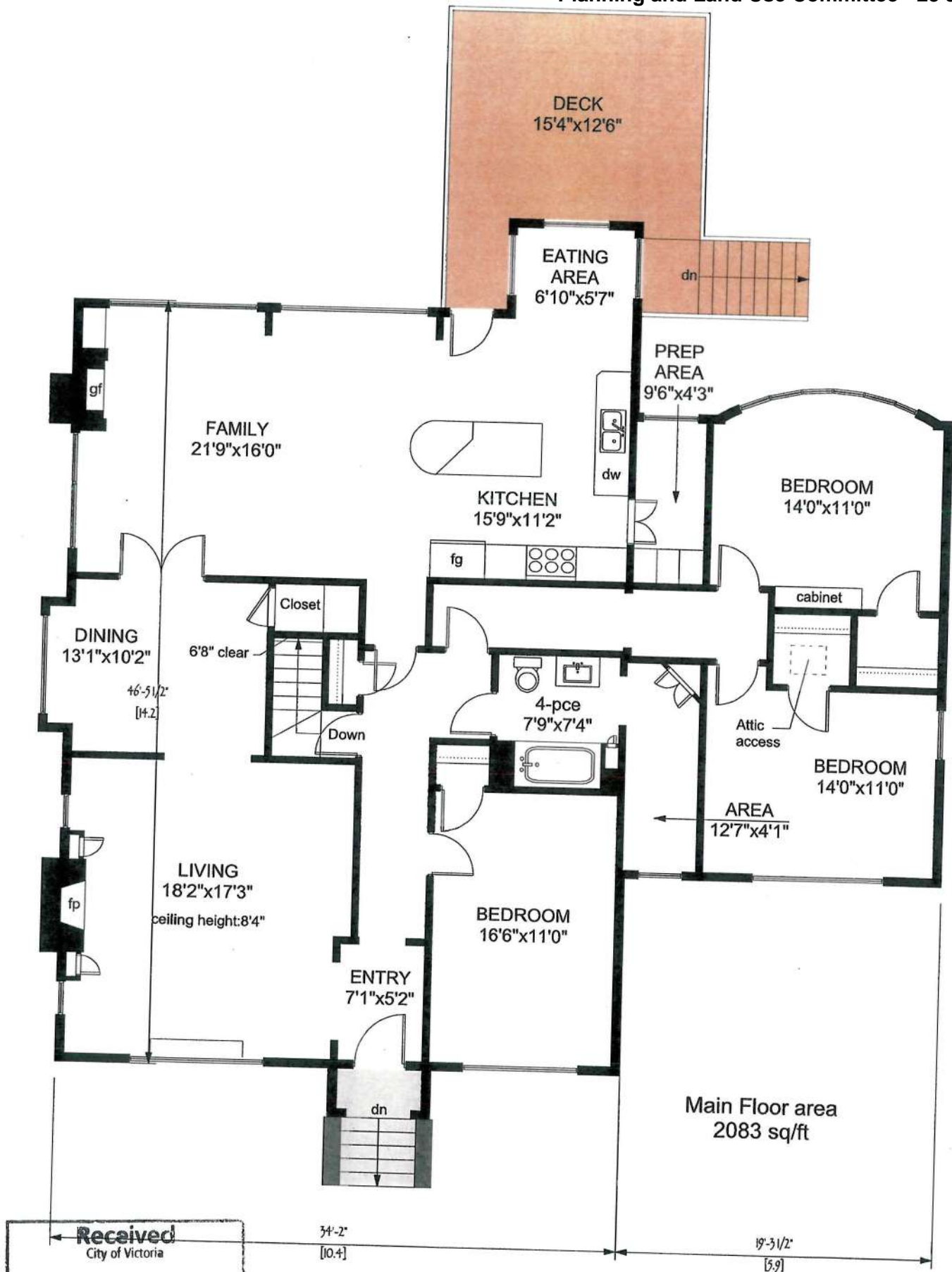
GRADE CALCULATION BUILDING A EXISTING BUILDING

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Grade Point B: 16.4	Points B-C	(B+C)/2	.92m	15.08
Grade Point C: 16.4	Points C-D	(C+D)/2	1.9m	31.16
Grade Point D: 16.4	Points D-E	(D+E)/2	.92m	15.08
Grade Point E: 16.4	Points E-F	(E+F)/2	4.28m	70.19
Grade Point F: 16.4	Points F-G	(F+G)/2	14.15m	224.98
Grade Point G: 15.4	Points G-H	(G+H)/2	6.9m	106.6
Grade Point H: 15.5	Points H-I	(H+I)/2	5.5m	84.42
Grade Point I: 15.1	Points I-J	(I+J)/2	4.6m	69.69
Grade Point J: 15.1	Points J-K	(J+K)/2	4.4m	67.1
Grade Point K: 15.4	Points K-L	(K+L)/2	1m	15.4
Grade Point L: 15.4	Points L-M	(L+M)/2	2.9m	44.8
Grade Point M: 15.5	Points M-N	(M+N)/2	5.8m	89.9
Grade Point N: 15.5	Points N-O	(N+O)/2	8.62m	136.62
Grade Point O: 16.2	Points O-P	(O+P)/2	5.85m	91.82
Grade Point P: 15.3	Points P-Q	(P+Q)/2	3.66m	56.36
Grade Point Q: 15.5				
			74.88 m	1176.77

15.7154





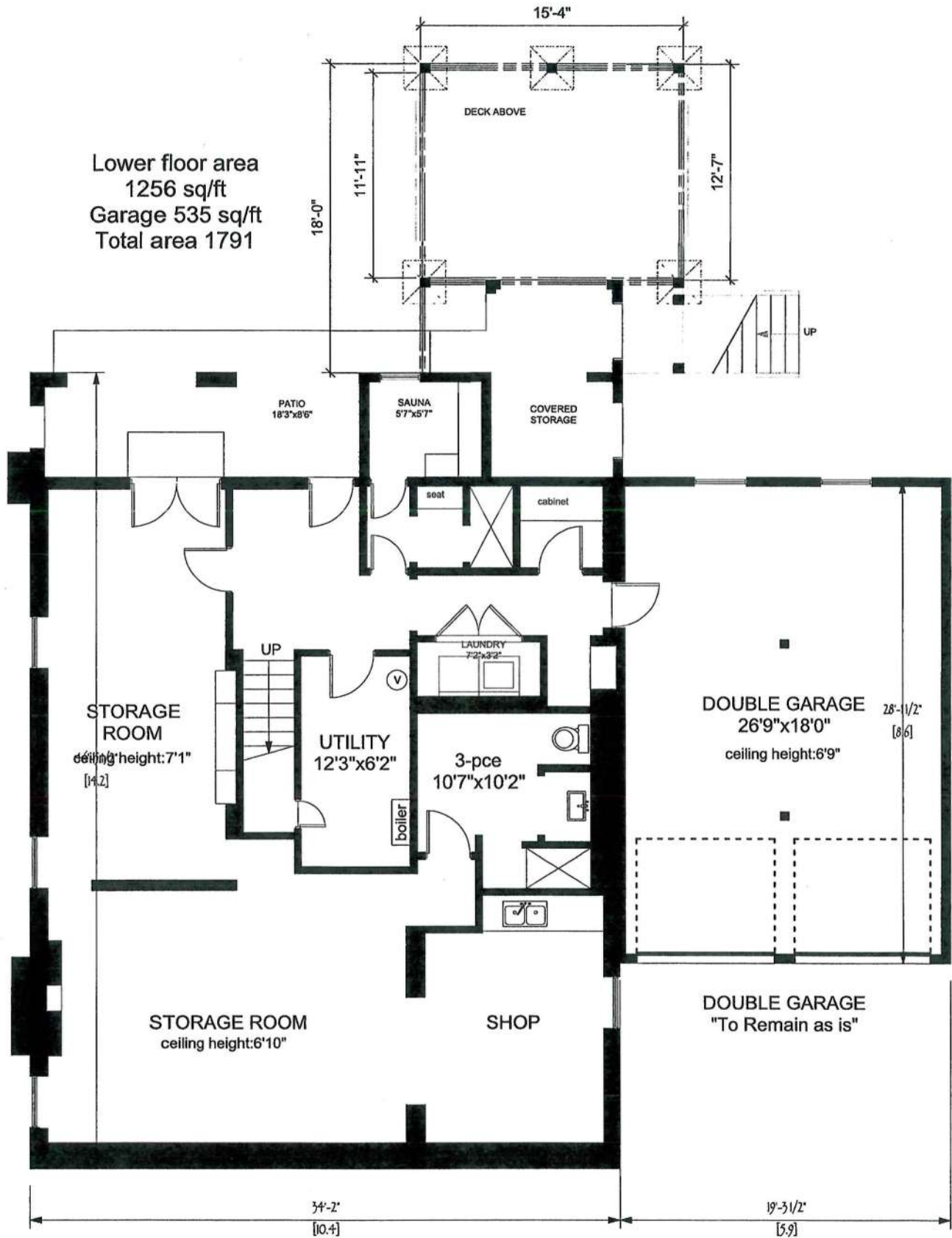


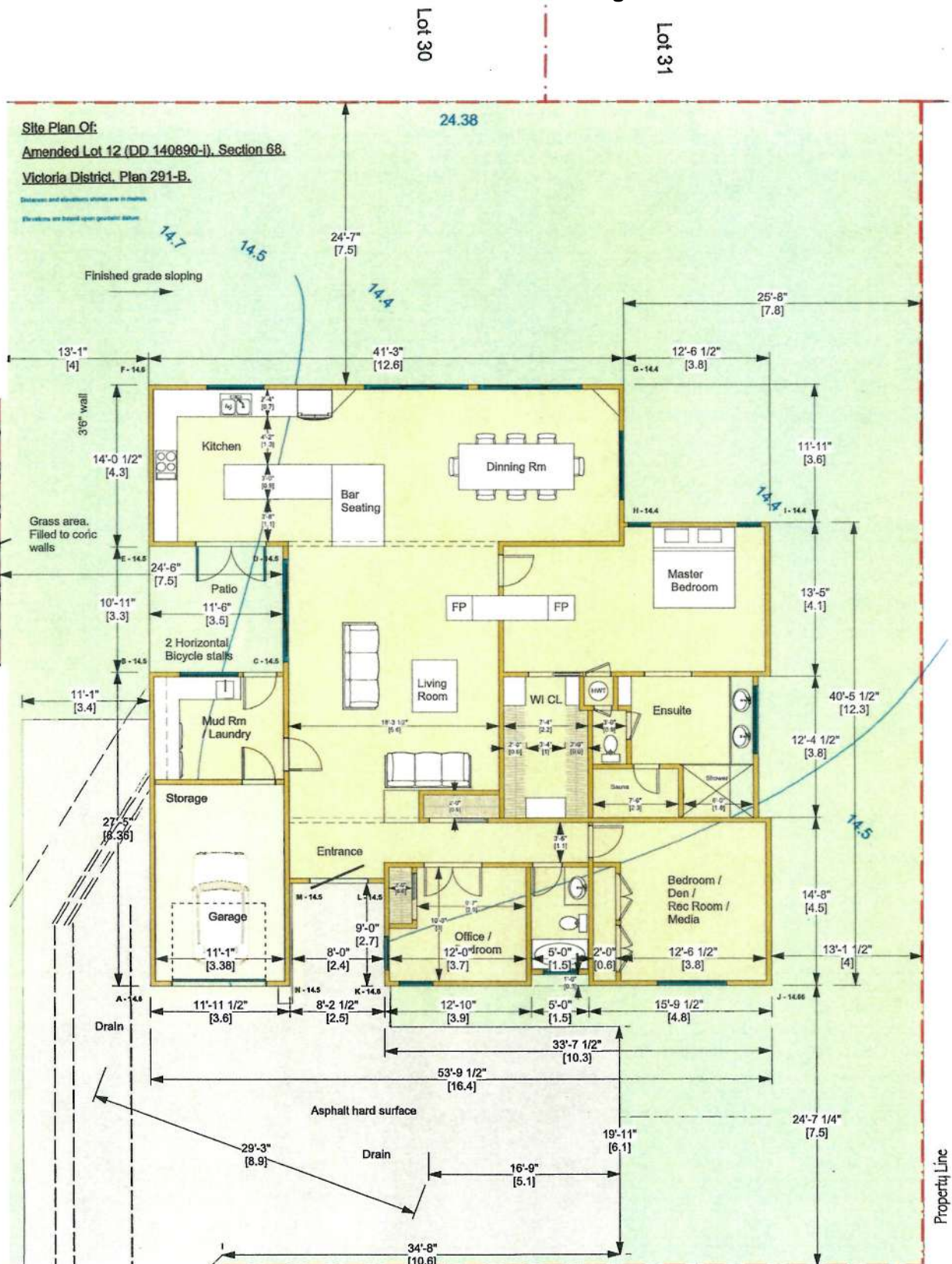
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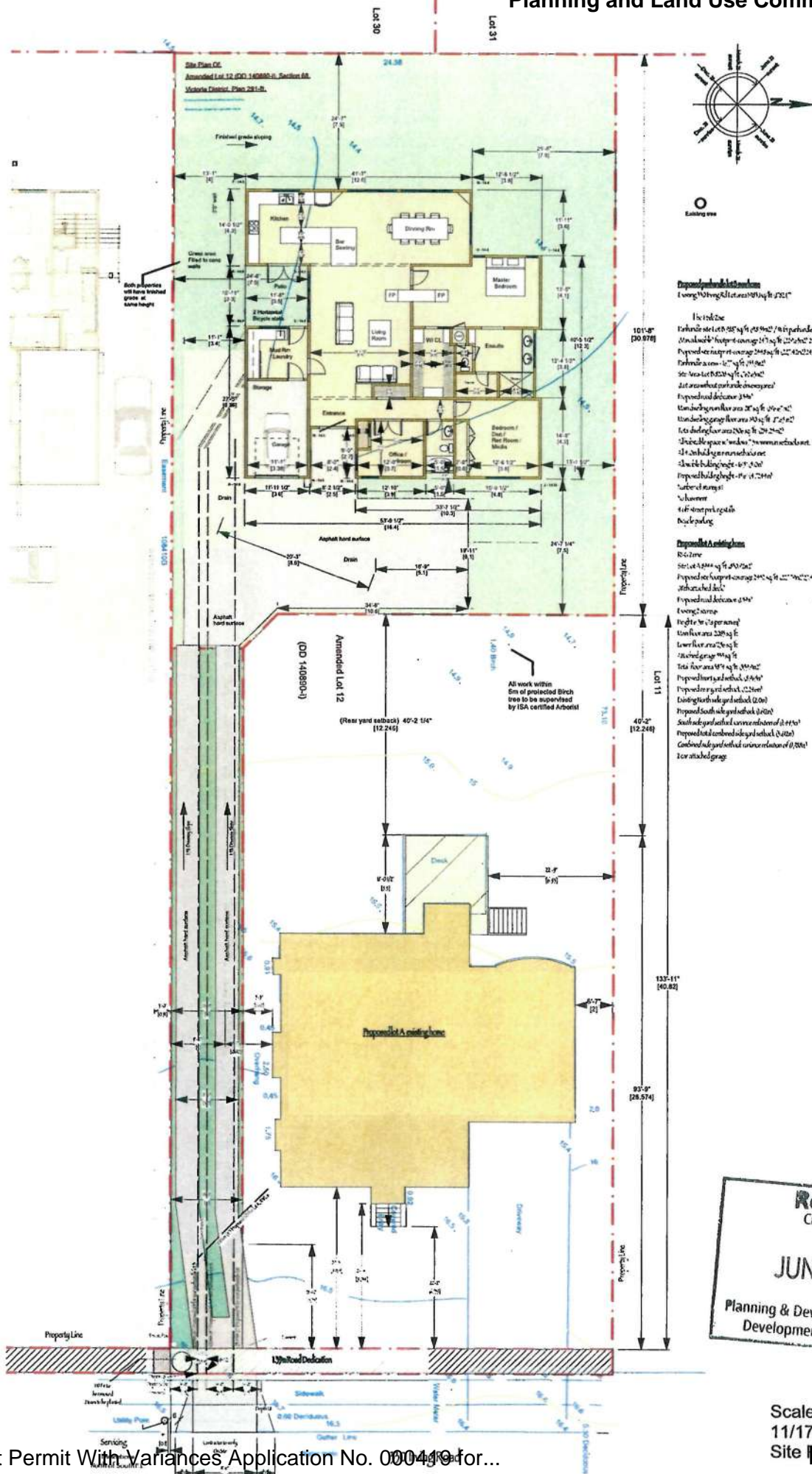




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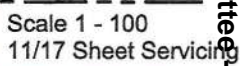
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Development Services Division

JUN - 2 2015





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City of Victoria

JUN - 2 2015

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Development Services Division

Site Plan Of:
Amended Lot 12 (DD 140890-i), Section 68,
Victoria District, Plan 291-B.

Dated this 10th day of July, 2014.

Distances and elevations shown are in metres.

Elevations are based upon geodetic datum.

Scale = 1: 250

Plan

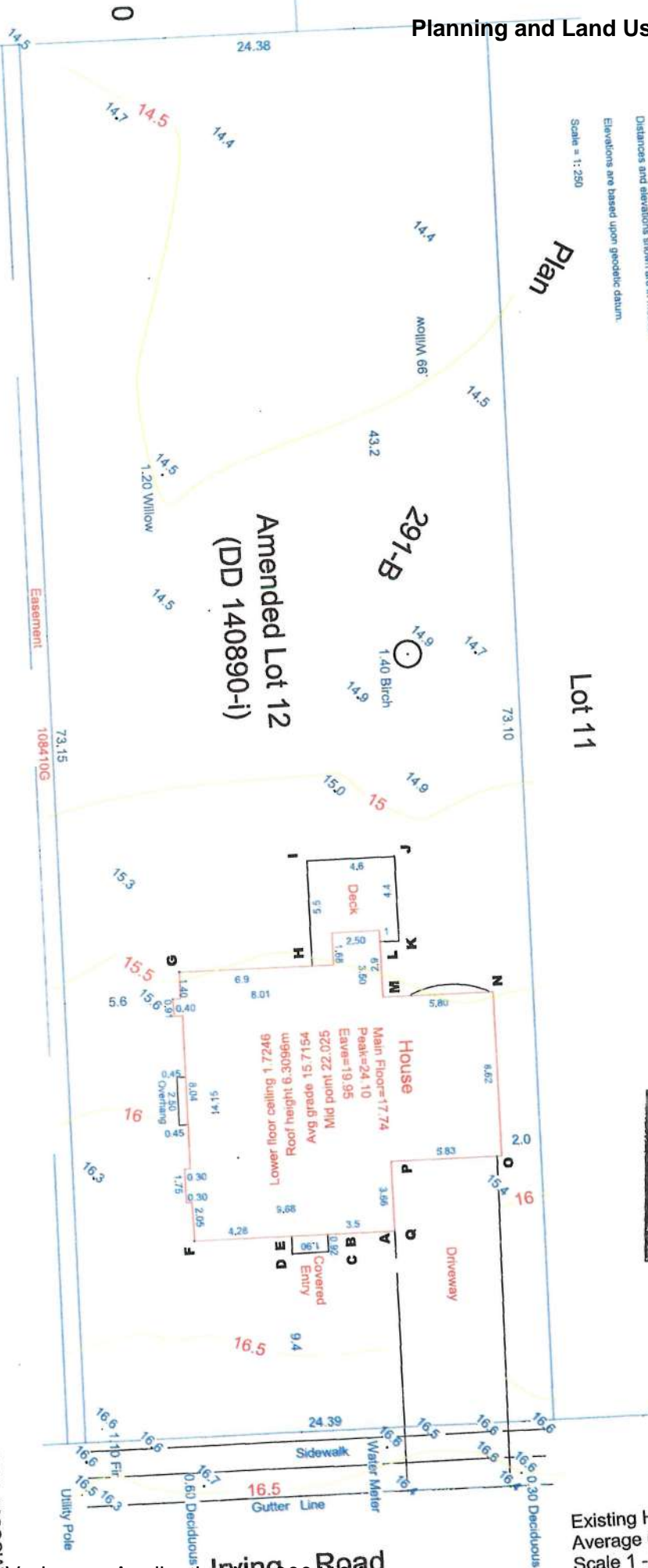
Lot 11

Amended Lot 12
(DD 140890-i)

Amended Lot 14
(DD 140778i)

Easement

73.15 108410G





Development Permit with Variances Application No. 000419 for

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RICHMOND AVE

IRVING RD

BEAVEN ST

FOUL BAY RD

377/79

1809/11

1817/19

1823/25

1827

1835/39

1845

1865

370

366

362

360

356

350

344

340

336

330

324

320

373

363

359

355

351

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343/45

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360/62

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328

Planning and Land Use Committee 23 Jun 2015

330 Irving Road Development Permit with Variances Application # 000419 Existing House



330 Irving Road Development Permit with Variances Application # 000419 Existing House



330 Irving Road Development Permit with Variances Application # 000419



330 Irving Road Development Permit with Variances Application # 000419 Existing Side Yard



330 Irving Road Development Permit with Variances Application # 000419

Neighbouring Driveway at 326 Irving Road



330 Irving Road Development Permit with Variances Application # 000419 Neighbouring Driveway at 326 Irving Road

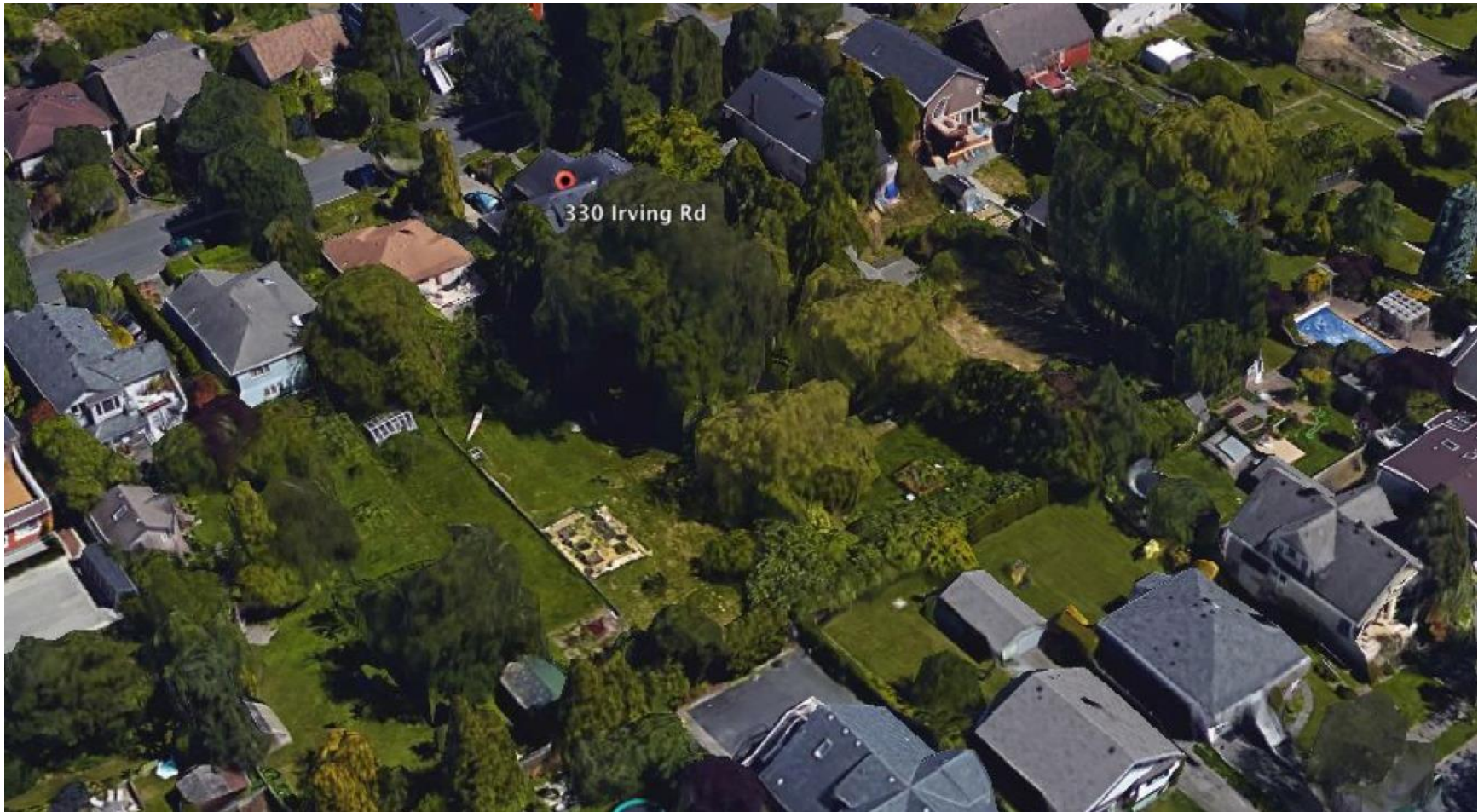


330 Irving Road Development Permit with Variances Application # 000419

343/45 Irving Road – Duplex across the Street



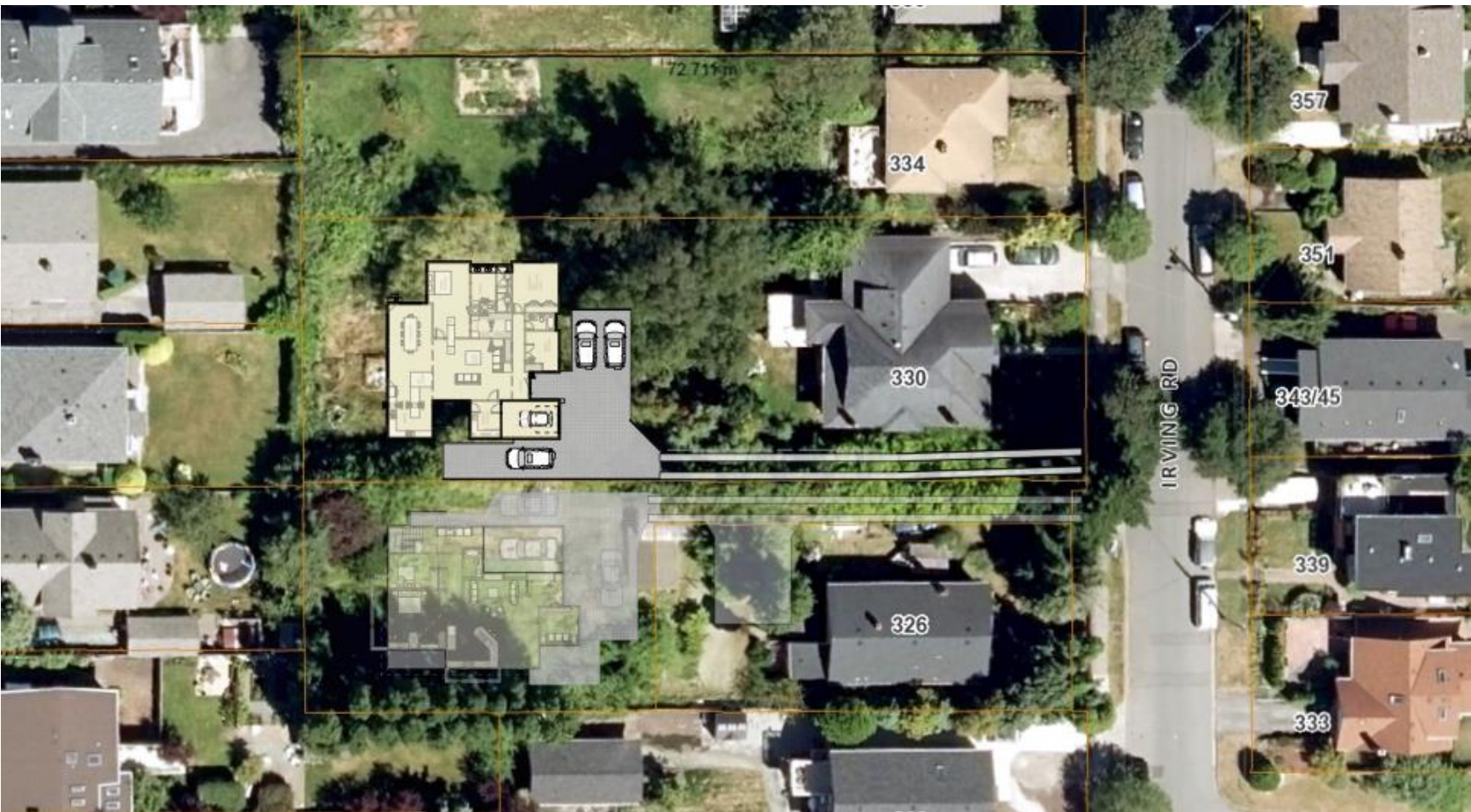
330 Irving Road Development Permit with Variances
Application # 000419
Aerial View Showing Deep Lots



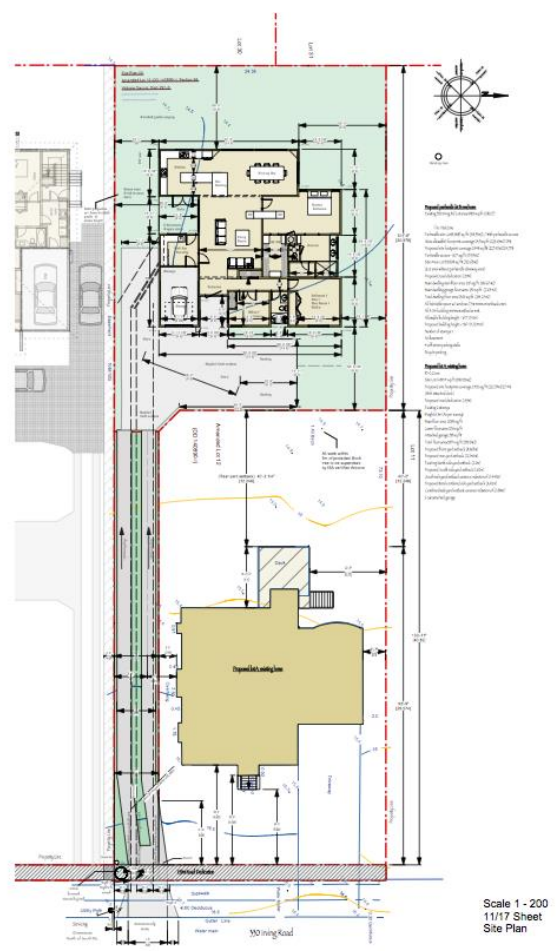
330 Irving Road Development Permit with Variances

Application # 000419

Aerial View of Proposed House in Context



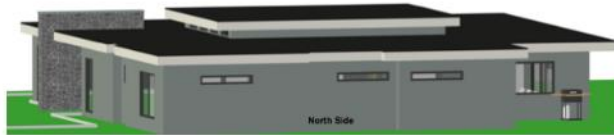
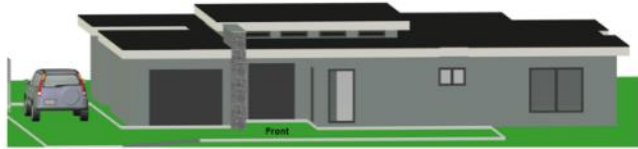
330 Irving Road Development Permit with Variances Application # 000419 Site Plan



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330 Irving Road Development Permit with Variances Application # 000419 Elevations



330 Irving Road Development Permit with Variances

Application # 000419

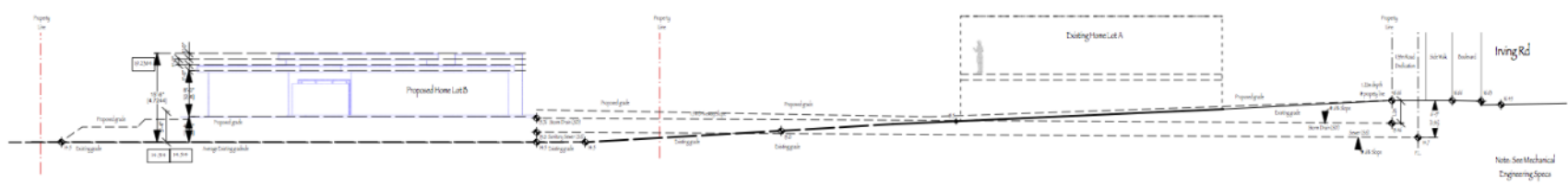
Landscape Plan



330 Irving Road Development Permit with Variances

Application # 000419

Site Section of Proposed Lots



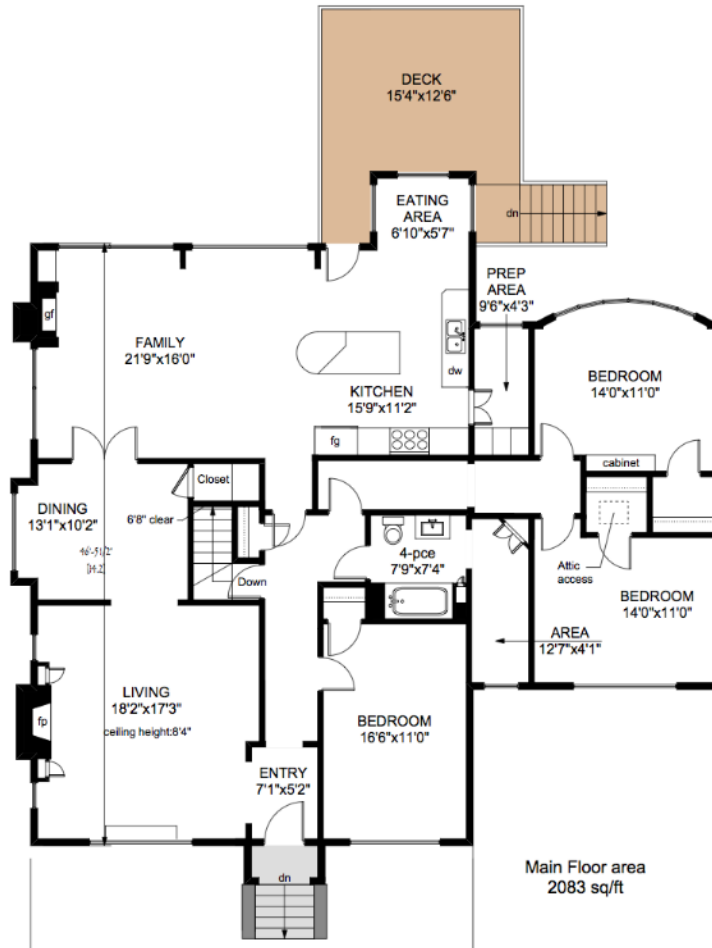
330 Irving Road Development Permit with Variances Application # 000419 Examples of New House Façade Materials



330 Irving Road Development Permit with Variances

Application # 000419

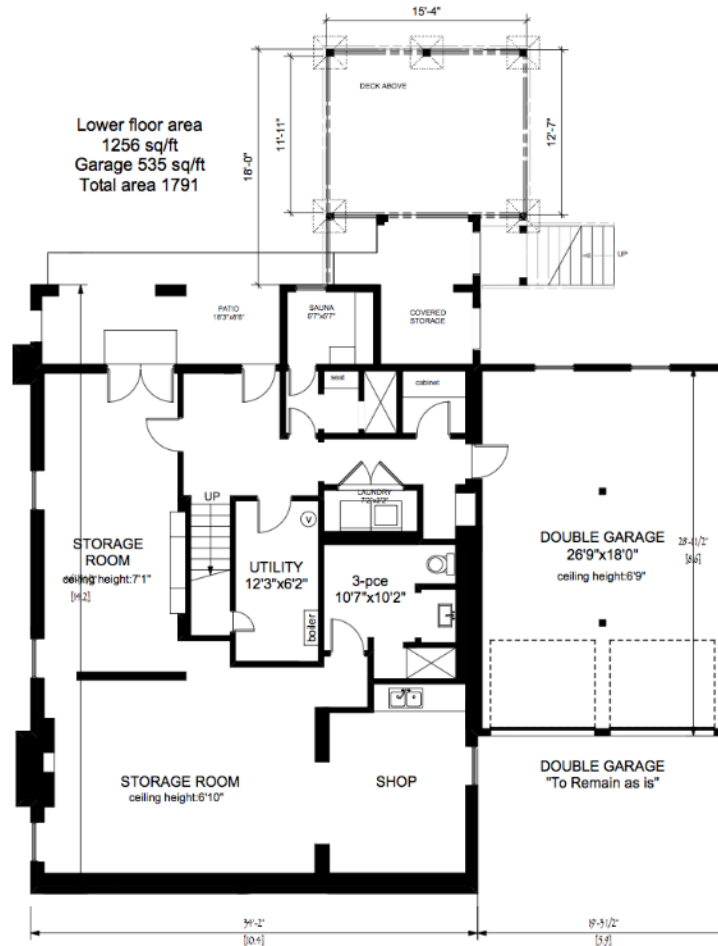
Existing House Upper Floor



330 Irving Road Development Permit with Variances

Application # 000419

Existing House Lower Floor





Planning and Land Use Committee Report

For the Meeting of July 23

To: Planning and Land Use Committee **Date:** July 9, 2015

From: Charlotte Wain, Senior Planner – Urban Design

Subject: Development Permit with Variances No. 000377 for 613 Herald Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

- the exterior finishes of the building as they relate to the Old Town Guidelines
- the opportunity to provide a greater articulation of the upper-portion of the building.

Following this referral, and after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000377 for 613 Herald Street in accordance with:

1. Plans date stamped June 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 6.6.1 - Increase the maximum building height from 15m to 15.86m
 - ii. Section 6.8.3(b) - Reduce the front yard setback above 10m from 1.07m to 0.10m
 - iii. Section 6.8.5 - Reduce the minimum side yard setback from 4.50m to 0
 - iv. Section 6.8.6(ii) - Reduce the number of vehicle parking spaces from 70% of the number of dwelling units (21 spaces) to 40% (12 spaces)
3. The submission of revised plans that address comments from the Advisory Design Panel to the satisfaction of City Staff.
4. Removal of the Section 219 Covenant requirement for a car share vehicle.
5. The applicant entering into a car share agreement with MODO to secure car share memberships for each unit.
6. That a Car Share Agreement is in place to the satisfaction of MODO that will secure the fulfilment of the agreement in accordance with their standard practice.
7. 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.

8. Receipt of evidence that the Application is in compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
9. Final plans to be in accordance with the plans identified above to the satisfaction of City Staff.
10. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 613 Herald Street. The proposal is to construct a five-storey, mixed-use building with ground-floor retail fronting Herald Street and residential uses above.

The following points were considered in assessing this Application:

- The proposal is generally consistent with the *Downtown Core Area Plan* (DCAP).
- The proposal is consistent with the *Old Town Design Guidelines* (2006).
- The proposal is consistent with the *Official Community Plan* (2012) policies, which support and encourage the provision of mixed-use buildings. A Transportation Study submitted with this Application provides adequate justification for the proposed parking variance and reduced drive aisle width.
- The proposed increase in building height is considered to be appropriate since it is in keeping with the adjacent buildings and will have minimal impacts on the surrounding area.
- The variance for a reduced side yard setback is considered to be acceptable since the proposal creates a continuous building frontage along the property, which enhances the experience for pedestrians along the street.
- The variance for a reduced front yard setback for the portion of the building above 10m in height is considered to be acceptable since the position of the building is consistent the adjoining building.
- The proposed parking variance is considered acceptable based on supporting evidence provided in the accompanying Parking and Access Study.

BACKGROUND

Description of Proposal

The Application is to construct a five-storey, mixed-use building with ground-floor retail fronting Herald Street and residential uses above. The building has a Floor Space Ratio (FSR) of 2.99:1 and a maximum height of 15.86m.

Specific details include:

- 32 units fronting Herald Street
- private balconies for all units
- a total of 91.46m² for two commercial retail units on the ground floor
- at-grade parking for 12 vehicles at a ratio of 0.38 per unit (which is below the minimum requirements under Schedule C of the *Zoning Regulation Bylaw*), located behind the commercial retail units, accessed via a ramp off Herald Street
- bicycle storage located at the basement level
- publicly accessible bicycle parking is available for six bicycles, located off the vehicle access ramp on the ground floor
- exterior light fixtures consistent with the Chinatown context
- streetscape improvements to Herald Street consistent with the Chinatown pattern
- exterior building materials consisting of:
 - a mixture of clay fired red and ebony brick veneer
 - smooth face cement panels with concealed fastenings and metal reveals along the front and rear elevations (north and south), which extend around a portion of the side elevations (east and west)
 - exposed concrete block painted in a brick red colour for the remainder of the side elevations (east and west)
 - vinyl residential windows and doors
 - pre-finished metal post rail system with decorative wrought iron pickets
 - clear anodized aluminium storefront windows with semi-translucent window graphics
 - laminated glass canopy.

The proposed variances are related to requests to:

- increase the building height from 15m to 15.86m
- reduce the front yard setback for portions of the building above 10m from 1.07m to 0.10m
- reduce the side yard setback from 4.5m to nil
- reduce the amount of residential parking from 22 spaces to 12.

Sustainability Features

As indicated in the applicant's letter dated July 2, 2015, the proposed sustainability features associated with this Application include a light well to lessen the need for artificial light, motion sensor LED light fixtures in the stairwells and bicycle storage areas in excess of the minimum requirements of Schedule C in the *Zoning Regulation Bylaw*.

Existing Site Development and Development Potential

The site has an area of 669.46m² and is occupied by a vacant gravel lot. The current CA-3 Zone, Central Area General Commercial District permits a variety of uses including offices, retail, restaurants and residential at a density of 3:1 Floor Space Ratio (FSR). The maximum height permitted under the current zone is 15m.

Data Table

The following data table compares the proposal with the existing CA-3 Zone (Central Area General Commercial District) Zone. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CA-3 and CA-4
Site area (m ²) – minimum	669.46	N/A
Total floor area (m ²) – maximum	1976.22	2008.38
Density (Floor Space Ratio) – maximum	2.99:1	3.00:1
Height (m) – maximum	15.86*	15
Site coverage (%) – maximum	79.50	N/A
Storeys – maximum	5	N/A
Setbacks (m) – minimum		
Front – Herald	0.10 below 10.00 m 0.10 above 10.00 m*	nil below 10.00 m 1.07 above 10.00 m
Rear – Fisgard	6.27	Nil
Side – East	Nil*	4.5
Side – West	Nil	Nil
Parking – minimum	12 (0.4 per unit)*	22 (0.7 per unit)
Visitor parking – minimum	Nil	Nil
Bicycle storage (Class 1) – minimum	34	31
Bicycle rack (Class 2) – minimum	7 (1 rack)	7

Relevant History

A previous Development Permit for 28 residential units and ground-floor retail was approved by Council on May 28, 2009. As part of this approval, the owner entered into a legal agreement to provide the following amenities:

- one vehicle parking space for an electric car
- the purchase of an electric car
- car share program for all occupants of the building.

These amenities are required if there are fewer than 20 off-street parking stalls within the development. The previously approved Development Permit has since been abandoned and is unrelated to the current Application before Committee.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the Application was referred for a 30-day comment period to the Downtown Residents Association CALUC, on June 18, 2015. A letter from the CALUC, dated July 8, 2015 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 *Official Community Plan (OCP)* identifies this property within DPA 1 (HC), Historic Core. The objectives of this designation are to conserve and enhance the heritage value of Downtown and encourage revitalization of the area through infill with high-quality architecture, landscape and urban design through sensitive and innovative interventions. Design Guidelines that apply to DPA 1 (HC) are discussed in the subsequent sections.

Downtown Core Area Plan (2011)

The subject property is within the Historic Commercial District as identified in the *Downtown Core Area Plan (DCAP)*. The objectives of this district are to ensure sensitive integration of new infill development, retention of the low-scale and small-lot character of the area and support for an increase in the local population base through residential uses on upper storeys. The proposal responds to the relevant guidelines as follows:

- a positive pedestrian environment would be created with the retail units on the ground floor and a reduced drive aisle for vehicle access off Herald Street
- weather protection would be provided through small canopies above the commercial entrances
- provision of parking would be behind the retail units on the ground floor.

Overall, the Application is considered to be in compliance with the applicable Design Guidelines within the DCAP. However, as the subject site is in a prominent location within a Heritage Conservation Area, special care and attention should be given to the architectural quality and finishes of the building. Staff have expressed concern regarding exterior finishes, in particular the exposed concrete finish on the side elevations, which is not considered to be of sufficient high-quality architectural material as recommended in the DCAP. It is therefore recommended to Council that the Application would benefit from review by the Advisory Design Panel, with particular emphasis on exterior finishes and materials.

Old Town: New Buildings and Additions to Non-Heritage Buildings (2006)

The subject property is located within the Chinatown District, which seeks to preserve heritage value by responding to the special characteristics of the District. The Guidelines encourage designs that are strongly contextual and visually interesting. They also encourage creative

developments that will contribute and respond to the Chinatown District characteristics to enrich the sense of place. The proposal complies with the Guidelines as follows:

- provision of shop frontages at street level
- utilisation of the entire lot width for the proposed building, creating a continuous building frontage
- provision of appropriate architectural detail for the Chinatown context, including recessed balconies, masonry, signage and paving patterns
- building height consistent with the predominantly four to five-storey context.

Advisory Design Guidelines for Buildings, Signs and Awnings (1981)

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. New construction will complement neighbouring heritage buildings in areas where they predominate. There are no Heritage Registered or Designated buildings immediately adjacent to the subject site on Herald Street, although a number of Heritage buildings exist along Government Street and Fiskard Street to the rear of the property. The proposal does incorporate certain materials such as brick veneer, which are commonly used throughout Chinatown and in the nearby Heritage buildings. The overall colour palette is also consistent with the Chinatown theme, using red and black as accent colours. In evaluating the proposal, staff recommend for Council's consideration that overall the Application is in keeping with the Guidelines and provides an appropriate response to the immediate context.

Guidelines for Fences, Gates and Shutters (2010)

The objective of these Guidelines is to ensure that where fences, gates and shutters are required, they are designed well and complement their surroundings. The Application is consistent with these Guidelines and proposes appropriate fencing along the surface parkade at the rear of the building, with security fencing and black metal trellis for climbing plants. This will be highly visible from the rear of the property at Fiskard Street and the treatment along this boundary is of particular importance.

Proposed Variances

Four variances from the *Zoning Regulation Bylaw* are proposed as part of this Application.

Height

An increase in the height from 15m to 15.86m is being requested. The applicant has indicated in their letter that this height request is due to the ceiling height requirement for the commercial tenants on the ground floor. As the building does not exceed the height of the immediately adjacent buildings, which are also zoned CA-3 (Central Area General Commercial District), staff recommend that Council support the proposed height variance.

Side Yard Setback

Under the existing zone, there is a requirement for a 4.5m side yard setback. The intent of this regulation is to allow for access to the property, although the proposal includes an alternate vehicle access in the centre of the Herald Street elevation. Since the proposal creates a

continuous building along the upper floors, staff recommend that Council support the proposed side yard setback variance.

Front Setback

The current zone includes regulations on the front setback for any portions of a building that exceed 10m in height. This requires the building to comply with a 1:5 setback ratio for the upper portions of the building above 10m, which is intended to provide an appropriate scale and massing along the street. The proposal encroaches into this setback requirement by 0.97m on the fifth storey. Since the impact from this reduced setback is minimal, and the fact that the proposed upper floors have setbacks consistent with the immediately adjoining building at 601 Herald Street, Staff recommend for Council's consideration, that Council support this variance. However, Staff note that there are opportunities to provide greater articulation in the upper portion of the building, and have recommended for Council's consideration that this aspect of the design is referred to the Advisory Design Panel for review.

Parking

A parking variance is being proposed for both residential and visitor parking. This would reduce the amount of residential parking from 22 spaces (0.7 per unit) to 12 spaces (0.38 per unit). A transportation and parking study has been submitted, which provides justification for the proposed parking variances. It considers vehicle ownership data from comparable developments in the downtown area, along with statistics from the Insurance Corporation of British Columbia (ICBC). The study concludes that considering the target market and anticipated auto-ownership levels, the provision of 12 parking stalls (provided at a rate of 1 stall per 0.38 units) would be sufficient to meet the travel needs of this development provided that a successful Car Share Program is available.

The applicant proposes to amend the legal agreement for the property, to remove the provision of the electric vehicle, and the electric vehicle parking stall that were proposed as part of the previously approved Development Permit Application. The proposal will however maintain the membership to the Car Share Program for all residents within the building (32 memberships in total).

CONCLUSIONS

The Application would allow for a five-storey, mixed-used development on a vacant site within Old Town. The proposal is in keeping with the immediate context in terms of scale and massing. While there are opportunities for improvement in the quality of the exterior finishes and materials, Staff feel these can be addressed with a review by the Advisory Design Panel.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000377 for the property located at 613 Herald Street.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services



Alison Meyer
Assistant Director,
Development Services



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

July 15, 2015

CW:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000377\DP DVP PLUC REPORT TEMPLATE2.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated July 2, 2015
- Architectural Plans dated June 18, 2015
- Letter from Downtown Residents Association, dated July 8, 2015.

530

1901

650

CA-3

1885

~~611-623~~

629

635-641

1850

1826
to
1802

1

618

648-652

658-670

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681

1740
to
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1701

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GOVERNMENT ST

DOUGLAS ST

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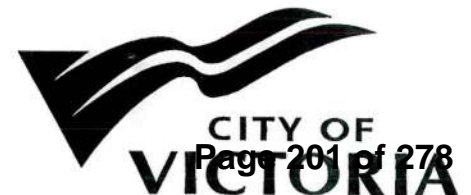
1696
to
1672

3 CENTENNIAL SQ

4 to 30 CENTENNIAL SQ

**CENTENNIAL
SQUARE**

CA-3





613 Herald Street
Development Permit #000377

Development Permit With Variances Application No. 000377 for...



02 July 2015

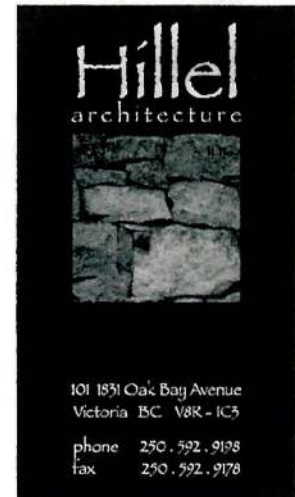
The Kunju Residences

Submitted on behalf of Conrad Nyren
Kunju Residences Ltd
Suite 160 – 4396 West Saanich Road
Victoria BC



RE: 613 herald Street Redevelopment
Victoria BC

Proposal For Development Permit With (minor) Variances



For the attention of Mayor and Council, c/o Charlotte Wain, Area Planner, City of Victoria

Please find enclosed with this cover letter, a revised submission for the Kunju Residences proposed for 613 Herald Street, Development permit application #000377. This revised proposal provides two commercial spaces on the ground floor with a central porte cochere leading through to a surface parking facility beyond. Above 32 units are proposed in four residential floors.

As requested by City planning review the building has been relocated to its forward property line, to align with neighbouring new buildings, and to extend this street front pedestrian environment. This proposal seeks several variances outlined on drawing sheet A1.0. Some of those variances are required to suit the circumstances related to moving this building forward. The proposal remains lower than both its neighbouring properties but does seek a minor ht. variance. This proposal has moved the building forward, and its building face over its upper floors does align with its neighbour however, similar to its neighbour, it seeks a variance for a front yard setback that is initiated above 10m in ht. where zoning dictates that builds start to step back. In addition, and outlined later in this correspondence, is a request for a parking variance.

DESIGN OUTCOME

Consistent with building design respecting Chinese architectural heritage, this is a symmetrical building with an emphasis on the centre bay. On the ground floor two small commercial tenants (434 ft2 and 572 ft2) flank each side of a center vehicle entry. The central parking entry serves as a "Porte Cochere" to the residences above, and is a drive through to open surface parking beyond. This porte cochere offers covered daytime guest bicycle parking to commercial and residential visitors alike.

The planning department wished that we maximize the width of street front glazing and minimize the vehicle entry in order to increase as much as is possible the sense of a continuous street front pedestrian shopping environment. The

Hillel Architecture Inc.

page 1 of 4

minimum dimension permitted was identified for the design team, through coordinating the reviews of planning, transportation and Bunt Transportation Planners and Engineers. The proposed design conforms to this required road width. In addition however, the design was modified to visually improve this outcome. Masonry details were moved to the outside corners of this street front, ensuring glazing extended as close as possible to the central lane. This serves to decrease the attention of the lane and broadens the appearance of this glazing.

DESIGN CHARACTER AND MATERIALS

The design responds to the Chinese community by using materials and surfaces common within this special area, and with a building volume also common:

- Symmetrical in nature, with an emphasis on the centre bay, in proportion, in ht., and in colour.
- Planning and the DRA each requested recessed balconies in the building volume rather than projecting balconies. This has been achieved.
- Planning and the DRA requested the building be moved forward and built at approximately the property boundary to continue the streetscape. This has been achieved.
- Materials drawn from the palette of Chinatown
- Signage in both English and traditional Chinese script

HEIGHT VARIANCE

The building's ground floor level is built at approximately the level of the municipal sidewalk permitting comfortable level entry to the commercial tenancies and to the recessed residential entry. The average grade calculated, and the height of the proposed building, defines a requested variance consideration of .86m. The building contains four floors of residences each with a floor to floor height inside of 9'0". The commercial suites of the ground floor are 11'0" in finished inside ht. This is modest for commercial units but as these are limited in area this is an acceptable outcome. Combined, these five floors add up to the building height proposed. No voluntary measures. No over height spaces. We believe this is a modest height variance and also ensures we are below the heights of both buildings flanking this site, yet tall enough to provide adequate ceiling heights for the commercial tenants of the ground floor.

PARKING VARIANCE

The program has 32 residential units and demonstrates 12 parking stalls. This is a requested variance of 11 stalls below the requirement of 23 stalls (32 units x 0.7) to service this building in accordance with Schedule C Parking Bylaw in this block. The transportation department had requested actual ICBC ownership data survey to support this parking variance, which is enclosed herein. As the owners, Planning Department, and transportation alike had hoped that actual statistics may reduce the parking further, as each party had an interest in making the vehicle entry width less than that shown. The parking research however verified this parking count as 12 stalls. 11 of those stalls will serve residents above, and 1 stall is dedicated to residential guest parking. This is secure guest parking as would be

preferred in urban locations for overnight use of these guests. It is also an oversized stall matching dimensions required of a HC accessible stall. The required minimum width of the entry aisle to the vehicle parking is therefore fixed at the dimensions shown, conforming to the regulations.

This parking variance has been studied both during the earlier phase of this submission, and now for the additional survey of the ownership data from ICBC. It is comforting to now have two different information sources confirming the needs for the parking being demonstrated, not more, and in this case, unfortunately not less than that demonstrated when several parties had a mutual interest in a reduced parking volume as this would trigger / permit a smaller vehicle entry into the property. These conclusions are recorded in the final Parking Study and Access Review report by BUNT and Associates, enclosed herein and dated June 15, 2015.

As an integral part of this parking study, it was determined that the original car share vehicle that would be dedicated to these users would be best serving this building by NOT being on site, but by these owners / tenants having access to the now greater number of car share vehicles in this downtown core area. This is referred to specifically in the traffic study. Under the original DP a covenant was registered on title, and under this new DP we are requesting this "hold over" from that previous submission be formally removed from the property title. We understand this is not a variance, but is a requested consideration. This removal is not requested without it being balanced by another measure, and in this case the measure suggested was car share memberships. Our traffic consultant recommended a minimum of car share memberships to offset those owners without parking privileges. Of the 32 residences, 11 are served with parking stalls leaving 21 car share memberships being available. In consideration of both the requested variance for parking, and the removal of the original car share vehicle being on site, it was determined that the project will provide all 32 units with car share memberships, therefore exceeding our traffic consultants recommendations.

BICYCLE PARKING

The proposal provides for storage of 32 residential and 2 commercial bikes in four independent locations as required by Bylaw. The proposal provides these bike parking facilities in four separate rooms to minimize the risk of shared facilities.

The building entry is serviced by the required 6 stall bike storage for residential guests, and an additional bike for commercial tenant guests.

URBAN SECURITY

The recessed Porte Cochere entry takes on a different and safer personality at night. At the street face of the building, in the evenings, the building proposal contains a second controlled entry grillage closing the residences at the side walk. The commercial tenancies have their exterior entries outside of this security grillage and therefore can operate on their own time schedules independent of the residences. Each resident would have remote access key that would permit opening the grillage located at the sidewalk, and the internal grillage which is closed at all times.

ENVIRONMENTAL CONSIDERATIONS

The project proposal includes several unique features to lessen our need for artificial light and the power required to run those fixtures over the duration of a project's life span. Integral to this design is the development of a light well down the center of the building and illuminating the central corridor, and each dwelling's entry area. In addition, this light well extends down to the ground floor where it illuminates the bike parking area for guest bikes and commercial patrons, and illuminates the vehicle entry in this vicinity for both safety of those cyclists and a welcoming light to aid vehicles traversing through the porte cochere to the open surface parking beyond. In a section of our City core, where heritage buildings still dominate, we are enclosing a feature common in these early urban buildings.

Each internal stairwell and underground spaces will also be served with LED light fixtures, on motion detectors, to provide the illumination required without power demands usually associated with these tasks. The project will utilize low VOC finishes and materials, obtain materials and finishes from the closest sources, and will develop specifications with a clarity of purpose in seeking out trades, companies, and suppliers who are providing to the market place the products demonstrating continuous advancement in environmental protection as is being requested of purchasers more often, and is the goal of this consulting team.

CONCLUSION AND SUMMARY

This proposal provides 32 units designed to suit persons of different ages, different cultures, and in very different phases of life, and to change with them through those changes in life which invariably occur. The proposal does so with a modest request for a height variance, and what we believe is an acceptable variance in parking, and a thoughtful outcome to bike storage for commuters and active bikers. The building responds too, and is proud of the cultural heritage of the neighbourhood in which it is proposed. We believe the building closes a critical gap in Chinatown's streetwalk, and significantly aids in extending the perception of Chinatown.

Yours sincerely,

HILLEL ARCHITECTURE INC.,

Peter Hardcastle, Principal, Hillel Architecture Inc.



Item	Development Review
1. City Council	Approved
2. Planning Committee	Approved
3. Planning Committee	Approved
4. Planning Committee	Approved
5. Planning Committee	Approved



Planning and Land Use Committee - 23 Jul 2015

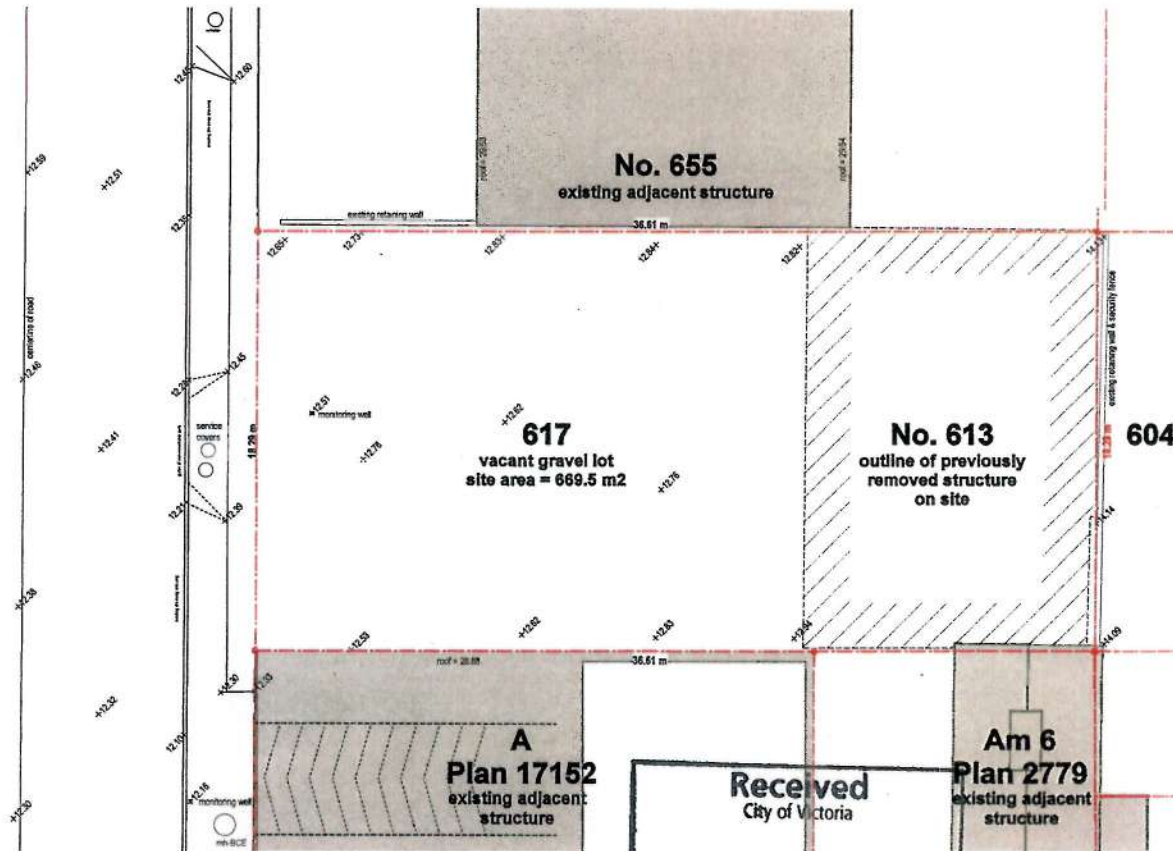


The KUNJU Residences
613 Herald Street, City of Victoria, BC

Received
City of Victoria

JUN 18 2015

Planning & Development • 1 Department
Development Services Div



1 Existing Survey Plan
A1.0 Scale: 1:100



2 Context Aerial Plan
A1.0 Not to Scale

PROJECT DATA

	ZONING REQ	PROPOSED PROJECT	VARIANCES
ZONING	CA3	CA3	
site area (m²)	669.45 m²	669.45 m²	
site coverage %	100 %	73.5 % (522.33 m²)	
total floor area	2008.4 m² permitted	2008.0 m²	
commercial floor area	-	491.46 m²	
floor space ratio (density)	3.00 : 1	2.80 : 1	
height of building (m)	max. 15 m max. 10 m at street	15.85 m	0.85 m + 0.85 m above ground level + 0.85 m above ground level + 0.85 m above ground level + 0.85 m above ground level
number of storeys	-	5 storeys	
PARKING:			
parking stalls on site (for dwelling units)	22.4 spaces for 12 units (number of spaces not less than 70% of the number of dwelling units)	12 spaces for 12 units (number of spaces equal 37.5% of the number of dwelling units)	11 spaces
bicycle parking	1 per detached unit + 1 for up to 250 m² of commercial space + 6 guest bike stalls	32 "class 1" stalls for residential + 2 "class 1" stalls for commercial + 1 "class 2" stall for commercial guests 6 "class 2" stalls for residential guests	
visitor parking	10% of parking area dedicated to visitor spaces (1 space required)	none	1 space
off street loading	nil	-	
electric vehicle	CA 1027/207 dedicated electric vehicle + parking space + memberships	32 car share Co-Op memberships requested by City	
SETBACKS:			
front (north)	0.00 m	0.1 m Theatrical setback building projects a 1.07m into setback above 10m ML	Variances of 1.07m to setback above 10m ML
rear (south)	0.00 m	0.27 m shown	
side (west)	0.00 m	0.00 m shown	
side (east)	4.50 m	0.00 m shown	4.88 m
RESIDENTIAL USE DETAILS:			
1 bed room units	nil	32	
2 bed room units	nil	-	
ground orientated access	nil	-	
min. unit size (m²)	min. 33.0 m²	min. 45.8 m²	
FLOORAREAS:			
ground (1st floor commercial floor area)		91.46 m²	
ground (1st floor area remainder)		77.94 m²	
ground (1st floor total)		169.0 m²	
typical residential floor (2nd, 3rd, 4th & 5th floors)		459.0 m² x 4	
all res. floors		1836.0 m²	
total floor area (of ground floor & 4 residential floors above)		2005.0 m² (2008.4 m² permitted)	

LEGAL DATA

BUILDING OWNER Kunju Residences Ltd c/o HomeWest Constructors Ltd 160 - 4395 West Saanich Road V8Z 3E9	LEGAL ADDRESS Lot 617, Victoria District Parcel Identifier: 009-375-686
CIVIC ADDRESS 613 Herald Street, Victoria BC	SURVEY INFORMATION based on legal survey by Powell & Associates BC Land Surveyors, Inc. 10,219 site (17)

Calvin Chai hillel.com
Victoria BC V8V 1C8
Phone: 250.386.4946
Fax: 250.386.3975

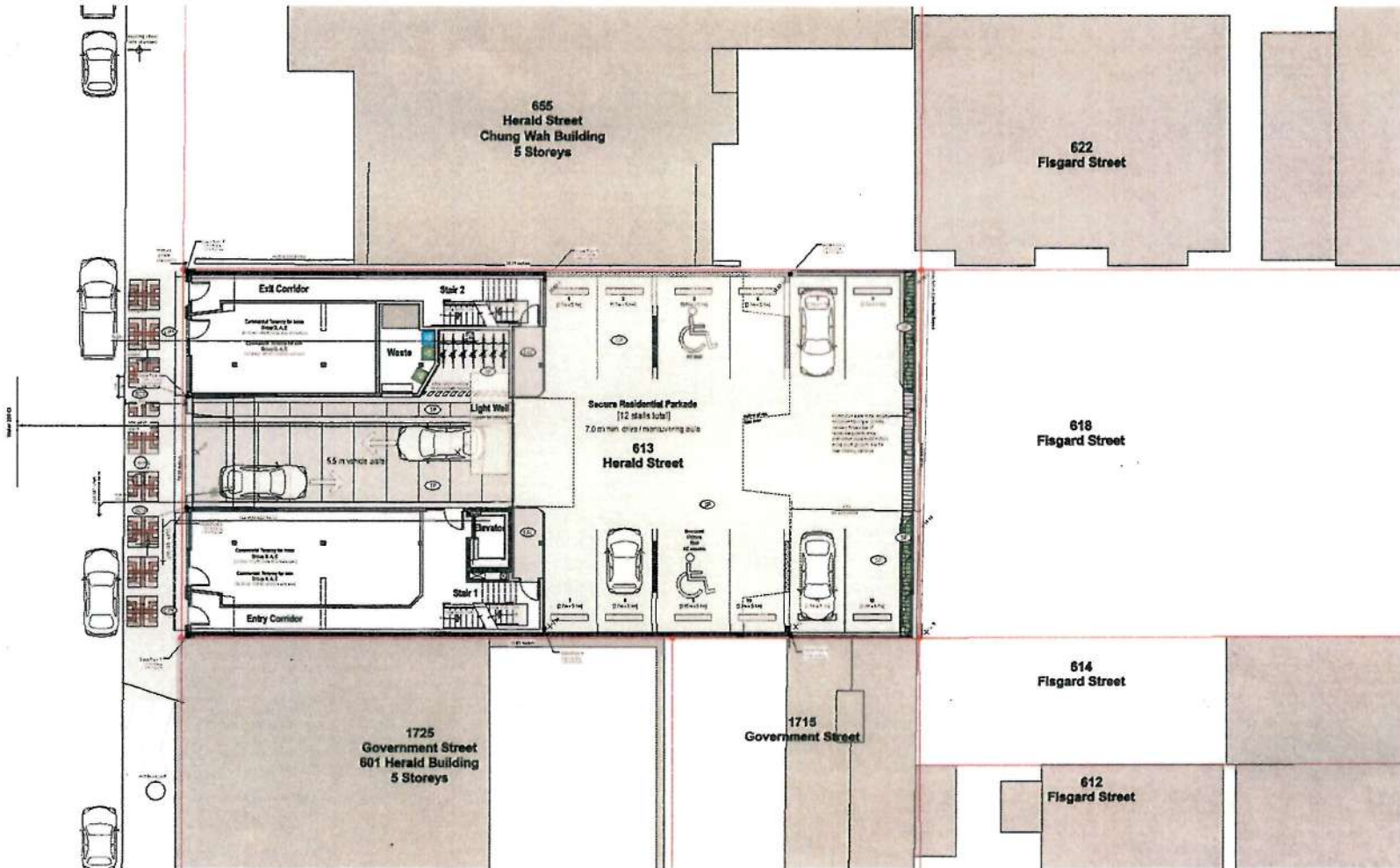
The KUNJU Residences

Planning and Land Use Committee - 23 Jul 2015

Project Data, Existing Site Plan

R2 A1

Herald Street



1 Overall Site Context
A1.1 Scale: 1:100

Received
City of Victoria

JUN 18 2015

Planning & Development Department
Development Services Division

AVERAGE GRADE CALCULATION

SECTION	Start	End	Average	Distance	Factor	Total Factor	Average grade (feet below 1)
AD	12.30	12.82	12.56	17.70	254.92	125.15	96.97
BC	12.82	12.82	12.82	10.22	154.64		
CD	12.82	12.94	12.88	10.09	229.90		
DE	12.94	13.54	13.24	13.22	166.12		
EF	13.54	13.28	13.41	17.70	233.82		
FG	13.28	13.41	13.34	8.20	79.11		
GH	13.41	13.41	13.41	5.56	68.37		
HA	13.41	13.56	13.48	5.82	77.96		
TOTAL				94.02	1031.76		13.32

SITE FINISHES LEGEND

- ① finished edge unit pavers, vehicle area
- ② concrete paving, vehicle area
- ③ exposed aggregate concrete paving, sidewalks
- ④ accent Christian pattern sidewalk treatment
- ⑤ border of low shrubbery and climbing plantings along south property line
- ⑥ browned concrete municipal sidewalk repair at existing site vehicle entry - minor repairs to suit new access dimensions and mandatory radii of new utilities
- ⑦ seven bike stand 2 visitors bike storage / lockable / protected from weather in covered parking area, accessible to public during business hours

Site Plan

Project No. 000377

Scale: 1:100

Author: [Signature]

Check: [Signature]

Date: 23 Jun 2015



The KUNJU Residences



Existing North Property Line - Herald Street



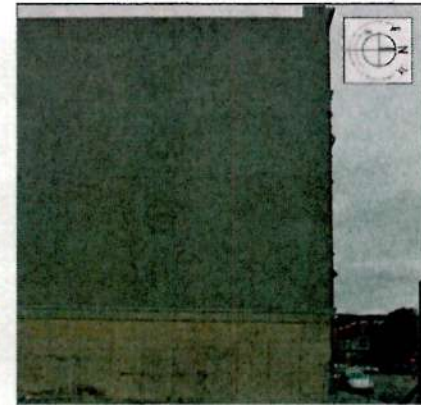
Existing South Property Line



Existing Neighbouring Chung Wah Building at East Property Line



Existing Neighbouring 601 Herald Building at West Property Line



Existing Neighbouring 601 Herald Building at West Property Line

1 Overall Site Context Record Photos
A1.2



Existing Streetscape of Neighbouring Buildings
Partner up and Across Herald Street

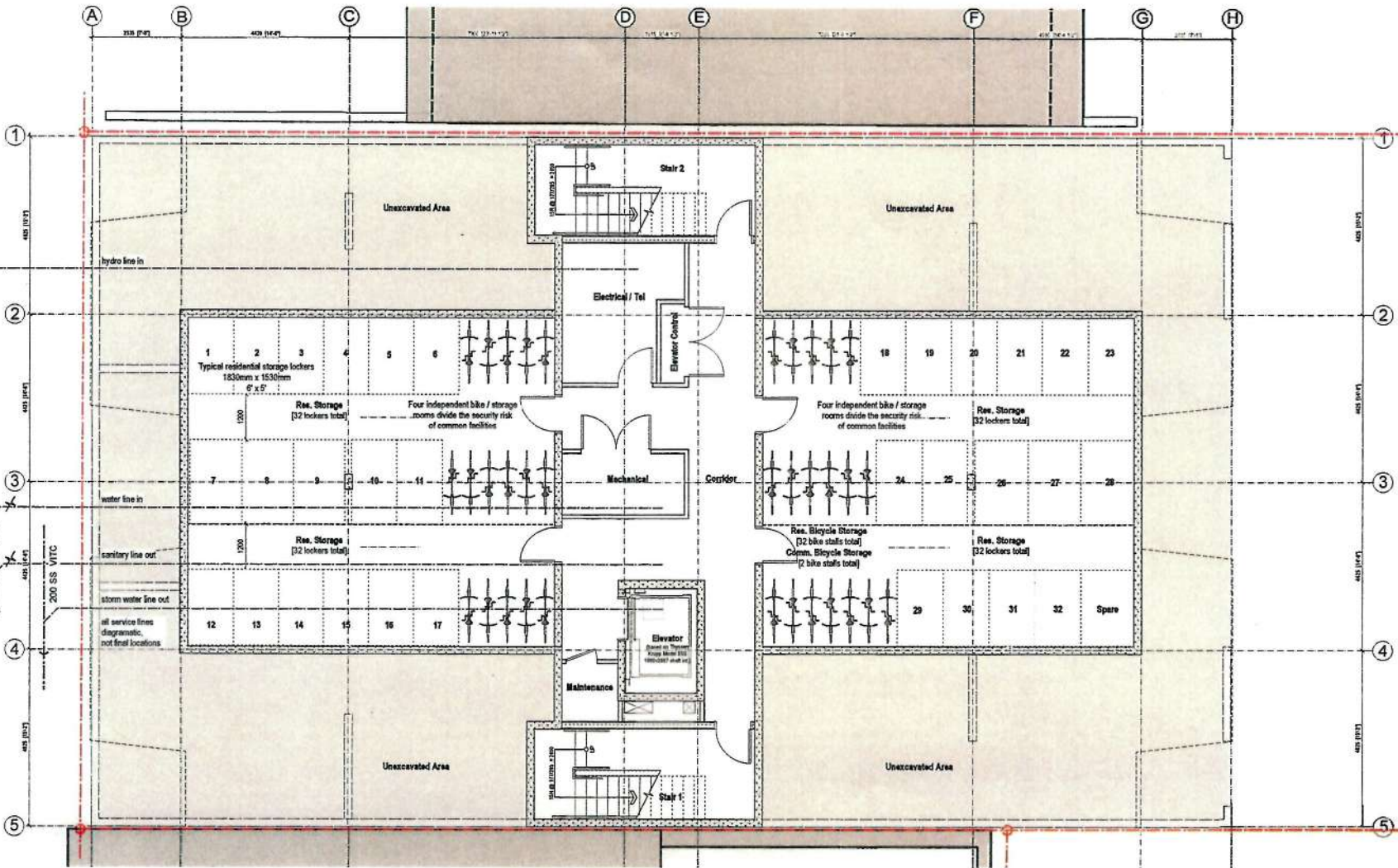


Existing Streetscape of Neighbouring Buildings

Received
City of Victoria
JUN 18 2015
Planning & Development Department
Development Services Division

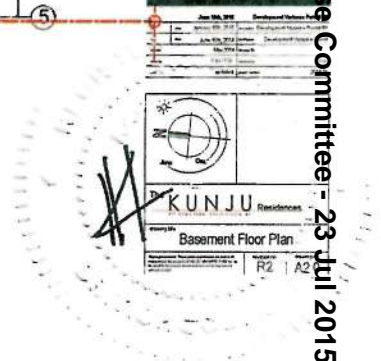
The KUNJU Residences
113 Herald Street, City of Victoria - BC

Site Plan
KUNJU
Existing Site Photos
R2 A1



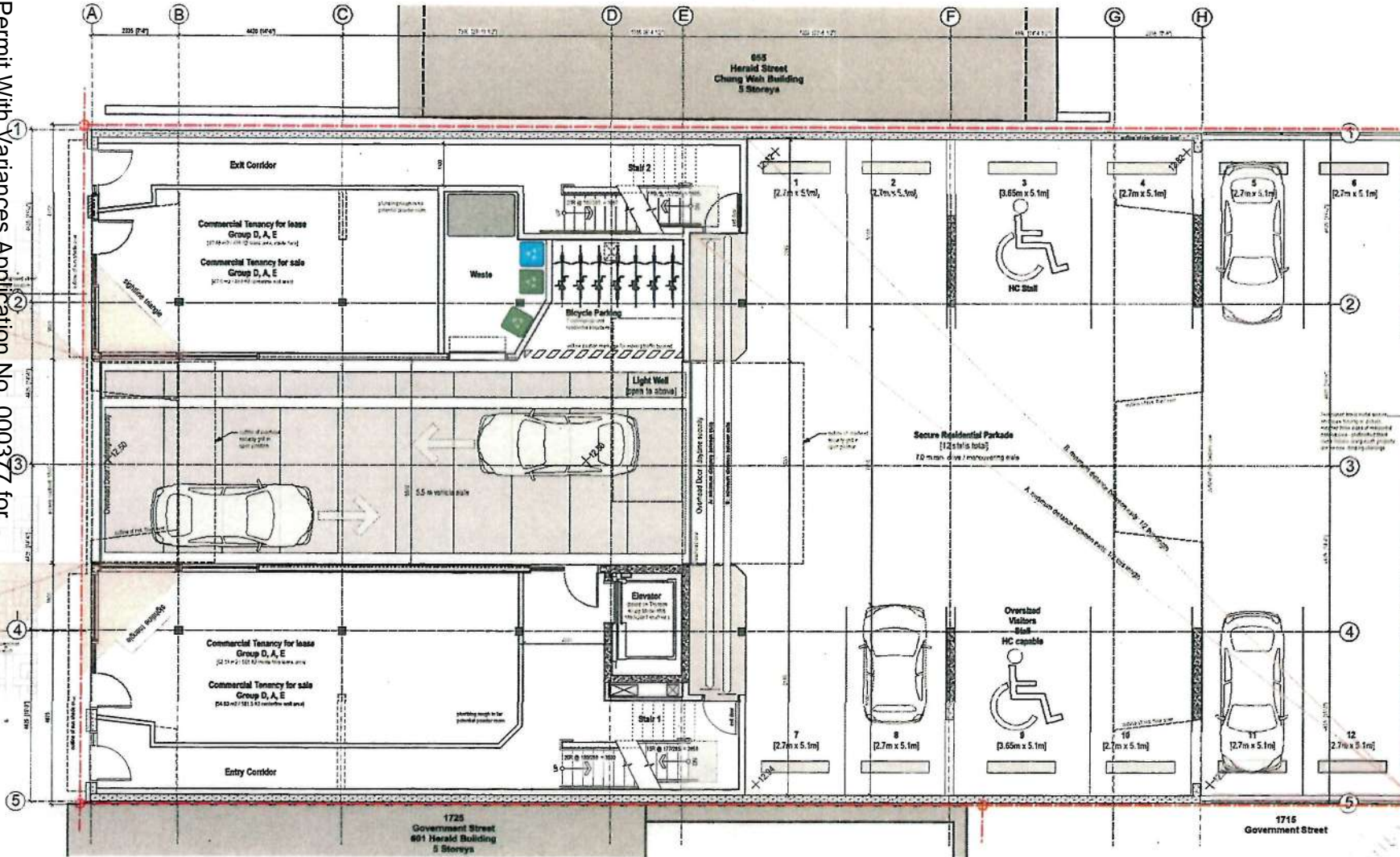
1 Lower (Basement) Floor Plan
A2.0 Scale: 1:50

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City of Victoria
JUN 18 2015
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Development Services Division



Hill architecture
SAFIR Chai Engineering
Victoria, BC V8V 1K3
Phone: 250-581-1000
Fax: 250-581-1001

The KUNJU Residences
Planning and Land Use Committee - 23 Jul 2015
1515 Hazel Street, City of Victoria - BC



1 Ground Floor Plan
A2.1 Scale: 1:50

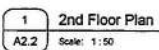
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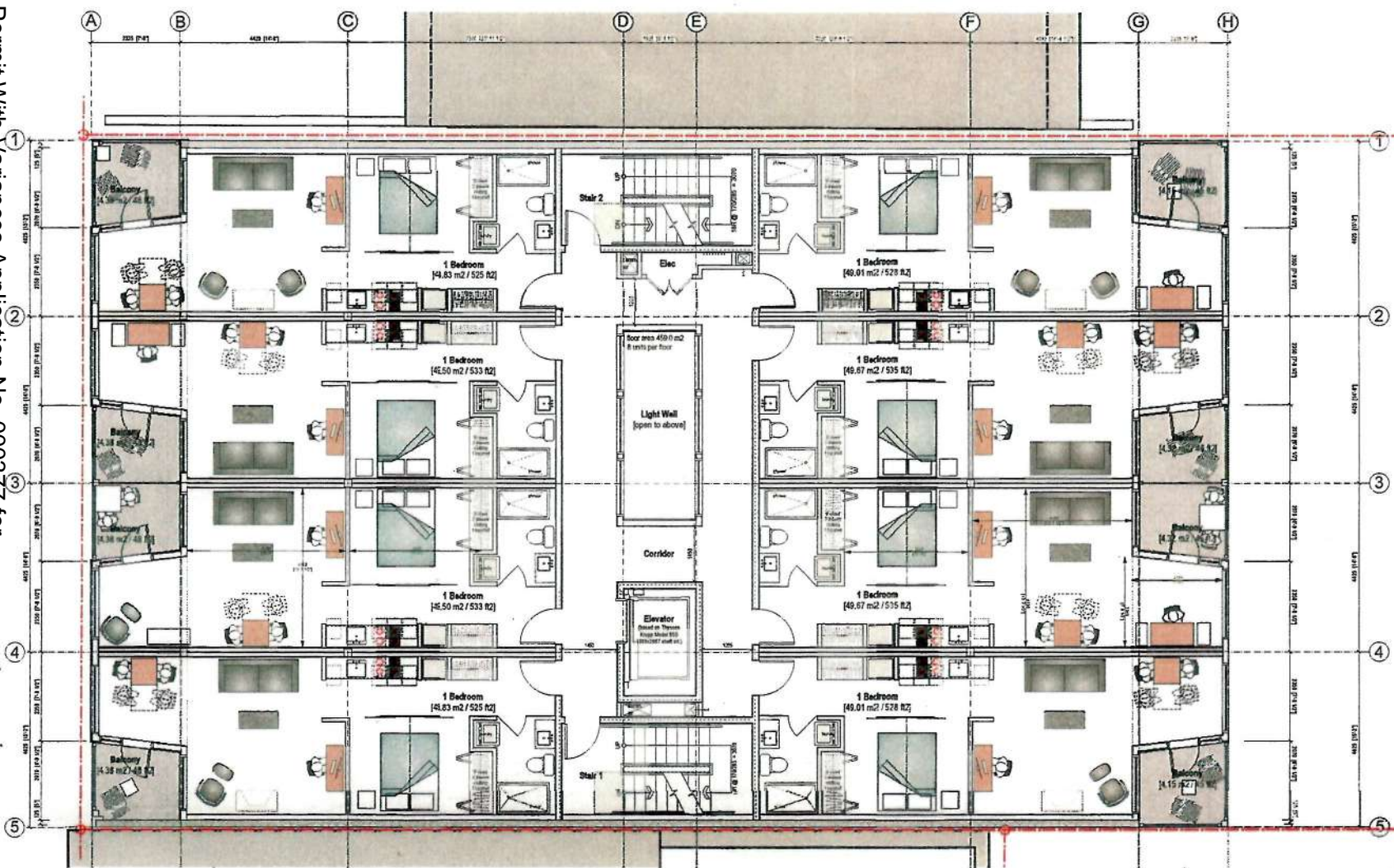
Hill architecture

601 Herald Street, 5 Storeys
The KUNJU Residences
City of Victoria, BC
Planning and Land Use Committee - 23 Jul 2015

1715 Government Street

Ground Floor Plan
P2 | A2





1 Typical 3rd, 4th Floor Plan
A2.3 Scale: 1:50

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City of Victoria

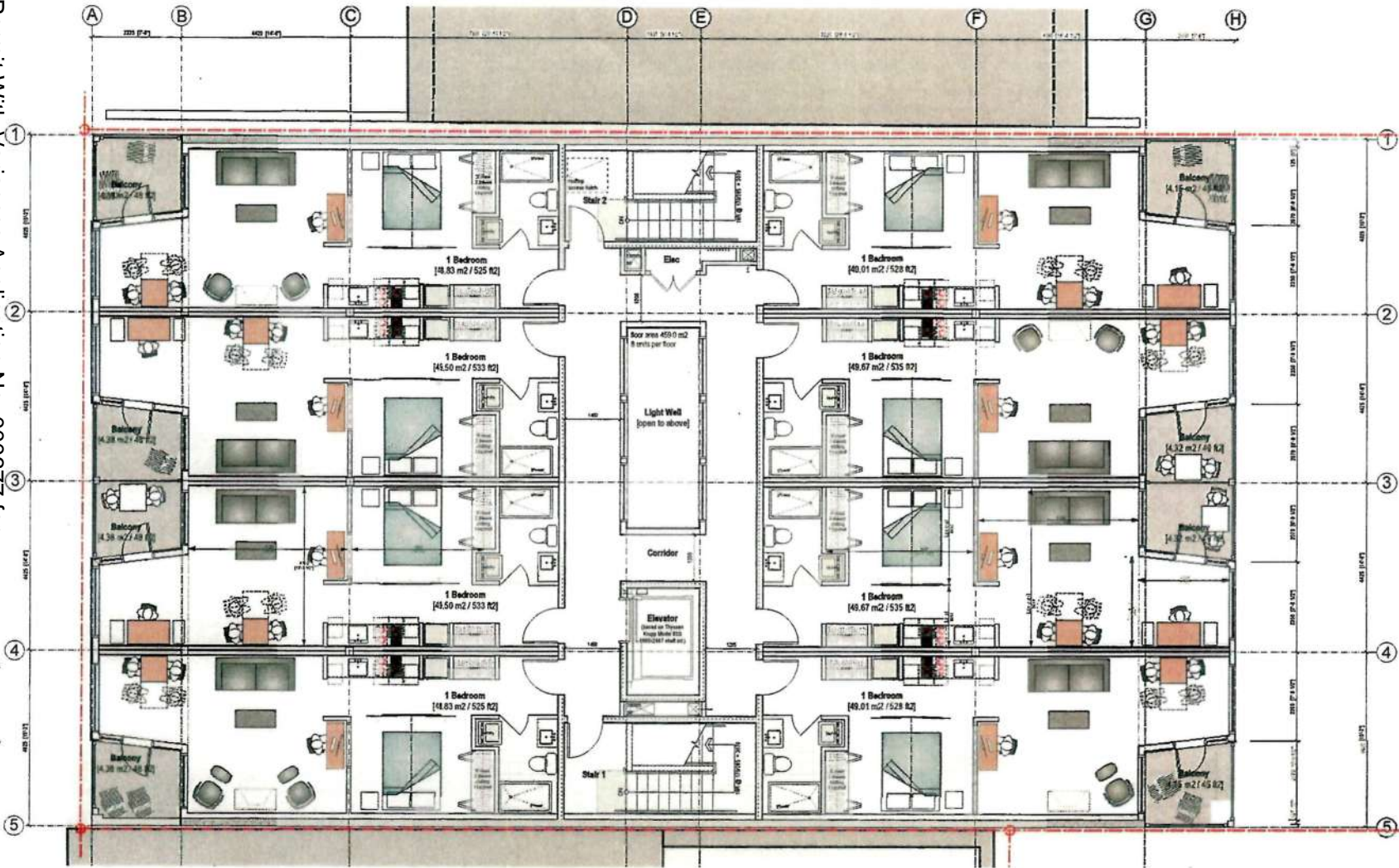
JUN 18 2015

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Development Services Division

KUNJU Residences
Typical 3rd, 4th Floor Plan
R2 A2

23 Jul 2015

The KUNJU Residences
Planning and Land Use Committee - 23 Jul 2015
11011 11th Street, Victoria, BC
KUNJU Residences
11011 11th Street, Victoria, BC
KUNJU Residences
11011 11th Street, Victoria, BC



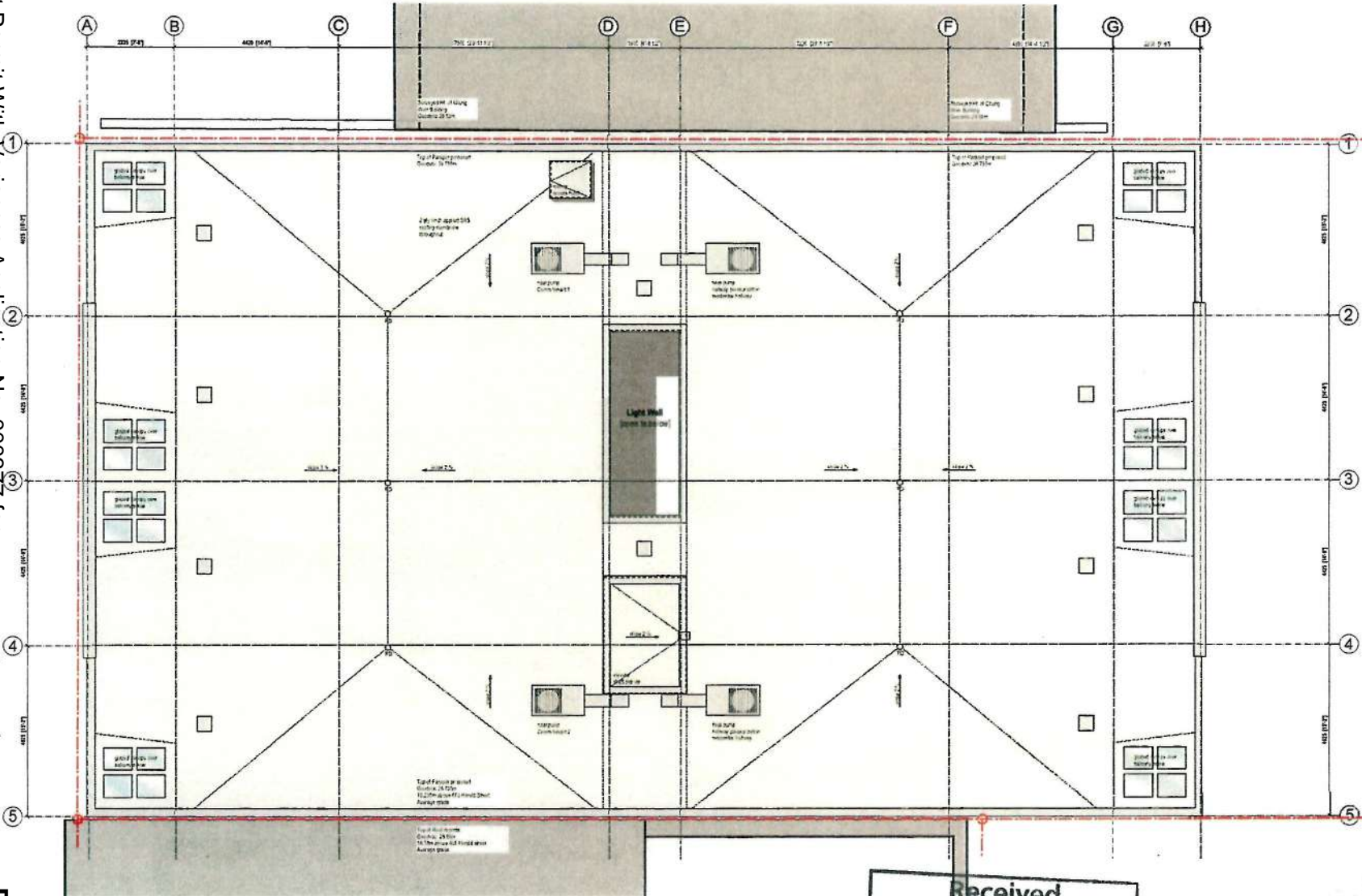
1 Typical 5th Floor Plan
A2.4 Scale: 1:50

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JUN 18 2015
Planning & Development Department
Development Services Division



Hillier
architecture
1000 Oak Bay Avenue
Victoria, BC V8M 1G2
Phone: 250-288-2888
Fax: 250-288-2889

The KUNJU Residences
Planning and Land Use Committee - 23 Jul 2015
5th Floor Plan
R2 A2



1 Roof Plan
A2.5 Scale: 1:50

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Development Services Division

City of Victoria
Planning & Development Department
Development Services Division
KUNJU
Roof Plan
R2 A2
23 Jul 2015

Hill architecture
1111 11th Ave. S.W.
Vancouver, BC V6Z 1G5
Phone: 604.278.7888
Fax: 604.278.7889

The KUNJU Residences
3150 BROADVIEW AVE. S.W. VICTORIA, BC
Planning and Land Use Committee - 23 Jul 2015



Note: This sheet shows artistic renderings only. For dimensioned elevations, and their relationship to neighboring buildings see elevation sheets A3.1 - A3.3





Exterior Finishes Legend

List of finishes typical of all elevations

- | | | |
|---|--|--|
| <p>01. Prefinished metal roof flashing, 75 mm vertical line typical - Red</p> <p>02. Prefinished metal roof flashing, 75 mm vertical line typical - Light gray</p> <p>03. Applied clay fired tile red brick veneer over rainscreen</p> <p>04. Applied clay fired tile ebony brick veneer over rainscreen</p> <p>05. Smooth face concrete panels, 15 mm vertical line typical (filled over) & prefinished metal rivets</p> <p>06. a. Bright white colour
b. Red brick colour
c. Graphite colour</p> <p>07. Exposed concrete block & architectural concrete components</p> <p>08. a. Bright white colour
b. Red brick colour
c. Graphite colour</p> | <p>09. Prefinished black metal privacy enclosure framing w/ pickets, installed three sides of enclosed ceiling area - prefinished black metal infill along south property line for new climbing plantings</p> <p>10. Clear anodized aluminum window units on ground floor</p> <p>11. Clear anodized aluminum glazed entry door w/ custom door hardware on ground floor</p> <p>12. Vinyl residential windows & balcony doors w/ glazing panels</p> <p>13. Clear anodized aluminum meshed security door for residential units</p> <p>14. Residential balconies, cementitious wood fascia & has support columns, paint finish</p> <p>15. Prefinished metal post ceiling system w/ decorative wrought iron style pendants</p> <p>16. Projected ground floor entry sunshade w/ red brackets and top flashings, cementitious wood fascia - Graphite colour</p> | <p>17. Prefinished ground floor entry sunshade w/ red brackets and top flashings, cementitious wood fascia - Graphite colour</p> <p>18. Residential unit animated glass canopy concealed below building cornice</p> <p>19. Gal aluminum plate building / tenant signage</p> <p>20. Exterior light fixture (see schedule)</p> |
|---|--|--|

1 Front Streetscape Elevation (North)
A3.1 Scale: 1:50





List of finishes typical of all elevations.

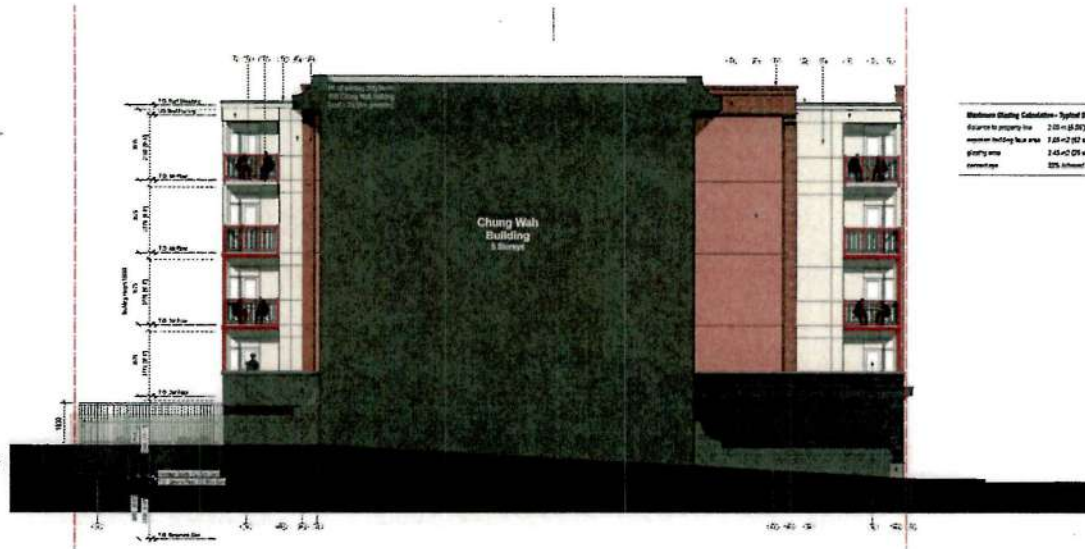
- Planning & Development Department
Development Services Division**

Committee - 23 Jul 2015

Exterior Finishes Legend

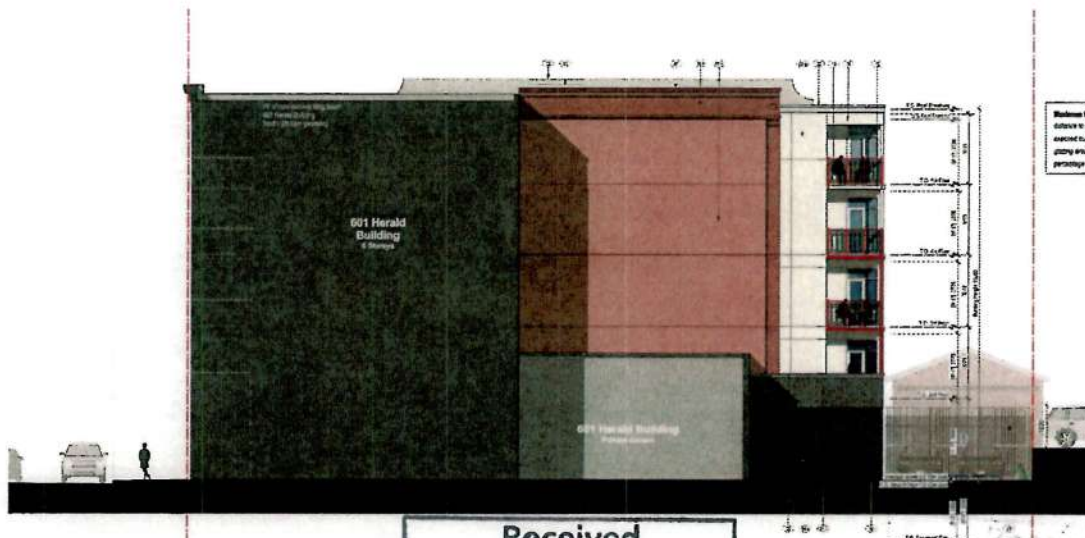
List of finishes typical of elevations

- 01 Prefinished metal roof flashing, 75 mm vertical face typical - Red
- 02 Prefinished metal roof flashing, 75 mm vertical face typical - Light gray
- 03 Applied clay fired thin red brick veneer over rainscreen
- 04 Applied clay fired thin ebony brick veneer over rainscreen
- 05 Smooth fine cementitious panels over exterior-work. Systems (fired over) & prefinished metal panels
 - a. Bright white colour
 - b. Red Brick colour
 - c. Graphite colour
- 06 Exposed concrete block & architectural concrete components, elastomeric paint finish
 - a. Bright white colour
 - b. Red Brick colour
 - c. Graphite colour
- 07 Prefinished black metal security enclosure fencing w/ pickets, installed three sides of residential parking area - prefinished black metal bollards along south property line for new climbing plantings
- 08 Clear anodized aluminum window units on ground floor
- 09 Clear anodized aluminum glazed entry door over custom door hardware on ground floor
- 10 Vinyl residential windows & balcony doors over glazing panels
- 11 Clear anodized aluminum overhead security door for residential units
- 12 Residential balconies, cementitious wood fascia & less support columns, paint finish
- 13 Prefinished metal post railing system over decorative wrought iron style pickets
- 14 Projected ground floor entry canopy over red brackets and top flashing, cementitious wood fascia - Graphite colour
- 15 Residential unit terminated glass canopy cementitious behind building corner
- 16 Gal aluminum slate building / tenant signage
- 17 Exterior light fixture (see electrical)



1 Side Elevation (East)
A3.3 Scale: 1:100

Maximum Stacking Calculation - Typical Deck	
Distance to property line	2.00 m (6.56')
Maximum building face area	7.00 m ² (75.00')
Plotting area	2.40 m ² (25.80')
Percentage	34% (allowed 75%)



2 Side Elevation (West)
A3.3 Scale: 1:100

Maximum Stacking Calculation - Typical Deck	
Distance to property line	2.00 m (6.56')
Maximum building face area	7.00 m ² (75.00')
Plotting area	2.40 m ² (25.80')
Percentage	34% (allowed 75%)

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City of Victoria

JUN 18 2015

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Development Services Division

The KUNJU Residences
113 Herald Street, City of Victoria, BC

Committee - 23 Jul 2015

Side Elevations

R2



1 Typical operable window package
A3.4 Scale: 1:25



Streetscape Elevation / Comm Tenant 1 2
A3.4 Scale: 1:25

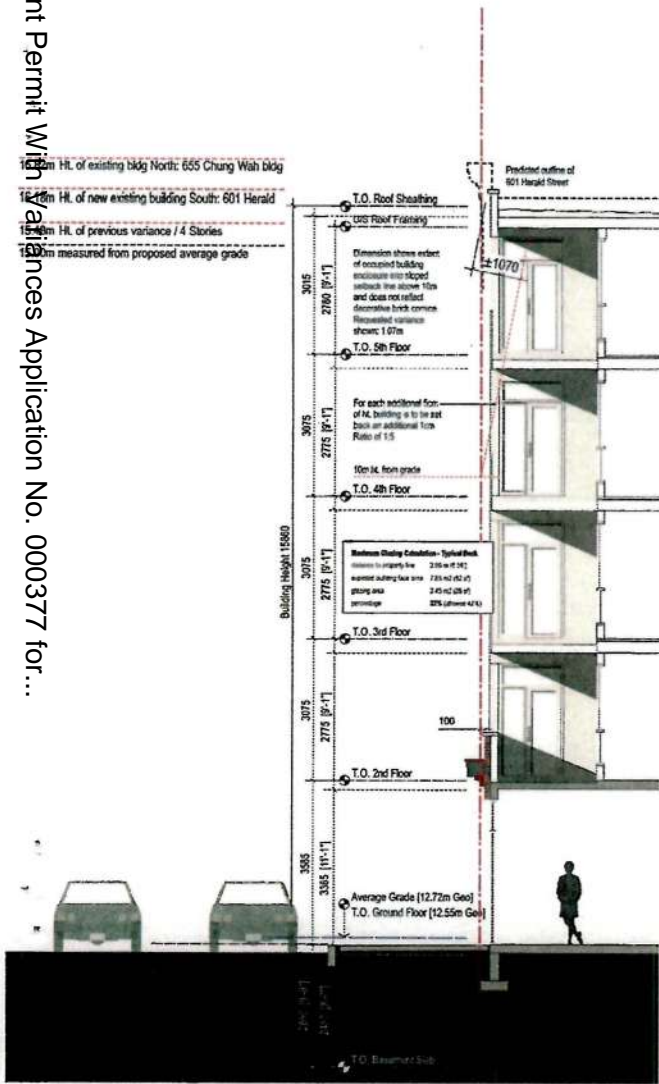


3 Streetscape Elevation / Comm Tenant 2
A3.4 Scale: 1:25

Exterior Finishes Legend

List of finishes typical of all elevations

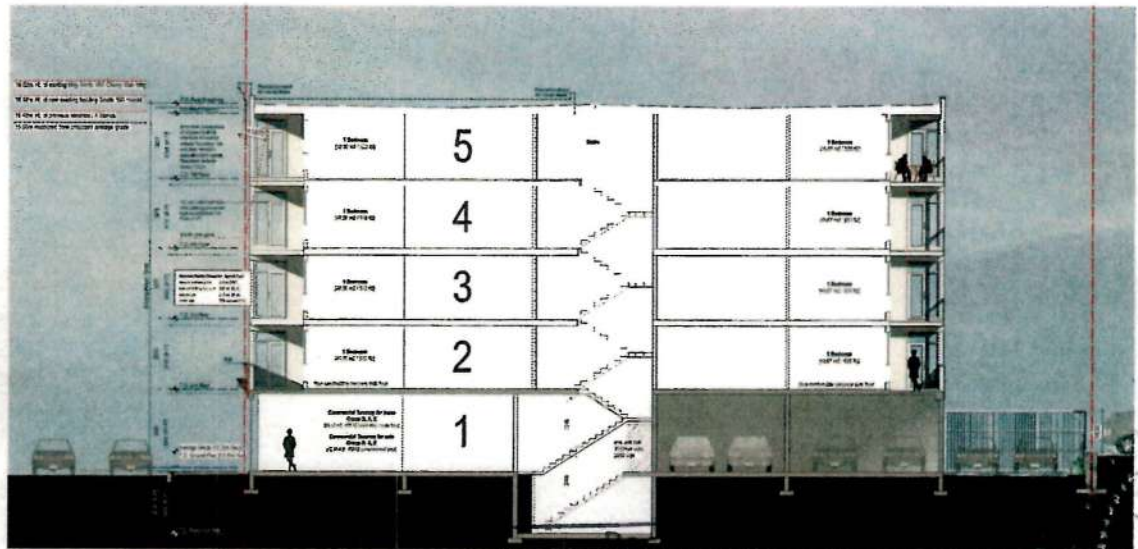
- 01 Prefinished metal roof flashing, 75 mm vertical face typical - Red
- 02 Prefinished metal roof flashing, 75 mm vertical face typical - Light gray
- 03 Applied clay fired thin red brick veneer over rainscreen
- 04 Applied clay fired thin red brick veneer over rainscreen
- 05 Smooth face concrete panels (for concrete-work features (fired over) & prefinished metal reveals)
 - a. Bright white colour
 - b. Red brick colour
 - c. Gray/ble color
- 06 Encaustic concrete block & architectural concrete components, encaustic paint finish
 - a. Bright white colour
 - b. Red brick colour
 - c. Granite color
- 07 Prefinished black metal security enclosure fencing w/ pickets, installed three sides of residential parking area - prefinished black metal infill along south property line for new climbing plantings
- 08 Clear anodized aluminum window units on ground floor
- 09 Clear anodized aluminum glazed entry door w/ custom door hardware on ground floor
- 10 Vinyl residential windows & balcony doors w/ glazing panels
- 11 Clear anodized aluminum overhead security door for residential units
- 12 Residential balconies, commercial wood fence & has support columns, paint finish
- 13 Prefinished metal post railing system w/ decorative wrought iron style pickets
- 14 Projected ground floor entry canopy w/ red brackets and top flashing, commercial wood fence - Granite color
- 15 Residential unit terminated glass canopy w/ concealed behind building cornice
- 16 Cut aluminum plate building / tenant signage
- 17 Exterior light fixture (see electrical)



3 Building Section
A4.1 Scale: 1:50



1 Longitudinal Building Section
A4.1 Scale: 1:100



2 Longitudinal Building Section
A4.1 Scale: 1:100

The KUNJU Residences
119 Herald Street, City of Victoria, BC

Planning & Development Committee - 23 Jul 2015

City of Victoria

JUN 18 2015

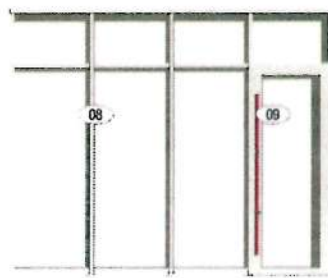
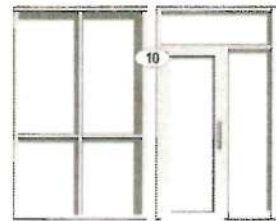
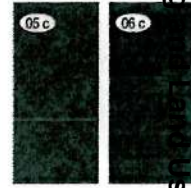
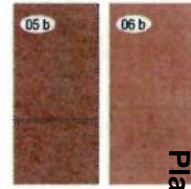
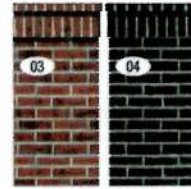
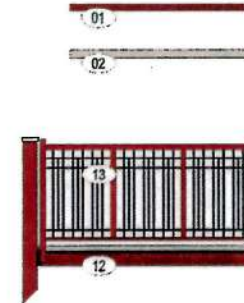
Planning & Development Department
Development Services Division

The KUNJU Residences
Building Sections
R2 A4



Colour And Materials Palette

- 01 Prefinished metal roof flashing, 75 mm vertical face typical - Red
- 02 Prefinished metal roof flashing, 75 mm vertical face typical - Light gray
- 03 Applied clay fired thin red brick veneer over rainscreen
- 04 Applied clay fired thin ebony brick veneer over rainscreen
- 05 Smooth face cementitious panels c/w counter-sunk fasteners (filled over) & prefinished metal reveals
 - a. Bright white colour
 - b. Red Brick colour
 - c. Graphite colour
- 06 Exposed concrete block & architectural concrete components, elastomeric paint finish
 - a. Bright white colour
 - b. Red Brick colour
 - c. Graphite colour
- 07 Prefinished black metal security enclosure fencing w/ pickets, installed three sides of residential parking area - prefinished black metal trellise along south property line for new climbing plantings
- 08 Clear anodized aluminum window units on ground floor
- 09 Clear anodized aluminum glazed entry door c/w custom door hardware on ground floor
- 10 Vinyl residential windows & balcony doors c/w glazing panels
- 11 Clear anodized aluminum overhead security door for residential units
- 12 Residential balconies, cementitious wood fascia & hss support columns, paint finish
- 13 Prefinished metal post railing system c/w decorative wrought iron style pickets
- 14 Projected ground floor entry sunshade c/w red brackets and top flashings, cementitious wood fascia - Graphite colour
- 15 Residential unit laminated glass canopy concealed behind building cornice
- 16 Cut aluminum plate building / tenant signage
- 17 Exterior light fixture (see electrical)



The KUNJU Residences

613 Herald Street, City of Victoria, BC

JUN 16 2015

Planning & Development Department
Developer Services Division



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Ms Charlotte Wain, Planner
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

July 8, 2015

Re: 613 Herald Street

Dear Ms Wain,

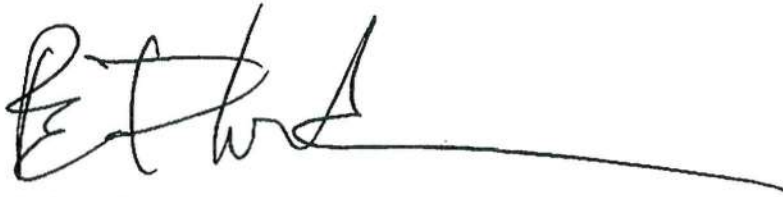
The Land Use Committee has reviewed the latest Drawings for the proposed development by Magellan Properties at 613 Herald Street and has found the proposal has undergone only minor amendments since our letter of March 19, 2015. We will reiterate our unaddressed concerns from our previous letter.

- The original design by D'Ambrosio Architecture was abandoned more than a year ago due to cost considerations. On 1 August 2014 we commented on the then current version and registered our disappointment that it did not retain the form and character of the façade from the D'Ambrosio design, and the current version has not materially improved.
- In fact, the March 2015 proposal (unchanged in the current version) is significantly worse than the August 2014 version as the cladding material has been downgraded from panelized float finish acrylic stucco to painted concrete block on the building sides and Fibre Cement Board on the front and rear facades. These material substitutions make up most of the exposed surface area of the building with large areas of exposed concrete block facing neighbouring residential units to the west and a large area clearly visible from the street to the east. The LUC's position on the use of such materials in "Old Town" is well known. They are simply not acceptable.
- The Brick lintel feature has been moved up an additional storey however it remains a sparse application of the only desirable cladding material proposed.
- The "green wall" adjacent to 601 Herald promised in the D'Ambrosio design has not been included in the Hillel version but if utilized might compensate for the exposed concrete block.

- Members are still concerned that the parking entry is unnecessarily wide to accommodate the parking access drive for just 12 vehicle spaces. It is understood that for up to 10 car spaces the access lane can be reduced to approximately 3.0m. Vehicle movements in downtown residential buildings that do not accommodate commercial parking are extremely limited. Members with experience in traffic engineering comment that it is quite defensible for this particular category of parking (residential) on a case by case basis to have an access drive as narrow as 3.0 m if movements are below 30 (in and out) per peak hour and the length of drive is under 30m. In this case there would likely be perhaps 6 movements in peak hours so there is no rationale for the proposed entry width which degrades the building ambience at street level.

The DRA cannot support this proposal unless the cladding materials are upgraded at least to the level of August 2014. It would help to mitigate the concrete block surfaces with an appropriate green wall. While we generally support increasing residential units in the Chinatown district, as it stands, this project is not appropriate for this important heritage area. We hope that this proposal is turned down.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Florida', followed by a long horizontal line extending to the right.

Robert Florida
Land Use Committee
Downtown Residents Association



Subject site
viewed from Fisgard Street

Adjacent Buildings



655 Herald Street



601 Herald Street

Context



610 Herald Street (opposite)

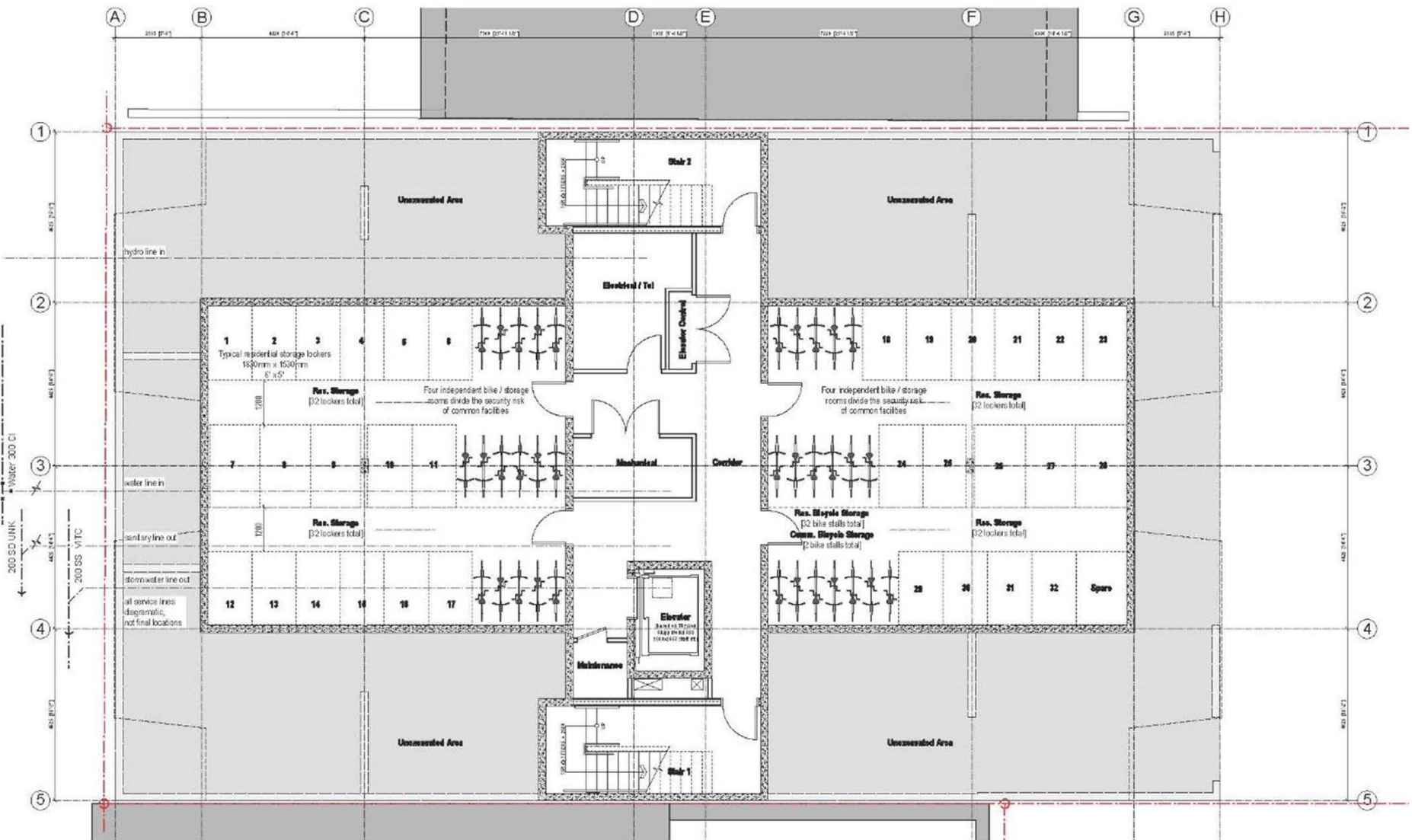


618 Fisgard Street (rear)

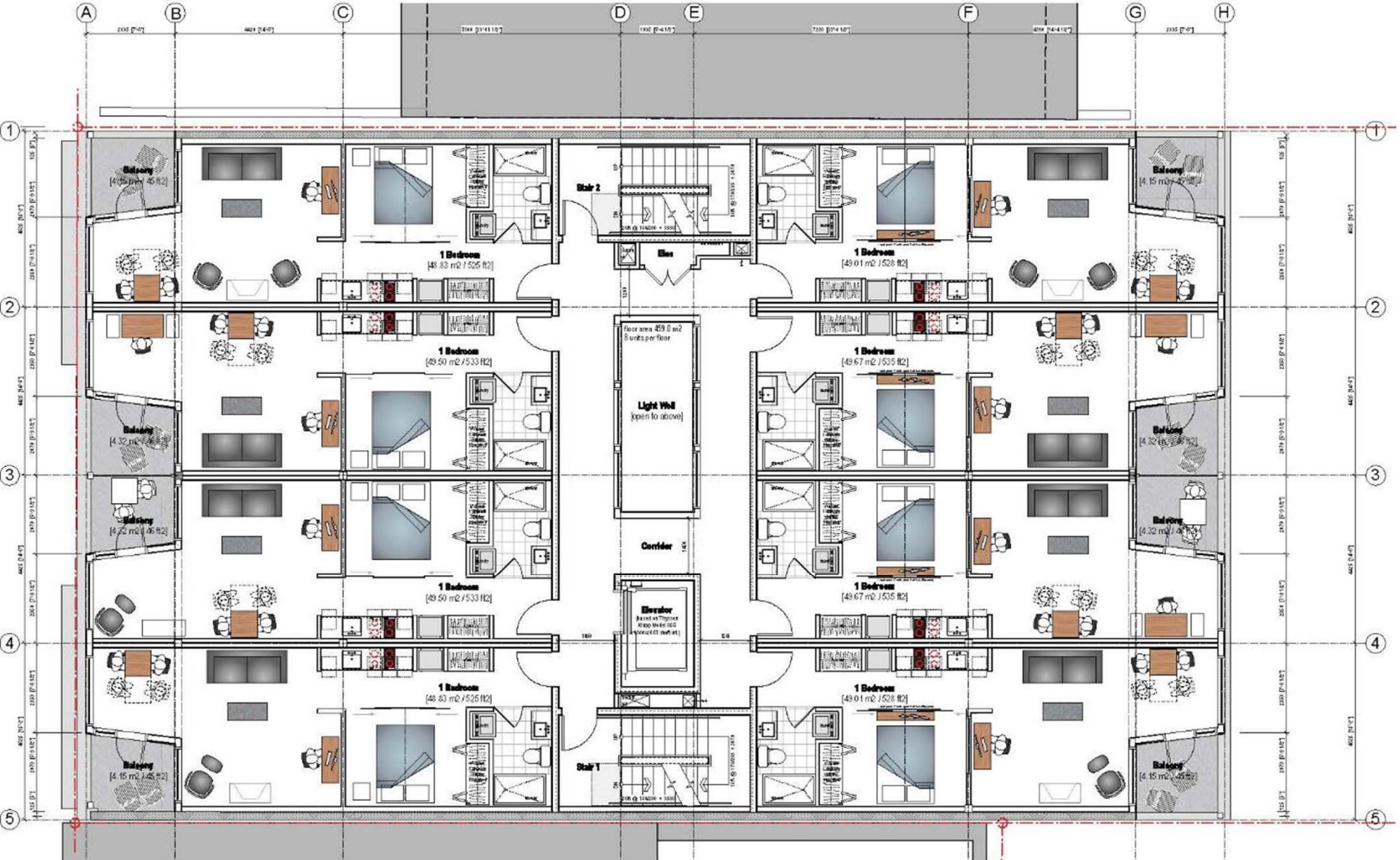
AVERAGE GRADE CALCULATION

[illegible]

10	tumbled edge unit pavers, vehicle area
12	concrete paving, vehicle area
42	exposed aggregate concrete paving, sidewalk
100	sewer Chienston pattern sidewalk treatment
10	border of low bush berry and climbing plantings along south property line
100	improved concrete municipal sidewalk repair at existing site vehicle entry; minor repairs to outdoor access dimensions and materials at all of entrances
40	parking area close 2' accessible by the strong / footcure / protected from weather in covered parking area, accessible to public during business hours



Basement Plan



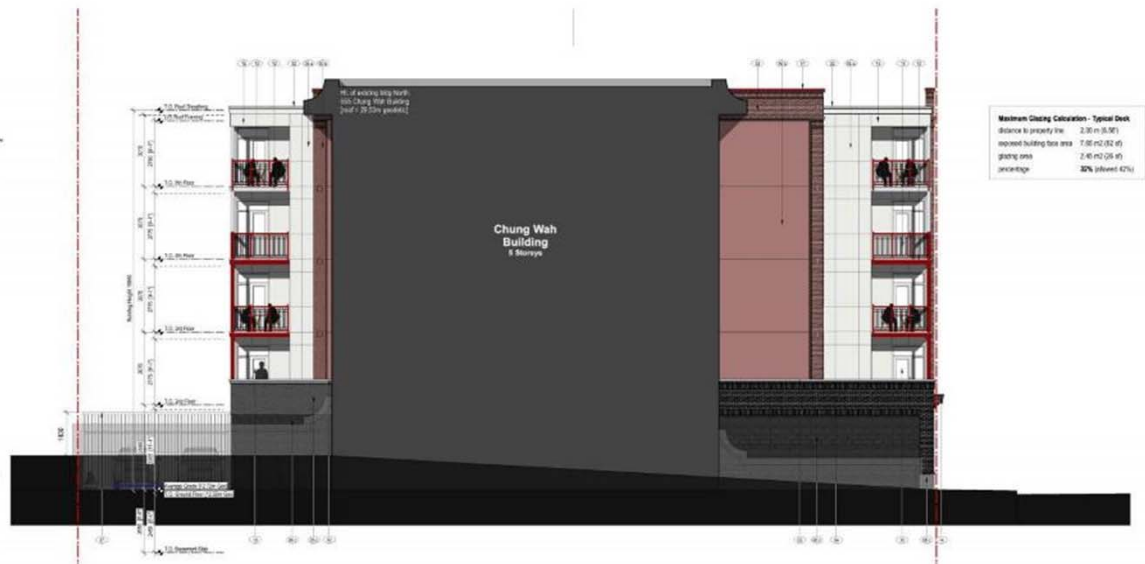
Typical Floor Plan



Front Elevation (north)



Rear Elevation (south)

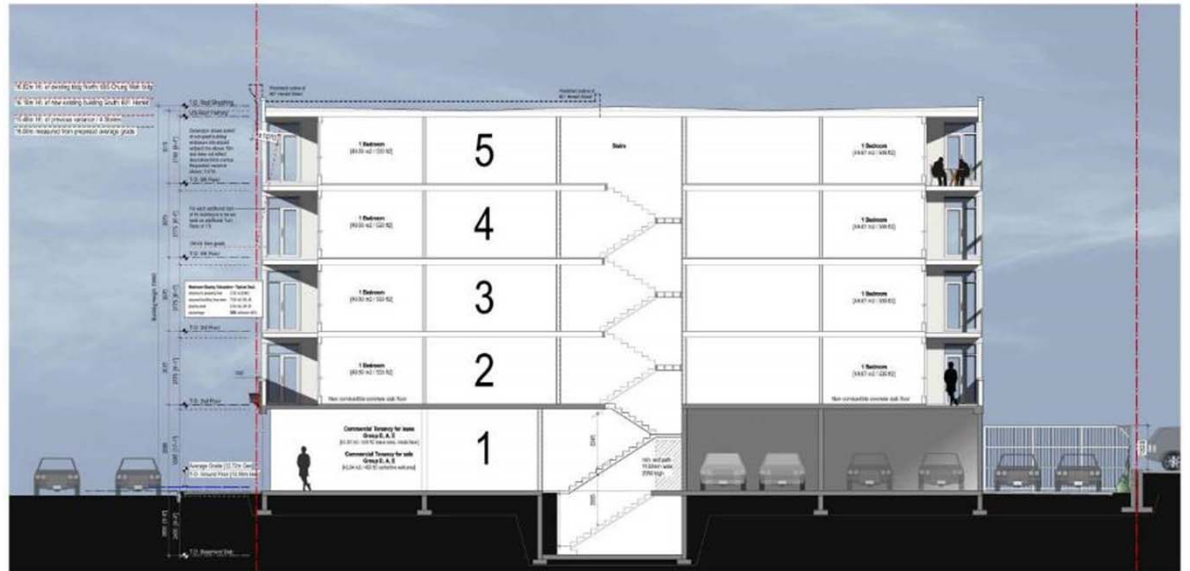
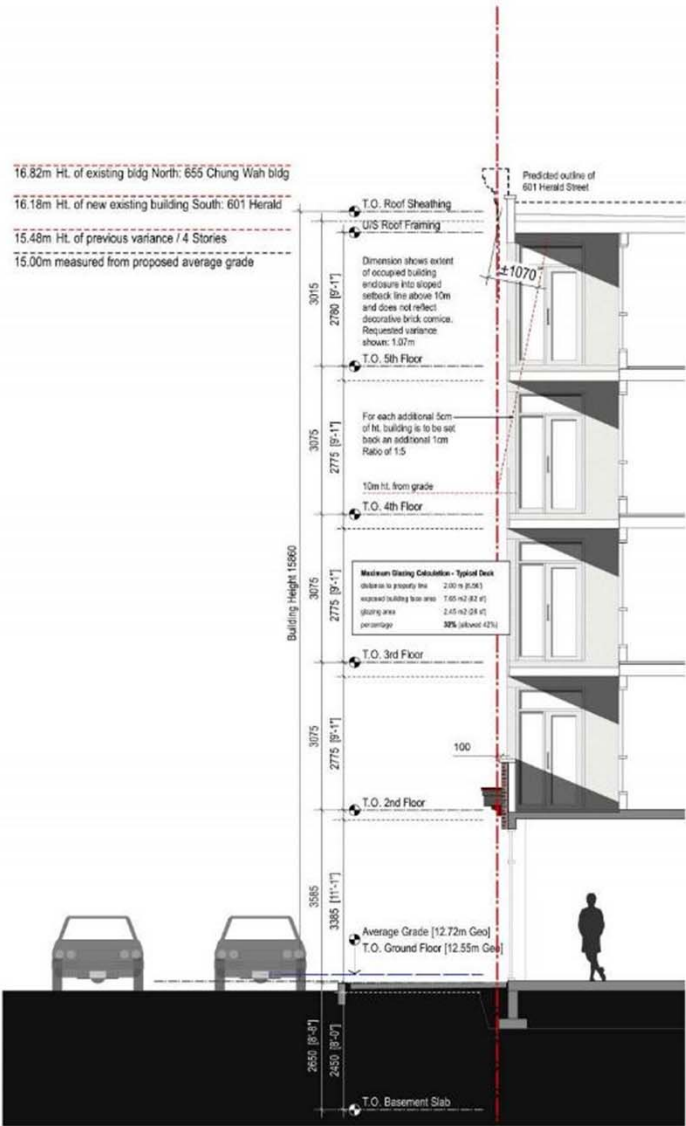


Elevation (east)

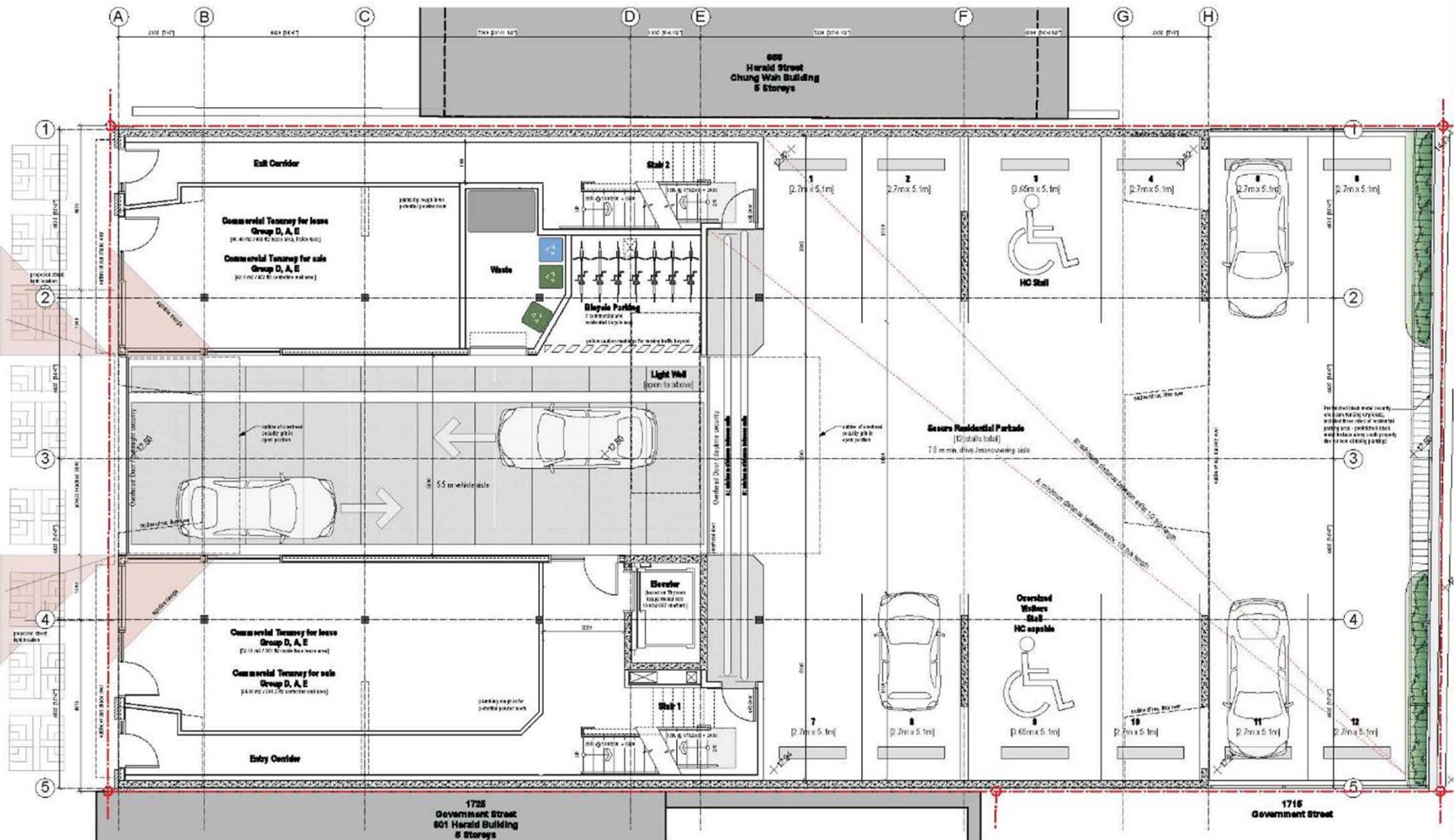


Elevation (west)

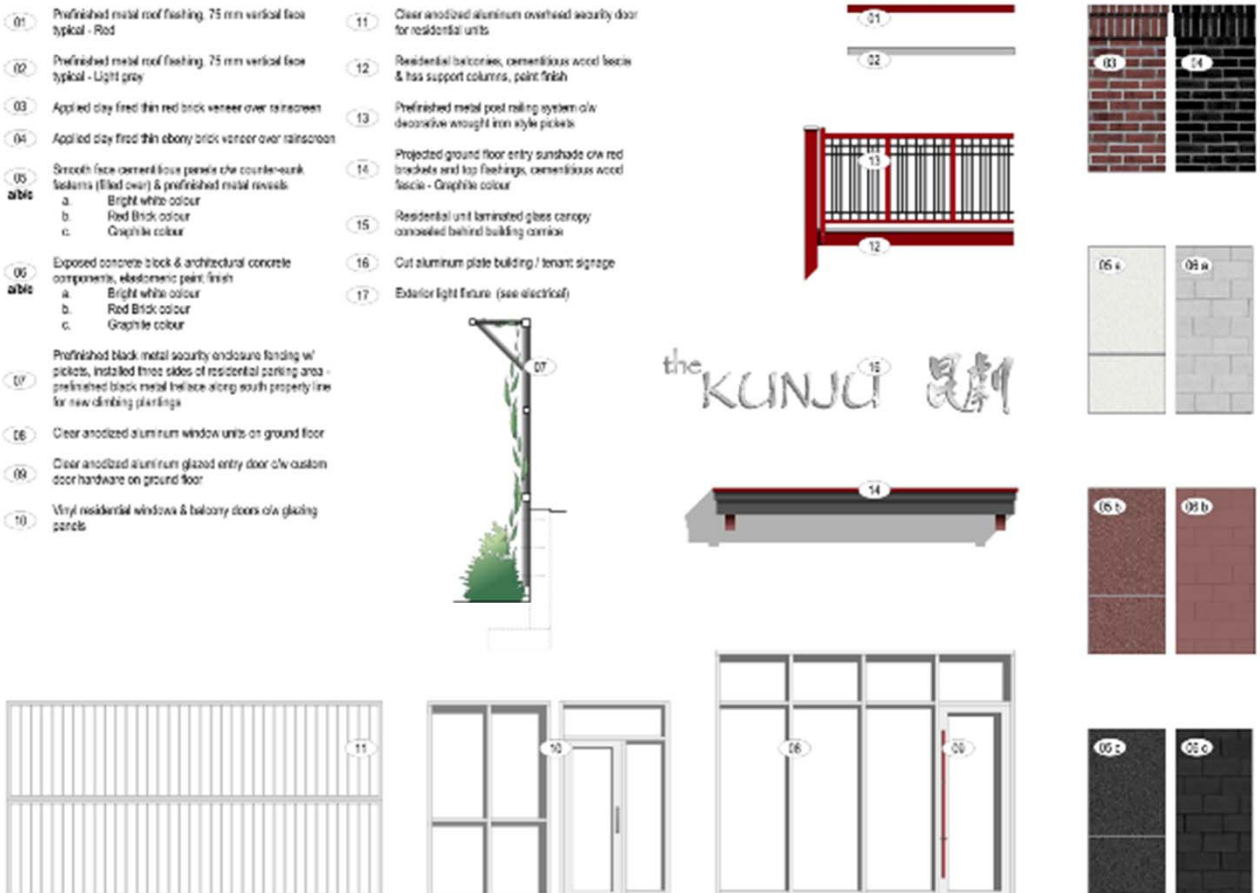
16.82m Ht. of existing bldg North: 655 Chung Wah bldg
 16.18m Ht. of new existing building South: 601 Herald
 15.48m Ht. of previous variance / 4 Stories
 15.00m measured from proposed average grade



Sections



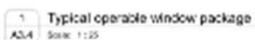
Parking Layout



Materials









Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Adrian Brett, Heritage Planner, Community Planning
Subject: Mandatory Seismic Upgrading Bylaw

RECOMMENDATION

That Council consider engaging with the Union of British Columbia Municipalities (UBCM) to advocate to the Provincial Government for the following:

1. Provincial policy changes that would support mandatory seismic upgrading of existing buildings within earthquake-prone regions.
2. Examination of policy impacts to ensure mandatory upgrade regulations do not create an excessive financial disincentive for property-owners to upgrade heritage and unreinforced structures.

EXECUTIVE SUMMARY

Municipal mandatory seismic upgrading bylaws have been in place for buildings vulnerable to earthquake damage for several decades in American cities along the Pacific coast. Currently, such regulations do not exist in any municipality within British Columbia or Canada. This report highlights the use of mandatory seismic upgrading bylaws in a few major American coastal cities. It also examines the legal authority and capacity of municipalities in British Columbia, such as the City of Victoria, to enact similar regulations.

At this time, the exact quantity of buildings within Victoria vulnerable to seismic damage is unknown. The city does contain a substantial stock of heritage and unreinforced masonry type buildings, which do pose a significant risk to life safety in the event of an earthquake. Advocating for mandatory seismic upgrading powers from the Government of British Columbia is the only course of action that would guarantee lasting municipal authority to maintain the City's building stock to a certain level of seismic resistance. However, it should be noted that mandatory seismic upgrading bylaws may also create a major disincentive for property owners to redevelop heritage and other unreinforced structures.

Under the current provisions of the *Community Charter*, the City of Victoria does have the authority to enact a mandatory seismic upgrade bylaw. However, this power will be shortly nullified by the newly created *British Columbia Building Act*, which will come into effect in 2017. This short timeline is too restrictive and it would be impractical to expect property-owners to seismically upgrade in less than two years.

In the meantime, the City can continue with providing incentives for the seismic upgrading of heritage buildings through the City's Tax Incentive Program and the Victoria Civic Heritage Trust's Parapet Improvement Program. Further, the Downtown Heritage Buildings Seismic Upgrade Fund that was created as part of the Downtown Core Area bonus density system can be used in future to supplement other financial incentives for seismic upgrading of remaining heritage buildings once sufficient funds have accrued.

PURPOSE

This report investigates the City's authority to require property owners to seismically upgrade their built structures. This is in response to the City's Strategic Plan, 2015-2018, within which Council identified a specific 2015 action under Objective 12: Plan for Emergencies Including Climate Change, Short and Long Term, as follows:

Explore potential for City to require upgrades to heritage buildings for seismic protection even where use is not changed, combined with subsidy program.

With respect to timing, the City of Victoria Operational Plan identified that the above action would be reported to Council in July 2015.

BACKGROUND

Mandatory seismic upgrading bylaws are without precedent in British Columbia or the rest of Canada. However, they have been enacted or proposed by several municipalities in the United States, including Los Angeles, San Francisco, and Seattle. This report will highlight some relevant examples of mandatory seismic upgrading bylaws from cities along the Pacific coast of the United States. It will also provide a recommendation on a path of action Council may wish to explore for enacting similar bylaws within the limitations of municipal legislative authority in the Province of British Columbia.

It was not until the mid-1980's that modern science was able to clearly articulate the magnitude of risk for a significant seismic event within the Cascadia Subduction Zone (CSZ). The CSZ is home to many major cities along the Pacific Northwest coast of North America, including Victoria, Vancouver, Seattle and Portland. Current seismology studies estimate the risk of a major earthquake, approximately 9.0 magnitude or higher, at a 10-15% chance of occurrence within the next 50 years.

The British Columbia Building Code (BCBC) has contained seismic strengthening requirements since the 1950's. Since then, knowledge of our region's heightened seismic risk has grown and consequently the BCBC has evolved to include even more seismic enhancements over time. Unfortunately, much of the City of Victoria's building stock, especially construction prior to 1980, is not well prepared for a major earthquake. At present, the quantity of seismically vulnerable buildings within the city is unknown. However, previous earthquake preparedness studies have identified several significantly vulnerable areas of the city. In particular, areas containing large quantities of unreinforced masonry (URM) type buildings and timber frame construction are at a high risk of significant earthquake damage.

Currently, the BCBC requires property owners only to seismically upgrade upon the occurrence of a change of use or occupancy for their building(s). However, there is no existing legal requirement today that obligates owners of seismically vulnerable buildings to shore up their properties. Hence, many unreinforced buildings continue to exist in our city and pose a potential threat to life safety in the event of a major earthquake.

The City of Victoria also provides a property tax exemption incentive program to encourage property owners to seismically upgrade. It should be noted that this tax exemption program does not result in any revenue loss to the City. For every heritage building granted a tax exemption for seismic upgrading, all other properties across the city, within the same tax category, are marginally increased to compensate for the lost revenue to the City. The tax exemption program has proven to be a very successful vehicle for attracting private investment in heritage properties within Victoria. According to the Victoria Civic Heritage Trust Annual report for 2014, the program has attracted a total of \$222.27 million in private investment in heritage buildings since its launch in 1998.

Mandatory seismic upgrading bylaws for the City of Victoria would impact all property owners and obligate owners of vulnerable properties to upgrade within a strict timeline or face penalties. This report will highlight examples of seismic upgrading bylaws enacted by major cities along the Pacific coast of the United States. It will also examine the legislative framework of British Columbia and the associated legal limitations of the City's authority to enact a similar mandatory seismic upgrading bylaw.

Examples of Similar Bylaws in the United States

Los Angeles

The City of Los Angeles enacted Division 88, a series of mandatory seismic upgrading bylaws for all unreinforced masonry (URM) buildings within its jurisdiction in 1981. The bylaw stratified buildings into high and low risk categories. High risk buildings required full compliance with the seismic requirements within 3 years; low risk buildings required full compliance within 7 years. While ultimately quite effective, the bylaw was fiercely contested and was debated by consecutive City Councils for over eight years (1973-1981).

With regards to the compliance rate of the program, the California Seismic Safety Commission (CSSC) provided the following figures in 2006.

Total Unreinforced Masonry Bldgs.	Heritage Unreinforced Masonry Bldgs.	% Strengthened	% Demolished	% Non-Compliant
9211	255	67%	21%	12%

San Francisco

The City of San Francisco passed bylaw 225-92 in 1992 which mandated seismic upgrades for approximately 2000 buildings. Similar to Los Angeles, timelines for compliance were shorter for high risk buildings than low risk buildings.

With regards to the compliance rate of the program, the California Seismic Safety Commission (CSSC) provided the following figures in 2006.

Total Unreinforced Masonry Bldgs.	Heritage Unreinforced Masonry Bldgs.	% Strengthened	% Demolished	% Non-Compliant
1976	516	78%	8%	14%

Also, as of 2013, the City of San Francisco enacted an additional mandatory upgrading bylaw called The Mandatory Soft Story Retrofit Program (MSSP). The bylaw applies to wood-frame buildings of three or more storeys over a basement, containing five or more residential dwelling units and where the permit to construct was applied for prior to January 1, 1978.

Property owners can face stiff financial penalties for non-compliance. In addition, if property owners do not comply, the City may post on the building, and record against the property, a notice that states: "Earthquake Warning: This building is in violation of the requirements of the San Francisco Building Code regarding Earthquake Safety."

Seattle

Recognizing the risks associated with unreinforced buildings, the City of Seattle passed bylaws requiring seismic upgrading of all unreinforced masonry buildings in 1973; however, the bylaws were repealed a couple of years later due to public opposition and administrative difficulties.

More recently, however, Seattle City Council has decided to move forward again on re-enacting mandatory seismic upgrading bylaws. A recent seismic risk survey completed by the City of Seattle in 2012 identified over 1200 buildings that were at a high risk of damage. The proposed bylaw, once passed, would require high risk buildings to comply with modern code standards within 10 years and medium-low risk buildings to comply within 13 years. Penalties for non-compliance are similar to those in San Francisco; they include public posting of non-compliance on the property, a freeze on any new permits, and quarterly fines of up to \$45,000.

Analysis of Municipal Legislative Authority in British Columbia

In regards to obligating property owners within the City of Victoria to upgrade their older buildings to meet the current seismic requirements of the Building Code of British Columbia, the Building Code itself does not apply retrospectively to older buildings unless a change in use or occupancy or a repair or renovation triggers a requirement for compliance. Under Part 1 of the *Community Charter*, the power to regulate, prohibit and impose requirements in relation to buildings and other structures is worded in broad terms; however, any bylaw created by the City of Victoria that would establish standards that are additional to those set out in the BC Building Code would likely require ministerial approval.

The provincial interest in uniformity of building standards has been reinforced by the creation of the new *Building Act*, which is not yet in force. Under the *Building Act*, a "local building requirement" will have no effect to the extent that it relates to a matter subject to a requirement of the BC Building Code for a municipality or specified area. The *Building Act* defines a "local building requirement" very broadly as meaning a requirement in respect of building activities that is enacted by a local authority. This provision of the *Building Act* is stated to apply "despite" the *Community Charter*. In other words, and in contrast to the situation under the *Community Charter*, there would be no opportunity to circumvent the provincial restrictions or a provincial approval requirement even if the bylaw could be supported by another regulatory power, which section 9 of the *Charter* does allow at present.

The *Building Act* includes a transitional provision that states this section of the *Building Act* concerning local building requirements does not apply until 2 years after it comes into force, which is presumably to allow municipalities a period of time to either amend their bylaws or to make requests to the Province for more powers. During this transitional period, the City could make a request to the Minister to include provisions within the *Building Act* to allow for additional

powers regarding seismic compliance within the local authority of the City of Victoria. This opens up the potential for location (municipality) specific regulations, something the City may wish to explore, but it is of course difficult to predict how the Province would respond.

It should be noted that this report is limited to examining the legislative authority of the City to enact a mandatory seismic upgrading bylaw. The full financial and economic implication of such a regulation, both on the City and on affected property owners is unknown at this time. However, it can be assumed that a location (municipality) specific regulation for mandatory upgrades within the *Building Act* would put Victoria at a comparative disadvantage and potentially push developers to other BC municipalities without such regulations. In order to ensure such a regulation does not create a major disincentive for the redevelopment of heritage and other unreinforced buildings within Victoria, the City should work with the Union of British Columbia Municipalities (UBCM) to lobby for a mandatory seismic upgrading regulation that applies province wide; this will level the playing field across all municipalities within the earthquake prone region of BC. Also, in order to ensure these regulations do not create such a financial burden as to cause a major private-investment shift away from the redevelopment of heritage buildings, the Province should explore creating funding incentives and/or awards in tandem with the mandatory upgrade regulations.

OPTIONS AND IMPACTS

Option 1 – Work with the UBCM to Petition the Provincial Government for additional powers to enact mandatory seismic upgrade regulations (Recommended)

Council may choose to engage with the UBCM to lobby the province for additional powers for mandatory seismic upgrading for all British Columbian local governments. Such regulations should also be accompanied by a Provincial funding or cost-sharing program to ensure no major financial disincentive is created for the upgrading of heritage and other unreinforced buildings.

The impact of this course of action would be uncertain. Should such powers be granted by the Province, British Columbia would be setting a national precedent as the first Canadian jurisdiction to require mandatory seismic upgrades.

Option 2 - Enact Mandatory Seismic Upgrading Bylaw without Ministerial Approval

Council may choose to enact a new mandatory seismic upgrading bylaw before the *Building Act* comes into effect. This bylaw may be contested and may not receive later ministerial approval; however, there is sufficient regulatory power granted to BC municipalities by the *Community Charter* to allow for the creation of such a bylaw before the *Building Act* comes into force.

In effect, this bylaw would likely have little to no practical impact on improving the number of seismically reinforced buildings within the City of Victoria. Within two years, the bylaw could be nullified by the *Building Act* and two years is a very restrictive time period within which to require affected property owners to seismically strengthen their buildings.

Option 3 - Continue with Status Quo

At present, seismic upgrading is only triggered by a change in use or occupancy or a major repair or renovation. The City of Victoria currently utilizes a property tax exemption program as incentive for heritage buildings, which are usually of an unreinforced masonry type construction, to seismically upgrade. The City also currently operates a Downtown Heritage Buildings

Seismic Upgrade Fund, which is financed by a percentage of bonus density contributions from within the Downtown Core Area. Currently, this fund has accrued approximate \$19,000; no monies have yet been awarded to candidate properties from this fund since its commencement.

The major impact of this course of action would be that many unreinforced buildings would continue to exist within the city and continue to pose a threat to life safety in the event of a major earthquake. At this time, the quantity of seismically vulnerable buildings within the city is unknown, so the risk of not taking any action on mandating upgrades is also unknown.

CONCLUSIONS

Engaging the UBCM to petition the Provincial Government for additional powers to enact mandatory seismic upgrading bylaws is the only course of action that would enable the City of Victoria to mandate a significant increase in seismic upgrades within the near future. Although it is unknown at this time if the Province would grant such powers to local governments, this is the only option that would guarantee lasting municipal authority to maintain the City's building stock to a certain level of seismic resistance. Also, in order to ensure such regulations do not create an undue financial burden on the development industry and cause a major shift away from the redevelopment of heritage buildings in general, the Province should consider creating funding incentives and/or awards in tandem with the upgrade regulations.

In the meantime, the City can continue with providing incentives for the seismic upgrading of heritage buildings through the City's Tax Incentive Program and Parapet Improvement Program, and supplement these with further grants from the Downtown Heritage Buildings Seismic Upgrade Fund once sufficient funds have accrued.

Respectfully submitted,



Adrian Brett
Heritage Planner, Community Planning



Andrea Hudson
Assistant Director, Community Planning



Jonathan Tinney
Director, Sustainable Planning and Community Development

AB/ljm

W:\Seismic Studies\PLUC Report_Mandatory Upgrades Final draft.doc

Report accepted and recommended by the City Manager:



Jason Johnson

Date: July 17, 2015

Mandatory Seismic Upgrading Bylaws

Planning and Land Use Committee – July 23, 2015



2015-2018 City Strategic Plan Objective

- Council identified a specific 2015 action under Objective 12: Plan for Emergencies Including Climate Change, Short and Long Term, as follows:

“Explore potential for City to require upgrades to heritage buildings for seismic protection even where use is not changed, combined with subsidy program.”

Examples from the United States

- City of Los Angeles
 - In force since 1981
- City of San Francisco
 - In force since 1992
 - Addition mandatory upgrade bylaw enacted in 2013
- City of Seattle
 - Repealed in 1973

Municipal Authority in British Columbia

- *Community Charter*
 - Grants municipal governments authority to regulate building “local building requirements”
- *Building Act – Bill 3*
 - Will eliminate the “concurrent authority” powers under the *Community Charter*
 - Includes a 2-year transitional period

Impacts of Mandatory Upgrades

- Ensure heritage and unreinforced structures are up to code and perform better in case of earthquake
- Potential to create major disincentive for redevelopment of heritage/unreinforced buildings
- Provincial funding or cost-sharing program necessary to reduce financial burden

Recommendation

Engage with the Union of British Columbia Municipalities (UBCM) to advocate to the Provincial Government for the following:

1. Provincial policy changes that would support mandatory seismic upgrading of existing buildings within earthquake-prone regions.
2. Examination of policy impacts to ensure regulations do not create an excessive financial disincentive for property-owners to upgrade heritage and unreinforced structures.



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Rob Woodland, Director, Legislative and Regulatory Services
Subject: Application for a permanent Special Event Area Endorsement for Vancouver Island Brewery
 2330 Government Street, Licence No. 000179

RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Brewery Special Events Area Endorsement for the Brewery License of the **Vancouver Island Brewing Company**, Brewery License No. 300205, located at 2330 Government Street, supports:

1. The application of the **Island Pacific Brewing Company [Vancouver Island Brewery]** to amend its Brewery Licence to add a Brewery Special Events Area Endorsement, with a licensed capacity of 60 and operating hours of 9:00 am to 11:00 pm seven days a week.
2. The Council provides the following comments on the prescribed considerations;
 - (a) The location is within a government light industrial district which permits breweries, restaurants, light industry, accessory retail sales and offices, retail sales of home furnishings and supplies, or sporting goods. There is a small amount of residential use in the immediate vicinity. The Brewery Licence operation is compatible with the neighbouring land uses. The business is located within the Activity Noise District which allows for a higher noise threshold.
 - (b) This request represents the addition of a special event endorsement, which is expected to have minimal impact on the neighbourhood as it does not change operating hours, will be contained within the building and is an extension to services such as tastings and hosting events in the hospitality room that already occur.
 - (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Six responses were received by the City, with five opposed and one in favour.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Vancouver Island Brewing Company in relation to their Brewery License for the premises located at 2330 Government Street, for a permanent change to allow for a Special Events Area Endorsement.

Despite the Brewery Special Events Endorsement, the primary focus of the business will remain manufacturing (brewing). The applicant indicates that they want to make better use of a hospitality area in the business to host community events and be able to offer improved access to familiarize customers with new and existing products. The hours would remain from 9:00 am to 11:00 pm seven days a week, with the proposed special event occupant load being 60 persons.

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Vancouver Island Brewing Company in relation to their Brewery License for the premises located at 2330 Government Street, for a permanent change to allow for a Special Events Area Endorsement.

BACKGROUND

The Vancouver Island Brewery is located at 2330 Government Street. The venue is a brewery, and the hours of operation for the brewery are 9:00 am to 11:00 pm Monday to Sunday. The brewery has been in business at this location for more than thirty years, and manufactures, provides tours, and conducts samplings/tastings under their current licence.

In their attached letter (Appendix A), the applicant has described the full rationale for their request. A map of the subject property and immediate area is also attached to this report (Appendix B).

As a Brewery Special Events Area Endorsement, while the primary focus of the business will remain manufacturing, the applicant has indicated that they want to make better use of a hospitality area in the business to host community events and be able to offer improved access to familiarize customers with new and existing products. The following conditions apply to these types of special events area endorsements, and would apply only to the area designated as special event space:

- Minors would be permitted to be present while liquor is being served if they are accompanied by an adult
- Liquor service would be restricted to beer registered to the licensee; however, there is a policy review underway by the LCLB that may permit other alcoholic beverages to be sold in the future.
- The endorsement would allow the hosting of special events such as weddings, concerts, private parties and promotional events, and
- Food and non-alcoholic beverages must be available at reasonable prices at all times.

Location

Official Community Plan:

- The property is within the Core Employment Urban Place designation in the OCP. This area's land uses include: industrial, light industrial, high technology, marine industrial, research and development, commercial, office and complementary retail.
- The area is covered by Development Permit Area #10B (HC) Rock Bay Heritage, which enables Council to review and approve the exterior design and finish of buildings and other structures as well as landscaping of commercial, industrial and multi-family residential developments.

Downtown Core Area Plan:

- The property is within the Rock Bay District of the DCAP, which supports the redevelopment of the Rock Bay District as an employment focused area that provides a balance of industrial support services, light industrial, high-tech, with an accompanying balance of commercial and limited residential development.

Zoning:

- The property is zoned M-G Zone, Government Light Industrial District
 - Permits breweries, restaurants, light industry, accessory retail sales and offices, retail sales of home furnishing and supplies, or sporting goods
 - Parking (35 spaces) for the brewery and Special Event Area accessory use meet with City's Zoning Regulation Bylaw requirements
- The site falls within the Activity Noise District, which allows for more noise than the 'Intermediate' or 'Quiet' districts.

Neighbourhood Compatibility:

- The building fronts onto Government Street, between Bay Street and Queens Avenue. It includes floor spaces for a number of other businesses. The site is bounded by industrial zones on all sides with the exception of the C1-TD Zone to the north east, across Government Street. Immediately adjacent land uses are:
 - North (611 Bay St): Ocean Concrete's works yard
 - East (across Government St): Residential (102 units) and light industrial/service commercial use
 - West (611 Bay St): Ocean Concrete's works yard
 - South: Parking and vacant land undergoing environmental remediation

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding (1) the potential for noise and (2) impact on the community if the application is approved.

ISSUES & ANALYSIS

This application is being pursued as a permanent change to the operating conditions as the brewery operator would like to host special events for up to 60 people. A letter from the applicant detailing the reasons for the requested change is attached to this report.

The Special Events Area Endorsement to the Brewery licence would allow for special events to occur in a prescribed space within the existing building. These events are an extension to current activities such as tastings and group usage of a hospitality room; however, the endorsement would allow for additional types of events that charge for the beverages and food consumed. It is expected that this endorsement will have little impact on the neighbouring residents and businesses. The operating hours would remain the same.

There are no other liquor primary or brewery establishments within a 50 metre radius of the Vancouver Island Brewery.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. There have been three odour complaints logged with the City, starting in 2004 with the last one in 2009, from the same complainant. The business licence of the operation is in good standing.

Citizen Engagement and Strategic Planning

No neighbourhood impacts from noise or traffic would be expected with this Endorsement. It is understood that the Endorsement would relate to special (invitation) events only and that the hours of liquor sales would not change. As this would not significantly increase the amount of liquor availability, there are no concerns from Downtown Coordination.

Sustainable Planning and Community Development

The Planning Department has no objection to the application as the potential for additional noise affecting neighbouring businesses and residential neighbours is minimal with the addition of a Special Event Endorsement as proposed.

Police

The Police Department has no concerns with this application.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access points to their business for a four week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received six written responses from the community, with five in opposition and one in support of the proposed change (Appendix C).

The concerns expressed by the public are issues common to liquor related establishments; however, they are not directly related to the addition of this special events area endorsement. The brewery special events area is indoors, and the general operations of the brewery (related to smell, hours of operation, etc.) are not subject to review as part of this application.

The following observations should be considered in light of the public feedback received:

- Concerns regarding odours produced by the brewery are not directly related to this application and would not increase if the application is approved. However, odours have been cited as the most significant concern of five adjacent residential neighbours. No bylaw complaints have been filed with the City since 2009 with respect to odours.
- Concerns regarding the hosting of large outdoor events do not appear to be directly related to this application. These concerns appear to have arisen in response to residents' experience with large outdoor events at Phillips Brewery. This application would see the licensing of a small area completely contained within the building and not outdoors.
- It is not expected that the applicant will operate the event area continuously, like a liquor-primary business would. The operation of the brewery is not the subject of the application.
- The occurrence of late night disturbance from the special event area (e.g. noise, nuisance activity) would have a limited impact due to the relatively early closing hour, the small size of the event area (60 persons), and the expected types of events.

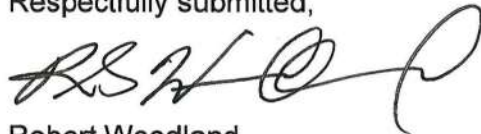
CONCLUSIONS

The request complies with the City's current liquor licensing policy as the proposed addition to operations exist within the Activity Noise District, are in a neighbourhood zoned for brewery uses and no extension to the hours of operation are proposed. The brewery operations of this establishment have been in place for more than thirty years. The only complaints on file relate to smell from brewery operations, the last one 6 years ago, prior to the feedback in response to this application, and these concerns do not relate to the impacts of the special event endorsement.

City staff from all Departments have no concerns with the proposed Special Events Area. The public consultation conducted by the City has resulted in opposition from neighbours; however the main concerns received appear related to the operation of the brewery (E.g. odours, noise) and events that are unlikely to occur as a result of this application (E.g. large outdoor concerts). Therefore, a Resolution supporting the application has been drafted to meet the Liquor Control and Licensing Branch requirements.

If Council requires any additional information from the applicant prior to Council's final consideration of the resolution staff would be pleased to obtain that information from Vancouver Island Brewing.


Respectfully submitted,



Robert Woodland
Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____



July 13, 2015

List of Attachments

- Appendix A – Letter from Applicant Re: Requested Change
- Appendix B – Map of 2330 Government Street and Surrounding Area
- Appendix C – Six responses from the public

Appendix A – Letter from Applicant Re: Requested Change



SING

Letter of Intent

Vancouver Island Brewery would like to expand upon our existing sampling endorsement in order to have the ability to engage with our customers and surrounding community.

A Special Events Area would allow us to recover the costs associated with staging more complex and interactive events. It also provides us with the opportunity to customize our events for our customers throughout the year.

The events we propose to hold fall under two broad purposes:

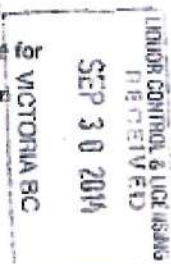
- 1) To familiarize our customers with existing and new products. Events of this nature include:
 - a. Ticketed events such as beer and food paired dinners, cheese and beer tastings, and Meet the Brewer evenings
 - b. Public customer appreciation events such as open houses and beer release events
 - c. Ticketed tasting events partnering with other local breweries, wineries, and cideries, and/or local food producers
- 2) To support our surrounding community associations and charities. Events of this nature include:
 - a. On-site benefit concerts and silent auctions
 - b. Events run in conjunction with other breweries, cideries, wineries, as well as local food producers
 - c. Volunteer appreciation parties
 - d. Meeting space for local businesses, charities and community associations

A Special Events Area would make use of existing infrastructure designed for hosting events that is currently underutilized. We value the ability to interact with the public, not-for-profit organizations and business community. Our facility currently meets all requirements as it pertains to safety, seating and washroom facilities. This means that there would be no required construction or alterations to the space and would ensure compliance with standards and regulations and comfort of our guests.

5. Benefits to the Community

We hope to create a community amenity for a wide diversity of groups: residents, local producers/growers, businesses, not-for-profits and tourist. Our special events area has the potential to become a meeting place for these groups (and others), in a centralized location; this would also address a challenge for many, finding an

2130 GOVERNMENT STREET, VICTORIA, B.C. V8T 5G5 phone: (250) 361-0007 fax: (250) 360-0336
 web: www.vanishlandbrewery.com email: info@vanishlandbrewery.com



affordable and accessible meeting area. This area would also support tourism activities in a neighbourhood where few attractions currently exist. e our own products.

6. Impact of Noise on the Surrounding Community

Due to the fact that our event space is only indoors, we do not believe that our special events will create additional noise above our current operations.

7. Other Impacts on the Surrounding Community

While we do have parking on the premises, we anticipate that there could be a minor impact regarding on-street parking, more so during larger events. However, given our location in the light industrial section of the CRD, parking in this area is generally used during business hours and shows greatly reduced demand during off hours. As such, congestion or related issues should be minor.

1. Describe the perimeter that will bound and delineate the special event area when events are taking place:

The special events area will be contained within the brewery itself. Thus, the existing entrances and exits will delineate our event space. Our emergency exits are exit-only and within sight of our main entrance, which will prevent "back door" entrances. During larger events, these emergency exits will have staff posted to them as well. Locked doors, physical barriers, signage and additional posted staff will be in place to ensure guests do not have access to unsafe areas.

2. Describe how staff will supervise this exterior area when events are taking place:

Staff will be placed at the main entrance of the brewery retail store to check patrons' bags for outdoor alcohol and illegal items such as weapons, as well as check for the required IDs. They will also be present to monitor that guests are not leaving the premises with open alcohol.

Sincerely,

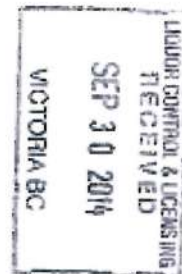
Murray Langdon



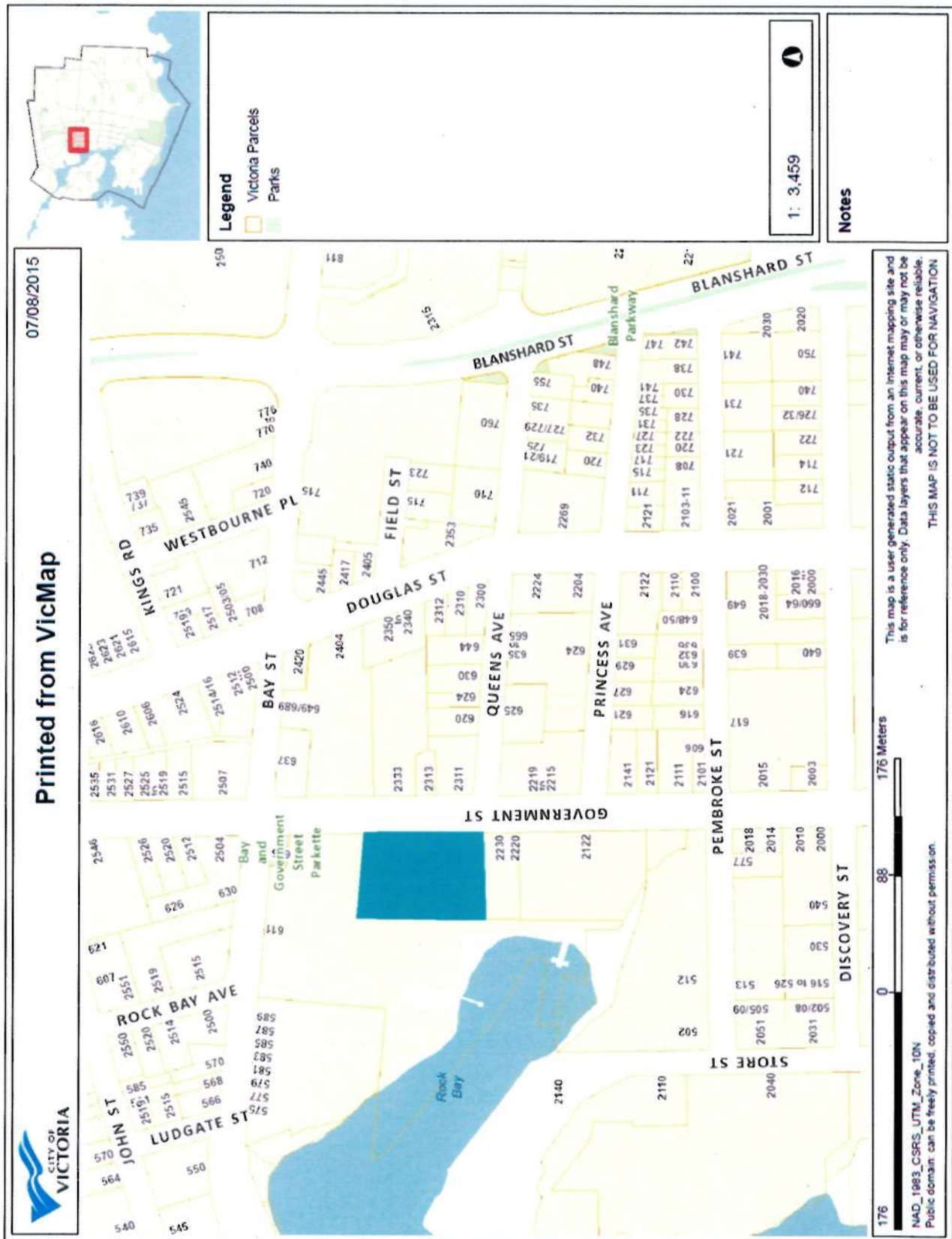
General Manager

Vancouver Island Brewery

3330 GOVERNMENT STREET, VICTORIA, B.C., V8T 5G5 phone: (250) 361-0007 fax: (250) 360-0336
web: www.vanishlandbrewery.com email: info@vanishlandbrewery.com



Appendix B – Map of 2330 Government Street and Surrounding Area



Appendix C – Six responses from the public

#1) In Opposition

Mark Hayden

From: vswanson [REDACTED]
Sent: Thursday, Jun 4, 2015 8:37 AM
To: Liquor Licence Email
Subject: FW: Island Pacific Brewing Company (Vancouver Island Brewing Company) Application for a Special Event Area Endorsement for a Brewery Licence - May 12, 2015 Letter of Adjacent Residents

Importance: High

Manager, Bylaw and Licensing Services
 City of Victoria
 1 Centennial Square
 Victoria, BC V8W 1P6

Thank you for this opportunity to participate in the response to the application to the City of Victoria as filed by the applicant.

This applicant (Vancouver Island Brewery - VIB) is NOT a good neighbor.

I state this having lived adjacent to the Vancouver Island Brewery since it moved to its present location in the mid-nineteen nineties. I have lived directly across Government Street on the easterly side of the Vancouver Island Brewery location, on the 4th floor of the Condo residences known as Lexington Park since September, 1994. My Condo home faces Government Street and looks directly down (to the west) on the VIB location. The VIB site which was a bookstore when I took possession of my Condo.

Why is this applicant NOT a good neighbor? VIB has consistently and persistently chosen to NOT show any regard or respect for its adjacent neighbors. Their business operations continue to be selfish and inconsiderate of the neighborhood in which they operate. Their operation is very odious and offensive to many down-wind neighbors!

To explain, the effluent exited from their smokestacks is blown directly into their neighbors windows, suites, hallways and all common areas creating an unpleasant and undesirable smell due to the prevailing westerly wind from the ocean.

VIB is NOT a considerate neighbor!

Further, VIB continues and persistently chooses to perform its significant brewing operation/smokestack effluent operation during the late afternoon hours – the hours when it is most desirable for the adjacent neighbors to enjoy the opportunity of their outdoor patio during the best hours of the day. This has been discussed with VIB many times over the years however without any significant consideration by VIB!

All of these issues have been a subject of dispute and much discussion between residents of Lexington Park, the City of Victoria Bylaw Section and VIB over the past years! This discussion eventually led to the City of Victoria requiring VIB to install a 'scrubber system' some years ago in order to remove the obnoxious smell from their smokestack effluent. This step was welcomed by the Lexington Park residents however VIB operationally chooses to mostly continue its brewing operations **without the 'scrubber activated'** therefore continuing to spew the brewery stink into our homes. The VIB practice is most likely due to economic reasons and the cost required to operate the 'scrubbers' while brewing.

I have telephoned them on occasion over the years and requested that VIB turn on their 'scrubbers' which once turned on greatly reduces the brewing stink.

I DO NOT AGREE with any allowance for an expansion of their present operations for the purposes as applied for as in my opinion, **VIB will very likely take any opportunity available to take advantage for themselves to the detriment of or consideration for the lifestyle of the adjacent neighbors including causing increased noise, increased area traffic and additional parking congestion.** Parking in this area is very limited especially during weekday business hours.

It is not acceptable to grant VIB an open opportunity for activities such as have been permitted to Phillips Brewery by the City of Victoria on a limited number of summer weekends the last several years. These weekend concerts have proved to be excessively noisy and intrusive to the peaceful lives of all nearby residents as the activity noise is funnelled directly down the Government Street corridor via the relatively open existing development. This type of **activity cannot be allowed to happen** with Vancouver Island Brewery via any possible operational interpretation of this expanded use permit request.

It is distressing to see the application for a 7 day week of 14 hours each day! This is excessive and really is only a blank check to VIB at the potential expense of the privacy and neighborhood quiet -especially on the weekends when VIB is not normally operational. **I do not agree with this excessive and unnecessary operation schedule!**

Further, I wish to remind the City of Victoria that the Condo development known as Lexington Park was approved by the City of Victoria during the early 1990's before VIB took occupancy of their present site. This City development approval has the meaning that the City has an on-going obligation to protect the environment of all adjacent residents and developments. As such, as a long-time resident and tax payer, it is my expectation that the City has an obligation to the residents of Lexington Park to protect and provide an acceptable environment (both smell, sound and visually) for all the residents of Lexington Park. **This is NOT LIKELY to happen if this application is approved!** To this point, the City of Victoria has not ensured this with the Vancouver Island Brewery's operations!

Vancouver Island Brewery's operations to-date and **likely proposed future operations do not/will not likely provide an environment in which ALL residents can co-exist satisfactorily in a clean air, non-congested peaceful environment!** That is the ONLY interest of all adjacent residents. It definitely is every resident's right as City of Victoria taxpayers.

As a resident of this section of Government Street, this application for a Special Event Area use is not acceptable nor is any further expansion of Brewery operations in my neighborhood.

Thanks,

V. J. Swanson
#410 – 649 Bay Street
Lexington Park Condominiums
Victoria, B. C.

#2) In Opposition

Mark Hayden

From: lbrekelm [REDACTED]
Sent: Monday, Jun 1, 2015 10:53 PM
To: Liquor Licence Email
Subject: Application special event area Island Pacific Brewing Company

Island Pacific Brewing Company - application special event area license

I would like to register a protest against this application.

The brewery is directly across the street from a Condo complex - 649 Bay St. This complex contains reasonably priced units which have 2 bedroom 2bath (about 1000sqft). This attracts young families, young working people and seniors. The units are mostly owner occupied. A special events area directly across the street which could possibly run 13 hours a day 7 days a week has the potential for greatly disrupting this community with increased noise and traffic, public drunkenness and fighting, increased crime (drugs), criminal damage, public urination (as well as defecation & vomiting), etc. There is also the potential for increased police presence which could mean sirens, shouting and bull horns.

In addition, Island Pacific Brewing has a history of violating bylaws as to the release of smells from its production which creates concerns as to their ability to control crowds, especially uninvited guests.

While the location is on the cusp of the downtown core, it is now reasonably quiet at night. The community residents should not be subjected to a disturbance of the peace and a public nuisance. The only beneficiary of this license would be Island Pacific Brewing Company not the community.

Also, if I made noise that could be heard outside my unit after 10pm, I would expect the police to be calling. So I don't understand how the city allows outdoor venues can be allowed to make noise after 10 pm that can be heard many blocks away (actual words sung or spoken). Does the city enforce noise levels at these events

I suggest that Island Pacific Brewing Company must make application each time for a special event to show that they have controls in place, that they be limited in the hours of operation for any event and that if the event is outside that it follow the noise bylaw of 10pm.

#3) In Opposition

Mark Hayden

From: Tim Bauer [REDACTED]
Sent: Saturday, May 23, 2015 2:35 PM
To: Liquor Licence Email
Subject: 2330 Government, Island Pacific Brewing - Permanent Change Special Event

Hi I live in the Condos across the street from Island Pacific Brewery.

I am not in favour of the proposed change, my main concern is the noise that will be generated from loud music (if the events are held outside) this will make it impossible to enjoy our outdoor patios and to have our windows open in the evening.

We had plenty of noise last year from this type of event at Phillips Brewery. The loud rap music was not pleasant.

If you would like to discuss further please respond back.

Thanks,

Sent from my iPad

Tim

#4) In Opposition

201-689 Bay Street Victoria BC V8T 5H9

May 23, 2015

Manager, Bylaw and Licensing Services
c/o Legislative Services
1 Centennial Square
Victoria BC V8W 1P6

Via email: liquorlicence@victoria.ca

Re: Notice of Application for a Special Event Area Endorsement for a Brewery License

Dear Bylaw and Licensing Services Manager:

I am writing this letter in response to your notice of May 12, 2015, providing residents within the vicinity of the Vancouver Island Brewery an opportunity to comment on their application for a special area endorsement. I am providing notice to the public record that I am not in favor of this application as it currently stands.

Over the past 10 years, there has been an increasing number of public events in the downtown area. As a resident in the downtown core, I have found that in spite of what I understand to be bylaw restrictions (restricting noise after 11 pm), that loud event noise and music has often persisted beyond those hours. There seems to be very little recourse available to have the noise mitigated when it persists, particularly when it is difficult to ascertain the origin of the particular festival. I (along with other residents of Lexington Park I am sure) have been subjected to excessive noise from other festivals at other breweries, Centennial Square, Royal Athletic Park or other areas during the summer months, impacting our ability to relax and sleep at a reasonable hour. I believe that this license will exacerbate the issue.

Furthermore, I have had past concerns with the Brewery's adherence to other bylaws in the past and spent many years repeatedly notifying (a former) bylaw enforcement officer of the Brewery's infractions. As a result, I do not have the confidence that license restrictions will be followed and complaints may ensue.

I would be in favour of an amended endorsement allowing events to transpire **between 9 a.m. until 10:30 on Friday and Saturday evenings**. While the event may end at the time stipulated on the license, the noise in the area will undoubtedly persist after the culmination of the event and this fact should be taken into consideration. In addition to the noise emanating from the event location itself, there will likely be an increased number of intoxicated and loud persons traversing Government, Bay and Douglas Streets affecting residents' ability to retire at a reasonable hour.

As I periodically work from home during the weekdays, I am not in favour of the license being extended during the weekday hours, but **would endorse weeknight events from 6 pm. To 9 pm.**

Thank you for the opportunity to submit my views on this proposed amendment to the Vancouver Island Brewery's license.

Sincerely,

Lori Roter

#5) In Opposition

Mark Hayden

From: Barb MacDonald [REDACTED]
Sent: Friday, May 22, 2015 9:50 AM
To: Liquor Licence Email
Subject: Fwd: Against special event license VI Brewing

I live@ 649 Bay Street, along with another 100 families, right across the street from the foul smelling brewery. I bought pre-construction and the site was originally a bookstore. The smell is so bad we have to sit in the summer with windows and doors closed, totally disgusting. I have lost over 100 grand in property value, thanks so much city of victoria. Getting a property tax refund this year ;-(

Already there are tour drop-off's in the middle of the road because the tour drivers are too lazy to pull into the parking lot, better to stop traffic. Already there are drunk people coming out of there late at night and peeing outside in the bushes, so disgusting, and not just men. The loud sounds of drunk people travel right to us and I for one do not find loud, drunk people outside late at night a pleasure in any way or fashion.

We are suffering here enough, the City allowed the music & p.a. system to be so loud last summer, I could not even hear my own voice or my TV programs and sleep was impossible. I will be calling the police this year for sure and will encourage the same of my neighbours.

We have had enough abuse from the City of Victoria, you try and live here.

Barbara MacDonald
406-649 Bay Street

#6) In Favour



OAKCREST PARK ESTATES LTD.

May 25, 2015

City of Victoria
c/o Legislative Services
1 Centennial Square
Victoria, BC V8W 1P6

Attention: Manager, Bylaw and Licensing Services

Dear Sir:

**Notice of Application for a Special Event Area Endorsement for a Brewery License
Liquor Control and Licensing Act – Permanent Change to add a Special Event Area Endorsement
Island Pacific Brewing Company (Vancouver Island Brewing Company)
2330 Government Street, Victoria, BC**

We have received your letter of May 12, 2015, regarding an application from Island Pacific Brewing Company to change their licence conditions at 2330 Government Street.

Please be advised that we are the owner of the building adjacent to the Brewery and we support the application.

If you have any questions, please feel free to contact me.

Yours truly,

OAKCREST PARK ESTATES LTD.

R. Thomas Burley, CPA FCA
General Manager/CEO

RTB/dal

Office 250-727-1125 Fax 250-727-2942 Email open@oakcrest.ca Web www.oakcrest.ca Address 2nd Floor, 1075 Tillicum Rd, Victoria, BC V9A 2A4



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Rob Woodland, Director, Legislative and Regulatory Services
Subject: Application for Patron Participation Endorsement for Oswego Hotel
 500 Oswego Street, Licence No. 000178

RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary liquor licence of the **Oswego Hotel**, Liquor License No. 302556, located at 500 Oswego Street, supports:

1. The application of the **Oswego Hotel** to amend its Food Primary liquor licence to add a Patron Participation Endorsement.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in the urban residential district which has a transient accommodation usage but also allows for some restaurants. There is significant residential use in the immediate vicinity. The Food Primary liquor licensed business is compatible with the neighbouring land uses and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - (b) This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licensed premises. The restaurant has had no complaints with regards to noise.
 - (c) The views of residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Four written responses were received by the City, with three in support of the application and one opposed.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by the Oswego Hotel in relation to their Food Primary liquor licensed business located at 500 Oswego Street, for a change to add a Patron Participation Endorsement.

The hours of liquor service are from 9:00 AM to midnight seven days per week. The occupant load for the restaurant is 130 persons. The approval of a Patron Participation Endorsement would

allow the restaurant to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. There would be no change in occupancy or hours of service as a result of this application.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by the Oswego Hotel, in relation to their Food Primary liquor licensed business located at 500 Oswego Street, for a change to add a Patron Participation Endorsement for their restaurant business.

BACKGROUND

The Oswego Hotel is located at 500 Oswego Street and the bistro portion is licensed for 130 persons. The current operating hours are from 9:00AM until Midnight, seven days per week. The applicant is seeking a patron participation endorsement to allow the restaurant to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. In their attached letter (Appendix A), the operator has described the full rationale for their request. A map of the subject property and immediate area is also attached to this report (Appendix B).

Location

Official Community Plan:

- The property is within the Urban Residential Urban Place designation in the Official Community Plan.

Downtown Core Area Plan:

- The property is not within the area of Downtown as defined by the DCAP.

Zoning:

- The property is zoned T-20 Zone, Kingston Transient Accommodation District, which permits transient accommodation and the following accessory uses: restaurants, establishments in respect of which there is a subsisting dining-lounge licence, dining-room licence or lounge licence issued according to the Act, and establishments with 100 or more transient accommodation units located on one site, and in respect of which there is a subsisting public house licence issued pursuant to the Act.

Neighbourhood Compatibility:

- The building fronts onto Oswego Street. Immediately adjacent land uses are:
 - North (345 Quebec St): Residential (Transient – Harbour Towers)
 - East (405 Quebec St): Residential (96 units, including some transient)
 - West (324 Kingston): Residential (18 units)
 - South: Residential (multiple dwellings)

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding (1) the potential for noise and (2) impact on the community if the application is approved.

ISSUES & ANALYSIS

This application is being pursued as a permanent change to the operating conditions as the restaurant operator would like to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. A letter from the applicant detailing the reasons for the requested change is attached to this report.

Within a 50 metre radius of the Oswego Hotel Bistro, there is one other Food Primary business (restaurant) having a seating capacity of 1085 seats. In addition, there is one Liquor Primary business (bar) within a 50 metre radius of the Oswego Hotel Bistro having a seating capacity of 26 seats. Both of these establishments are located at 345 Quebec Street (Harbour Towers Hotel).

Given that the restaurant is already permitted to have bands play live music, the provision of a dance floor is not likely to increase noise levels significantly on the street. The property is located within the Intermediate Noise District.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. There are no bylaw issues and their business licence is in good standing.

Citizen Engagement and Strategic Planning

Staff advise that changes to licensing that add enhance business vitality, as well as offer visitors and downtown area patrons a range of entertainment options, can be positive for the community. Given the proximity to residences and the hours of operation, there is a concern for impacts to neighbours.

Sustainable Planning & Community Development

There are no objections to the application as the use is permitted and should not result in any demonstrable impact upon neighbouring uses in terms of noise and disturbance.

Police

The Police Department has no concerns with, or objections to, this application.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access points to their business for a four week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received four written responses from the community, with three of the four in support of the proposed change (Appendix C).

CONCLUSIONS

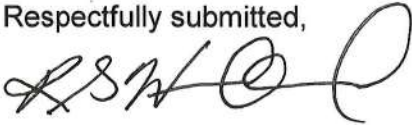
The City's current liquor licensing policy is silent about Patron Participation endorsements and Council has normally considered each application on its own merits. There are no noise or nuisance complaints received by the City in respect to this Food Primary business.

City staff from all Departments have few concerns about the proposed change to add a Patron Participation endorsement. However, it is noted that the addition of a dance floor will change the character of the restaurant, although it is unlikely this change would lead to any increase in noise

or nuisance issues. The focus of the licensed business is to remain on the provision of food service with alcoholic beverage service.

The public consultation conducted by the City has resulted in largely positive feedback from the public (three respondents in favour and one opposed) which is a general indication that the community is supportive of the proposed changes. Therefore, a resolution supporting the application has been drafted to meet the Liquor Control and Licensing Branch requirements.


Respectfully submitted,



Robert Woodland
Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____


July 14, 2015

List of Attachments

- Appendix A – Letter from Applicant Re: Requested Change
- Appendix B – Map of 500 Oswego Street and Surrounding Area
- Appendix C – Four email responses from the public

Appendix A – Letter from Applicant Re: Requested Change

Liquor Control and Licensing Branch
4th floor, 3350 Douglas Street
Victoria, B.C. V8Z 3L1

Re: Food Primary Licence number 302556 – Request a Permanent Change

To whom it may concern,

The O Bistro at the Oswego Hotel operates as a food primary restaurant. On occasion throughout the year, our O Bistro is booked for private parties. These typically include, weddings, corporate holiday parties, business mixers, and fundraisers.

We would like to offer these clients the opportunity to dance at their private party. The dancing would take place in the O Bistro restaurant space.

Our intent is not to offer regular dancing to the public, but to offer it to our private parties only.

Warm Regards,



Suzanne Gatrell
General Manager
The Oswego Hotel

ph: 250 294 7510
e: sgatrell@oswegovictoria.com

Appendix C – Four email responses from the public

#1) In Opposition

Mark Hayden

From: John [REDACTED]
Sent: Monday, May 18, 2015 7:14 AM
To: Liquor Licence Email
Subject: Oswego Hotel

I am completely apposed to to the Oswego Hotel to have dancing and even more drunk in behavior by its guest. The noise level is already unacceptable. And the parking is a problem all summer, their guest fill up the residential side of Kingston. Please do not allow more disruption to our sleep. Thankyou John Heintzelman [REDACTED] 311 Kingston st.

Sent from my iPad

#2) In Favour

Mark Hayden

From: rufus rufus [REDACTED]
Sent: Friday, May 15, 2015 8:18 AM
To: Vanessa Pennington; Liquor Licence Email; Suzanne Gatrell
Subject: Re: Oswego Hotel NOTICE OF APPLICATION FOR PERMANENT CHANGE TO A FOOD PRIMARY LIQUOR LICENCE - to add a Patron Participation Endorsement
Attachments: image006.png; image007.jpg; image008.gif; image009.png; image010.gif; image011.gif; image012.gif

Good morning Vanessa,

Thank you very much for taking the time to address our concerns and for your detailed response. From your statements it sounds like you're planning on doing exactly what you applied for, dancing in the venue. Assuming accuracy you have dealt with our concerns that the Oswego is are not planning a 'nightclub', 'dancing venue' or 'pub-type' atmosphere and that you will continue to monitor the effects. As indicated below we have found the Oswego to be a positive and responsive neighbour and your letter displays a continuation of this and has alleviated our concerns. Good luck with the change.
 Keith & Mary

Sent from Windows Mail

#3) In Favour

Mark Hayden

From: Bert Stueck [REDACTED]
Sent: Tuesday, May 12, 2015 6:38 PM
To: Liquor Licence Email
Subject: Oswego Hotel
Attachments: comicstile.gif; comicsheader.gif



Dear Sirs....

In regards to the Application for Permanent change to a food primary liquor licence as it pertains to the Oswego Hotel, 500 Oswego Street, Victoria, B.C.

The Oswego Hotel is a first class venue. They often hold special events that might include dancing by their patrons. Let it be known that I am in favor of their application for "Permanent Change to add a Patron Participation Endorsement" as per the Liquor Control and Licensing Act.

I own a suite at the Oswego Hotel and have a vested interest in it's operation, but I do not think that this application will effect any of the local businesses or property owners in the area in a negative way.

Thank You,

Bert Stueck

#4) In Favour

Mark Hayden

From: Francine Marshall [REDACTED]
Sent: Monday, May 4, 2015 1:57 PM
To: Liquor Licence Email
Subject: re:Oswego dancing

Absolutely no problem with that.

Francine Marshall
Unit 120, 405 Quebec St.,
Victoria, B.C. V8V 4Z2