



**AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF APRIL 16, 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

- | | | |
|----|---|--------|
| 1. | Minutes from the meeting held March 19, 2015. | 5 - 11 |
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DEVELOPMENT APPLICATION REPORTS

- | | | |
|----|--|---------|
| 2. | Rezoning Application No. 00474 for 1733 Bank Street
--A. Meyer, Assistant Director – Development Services Division, Sustainable Planning and Community Development Department | 13 - 38 |
|----|--|---------|

A proposal to rezone the property to authorize a 16 space child care facility in the Jubilee neighbourhood. A Public Hearing is required prior to Council making a final decision on the application.

Staff Recommendation: To advance the application to Public Hearing.

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| 3. | Development Permit Application No. 000413 for 343 Bay Street
--A. Meyer, Assistant Director - Sustainable Planning Division, Sustainable Planning and Community Development Department | 39 - 54 |
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A development application to authorize a 31m² addition to an existing office building in the Rock Bay area of the Burnside-Gorge neighbourhood.

Staff Recommendation: To consider authorizing the permit.

4. Development Permit Application No. 000412 for 1908 Store Street 55 - 84
--A. Meyer, Assistant Director - Development Services Division, Sustainable Planning and Community Development Department
- A development application to authorize the construction of a new warehouse building associated with Capital Iron.*
- Staff Recommendation: To consider authorizing the permit.
5. Development Permit Application No. 000417 for 89 Dallas Road 85 - 120
--A. Meyer, Assistant Director - Development Services Division, Sustainable Planning and Community Development Department
- A development application to authorize the conversion of a steel storage container for the temporary sale of ice cream and coffee at Ogden Point.*
- Staff Recommendation: To consider authorizing the permit.
6. Development Permit with Variances Application No. 000401 for 1046 North Park Street 121 - 174
--A. Meyer, Assistant Director – Development Services Division, Sustainable Planning and Community Development Department
- A development application to authorize six multiple dwelling units in the North Park neighbourhood. A hearing is required prior to Council making a final decision on the application.*
- Staff Recommendation: To consider authorizing the permit.
7. Development Permit with Variances Application No. 000408 for 1015 Rockland Avenue 175 - 248
--A. Meyer, Assistant Director – Development Services Division, Sustainable Planning and Community Development Department
- A development application to permit minor changes to a previously approved site plan and design of a 14-unit, four-storey apartment building in the Fairfield-Gonzales neighbourhood. A hearing is required prior to Council making a final decision on the property.*
- Staff Recommendation: To consider authorizing the permit.
8. Development Variance Permit Application No. 00147 for 1435 Brooke Street 249 - 275
--A. Meyer, Assistant Director – Development Services Division, Sustainable Planning and Community Development Department
- A development application to authorize a parking space in the front yard of the house located in the Fairfield-Gonzales neighbourhood. A hearing is required prior to Council making a final decision on the application.*

Staff Recommendation: To consider authorizing the permit.

9. Development Variance Permit Application No. 000385 for 759 Yates Street 277 - 316
--A. Meyer, Assistant Director - Development Services Division, Sustainable Planning and Community Development Department

A development application to authorize a parking variance for the conversion of the existing hotel to market rental housing. A hearing is required prior to Council making a final decision on the application.

Staff Recommendation: To consider authorizing the permit.

10. Heritage Alteration Permit Application No. 00191 for 1205 Wharf Street / 10 Bastion Square 317 - 381
--A. Hudson, Assistant Director – Community Development Division, Sustainable Planning and Community Development Department

A permit application to authorize a temporary patio structure in Bastion Square.

Staff Recommendation: To consider authorizing the permit.

11. Heritage Alteration Permit Application No. 00201 for 1030 Quadra Street (Pioneer Square Park) 383 - 405
--A. Hudson, Assistant Director – Community Development Division, Sustainable Planning and Community Development Department

A permit application to authorize the placement of a granite memorial to commemorate the fallen Canadian soldiers who served in Afghanistan from 2001 to 2011.

Staff Recommendation: To consider authorizing the permit.

12. Heritage Alteration Permit Application No. 00197 for 151 Oswego Street - Update 407 - 468
--A Hudson, Assistant Director - Community Development Division, Sustainable Planning and Community Development Department

A heritage alteration permit to authorize renovations to a heritage-designated house.

Staff Recommendation: To consider authorizing the permit and amend the Heritage Revitalization Agreement.

ADJOURNMENT

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MARCH 19, 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, Loveday, Lucas, Madoff, Thornton-Joe and Young

Absent: Councillor Isitt

Staff Present: J. Jenkyns - Acting City Manager; S. Thompson – Director of Finance; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Planner; J. Handy – Senior Planner; R. Woodland – Director, Legislative & Regulatory Services; 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 March 5, 2015

Item # 4 Development Permit with Variances Application No. 000410 for
549 Toronto Street

Item # 7 Ogden Point Master Plan – Proposed Time Extension

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the March 19, 2015, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 15/PLUC072

3. CONSENT AGENDA

3.1 Minutes from the meeting held March 5, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held March 5, 2015, be approved.

CARRIED UNANIMOUSLY 15/PLUC073

3.2 Development Permit with Variances Application No. 000410 for 549 Toronto Street

Committee received a report regarding a development permit with variances for 549 Toronto Street. The proposal is for a three-storey attached dwelling that includes five residential units. The application proposes variances to site coverage, site area, landscaping, and front and side yard setbacks.

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

“That Council authorize the issuance of Development Permit Application No. 000410 for 549 Toronto Street, in accordance with:

1. Plans date stamped February 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 3.3.4(1) - Site coverage reduced from 30% maximum to 44%,
 - ii. Section 3.3.9 - Site area reduced from 920m² minimum to 850m²,
 - iii. Section 3.3.10 - Front yard setback reduced from 9.0m to 6.2m,
 - iv. Section 3.3.12 - Side yard setbacks reduced from 4.6m to 2.2m (east) and 3.5m (west) side yard,
 - v. Schedule C, Section 7.2(h) – Landscape strip for surface parking and aisle reduced from 0.6m to nil (west) side yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC074

3.3 Ogden Point Master Plan – Proposed Time Extension

Committee received a report dated March 5, 2015, that presented Council with information, analysis and recommendations regarding a request from the Greater Victoria Harbour Authority to amend the Memorandum of Understanding (MOU) for Ogden Point.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council direct staff to prepare an amendment to the Memorandum of Understanding for Ogden Point to extend the completion date of the Ogden Point Master Plan from December 31, 2014 to December 31, 2016.

CARRIED UNANIMOUSLY 15/PLUC075

4. COMBINED DEVELOPMENT APPLICATIONS

Councillor Lucas excused herself from the meeting at 9:01 a.m. due to a potential pecuniary conflict of interest, as she oversees all operations of an independent retail liquor store located in the Hotel Rialto.

4.1 Rezoning Application No. 00465 for 1609 Fort Street

Committee received a report regarding a rezoning application for 1609 Fort Street. The proposal is to rezone the property to authorize a Liquor Retail store in the South Jubilee neighbourhood.

A Committee member noted that a letter from the public requested that some on-site parking be time limited to provide turnover of parking spaces. Staff advised that the applicant has indicated they are willing to consider timed parking. How an applicant deals with on-site parking is left to their discretion.

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council:
1. Instruct Staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00465 to allow a Liquor Retail Store as a permitted use with a maximum floor area of 241m² at 1609 Fort Street.
 2. That first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing be set.

CARRIED UNANIMOUSLY 15/PLUC076

4.2 Development Permit Application No. 000406 with Variances for 1609 Fort Street

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, and after the Public Hearing for Rezoning Application No. 00465, consider the following motion.

“That Council authorize the issuance of Development Permit Application No. 000406 for 1609 Fort Street, in accordance with:

1. Plans dated January 28, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for Schedule C, total number of parking stalls reduced from 22 to 20.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC077

Councillor Lucas returned to the meeting at 9:09 a.m.

4.3 Development Permit with Variances Application No. 000399 for 120 Gorge Road East

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 120 Gorge Road East. The proposal is to construct the second phase of a supported housing development with the addition of a building consisting of 15

units as well as a separate community building. The proposal requires variances related to increased site coverage, increased number of buildings on a lot and reduced parking.

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

"That Council authorize the issuance of Development Permit Application No.000399 for 120 Gorge Road East, in accordance with:

1. Plans date stamped February 27, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 3.9.3 - Site coverage increased from 33.3% to 37.95%,
 - ii. Part 3.9.7 - Number of buildings increased from one to three,
 - iii. Part 3.9.13 (2) - Parking requirement reduced from 1.3 parking spaces per unit (53 spaces) to 0.3 parking spaces per unit (12 spaces).
3. The provision of Transportation Demand Management measures (e.g. the provision of bus passes) to lessen potential off-street parking demand to the satisfaction of the Director of Engineering and Public Works.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department."

Committee discussed:

- The Gorge Road frontage and how it will be seen by pedestrians.
- Concerns about the streetscape including screening and entrance ways.
- Extending the sidewalk to Gorge Road and if an agreement could be made with the applicant to provide this.

CARRIED UNANIMOUSLY 15/PLUC078

4.4 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received a report regarding a Heritage Alteration Permit (HAP) Application for the property located at 151 Oswego Street. The application is specific to the recent removal of the east addition and the reconstruction of the addition using new materials. This addition was originally envisioned to be retained and this commitment was secured in a Heritage Revitalization Agreement (HRA) that was adopted on July 24, 2014. This work will require an amendment to the HRA which requires Council approval.

Committee discussed:

- Concern that approval of the HAP could be seen as condoning the contravention of the HRA.
 - Staff have discussed with the property owner his intent and have recommended that an amendment to the HRA would be required to continue work on the project.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman that Committee table consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street to receive legal advice in a closed meeting.

CARRIED UNANIMOUSLY 15/PLUC079

5. NEW BUSINESS

5.1 The Wave (845 Yates Street) Development Permit

Mayor Helps and Councillor Alto provided Committee with a motion that requested that Council permit the Strata Corporation at The Wave (845 Yates Street), to resubmit a development permit regarding replacement of the stone and tile mosaic with a painted mural.

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

WHEREAS the strata corporation at The Wave submitted a development permit application that was rejected by Council;

AND WHEREAS the solution that was imposed by Council through Development Permit is proving both technically difficult and cost prohibitive for the strata given that a portion of their residents are seniors living on fixed incomes;

THEREFORE BE IT RESOLVED that Council allow the strata corporation for the Wave to resubmit a similar Development Permit to the original in less than the one year required as set out in the Land Use Procedures Bylaw, Section 3.2.2.

Committee discussed:

- The onus to repair the mural should be on the builder and not on the strata owners.
- There would be value if the original report is provided when the application comes back to Committee to provide a history of why a mosaic was chosen as the feature on the wall.
- Concerns that should the painted mural be permitted, when the time comes to repaint it, the mural will be painted over leaving a large blank wall.
- At the time of construction, the mosaic was created in response to how to deal with the wall; there were many other treatments that could have been used.

CARRIED UNANIMOUSLY 15/PLUC080

6. CLOSED MEETING AT 9:35 AM

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Planning and 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 the *Council Bylaw*, namely:

- Section 12(3)(i) – *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY 15/PLUC081

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

Absent: Councillor Isitt

Staff Present: J. Jenkyns - Acting City Manager; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; R. Woodland – Director, Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

6.1 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received legal advice regarding the Heritage Alteration Permit (HAP) for 151 Oswego Street.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC0082

Action: It was moved by Councillor Coleman, seconded by Councillor Young, that the closed meeting be adjourned at 10:30 a.m.

CARRIED UNANIMOUSLY 15/PLUC083

Committee reconvened in Council Chambers at 10:34 a.m.

6.2 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee postpone consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street for two weeks, pending the receipt of further legal advice.

CARRIED UNANIMOUSLY 15/PLUC084

7. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee adjourn the Planning & Land Use Committee meeting of March 19, 2015, at 10:35 a.m.

CARRIED UNANIMOUSLY 15/PLUC085

Mayor Helps, Chair



Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015
From: Lucina Baryluk, Senior Process Planner
Subject: Rezoning Application No. 00474 for 1733 Bank 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. 00474 for 1733 Bank 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.

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 1733 Bank Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone to permit a 16 space child care facility in addition to an existing residential unit, within an existing single family dwelling. The applicant further proposes to reduce the number of required parking stalls from four stalls to one stall.

The following factors were considered in the analysis of this Application:

- No exterior alterations to the building or landscaping are proposed.
- Policy 15.8 of the *Official Community Plan (OCP)* encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City.
- Policy 6.4 of the OCP supports the inclusion of community services (including child care) in all urban place designations.
- The property cannot accommodate the additional three parking spaces that would be required to comply with the *Zoning Regulation Bylaw*; however, it is noted that the impact on the street would primarily be experienced for brief periods of the day coinciding with drop-off and pick-up of children.

Staff recommend that the Committee support this Application.

BACKGROUND

Description of Proposal

Pursuant to provincial legislation, a family child care is permitted in a single family dwelling. The applicant's current allowance is for eight children. The applicant is proposing to provide care to sixteen children as a group day care (defined as a kindergarten within the *Zoning Regulation Bylaw*).

The subject site is in the R1-B, Single Family Dwelling District which permits kindergartens as a permitted use, subject to the provisions of the House Conversion Regulations, Schedule G. This Schedule sets out the following conditions for a kindergarten use:

- the building must have been constructed as a single family residence prior to 1931
- a minimum lot area of 670 m²
- a minimum lot width of 18 m.

As the subject property does not meet the minimum lot area requirement (it is just slightly below 670 m²), a rezoning is required.

Sustainability Features

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

Active Transportation

The project does not include any specific active transportation features.

Land Use Context

The area is characterized by single family homes, with a transition to multiple-dwellings and mixed used along Richmond Avenue and Fort Street. To the south (Bank and Leighton) is Victoria College of Art and Sundance School (now closed).

Existing Site Development and Development Potential

The property currently contains a single family dwelling (built in 1910). The owner operates an eight-space child care facility within this dwelling.

Under the current R1-B Zone, the property could be redeveloped as a single family dwelling with a suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone, which will be used as the base zone for the new zone, limiting the maximum number of children to 16 (at any one time) as well as reducing the site area and parking requirements. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R1-B	Comments
Site area (m ²) - minimum	669*	670	Schedule G requirements
First and second storey floor area (m ²) - maximum	257	280	
Lot width (m) - minimum	18	18	

Zoning Criteria	Proposal	Zone Standard R1-B	Comments
Site coverage (%) - maximum	21	40	
Storeys - maximum	2	2	
Setbacks (m) - minimum			
Front	5.30*	7.50	Front setback is existing non-conforming
Rear	14.60	9.10	
Side (north)	3.95	1.80	
Side (south)	4.25	3.00	
Parking - minimum	1*	4	
Parking location	Front yard*	Behind front of building	Location of parking is existing non-conforming

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the South Jubilee Neighbourhood Association at a Community Meeting held on January 21, 2015. At the time of writing this report, a letter from the Neighbourhood Association had not been received.

ANALYSIS

Official Community Plan

In support of multigenerational neighbourhoods, Policy 15.8 of the *Official Community Plan (OCP)* encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City.

Policy 6.4 provides general development guidance for all of the defined Urban Place Designations in Figure 8 of the OCP. This policy supports the inclusion of community services (including child care) in all urban place designations.

This Application is consistent with the OCP.

Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* does not provide specific guidance on the inclusion or expansion of day care facilities. The plan states the following:

“Evaluate development proposals in light of the diversity of age groups and family structures in the neighbourhood and explore opportunities to provide amenities for various age groups through the development review process.”

Other Regulatory Considerations

Reduction in Off-Street Parking

The applicant is proposing to retain one parking stall attributed to the single family dwelling, which meets the parking standard for this use. It is noted that the location of the existing parking does not meet the siting requirements of Schedule C; however, it is considered legal non-conforming as it predates the establishment *Zoning Regulation Bylaw*.

With an increase in the number of child care spaces to 16, the applicant would be required to provide an additional three parking stalls for employees and pick-up and drop-off. Staff recommend support for the reduction in on-site parking for the child care but note that there will be an impact on the availability of off-site parking for brief periods during drop-off and pick-up times. The applicant's letter (attached) describes the current situation in this regard.

CONCLUSIONS

The OCP encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City. The OCP also supports the inclusion of community services (including child care) in all urban place designations. Staff are supportive of the proposed reduction in parking but note that there will be an impact on the availability of off-site parking. Although the insufficient parking on site is not ideal, on balance, staff recommend that Council support this Application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00474 for the property located at 1733 Bank Street.

Respectfully submitted,


Lucina Baryluk
Senior Process Planner


Alison Meyer
Assistant Director
Sustainable Planning & Community Development

Report accepted and recommended by the City Manager:  _____ Jason Johnson

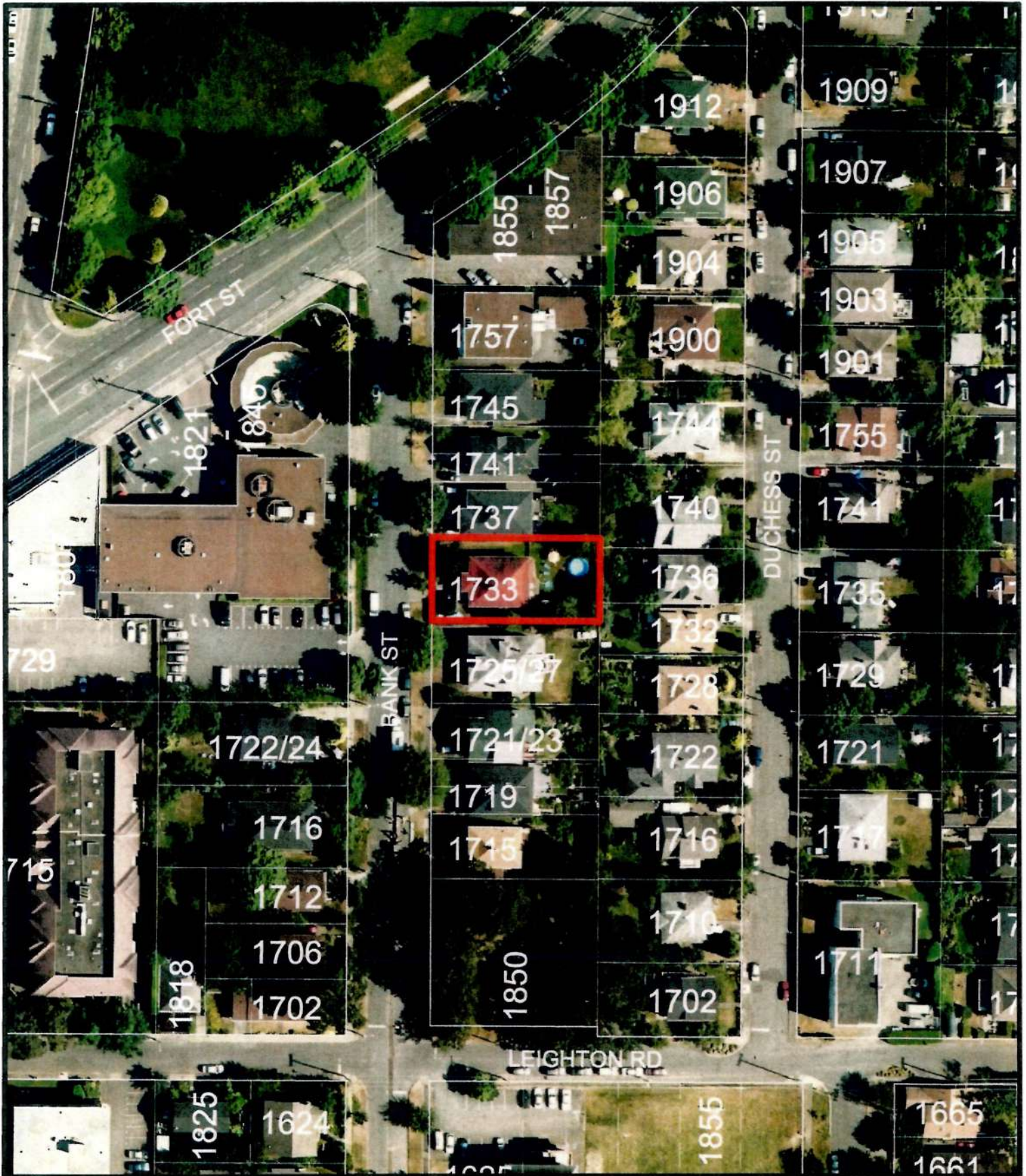
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List of Attachments

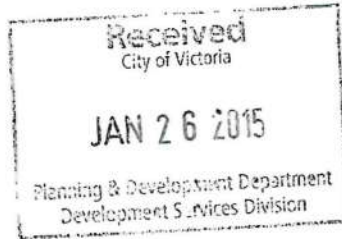
- Aerial Map
- Zoning Map
- Plans dated January 26, 2015
- Letter from the applicant dated January 26, 2015.



1733 Bank Street
Rezoning #00474
Bylaw #







January 26, 2015

To Mayor and Council,

I am requesting a rezoning of my property at 1733 Bank Street to allow my daycare to go from 8 children with one staff to 16 children with 2 staff.

There is a great need for more child care spaces, particularly close to downtown. This property is in the South Jubilee neighbourhood of Fairfield but borders Oak Bay and Fernwood and is directly across the street from the Royal Jubilee Hospital.

The property is located a few doors down from the recently closed Sundance School. This neighbourhood is accustomed to seeing children and families and has many parks and playgrounds nearby to support such a program, such as Redfern Park and the schoolyard which is now greatly under utilized.

This property was chosen partly because of its lot size which is 669 square metres, only one square metre short of the city's requirement for a kindergarten. Had the property been 670 square metres, a rezoning application would not have been required because the house also meets the criteria of being built before 1941. (1931- staff note)

This application conforms to the Official Community Plan. There are no changes required for the building or site other than the removal of the upstairs bathtub to be replaced by a second toilet. This property was chosen for a daycare because of its ideal size, layout, yard and location.

The impact on neighbours is relatively small since we would be adding only 8 more children. We have a busy preschool type program and are away from the daycare 4 mornings per week. Our schedule includes story time at the Oak Bay Library and playgroup at Oaklands Community Centre supporting these two wonderful programs. We also have one morning of exploration of nature and another which is a half day at Oak Bay Lodge with the seniors. This program greatly enhances the quality of life for these seniors and develops relationships for the children with elders in our community that they may not otherwise have the opportunity to do.

Afternoons are mostly spent indoors doing crafts and pursuing quieter more academic activities such as reading, puzzles, cards and educational games. When we are outside, hopefully the noise is that of happy children playing. The ages of most of the children will be 2 and a half to 5 years.

Because it is a daycare operating from Monday to Friday, 8 am to 5 pm, the property will be completely quiet all evenings, weekends and holidays. As well, I currently have strong support from 3 out of the 4 immediately adjacent properties.

Although the site is supposed to have 4 parking spaces, it only has one. In reality, this is not an issue. Currently, out of 8 children attending the daycare, 2 parents work at the hospital, one works at City Hall and buses, one walks from around the corner and two bike. These

numbers are fairly representational and would be similarly duplicated in a larger group. Most people look for daycare which is conveniently located either close to work or home or on route. As well, the daycare is located close to the hospital and Fort Street. Nearby is commercial office space and as is shown in the photographs, across the street from the daycare is a long block of one hour parking for nearby businesses. Most of these spaces are usually open and available throughout the day. Any parents who do drive up to drop off or pick up their children are there for an average of 5 to 10 minutes and are able to use the driveway. Very seldom do families arrive at the same time.

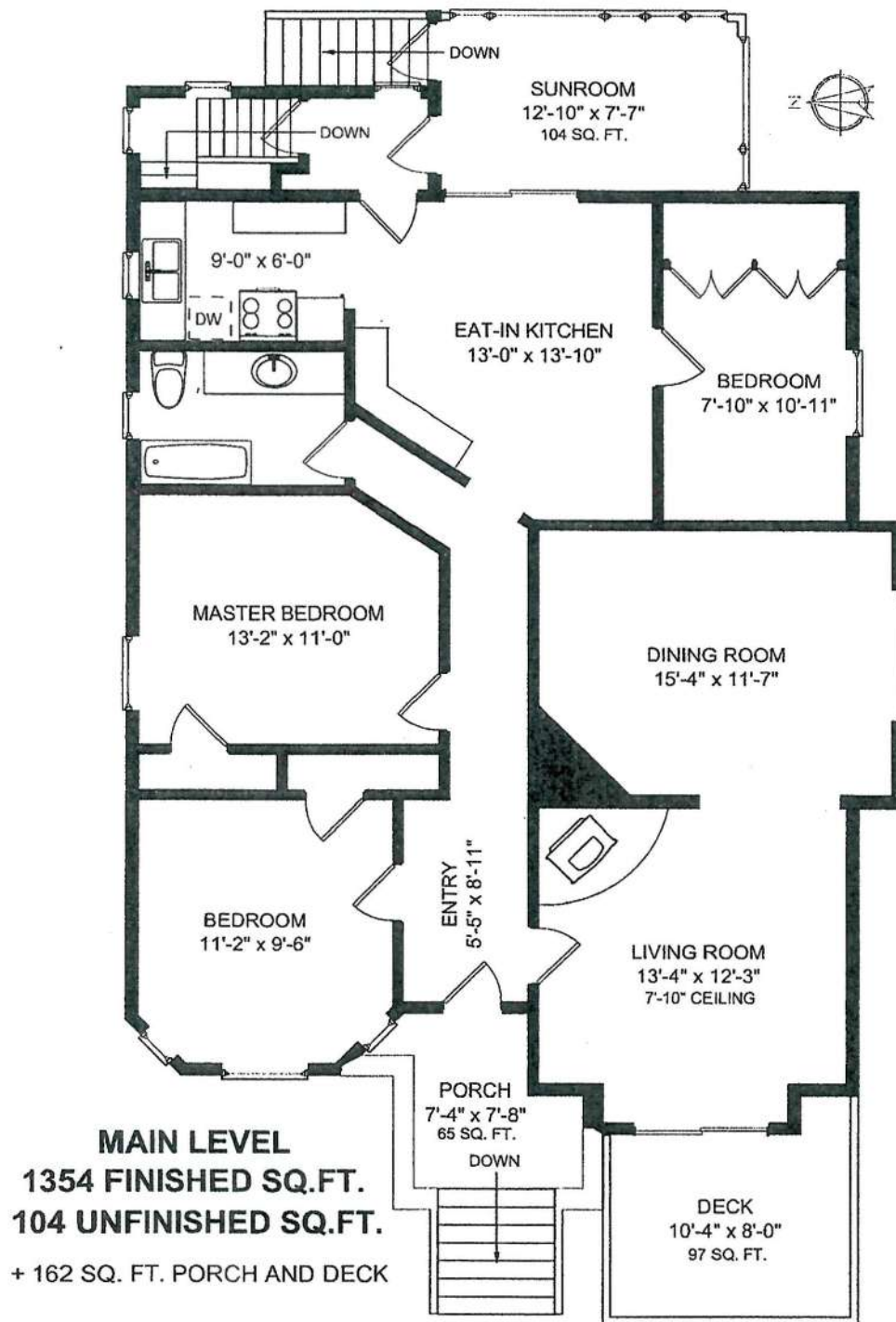
The maximum number of staff at the daycare will be 2. My own personal experience is that one or both people use public transit.

It is my hope to have this application accepted as I already have 10 families waiting for spaces in the daycare should the rezoning go through. I receive approximately 2 inquiries per week regarding availability of daycare space at our centre.

I look forward to having the opportunity of discussing this application with mayor and council in the near future.

Sincerely,

Alyson Culbert



	Fin. Sq.Ft.	UnFin. Sq.Ft.	Total Sq.Ft.
Main Level	1354	104	1458
Lower Level	389	926	1315
Total	1743	1030	2773

Shown length and width dimensions are approximate.
Area sq.ft. is representative of the on-site measurements. (1" accuracy)

STANDARD
REAL ESTATE SERVICES

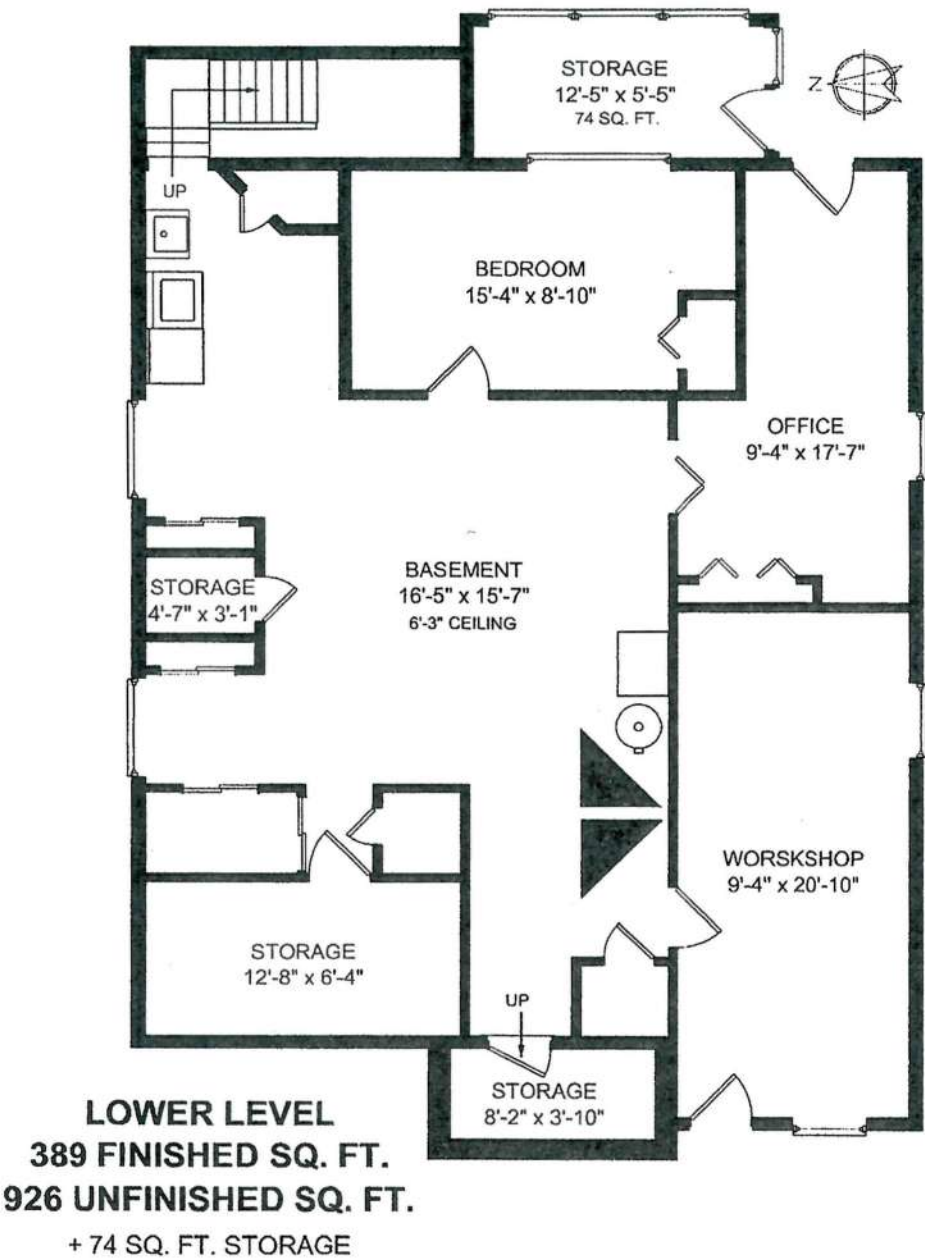
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Use of this information is limited to matters which would not hold fault
or liability to VI Standard Real Estate Services Inc.

1733 Bank St

Elke Pettipas

Sutton Group West Coast Realty

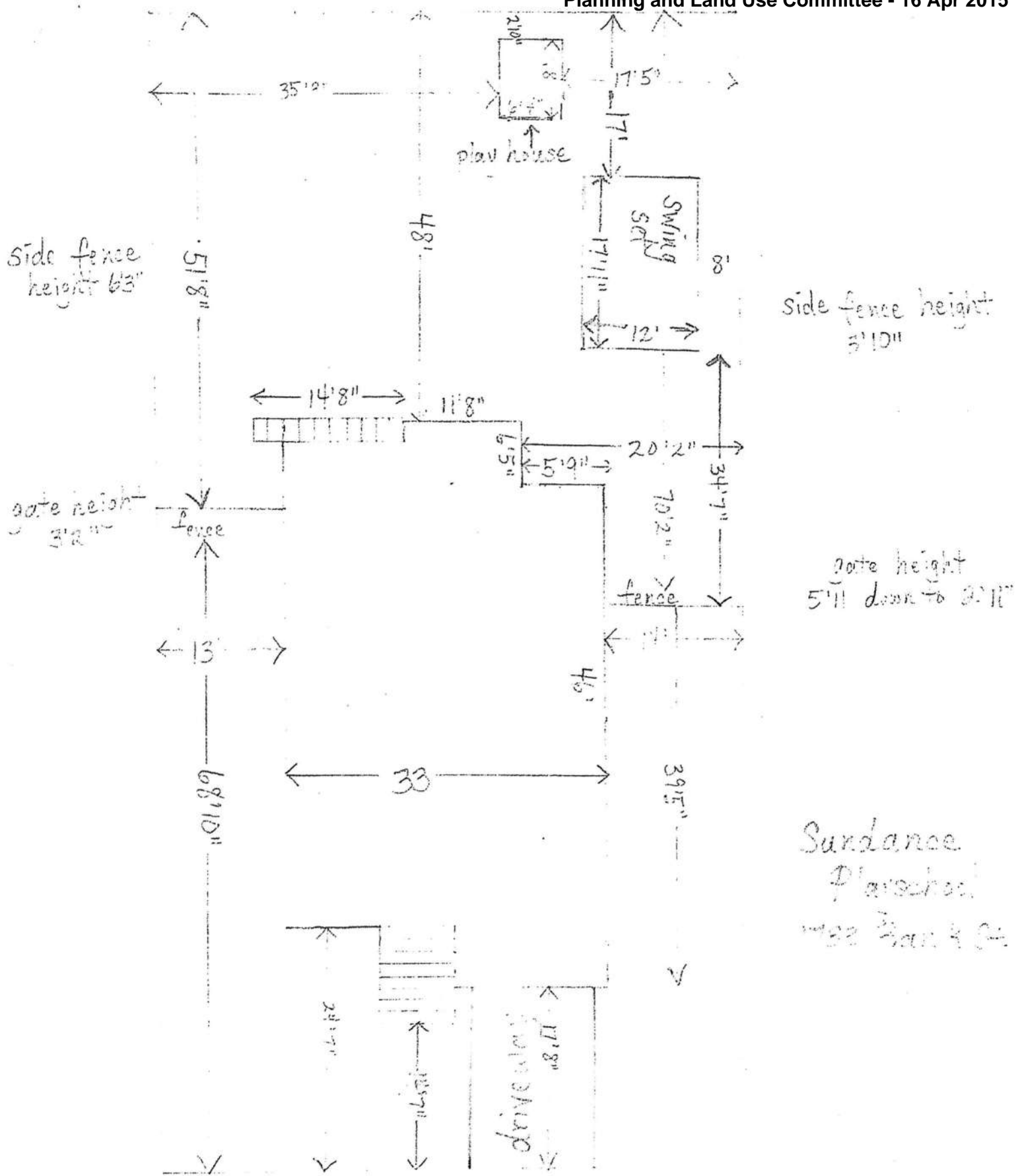


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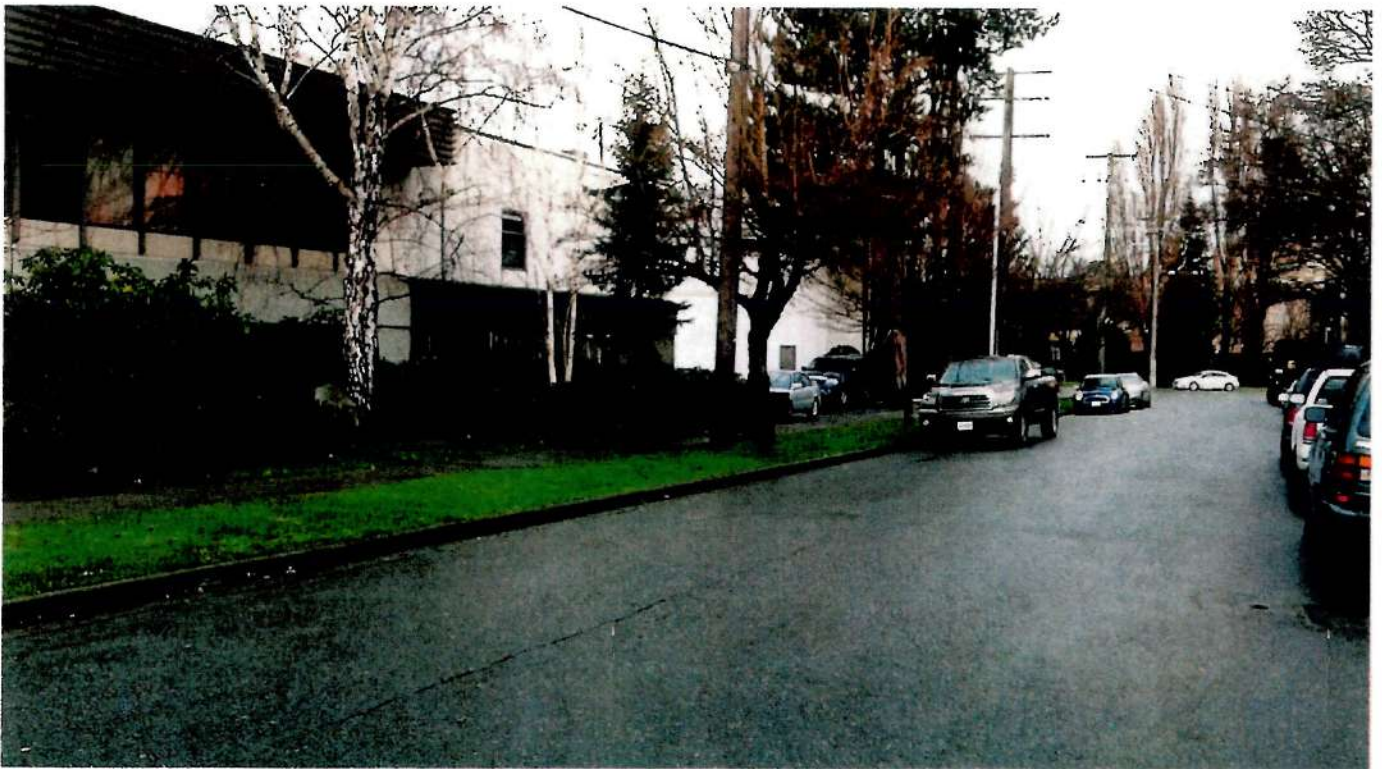
Use of this information is limited to matters which would not hold fault
or liability to VI Standard Real Estate Services Inc.











From: Anthony Carol
Sent: Tuesday, Feb 24, 2015 3:35 PM
To: Lucina Baryluk
Cc: Alison Meyer; Pam Madoff (Councillor); Lisa Helps (Mayor); Liz Hoar; Ron George
Subject: Group Day Care Proposal at 17333 Bank Street Victoria

Dear Lucina Baryluk

I wish to express my opposition to the group day care development proposal submitted by Alyson Culbert at 1733 Bank Street, Victoria, B.C.

As I understand the current situation, the maximum number of children allowed for care at this site is eight. The proposal asks for an increase of eight children which would bring the group daycare capacity to sixteen.

I am apposed to the increase in the number of children (double the current number allowed) as the day care play area abuts my home: my back garden is directly adjacent to the back yard property of 1733 Bank Street where the outside play ground is situated. Given such close proximity, the day care noise from the children would directly impact my ability and that of my family or guests to enjoy the privacy, peace and quiet and enjoyment of my backyard and garden.

Having said that, I am grandmother - an active one - I do love children. I also love gardening. Last year, I could hear some of the children some of the time and it was tolerable. However, in doubling the capacity from eight to sixteen, given the proximity of my back garden to the day care back garden - it does not, in my view, provide sufficient space to mitigate the noise factor of sixteen children.

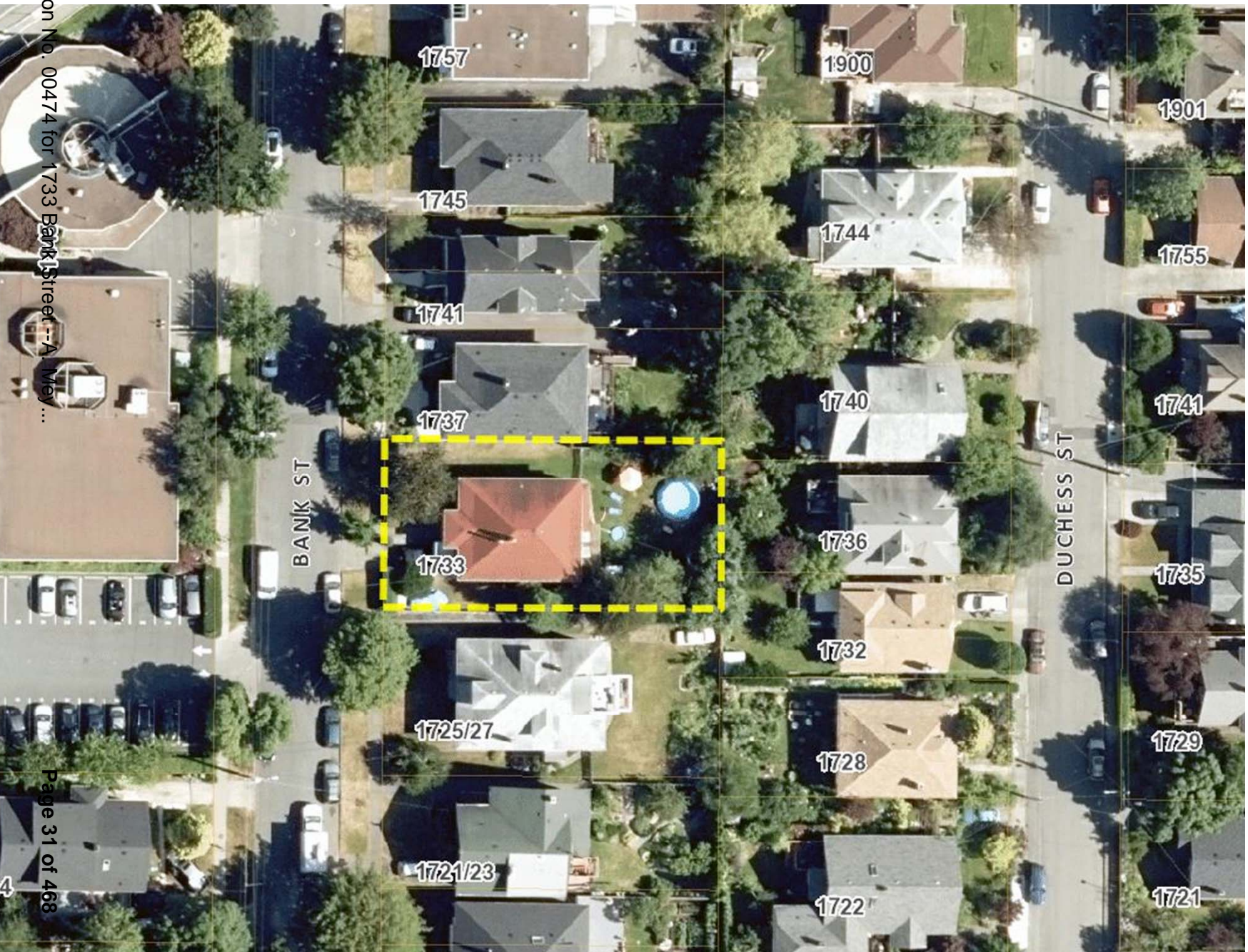
An additional concern is the impact a sixteen capacity group day care might have on my property regarding its resale. While some young families might welcome the opportunity, others might not be comfortable with this situation. It is a consideration.

I advised Alyson Culburt of my opposition to the proposal on Wednesday, January 14, 2015 via a phone message left at her home phone number listed on a community meeting notification. I subsequently spoke with Alyson and in spite of her warm and respectful reassurances, I remain unchanged in my opposition.

I also attended a meeting of the South Jubilee Neighbourhood Association (SJNA) on February 9th and expressed my opposition to the members present. Councilor Pam Madoff was in attendance.

Thank you for your time in consideration of my views expressed in this letter.

Sincerely,
Carol Anthony 1736 Duchess Street
Victoria, B.C.



General context



Royal Jubilee Hospital



1821 Fort Street

Parking entrance on Bank Street



Subject Property 1733 Bank Street



Bank Street Adjacent properties



Detail of south side yard

between subject property and 1725/27 Bank Street



Bank Street Parking restrictions





Planning and Land Use Committee Report For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** March 27, 2015
From: Brian Sikstrom, Senior Planner
Subject: Development Permit Application No. 000413 for 343 Bay Street

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. 000413 for 343 Bay Street, in accordance with:

1. Plans date stamped March 9, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department."

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 Section 920(8) of the *Local Government Act*, where the purpose of 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.

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 343 Bay Street. The proposal is to construct a 31m² addition to an existing office building. No variances are required.

The following points were considered in assessing this Application:

- The proposal is consistent with the objectives to enhance place character through a high quality of architecture, landscape and urban design in Development Permit Area 10A: Rock Bay.
- The proposal is consistent with the *Official Community Plan, 2012* and the *Burnside Neighbourhood Plan, Revised 2012*.

BACKGROUND

Description of Proposal

The proposal is for construct a 31m² addition to an existing office building. The addition is at the same level as the existing building, shares a ramp allowing for full accessibility is to be finished with the same materials and colours as the existing building with similar awnings over the windows.

Sustainability Features

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

Active Transportation Impacts

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

Existing Site Development and Development Potential

The 1920m² property is currently occupied by Ralmax offices, parking, and concrete and construction services. The total proposed floor area is 1035m².

Under the current M-3C Zone, Bay Commercial & Marine District, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) and with office uses limited to 1040 m². Other permitted uses include all of the uses in the M-3 Zone, Heavy Industrial District, including warehouses, wholesale and retail as an accessory use.

Community Consultation

The Application does not propose any variances and, therefore, has not been referred to the Burnside Neighbourhood Association Land Use Committee. This is consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Applications*.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property with in DPA#10A, Rock Bay.

The Development Permit Area enables Council to review and approve the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures. The objectives of the designation include enhancing place character through a high quality of architecture, landscape and urban design.

The exterior design of proposed office building addition is in keeping with the appearance of the building.

Local Area Plans

The proposal is within the Marine Industrial Place Designation of the *Official Community Plan, 2012* and is consistent with place character features which include primary processing, marine industrial, marine warehousing, shipping, bulk materials handling, other marine industrial uses and accessory offices.

The applicant has been requested to provide a statutory Right-of-Way of 3.71m on Bay Street for future transportation improvements, e.g. bikeway.


CONCLUSIONS

The proposal is consistent with Marine Industrial Place Designation of the *Official Community Plan, 2012* and is in keeping with the appearance of the existing building.

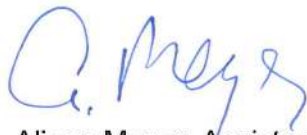
ALTERNATE MOTION

That Council decline DP Application No.000413 for the property located at 343 Bay Street.

Respectfully submitted,

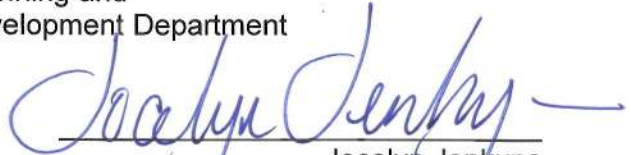


Brian Sikstrom
Senior Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services
Sustainable Planning and
Community Development Department

Report accepted and recommended by:



Jocelyn Jenkyns

Date:

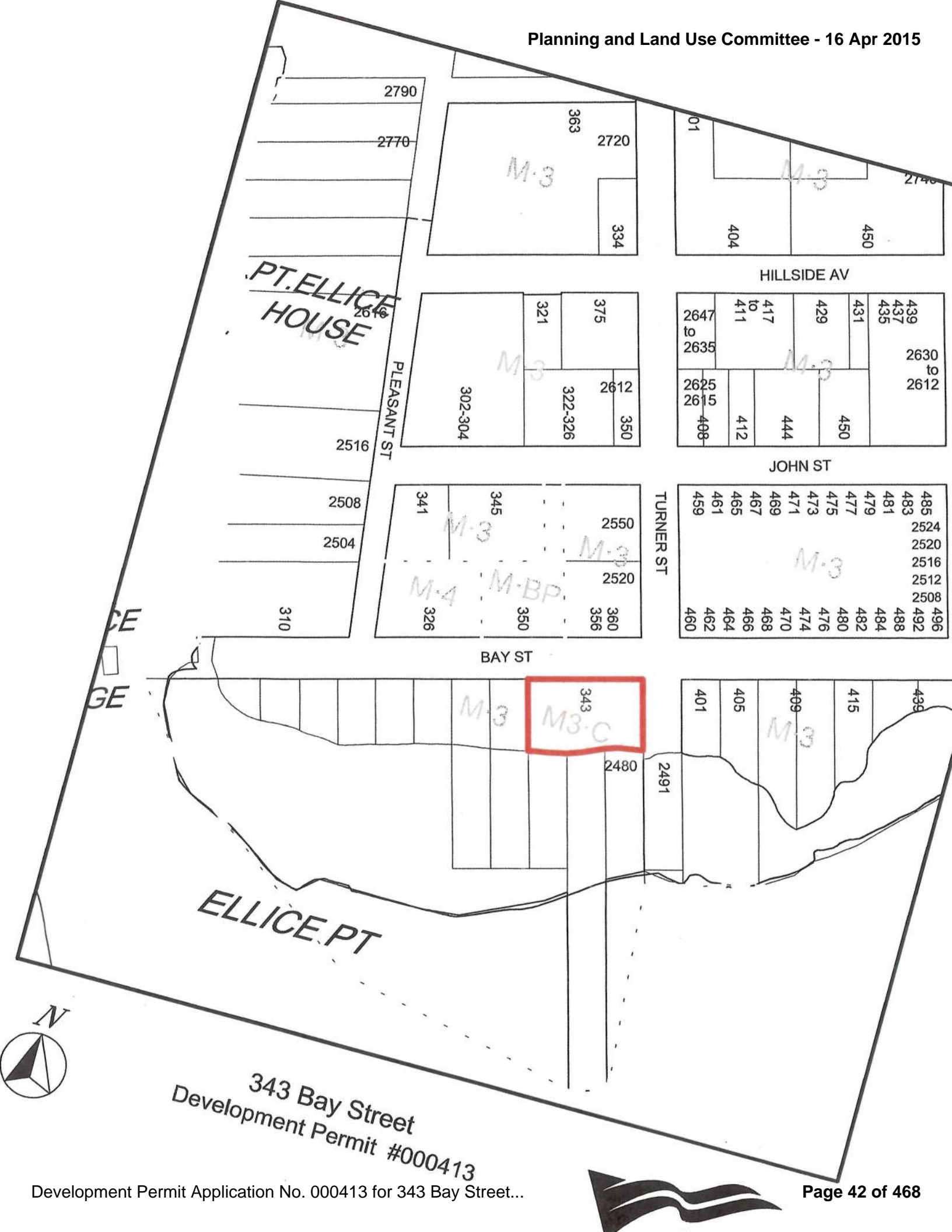
April 9, 2015

BMS:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000413\DP DVP PLUC REPORT TEMPLATE1.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 11, 2015
- Plans dated March 9, 2015.



343 Bay Street
Development Permit #000413



343 Bay Street
Development Permit #000413

Development Permit Application No. 000413 for 343 Bay Street...

11 March 2015

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



977 Fort Street
Victoria, BC V8V 3K3
T 250-658-3367
F 250-658-3397
mail@dhk.ca
www.dhk.ca

RE: 343 ^{Bay}Government Street - Development Permit

Dear Mayor & Members of Council:

On behalf of our client, Ralmax Properties Ltd, we are pleased to submit this application for a development permit for the above named property.

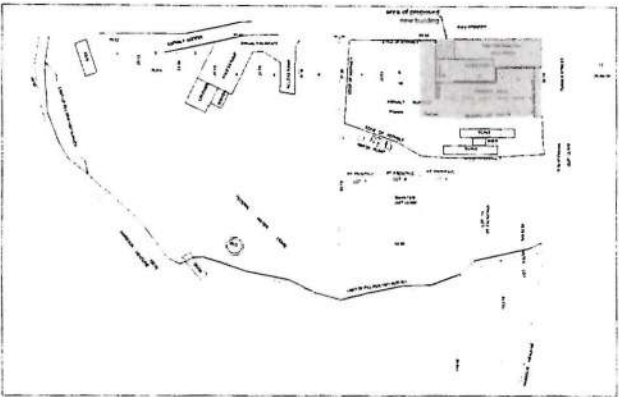
The owners wish to construct a small addition on the west side of the existing mixed use building on Bay Street building. This addition will add approximately 31.4 square meters to the site. The purpose of the addition is to provide space for two new office to accommodate an increase in administrative staff. The floor of the addition will be at the same level as the existing building, and will share the same ramp allowing for full accessibility to the addition.

The new addition will be finished with the same materials and colour palette as the existing building and will include similar awnings over all the windows.

The project meets all requirements for vehicle and bicycle parking and no variances are required.

Sincerely yours,

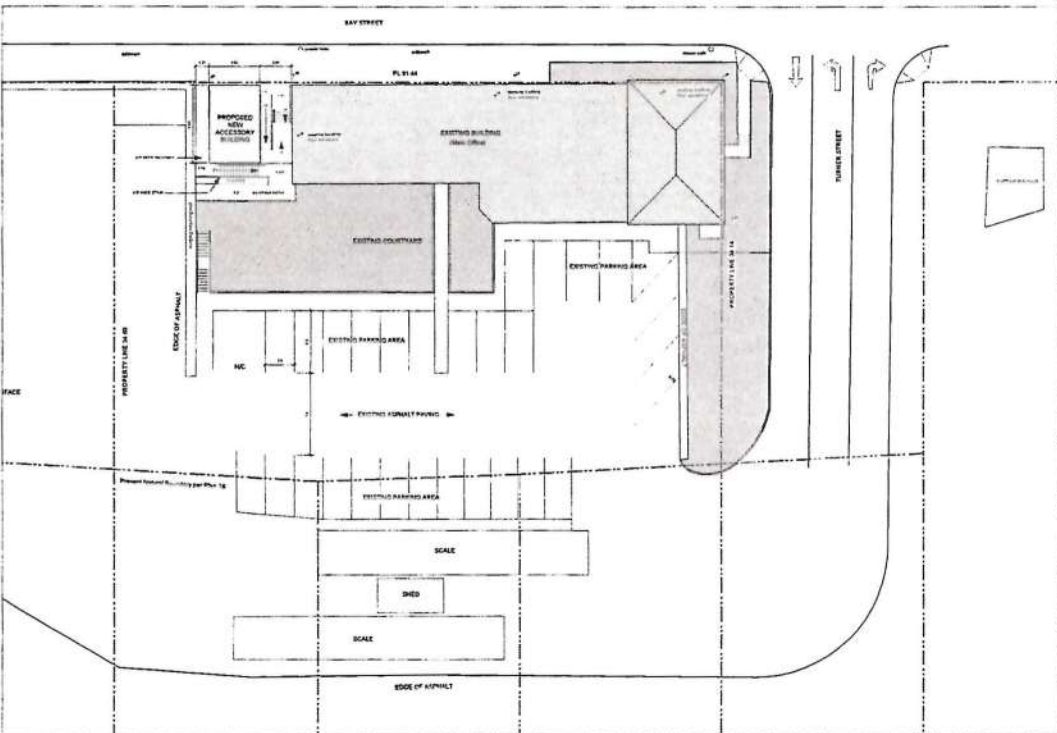
Peter de Hoog Architect AIBC MRAIC
de Hoog & Kierulf architects



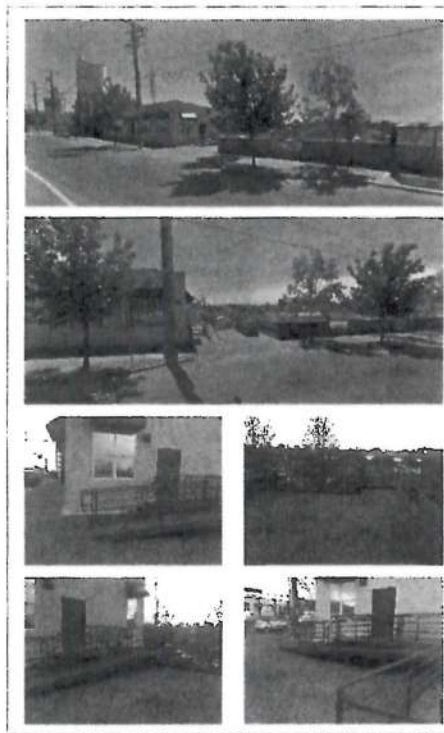
1 Site Key Plan
A01 Scale: 1:1000



2 Aerial Site Context
A01 Scale: 1:500



3 Site Plan Existing
A01 Scale: 1:200



4 Site Photos
A01 NTS

PROJECT DESCRIPTION

CIVIC ADDRESS:
343 BAY STREET, VICTORIA, B.C.
LEGAL DESCRIPTION:
LOT A, SECTION 4, VICTORIA,
VR600936

REGISTERED OWNER
Raimax Properties Ltd.
343 Bay Street
Victoria B.C.
V8T 4P5

ARCHITECT
de Hoog & Kierulff architects
977 Fort Street
Victoria, BC
V8V 3K3

Peter de Hoog
tel: 458-3367
fax: 458-3397

VICTORIA ZONING BYLAW SUMMARY

ZONING:
EXISTING: M-3C - BAY COMMERCIAL & MARINE DISTRICT
BUILDING DESCRIPTION:
3 STOREY OFFICE AND INDUSTRIAL BUILDING
SITE AREA: 1930 m²
TOTAL FLOOR AREA:
PERMITTED: 1260 m²
EXISTING: 529 m² office + 445 m² industrial + 93 m² warehouse
= 1067 m²
PROPOSED: 32 m² (additional) office
TOTAL: 1067 m²
COMMERCIAL FLOOR AREA: 0 m²
DENSITY:
PERMITTED: 1.0 : 1 FSR 2760 m²
PROPOSED: 0.50 : 1 FSR 1067 m²
SITE COVERAGE:
EXISTING: 32%
PROPOSED ADDITION: 1.67%
TOTAL: 444%
OPEN SITE SPACE:
EXISTING: 30%
PROPOSED: 18%
HEIGHT OF BUILDING:
PERMITTED: 15.0m
EXISTING: 8.46m
PROPOSED: 4.75 m
NUMBER OF STOREYS: 3 STOREYS WITH BASEMENT
PARKING:
REQUIRED:
529 m² office at 1/65 m²: 8 spaces
445 m² industrial at 1/40 m²: 3 spaces
93 m² warehouse at 1/93 m²: 1 space
= 12 stalls
PROVIDED: 16 stalls existing
BICYCLE PARKING:
REQUIRED: 1025 m² office space
PROPOSED: 1 additional space for 32 m² addition
MAIN FLOOR SETBACKS:
FRONT: required 0.0 m provided 0.0 m (Bay Street)
SIDE: 0.0 m 0.0 m (West)
SIDE: N/A N/A (Turner Street)
REAR: 0.0 m 3.8.1 m (South)
COMBINED: N/A

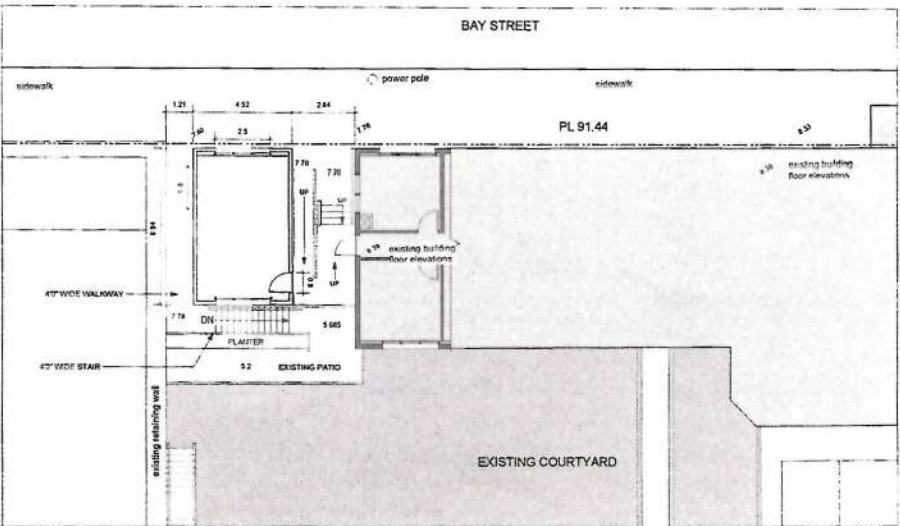


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de Hoog & Kierulff architects

Raimax Office Addition
343 Bay Street, Victoria, BC

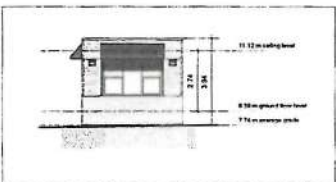
Context and Site Plans
A01 00



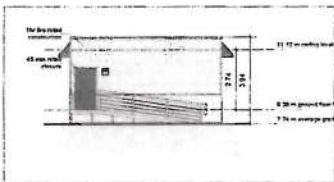
1 Proposed New Building Plan
Scale: 1:100



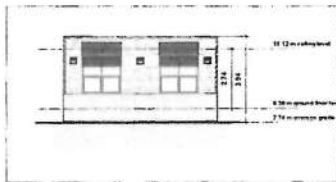
2 North Elevation - Streetscape
Scale: 1:100



3 South Elevation
Scale: 1:100



4 East Elevation
Scale: 1:100



5 West Elevation
Scale: 1:100

NO.	DATE	REVISION
1	16 MAR 2015	Issued For Development Permit

de Hoog & Kierulff architects	
343 Bay Street, Suite 200	Vancouver, BC V6C 2K7
Tel: (604) 681-1111	
Fax: (604) 681-1112	
Email: info@dhk.ca	
Website: www.dhk.ca	
Project: Rainmax Office Addition	
343 Bay Street, Victoria BC	
Proposed Addition	
A02	00

343 Bay Street – DP Application #000413



343 Bay Street – DP Application #000413

Existing Office Building – Corner of Bay and Turner Streets



343 Bay Street – DP Application #000413

Existing Office Building



343 Bay Street – DP Application #000413

West side of Existing Office Building



343 Bay Street – DP Application #000413

West side of Existing Office Building – Location of Proposed Office Addition

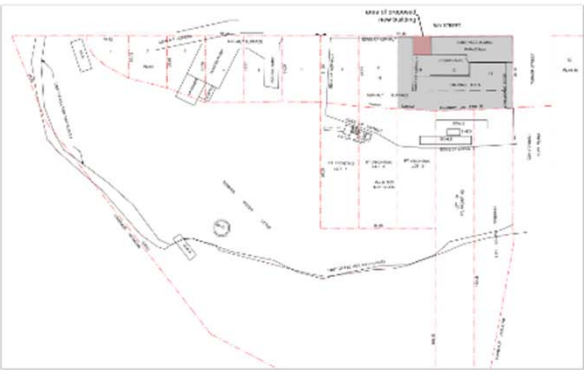


343 Bay Street – DP Application #000413


West side of Existing Office Building – Location of Proposed Office Addition



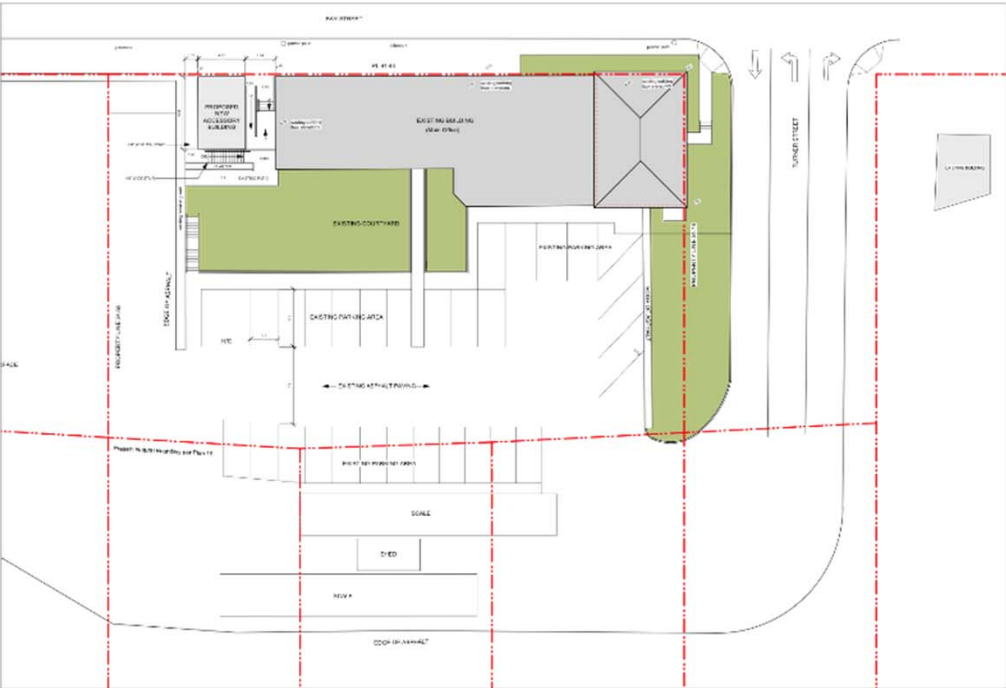
343 Bay Street – DP Application #000413




1 Site Key Plan
A01 / Scale: 1:1000



2 Aerial Site Context
A01 / Scale: 1:500



3 Site Plan Existing
A01 / Scale: 1:200



4 Site Photos
A01 / NTS

PROJECT DESCRIPTION

CIVIC ADDRESS:
343 BAY STREET, VICTORIA, BC

LEGAL DESCRIPTION:
132 A, SECTION 4, VICTORIA, V1P6A3(3)

REGISTERED OWNER
Rainmax Properties Ltd.
143 Bay Street
Victoria, B.C.
V8T 1X5

ARCHITECT
de Hoog & Kierulff architects
677 East Street
Victoria, BC
V8V 3K1

Priscilla de Hoog
Tel: 608-3357
Fax: 608-3397

VICTORIA ZONING BYLAW SUMMARY

ZONING:
EXISTING: M-3-C - BAY COMMERCIAL & MARINE DISTRICT

BUILDING DESCRIPTION:
3 STOREY OFFICE AND INDUSTRIAL BUILDING

GROSS AREA: 1200 m²

TOTAL FLOOR AREA:
PERMITTED: 1200 m²
EXISTING: 1200 m² office + 445 m² industrial + 99 m² warehouse
= 1667 m²
PROPOSED: 12 m² (additional) office
TOTAL: 1667 m²

CLIMATE/CLIMATE AREA: 6 m²

DENSITY:
PERMITTED: 3.40 : 1 FSR 1248 m²
PROPOSED: 0.55 : 1 FSR 1057 m²

GROSS COVERAGE:
EXISTING: 10%
PROPOSED ADDITIONAL: 1.67%
TOTAL: 11.67%

OPEN SITE SPACE:
EXISTING: 20%
PROPOSED: 18%

HEIGHT OF BUILDING:
PERMITTED: 15.0m
EXISTING: 8.4m
PROPOSED: 6.75 m
NUMBER OF STOREYS: 3 STOREYS WITH BASEMENT

PARKING:
REQUIRED:
120 m² office at 105 m² 8 spaces
445 m² industrial at 1240 m² 8 spaces
99 m² warehouse at 105 m² 1 space
= 11 stalls existing
PROPOSED: 16 stalls existing

BICYCLE PARKING:
REQUIRED: 1200 m² office space
PROPOSED: 1 additional space for 32 m² addition

MAIN FLOOR SETBACKS:
REQUIRED:
FRONT: 0.0 m (provided) (Bay Street)
SIDE: 0.0 m (provided) (West)
REAR: 0.0 m (provided) (Thames Street)
COMBINED: 0.0 m (provided) (South)

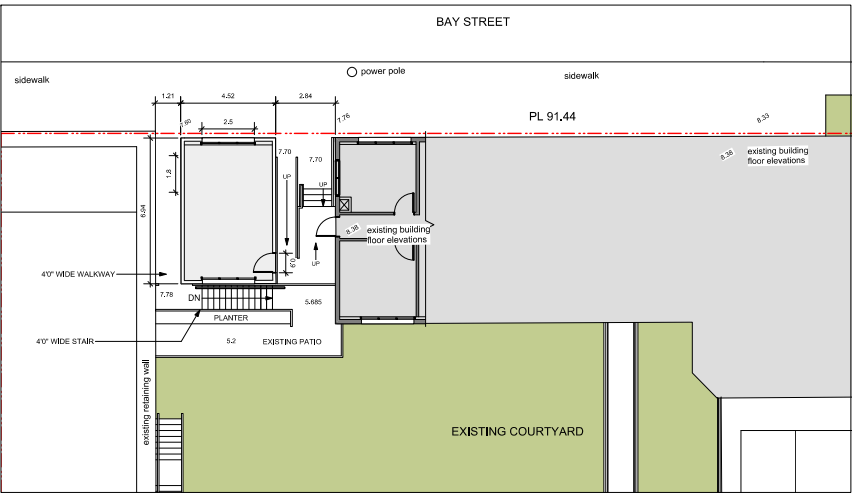
NO.	DATE	REVISION	BY	CHKD	APPD
1	2015/04/16	Issued for Review and Approval			
2	2015/04/16	Final Review and Approval			

de Hoog & Kierulff architects
677 East Street
Victoria, BC
V8V 3K1
Tel: 608-3357
Fax: 608-3397
Email: info@dhka.com

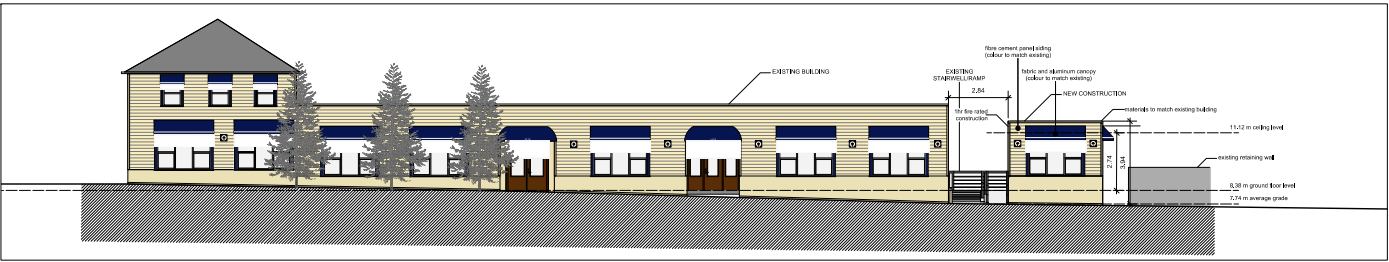
Rainmax Office Addition
343 Bay Street, Victoria, BC

Context and Site Plans
A01 00

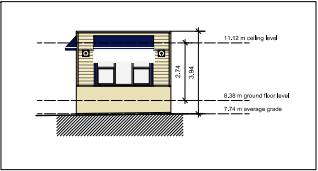
343 Bay Street – DP Application #000413



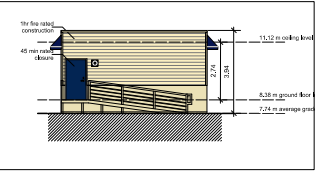
1 Proposed New Building Plan
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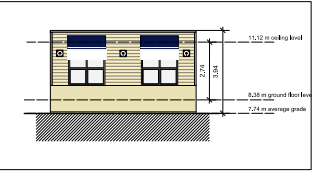
2 North Elevation - Streetscape
Scale: 1:100




3 South Elevation
Scale: 1:100



4 East Elevation
Scale: 1:100



5 West Elevation
Scale: 1:100



DATE	DESCRIPTION	BY	CHKD
01	05 MAR 2015	Issued for Development Permit	
02	05 MAR 2015	Revised	
03	05 MAR 2015	Revised	
04	05 MAR 2015	Revised	
05	05 MAR 2015	Revised	
06	05 MAR 2015	Revised	
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99	05 MAR 2015	Revised	
100	05 MAR 2015	Revised	

de Hoog & Kierulff architects	
017 Bay Street Victoria BC V8V 1K5	748 222-0114 (ext. 101) 748 222-0114 (ext. 102)
PROJECT Railmax Office Addition 343 Bay Street, Victoria, BC	
DATE Proposed Addition	
002	00



Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 2, 2015

From: Jim Handy, Senior Planner – Development Agreements

Subject: Development Permit Application No. 000412 for 1908 Store Street

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. 000412 for 1908 Store Street, subject to receiving written confirmation from the Ministry of Environment that issues related to site contamination have been adequately addressed, to the satisfaction of the Assistant Director, Development Services, in accordance with:

1. Plans date stamped March 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development."

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 1908 Store Street. The proposal is to construct a new warehouse building and reconfigure a property line.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan* and the applicable Design Guidelines for Development Permit Area 10B (HC): Rock Bay Heritage.
- The application does not propose any variances from the *Zoning Regulation Bylaw*.
- The issuance of a Development Permit must be subject to receipt of written confirmation from the Ministry of Environment (MOE) indicating that matters relating to potential site contamination have been addressed.

BACKGROUND

Description of Proposal

The proposal is for a new warehouse building associated with Capital Iron. The building would stand 7.2m tall with a footprint of 1355m² and finished with Galvalume metal cladding.

The building would be set back over 20m from Store Street and, as a result of existing buildings located on the street frontage and a significant grade change towards the waterfront, the building would not be clearly visible from Store Street. The site is currently used for the outdoor storage of goods and is also occupied by several storage buildings, some of which are in poor repair.

The proposal includes 15 new parking stalls and a loading stall consistent with the *Zoning Regulation Bylaw* requirements.

The Application also proposes a subdivision to reconfigure a lot line. The purpose of the subdivision is to ensure the proposed building does not straddle a lot line which is a requirement outlined in the *Zoning Regulation Bylaw* and also necessary to comply with the British Columbia Building Code.

Sustainability Features

As indicated in the applicant's letter dated March 4, 2015, the following sustainability features are associated with this Application:

- The prefabricated manufactured design approach is a sustainable construction technique and all industrial wastes produced through the manufacture of the building will be recycled.
- The consolidation of existing warehouses used by Capital Iron reduces vehicular movements and, in turn, greenhouse gases.

Active Transportation Impacts

The Application proposes one new bike rack which supports active transportation.

Existing Site Development and Development Potential

The site is presently in the M-3 Zone, Heavy Industrial District, which allows for warehouses and a wide range of heavy industrial activities.

Data Table

The following data table compares the proposal with the M-3 Zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) - minimum	4721	n/a
Density (Floor Space Ratio) - maximum	0.29:1	3:1
Total floor area (m ²) - maximum	1355	14163
Lot width (m) - minimum	72.6	n/a
Height (m) - maximum	7.2	15
Setbacks (m) - minimum		
Front (Store Street)	25.69 (proposed building) Nil (existing buildings)	Nil Nil
Rear (west)	8.57	3
Side (north)	10.73	3
Side (south)	30.64	3
Parking - minimum	15	15
Bicycle parking stalls (minimum)		
Class 1	1	1
Class 2	n/a	n/a
Loading Space		
Width (m) – minimum	4	4
Length (m) – minimum	9	9
Setback from street (m) - minimum	27	3

Community Consultation

The 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 Burnside Neighbourhood Association Land Use Committee.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area (DPA) 10B (HC): Rock Bay Heritage. The following Design Guidelines are applicable to DPA 10B (HC):

- *Downtown Core Area Plan*
- *Advisory Design Guidelines for Buildings, Signs and Awnings*
- *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*
- *Standards and Guidelines for the Conservation of Historic Places in Canada.*

The proposal is consistent with the aforementioned Guidelines on the following basis:

- There is a significant grade change from Store Street towards the waterfront and, as a result, the proposed building would only be partially visible from certain vantage points along Store Street.
- To the west, public views of the building would be from Point Ellice Park some 550m from the Application site. From this vantage point, the proposed building would not significantly impact views of the Heritage Conservation Area.
- The height and massing of the building are considered appropriate with respect to the site context.
- Historically the site has been occupied by warehouse buildings with a similar metal cladding finish.
- The proposed new building replaces several existing storage buildings, including temporary steel storage containers, some of which are in poor repair.

Local Area Plans

The proposal is consistent with the objectives for the Rock Bay District outlined in the *Downtown Core Area Plan* which identify the area as a key employment centre where commercial and light industrial uses are encouraged.

Potential Site Contamination

A Site Profile and Remediation Report has been submitted as part of the Application and has been forwarded to the MOE review. At the time of writing this report, staff were still awaiting comment from the MOE.

Given the above, staff recommend that Council consider approving this Application subject to receiving written confirmation from the MOE indicating that issues related to site contamination have been adequately addressed.

CONCLUSIONS

The Application is to construct a new warehouse building and reconfigure a property line. The proposal is consistent with the *Official Community Plan*, *Downtown Core Area Plan* and the applicable Design Guidelines.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000412 for the property located at 1908 Store Street.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

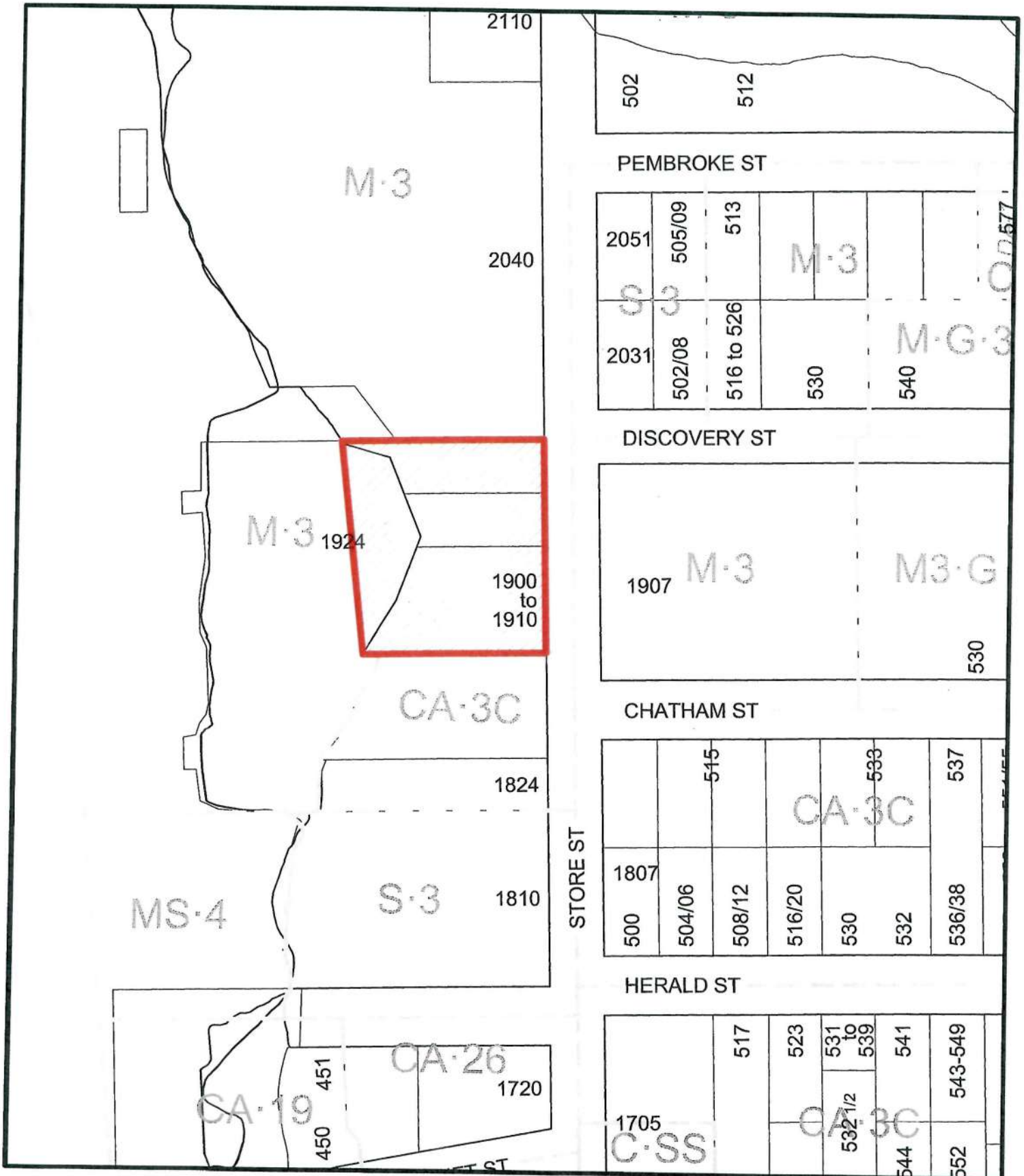
April 7, 2015

JH:aw

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List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 4, 2015
- Plans dated March 23, 2015



1908 Store Street
Development Permit #000412



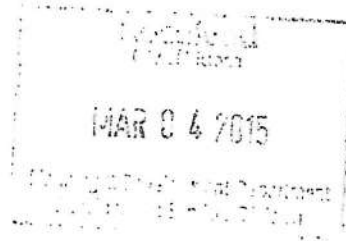




MOORE ARCHITECTURE INC.

March 3 2015

City of Victoria
City Hall
1 Centennial Square
V8W 1P6



Attn: Mayor and Council

Re: Development Application for 1908 Store Street

On behalf of Store Street Holdings Ltd. we are making a Development Permit Application for the construction of a 10,000 sq ft warehouse located at 1908 Store Street.

Store Street Holdings Ltd.'s major tenant, Capital Iron, needs to consolidate their warehousing operations on this M3, industrially, zoned site located on Store Street in the Rock Bay District. Currently Capital Iron has various warehousing operations located in the Regional District and wants to streamline and make more efficient their operations by consolidating these locations into one building located on Store Street. This application is made possible by the recent completion of a new driveway to the lower level of the site and Capital Iron's outdoor retail and garden centre. Not only did the new driveway make access to the site considerably safer for both pedestrians and vehicles and set the stage for future development but also it led to the environmental remediation of that portion of the site.

Project Benefits:

The construction of this project will mean that the remaining portion of this site will also be remediated to Ministry of the Environment standards and a Certificate of Compliance issued.

By consolidating Capital Iron operations the new warehousing facility will bring badly needed jobs to the downtown.

By consolidating the operations of Capital Iron the gained efficiency of operations will help to support the financial sustainability and increase the economic viability of this locally owned retail store.

By investing in this site it heralds the start of the renewal of the Rock Bay District.

250 384 2131
333 Herald Street, Victoria, BC
moorearchitecture.ca



MOORE ARCHITECTURE INC.

Neighbourhood:

The building that is proposed is a pre-engineered, pre fabricated building that will be assembled on site. The owners require the absolutely most cost effective building that can be built allowing the operation of the retail store to be as financially as viable as possible. A pre engineered building meets these requirements. Due to its prefabricated nature of this approach, the building is also readily reuseable, flexible and can be relocated as the site further develops over the next decades.

The area around the site is substantially zoned industrial as well as this site and the warehouse use and the building typology is a good 'fit' with the industrial character and activity next door.

Design and Development Permit Guidelines:

The building will be clad in galvanized metal siding using different cladding profiles for the roof and the walls. The galvanized finish was specifically selected over a painted finish to reference the many galvanized clad sheds and buildings that have historically occupied the site and to fit into the purposely eclectic nature of the retailing experience that is universally accepted as Capital Iron - "There's no store like it".

The building was strategically sited to lower its profile and impact by tucking it up against the retaining wall that was constructed to facilitate the new driveway.

Transportation:

The vehicular and bike parking meets Schedule 'C' of the zoning bylaw.

Heritage:

1910 Store Street is on the site of this project. It is a registered building on the City of Victoria Heritage Registry and is untouched and undisturbed as part of this project.



MOORE ARCHITECTURE INC.

Green Building Features:

By using a prefab manufactured approach we have used the most sustainable construction technique where all industrial wastes produced through the manufacture of the building are recycled. Factory construction uses the least amount of energy in its production and creates the least amount of waste of any construction technique, keeping the creation of green house gases to a minimum.

Bicycle storage has been provided on site for staff and customers.

The use of Galvalume as the finish for the metal cladding has a very low emissivity coefficient.

The relocation and consolidation of the existing warehouse reduces green house gases by reducing cartage between existing warehousing sites and eliminates transport needs to the site from remote warehousing locations on a daily basis..

Infrastructure :

Existing infrastructure will meet the needs of this project.

Lot Boundary Adjustment:

As part of this Development Permit application Store Street Holdings Ltd. is also applying simultaneously for a lot consolidation and Boundary or property line adjustment and a consolidation of a number of smaller lots on which this warehouse is located. This will permit the orderly remediation of the lands in question and clean up the legacy of past industrial activities on the site. This consolidation will further rationalize the land assemblies in the area and aid this and future developments.

At the heart of the Rock Bay District Objectives is the goal of 'developing an employment based environment' and maintaining existing businesses. Support of this Development Permit Application and Lot Boundary Adjustment by Council will be instrumental in ensuring that this 80 year old retail institution remains the anchor of a rejuvenated and reinvigorated Downtown and Rock Bay District.



MOORE ARCHITECTURE INC.

Thank you for your consideration of this application.

Yours truly,

Tom Moore Architect AIBC
Principal

Planning and Land Use Committee - 16 Apr 2015

[illegible]

Capital Iron
New Warehouse
1908 Store Street
Victoria, B.C.



MOORE ARCHITECTURE INC.

DRAWN BY:	DT	* SEE ALSO CITY & COUNTY RECORDS FOR THIS PROJECT. ** www.ci.fresno.ca.us/city_records.asp © 2011 HUNTLEIGH & ASSOCIATES, INC.
DESIGNED BY:	SMA	
DATE:	JANUARY 2014	
PLOT NAME:	AS COUNCIL	
DRAWING TITLE		
LOT BOUNDARY ADJUSTMENT		
PROJECT NO.	12-102A	REVISION NO.
		A02

CONFIDENTIAL
THIS PAGE AND DISCS ARE AT ALL TIMES THE PROPERTY
OF THE DISCOVER TO BE SOLD HEREIN PROJECT-TEAM.
WHILE CONFIDENTIAL AND ALL INFORMATION DISCOVERED
AND REPRODUCED

ISSUES	RESPONSE
2015-03-20	DEVELOPMENT PERMIT APPLICATION
2015-03-20	DEVELOPMENT PERMIT APPLICATION REVIEW
<p>The Committee will discuss the proposed development and make recommendations to the City Council. The City Council will make the final decision on whether to approve the development permit application.</p>	
<p>100%</p>	

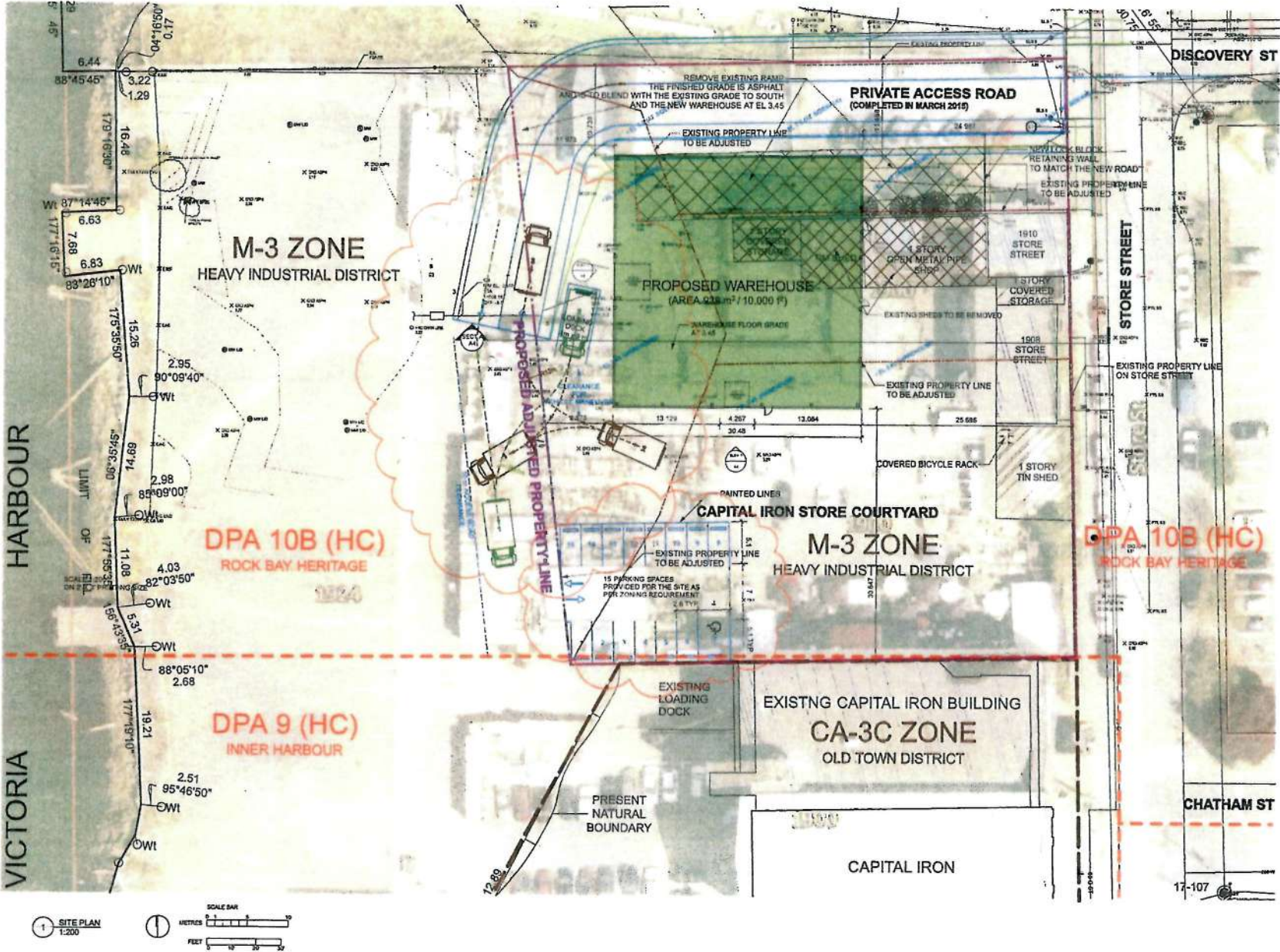
Capital Iron
New Warehouse
1908 Store Street
Victoria, B.C.

MA

MOORE ARCHITECTURE INC.

PROJECT NO. 12-102A	DRAWING NO. A03
SITE PLAN	

PREPARED BY: J. MOORE
 CHECKED BY: J. MOORE
 DATE: 12/10/14
 SCALE: AS SHOWN
 PROJECT NO. 12-102A
 DRAWING NO. A03







VALUE VILLAGE-

Capital Iron
New Warehouse
1908 Store Street
Victoria, B.C.



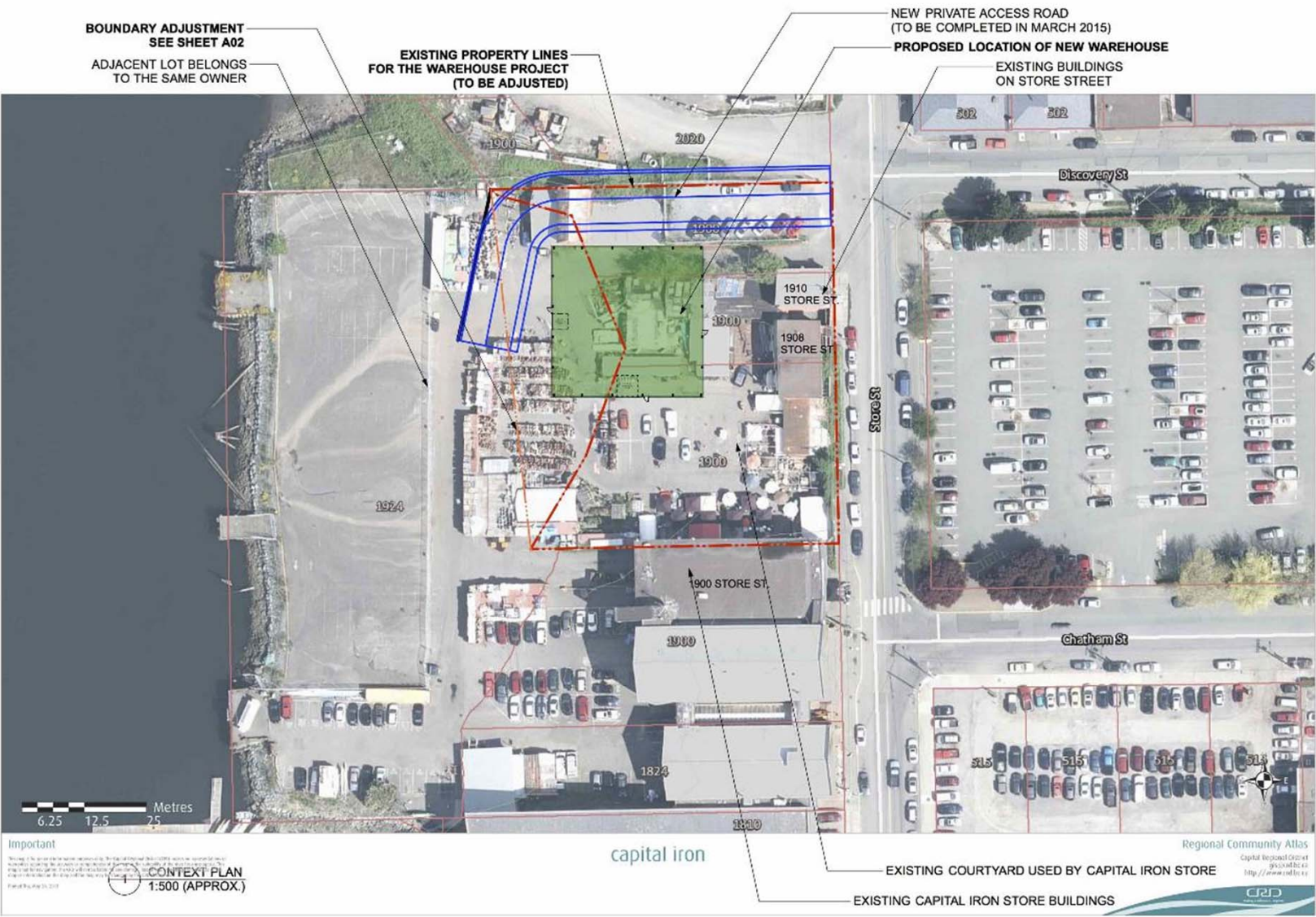
MOORE ARCHITECTURE INC.

[illegible]

COMMON RELEASE
 (a) If a release is required, it shall be the responsibility of the contractor to obtain the release from the appropriate authority.



SITE CONTEXT



Application Site – Location of Proposed Warehouse Building



Site Context



View North



View East

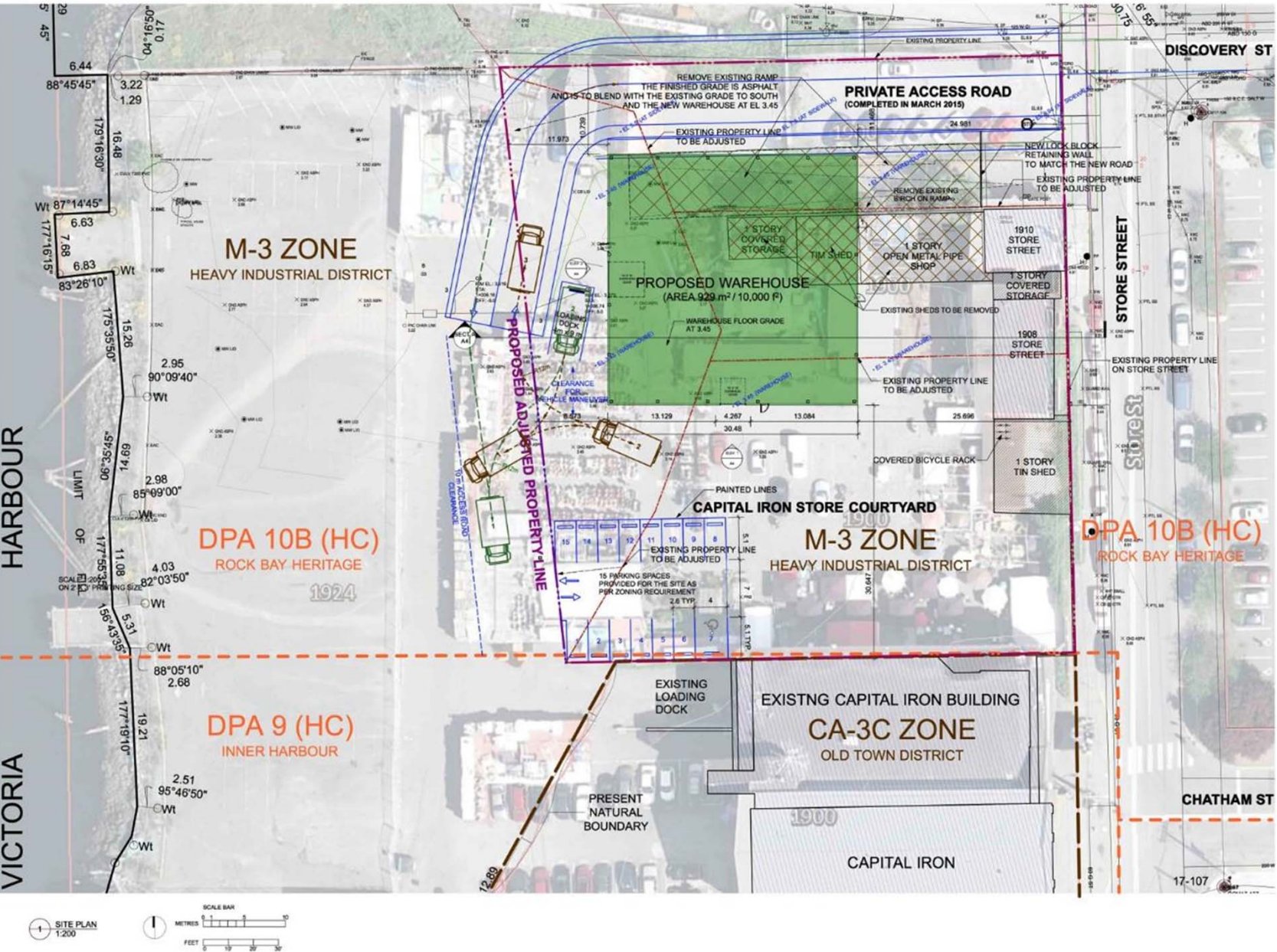


View West

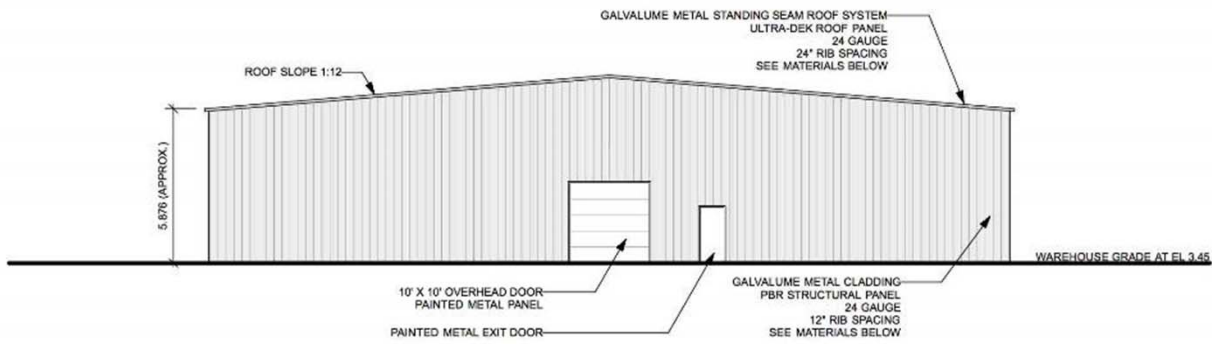


View from Store Street

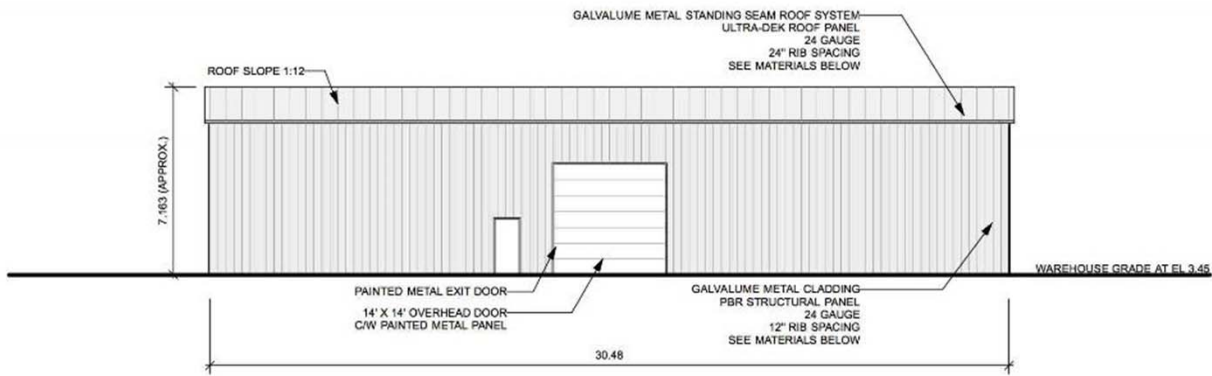
SITE PLAN



BUILDING ELEVATIONS

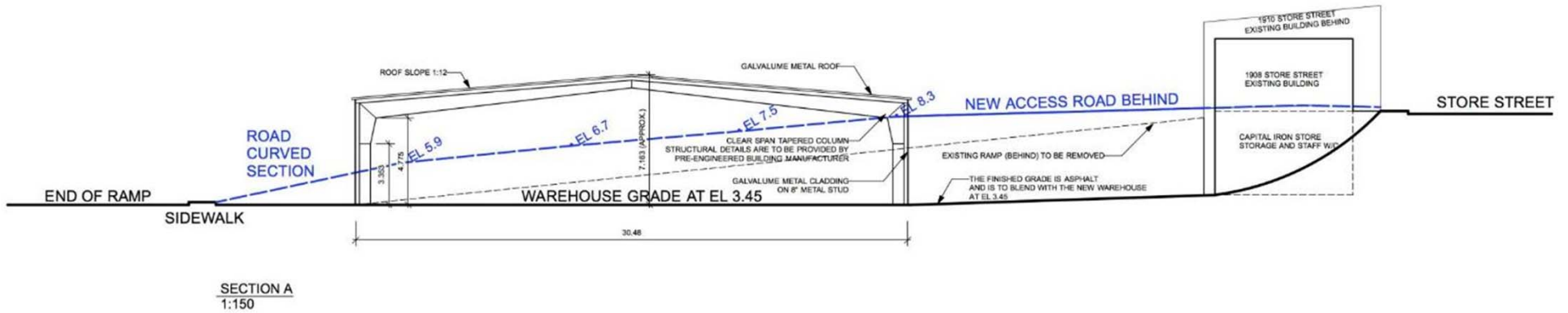


ELEVATION 1 (SOUTH)
1:150



ELEVATION 2 (WEST)
1:150

BUILDING SECTION



SITE CONTEXT



VISUALIZATION – PERSPECTIVE VIEW

ORIGINAL VIEW (seen from across the Gorge in Vic West)



ISLAND ASPHALT

CAPITAL IRON

VALUE VILLAGE

1908 STORE STREET

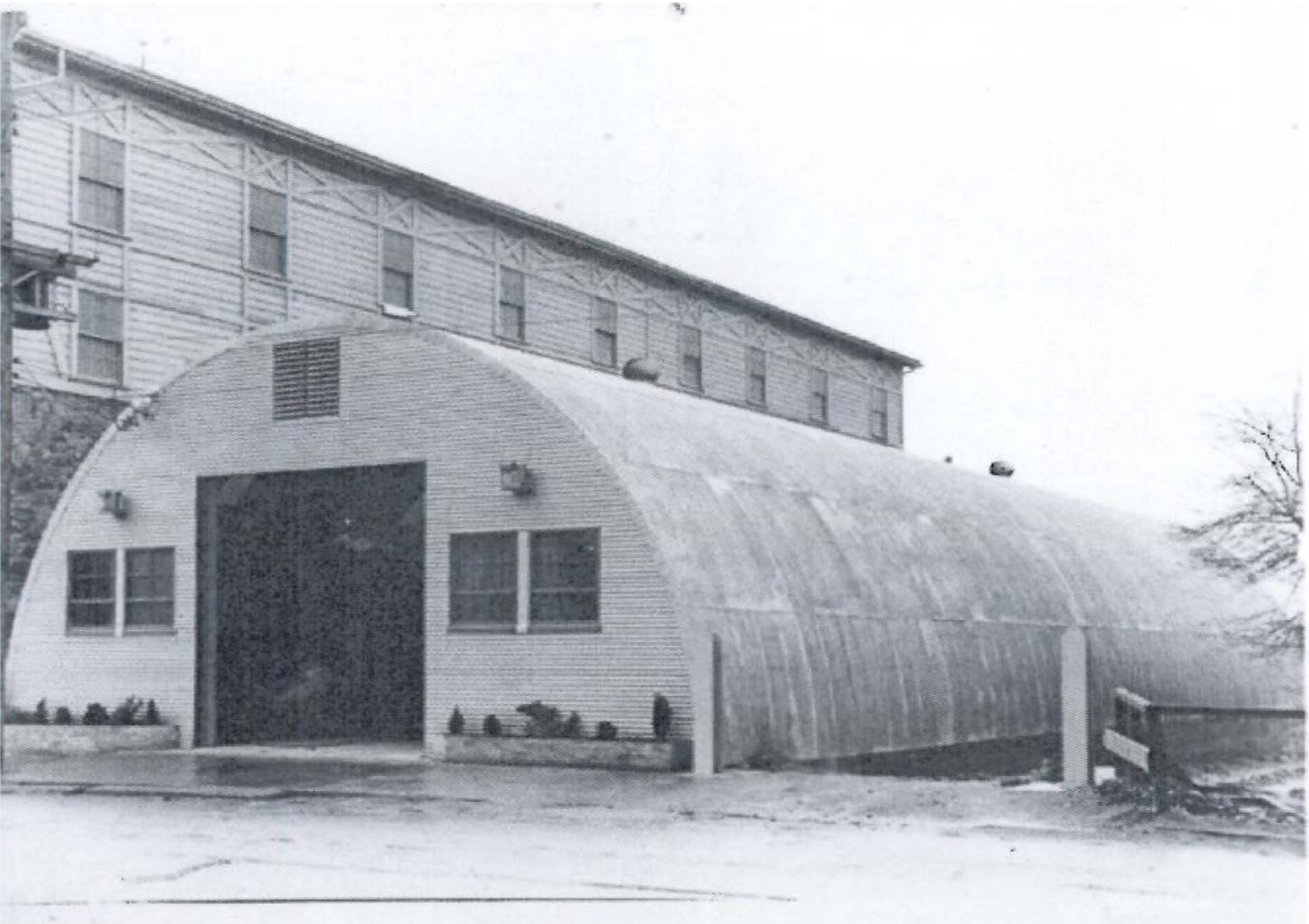
VISUALIZATION VIEW



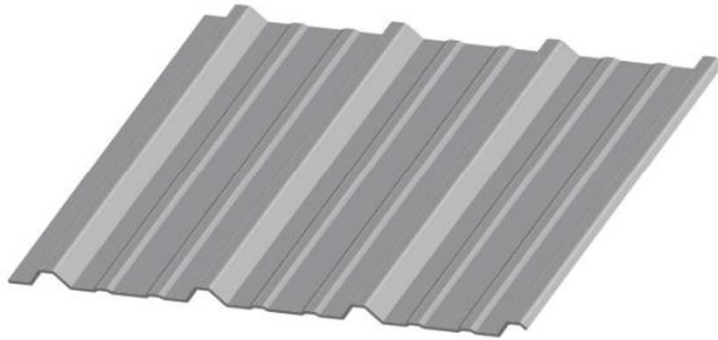
PROPOSED WAREHOUSE



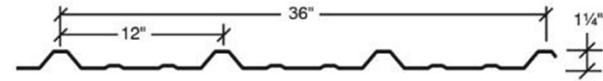
PROPOSED WAREHOUSE



BUILDING MATERIALS



EXTERIOR WALL PANEL



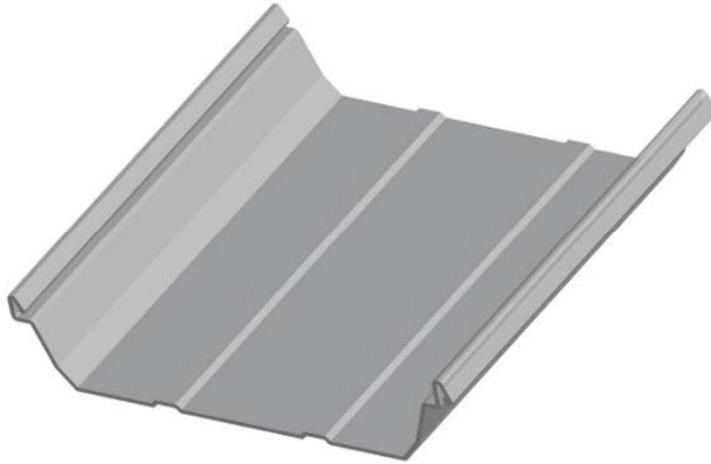
PBR STRUCTURAL EXTERIOR WALL PANEL
EXPOSED FASTENER C/W 12" RIB SPACING
GALVALLUME FINISH

(COORDINATED BY ALLIED STEEL BUILDINGS)

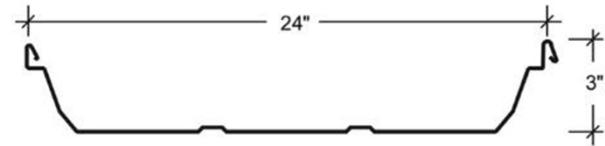
Historic Context

- galvanized steel metal siding has been typically used as exterior finish for industrial buildings around Inner Harbour industrially zoned areas for over 100 years.
- distinctive patina over time will help to maintain the industrial chic appearance central to Capital Iron's marketing strategy and universal appeal.

BUILDING MATERIALS



METAL STANDING SEAM ROOF SYSTEM

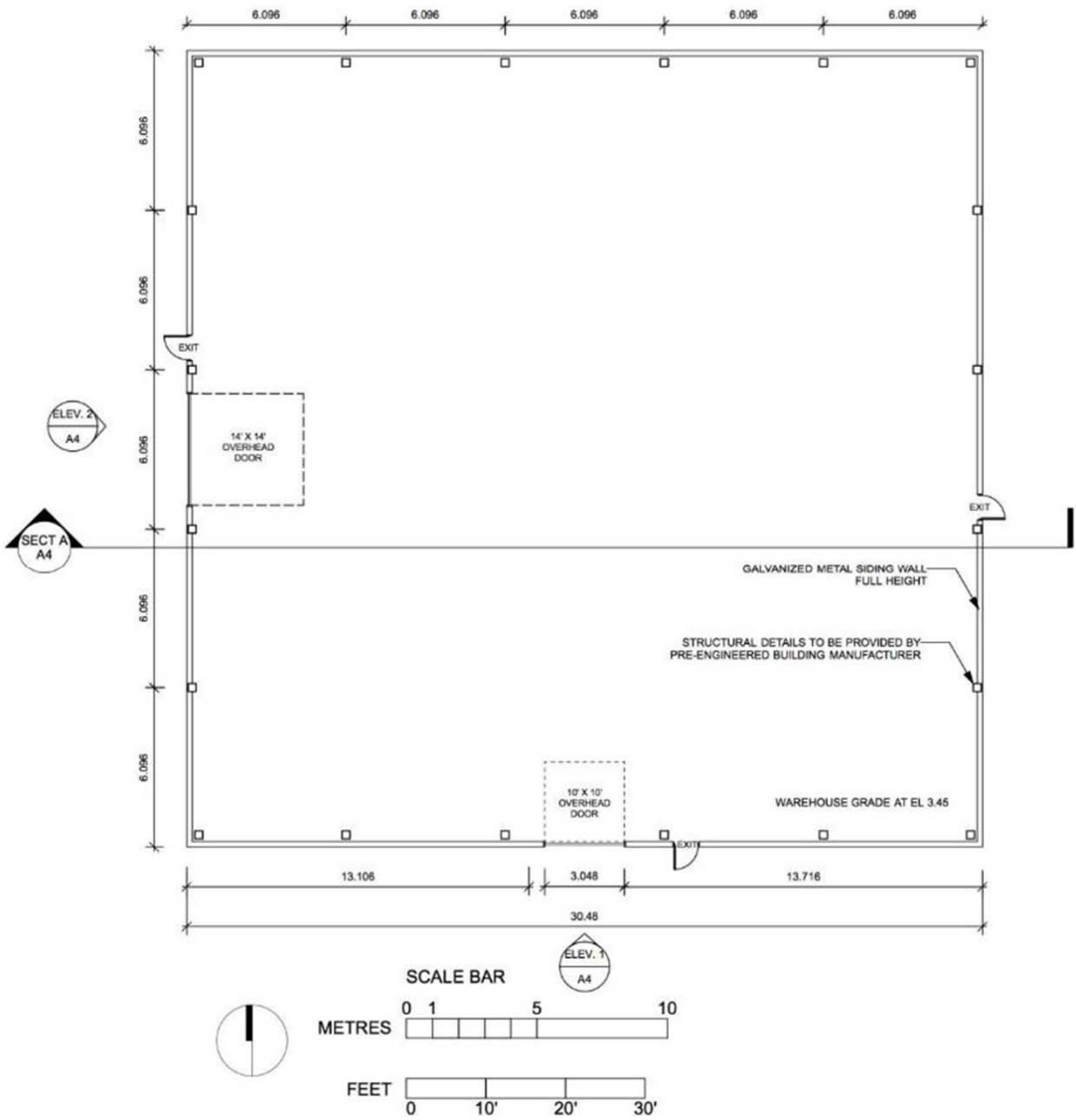


ULTRA-DEK ROOF PANEL
24" RIB SPACING
GALVALLUME FINISH
(COORDINATED BY ALLIED STEEL BUILDINGS)

Local Climate Context

- galvanized material will have a much better resistance to rusting and fading than other finishes in the harsh marine environment of the Inner Harbour.

FLOOR PLAN





Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 2, 2015

From: Jim Handy, Senior Planner – Development Agreements

Subject: Development Permit Application No. 000417 for 89 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. 000417 for 89 Dallas Road, in accordance with:

1. Plans date stamped March 16, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. A Section 219 Agreement being registered on title requiring that the temporary building be removed from the property after a period of not more than five years to the satisfaction of the City Solicitor and the Assistant Director, Development Services.”

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 89 Dallas Road. The Application proposes a temporary building for the sale of ice cream and coffee.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*.
- The proposed building is not a permanent structure. The applicant is willing to register a covenant on the title to the property to ensure that the building is removed from the site within five years.

BACKGROUND

Description of Proposal

The proposal is for a temporary building for the sale of ice cream and coffee at 89 Dallas Road. The proposal is to use a converted steel storage container, with a height of 2.59m and a footprint of 14.9m², finished with a painted cedar board and batten siding.

The building would be located in the northernmost part of Ogden Point, to the east of the existing Helijet Terminal and approximately 50m from Dallas Road.

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 proposal.

Existing Site Development and Development Potential

The subject site is currently in the M-2 Zone, Light Industrial District, which allows for a wide range of light industrial, commercial and retail uses including restaurants.

Data Table

The following data table compares the proposal with the existing M-2 Zone, Light Industrial District.

Zoning Criteria	Proposal	Zone Standard
Total floor area (m ²) - maximum	14.9	n/a
Height (m) - maximum	2.59	15
Setbacks (m) - minimum from Dallas Road	50	3

Parking - minimum	Nil	n/a
Bicycle parking stalls (minimum)	Nil	n/a

Community Consultation

The 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

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 11 (DPA 11): James Bay and Outer Harbour. The *Advisory Design Guidelines for Buildings, Signs and Awnings* provide design direction within DPA 11.

The Guidelines encourage development that is complementary to the surrounding development. The existing development at Ogden Point includes a diverse mix of both permanent and temporary buildings utilizing a range of building designs, finishing materials and colours. While the proposed building is relatively eclectic in appearance, it is considered to be generally consistent with the applicable Guidelines given the existing site context. Furthermore, the building would be temporary in nature and removed from site after a period of no more than five years.

Ogden Point Master Plan

The Greater Victoria Harbour Authority (GVHA) is in the process of developing a Master Plan for the Ogden Point site and it is anticipated that, following this Master Plan process and subject to receiving any necessary permits from the City, permanent facilities for a range of uses will eventually be made available on site and any temporary facilities will no longer be required.

Given the temporary nature of the proposal and the applicant's willingness to enter into a legal agreement to secure the removal of the building after a period of no more than five years, it is considered that the proposal would not have an impact on the process of developing a Master Plan for Ogden Point.

CONCLUSIONS

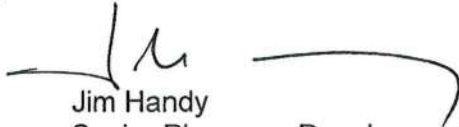
The Application proposes a temporary building for the sale of ice cream and coffee at Ogden Point. The building is relatively small in scale and is considered acceptable in terms of design.

Staff recommend that Council consider approving this Application.

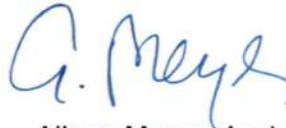
ALTERNATE MOTION

That Council decline Development Permit Application No. 000417 for the property located at 89 Dallas Road.

Respectfully submitted,

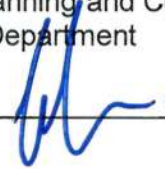


Jim Handy
Senior Planner – Development Agreements
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

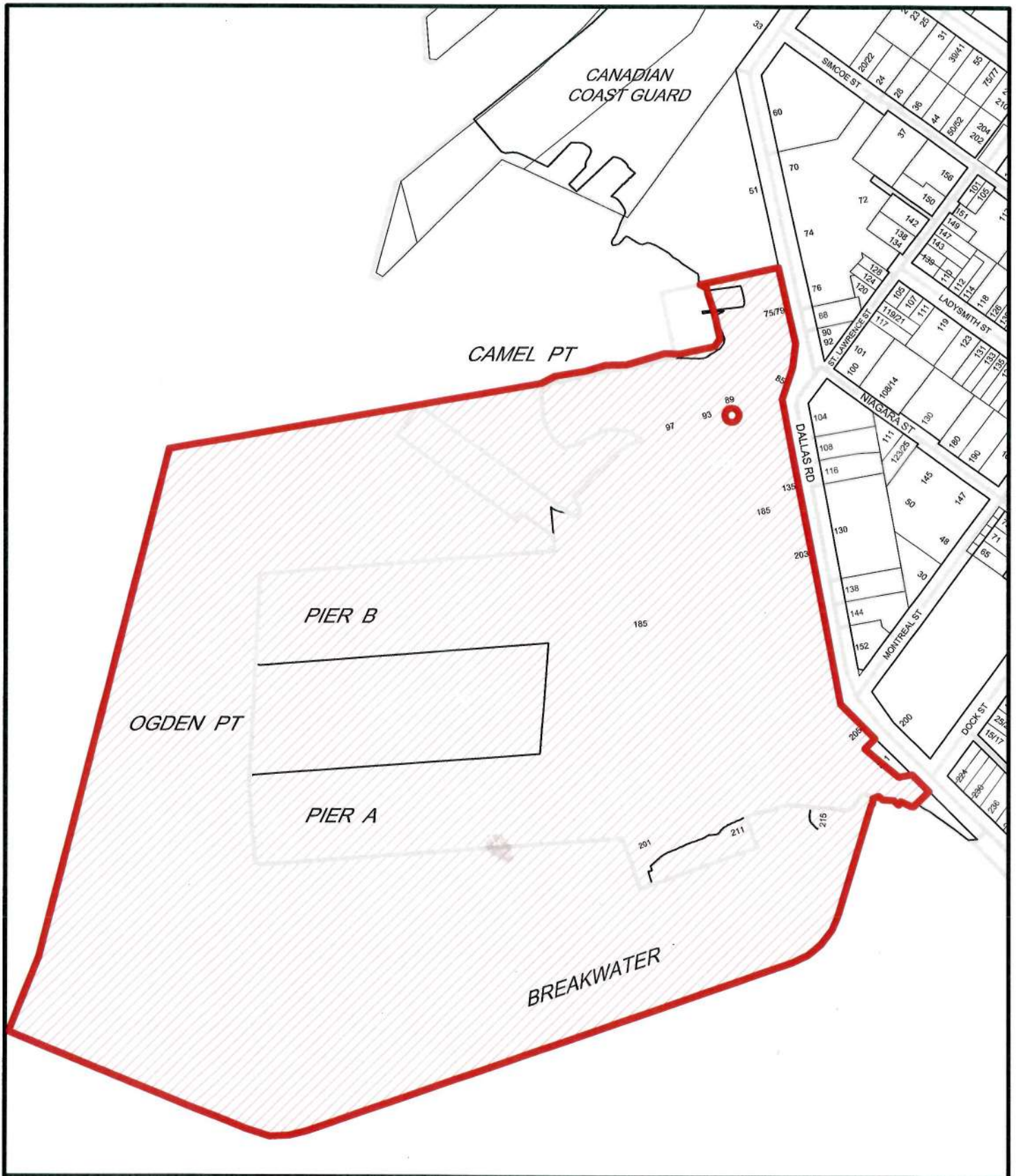
April 7, 2015

JH:aw

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List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 16, 2015
- Plans dated March 16, 2015.



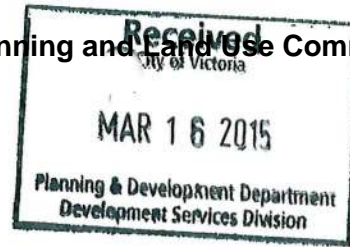
89 Dallas Road
Development Permit #000417





89 Dallas Road
Development Permit #000417

Development Permit Application No. 000417 for 89 Dallas Road...



March 11, 2105

Re: Ogden Point Ice Cream - 89 Dallas Rd

Dear Madam Mayor and Counsel,

After many years of operating a marine business at Ogden Point and ongoing requests from tourists and locals alike we are proposing to open Ogden Point Ice Cream and Coffee. With over 200 cruise ships and nearly half a million passengers dropped at our front door every summer we are excited to add this much needed service to our location. Our proposal includes converting a 20 foot shipping container on our lease property into an Ice Cream and Coffee Service facility with a "California Surf Theme" (please see artist rendering attached). In keeping with the Ogden Point usage plan, we have the full support of the Greater Victoria Harbor Authority and hope that we will have your support as well.

We ask that you would consider this proposal in a timely manner as we would like to be open for the May, 2015 cruise ship season.

Thank you for your time regarding this matter.

Sincerely

Jerry Williams
Ogden Point Adventures
Mercury Service Centre
89 Dallas Road, Victoria, BC
Ph 778-677-7037



Shipping Container Information

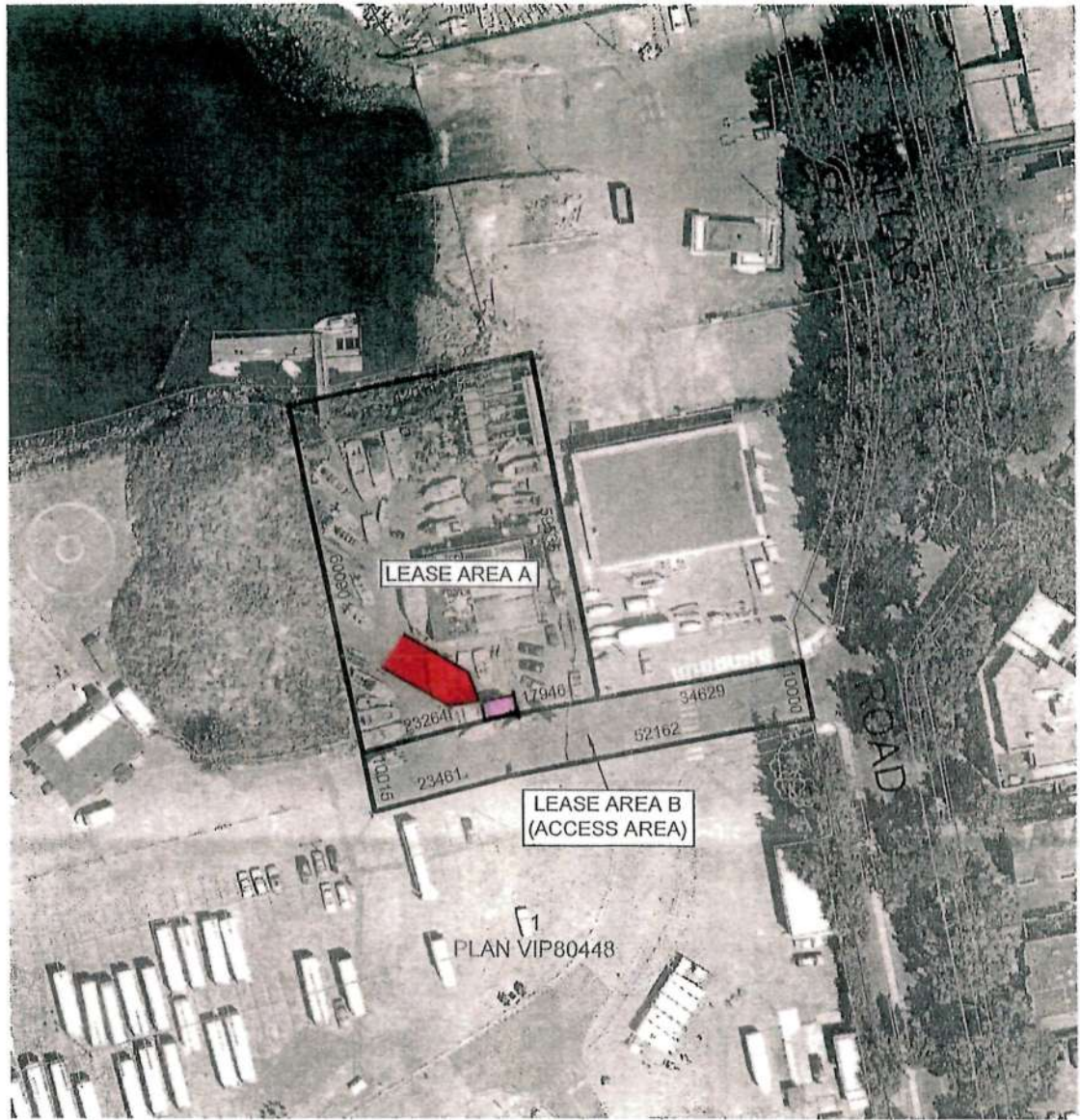
Length	Width	Height	Volume
20 ft (6.1 m)	8 ft (2.44 m)	8 ft 6 in (2.59 m)	1,360 cu ft (38.5 m ³)

Shipping containers are made of steel and are very strong. A twenty foot container can carry maximum of 53,000 lbs and the roof can sustain a load of more than 320,000lbs.

Building Materials and additional information:

- container will be painted in keeping with a California surf theme.
- surf board menu's will be added
- interior and exterior lighting will be added to create an upscale look
- lower and upper trim of exterior will have cedar board and batten siding.
- dimensions of service window will be 6ft x 4 ft (1.83m x 1.22m)
- interior will be completed with wood frame and drywall - fully insulated
- container will have an awning over the service window made of sunbrella fabric with stainless steel supports
- interior of container has wood floors that will be painted
- interior will have laminate countertops with cupboards below for storage

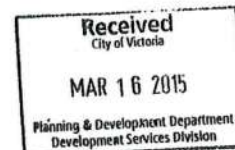
SCHEDULE 'A'

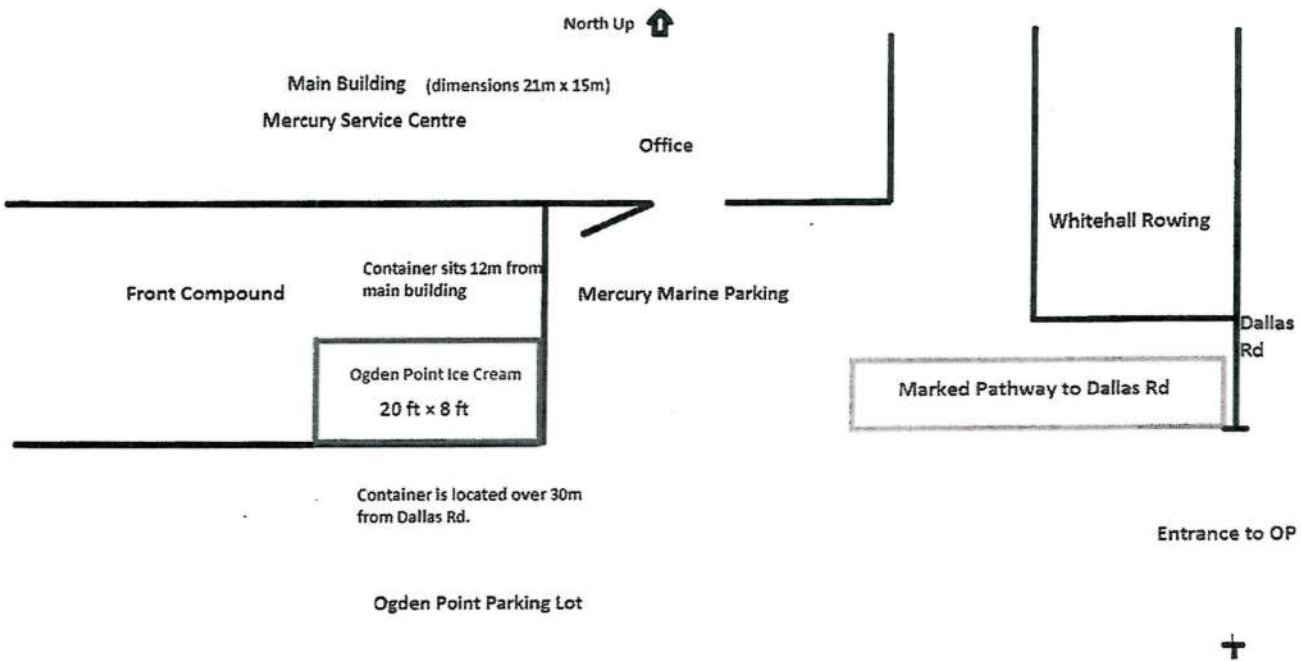


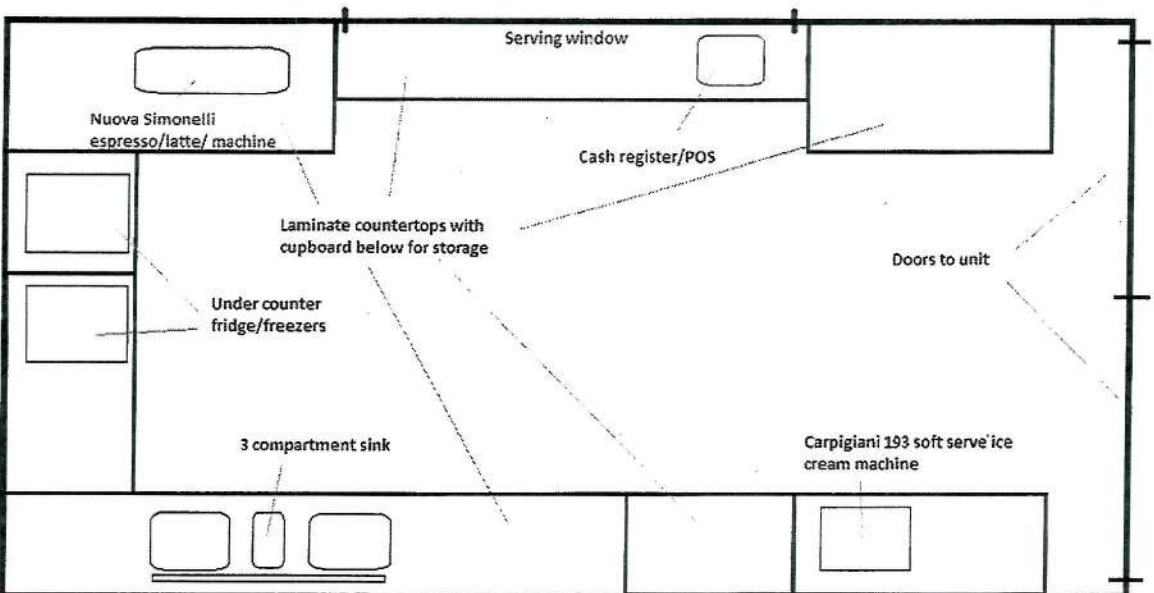
20140401 - 0648 Z:\AurCAD & Lease Drawings\Current Lease Drawings - MASTER\AurCAD Rec\GVA-LEASE MARINE MASTERS.dwg

Lease No.:		NORTH 	Lease Area	Area (m ²)	Area (ft ²)
Commencement Date: June 1, 2013			AREA A	2470	26,587
Expiry Date: May 31, 2015			AREA B (ACCESS)	757	8149
Options: 1x2, 1x1.5					

	Company Address: 189 Dallas Road, Victoria British Columbia V8V1A1 Tel: 250-383-8300	Project: MARINE MASTERS HOLDINGS LTD. Drawing Title: LEASE OVER PARTS OF LOT 1, PLAN VIP80448	Drawn: Simon	Checked: Simon	Date: 2014.04.01	Scale: 1:1000	Paper Size ANSI A
			Job no.	Dwg. no. 01	Revision:	<input checked="" type="radio"/> Preliminary <input type="radio"/> Design <input type="radio"/> Bid <input type="radio"/> Contract <input type="radio"/> Working	

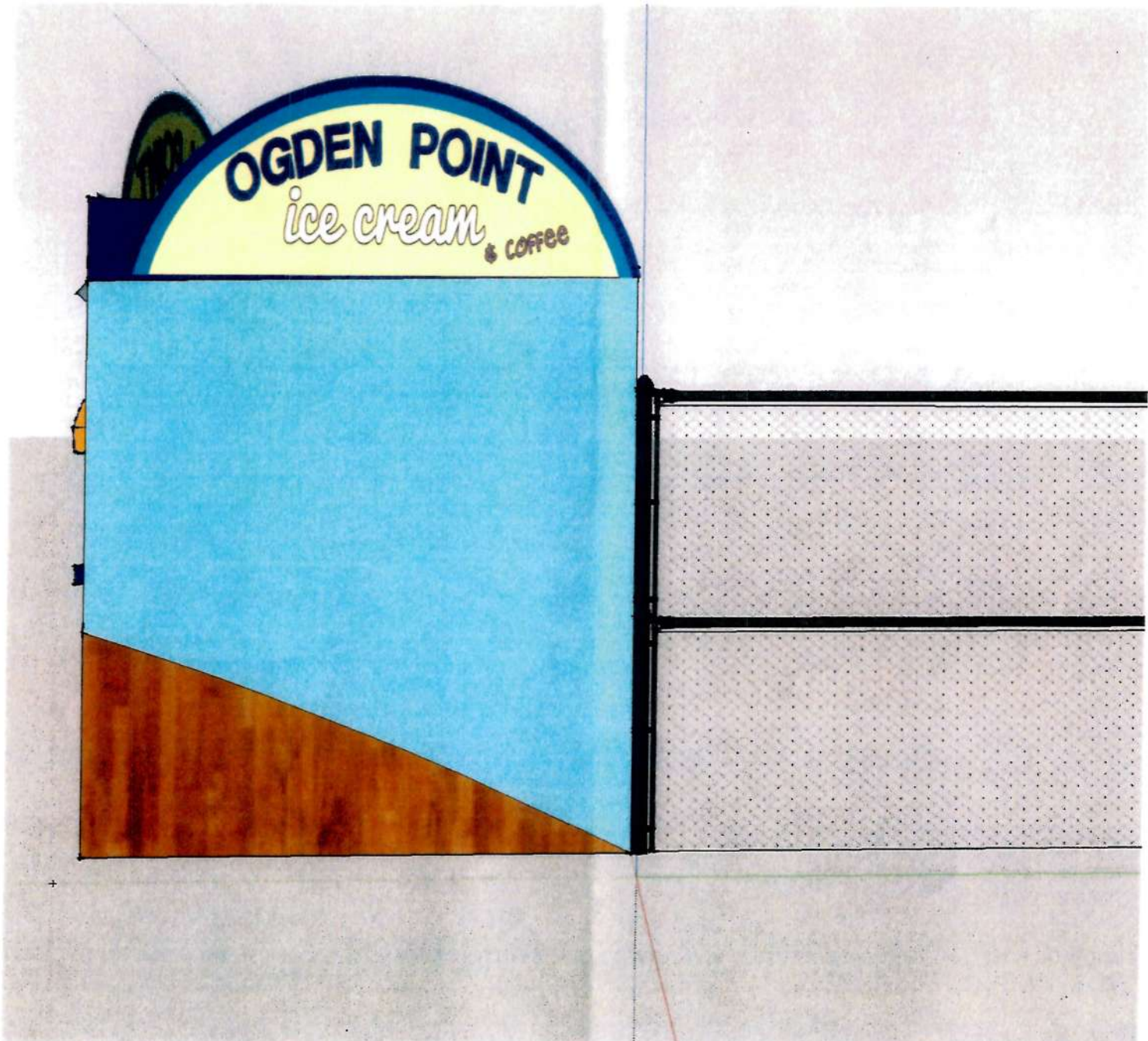




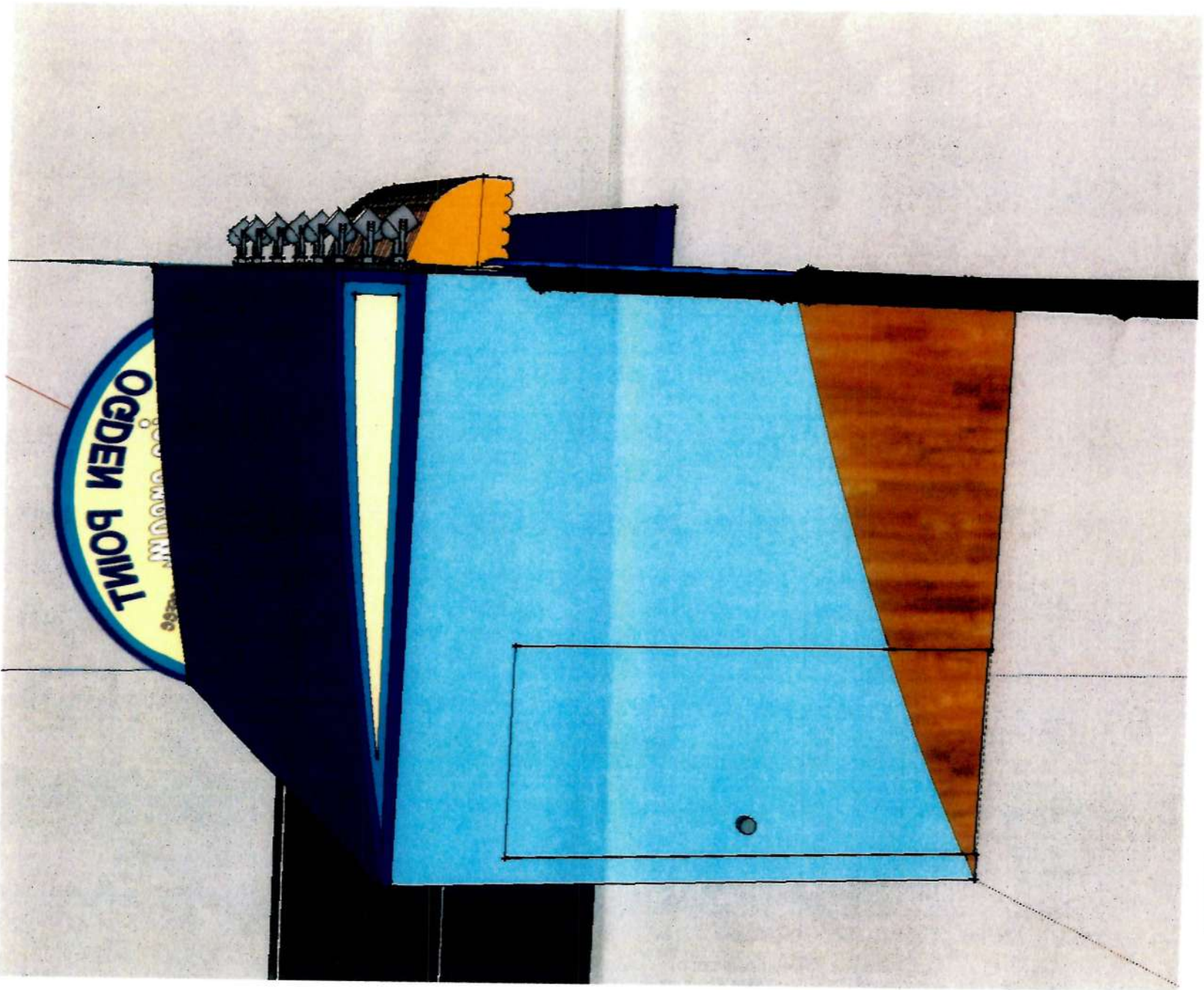








Received
City of Victoria
MAR 16 2015
Planning & Development Department
Development Services Division



From: Marg Gardiner, JBNA **Sent:** Tuesday, Apr 14, 2015 2:30 PM
To: Councillors
Subject: April 16, 2015 - Planning & Land Use Committee - 89 Dallas (Ogden Point)

To: Mayor & Council
Fr: Marg Gardiner
President, JBNA

Re: PLUC Consideration of 89 Dallas (Ogden Point) DP Application

Upon reviewing the agenda for this week's PLUC meeting, we became aware of another development application relating to Ogden Point.

Below is the letter from the proponent as found in the PLUC agenda package followed by the web-site advertising for the facility which suggests several 'adventure' components to the operation in addition to the food.

Our concerns with the proposal relate to process. Over the past couple of years there have been other proposals relating to various business uses and/or structures at Ogden Point.

You will recall that Council recently renewed the MOU for the MasterPlan, accepting another extension for the submission of a MasterPlan.

Over the past many years, we have seen the beginning steps of an Ogden Point MasterPlan on a few occasions. On file, we have the 1987 Port of Victoria Ogden Point Development Plan. All to say, this process has been going on for many years, during which several small steps have been taken, some of which involve permanent structures which may become major roadblocks to change.

In other words, we are concerned that the MasterPlan may be done through "DP creep".

We also noted that the discussion around the MOU also referred to a Good Neighbourhood Agreement. The last few DPs have been processed without any neighbourhood discussion. These precedents are worrisome.

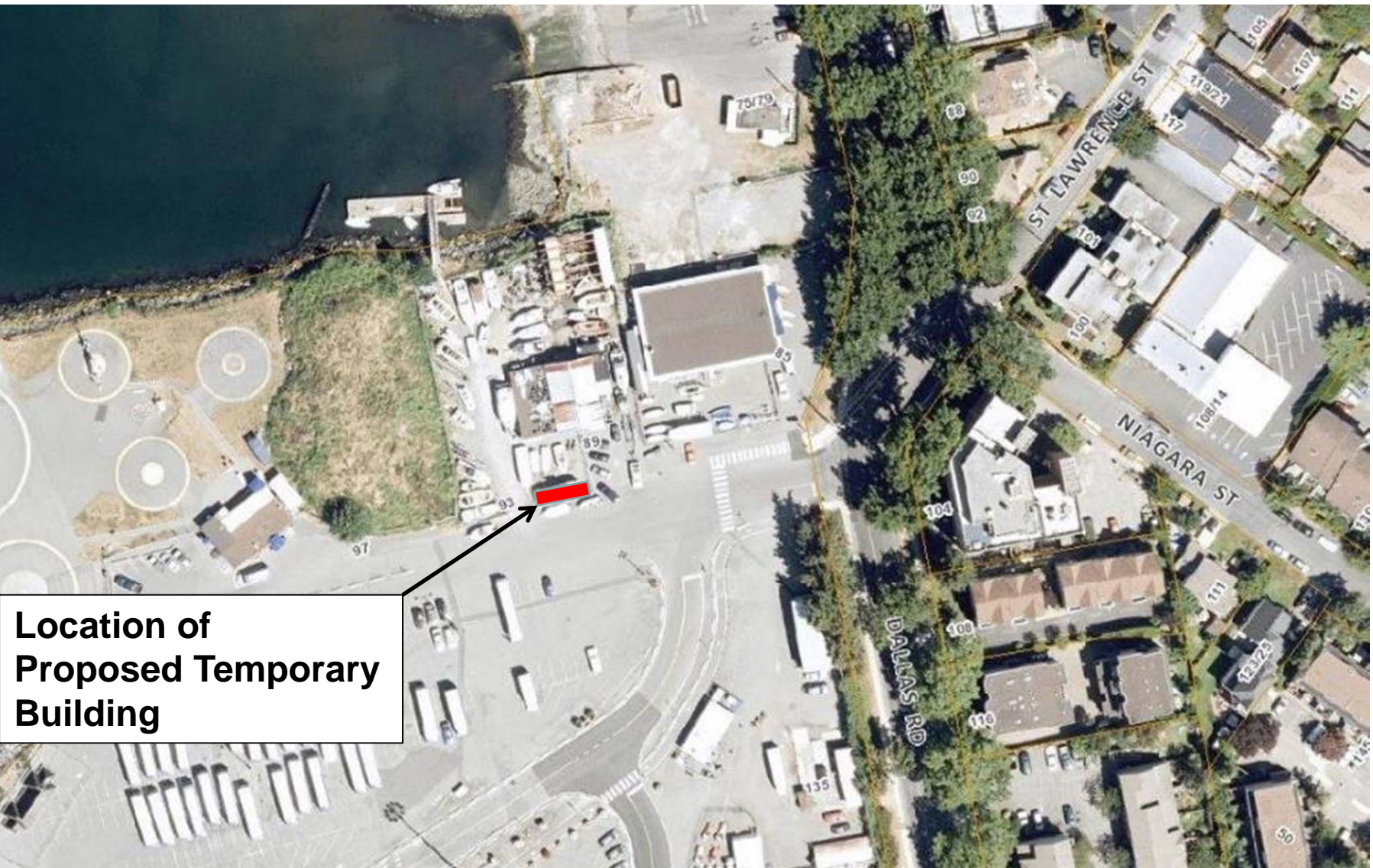
Perhaps the MasterPlan process would be facilitated through the suspension of further DPs until the plan is completed.

Food for thought as you consider the latest DP application.

Marg Gardiner

cc: JBNA Board
Jim Handy





**Location of
Proposed Temporary
Building**

Facing North



Facing South



Facing East



Facing West



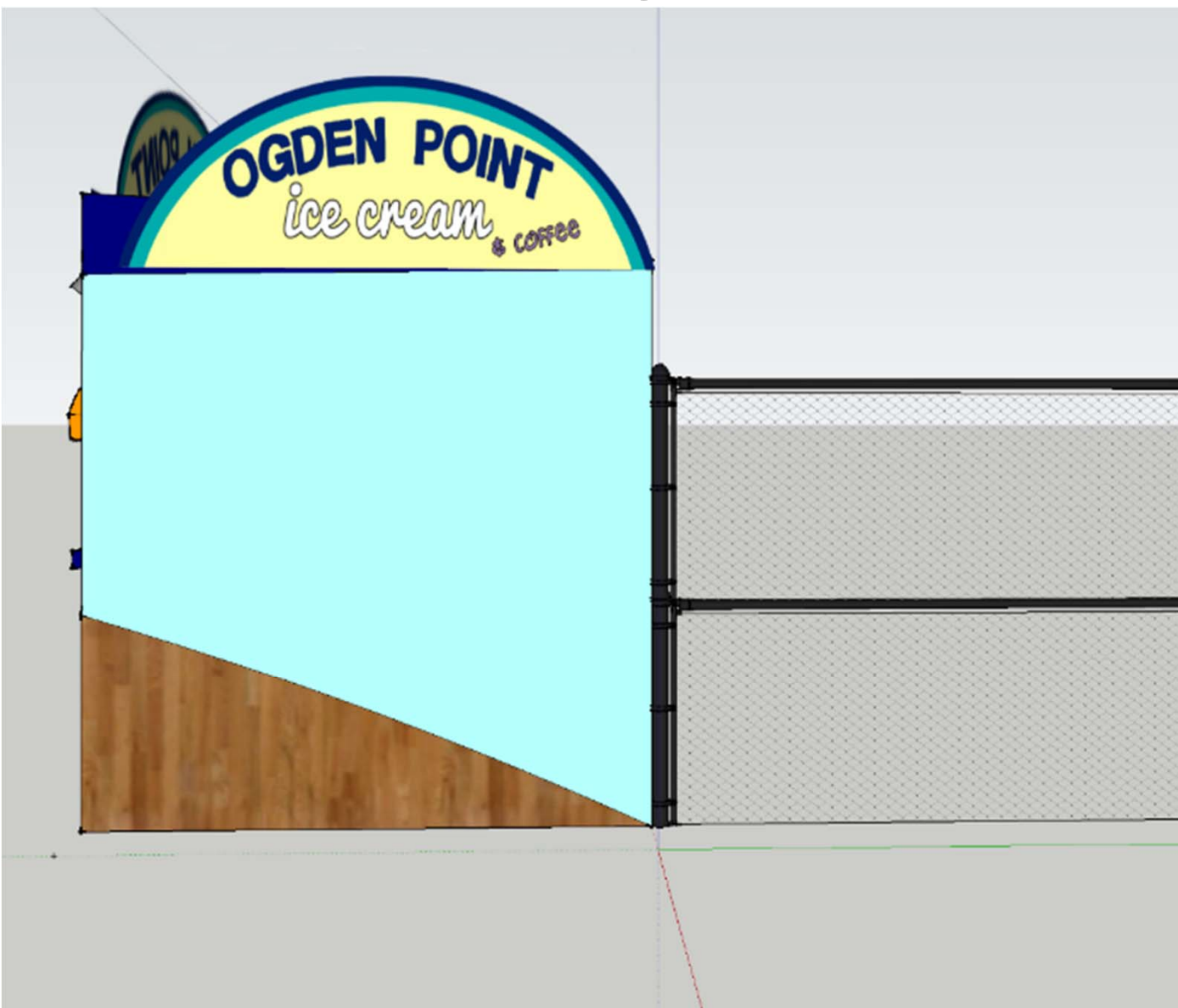




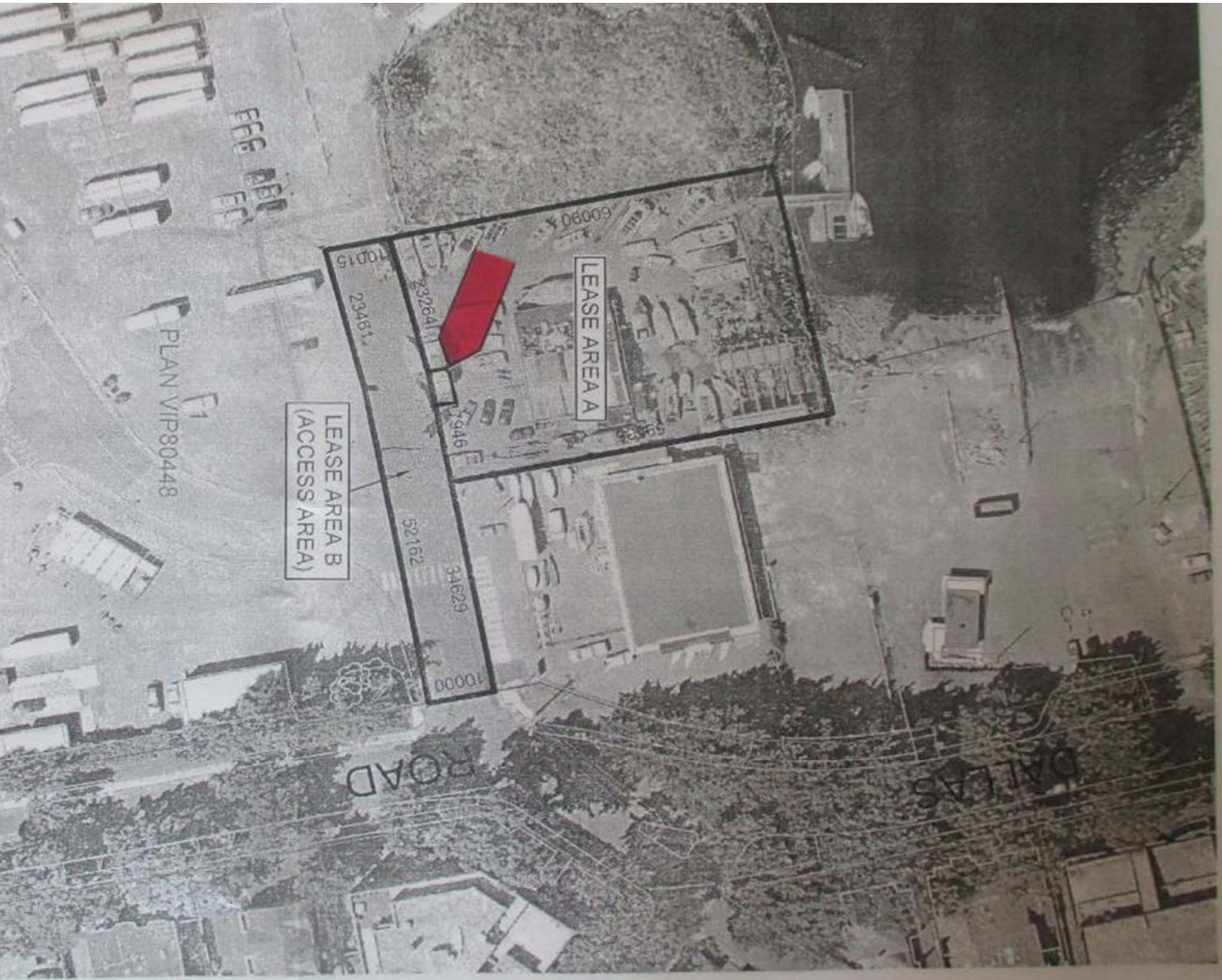
3D Facing East



3D Facing West



SCHEDULE 'A'

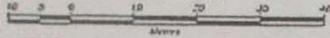


SCHEDULE "A" Lease Plan

REFERENCE PLAN TO ACCOMPANY A LEASE OF PARTS OF
LOT 1, OF THE BED OF VICTORIA HARBOUR, SECTION 31,
PLAN VIP80448, ALL IN VICTORIA DISTRICT, FOR LEASEHOLD
PURPOSES:
LEASE AND APPROVAL OF THE APPROVING OFFICER TO
EXPIRE APRIL 30, 2016;

Pursuant to Section 99(1),(k) of the Land Title Act.

BCGS 928.044
Scale = 1:500



LEGEND

One bearing is derived from observations established
from control monuments 7-8 and 8-59
Integrated Survey Area No. 17, The City of Victoria,
121063 (CSRS).

Distances are in metres and decimals
thereof unless otherwise noted.

- ⊕ denotes control monument found.
- ⊙ denotes standard concrete post found.
- ⊙ denotes lead plug found.
- ⊙ denotes standard iron post found.
- ⊙ denotes standard iron post placed.

This plan shows ground level measured distances.
Prior to compilation of U.T.M. coordinates multiply
by combined factor of 0.99991295

VICTORIA

HARBOUR

LOT

LEASEHOLD AREA A
PT
PLAN VIP
AREA = 0.547 ha

PT. SECTION 31
PLAN 1845R

LEASEHOLD AREA B
PT
PLAN VIP
AREA = 757.1m²

PLAN 1845R

PLAN 1845R

PLAN 1845R

PLAN 1845R

PLAN 1845R

PLAN 1845R

PLAN 1845R

PLAN VIP

Deposited in the Land Title Office of Victoria, B.C.
this day of , 2006

Security Register

approved pursuant to the Land Title Act
for the purpose of leasing for a period of
years from

Approving Officer for the
City of Victoria



ST. LAWRENCE STREET

STRATA PLAN 306

NIAGARA STREET

ST. LAWRENCE STREET

ST. LAWRENCE STREET

ST. LAWRENCE STREET

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Option to Purchase No. 21709

Her Majesty the Queen in right of
Canada as represented by the
Minister of Transport

Registered Owner:

The Greater Victoria Harbour Authority
Inc. No. 5-4228

Authorized Signatory

Authorized Signatory

Witness as to signature

Authorized Signatory

Witness Occupation

Witness as to signature

Witness Address

Witness Occupation

FOGLB
VICTORIA, BC
2006-05-03
2006-05-03

Witness Address

BOOK OF REFERENCE

DESCRIPTION (Parts of Lot 1)	AREA
LEASEHOLD AREA A	0.547 ha
LEASEHOLD AREA B (Access)	757.1m ²

This plan lies within the Capital Regional District.

I, Ian Thomas Hughes, a British Columbia land surveyor, of the
city of Victoria, in British Columbia, hereby certify that I was present
at and personally supervised the survey represented by this
plan, and that the survey and plan are correct. The field survey
was completed on the 3rd day of January, 2006. The plan
was completed and checked, and the checklist filed under
No. 42609, on the 4th day of January, 2006.

Ian Thomas Hughes

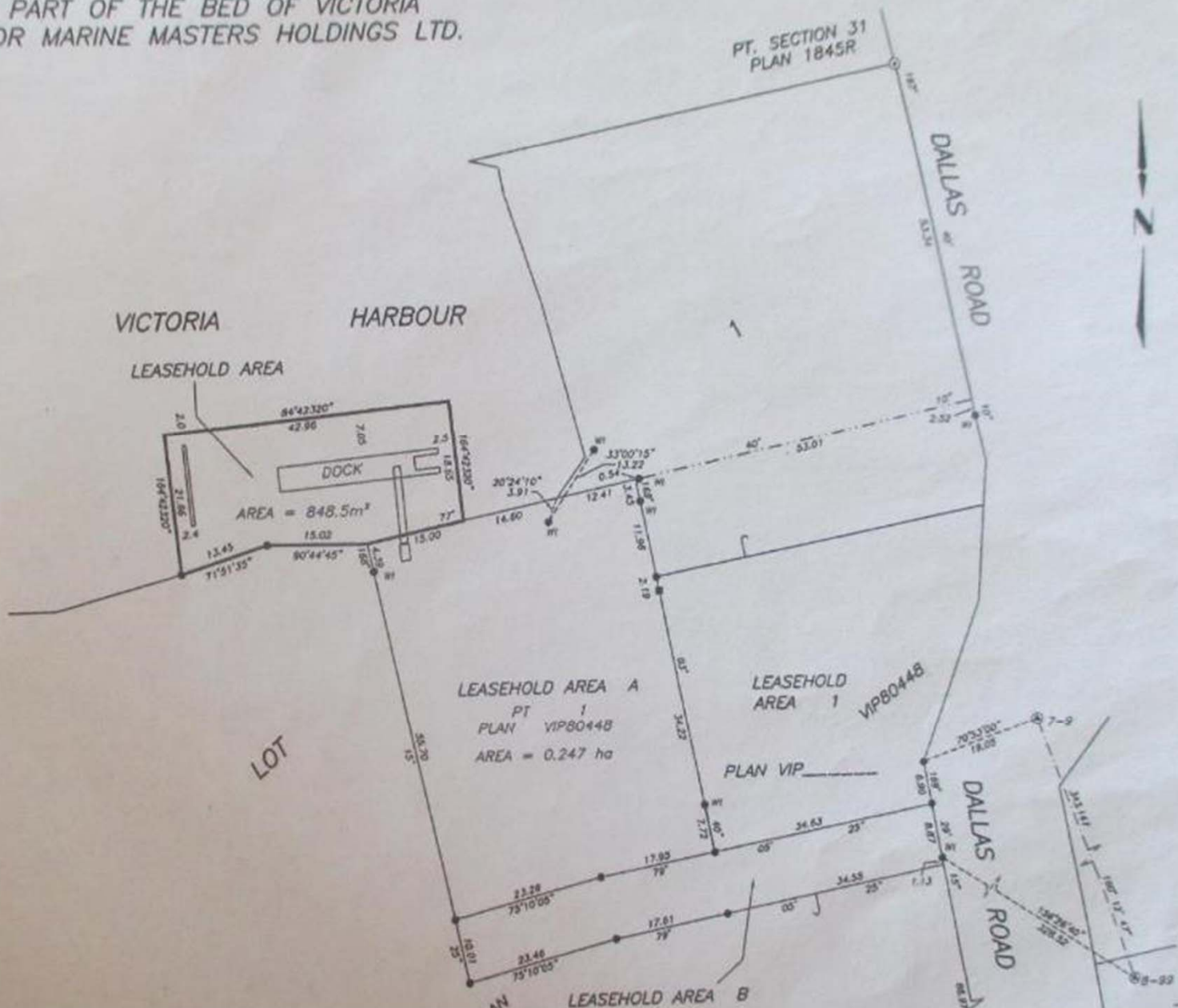
B.C.L.S.

derived from observations established
 elements 7-9 and 8-99
 Area No. 12, The City of Victoria.

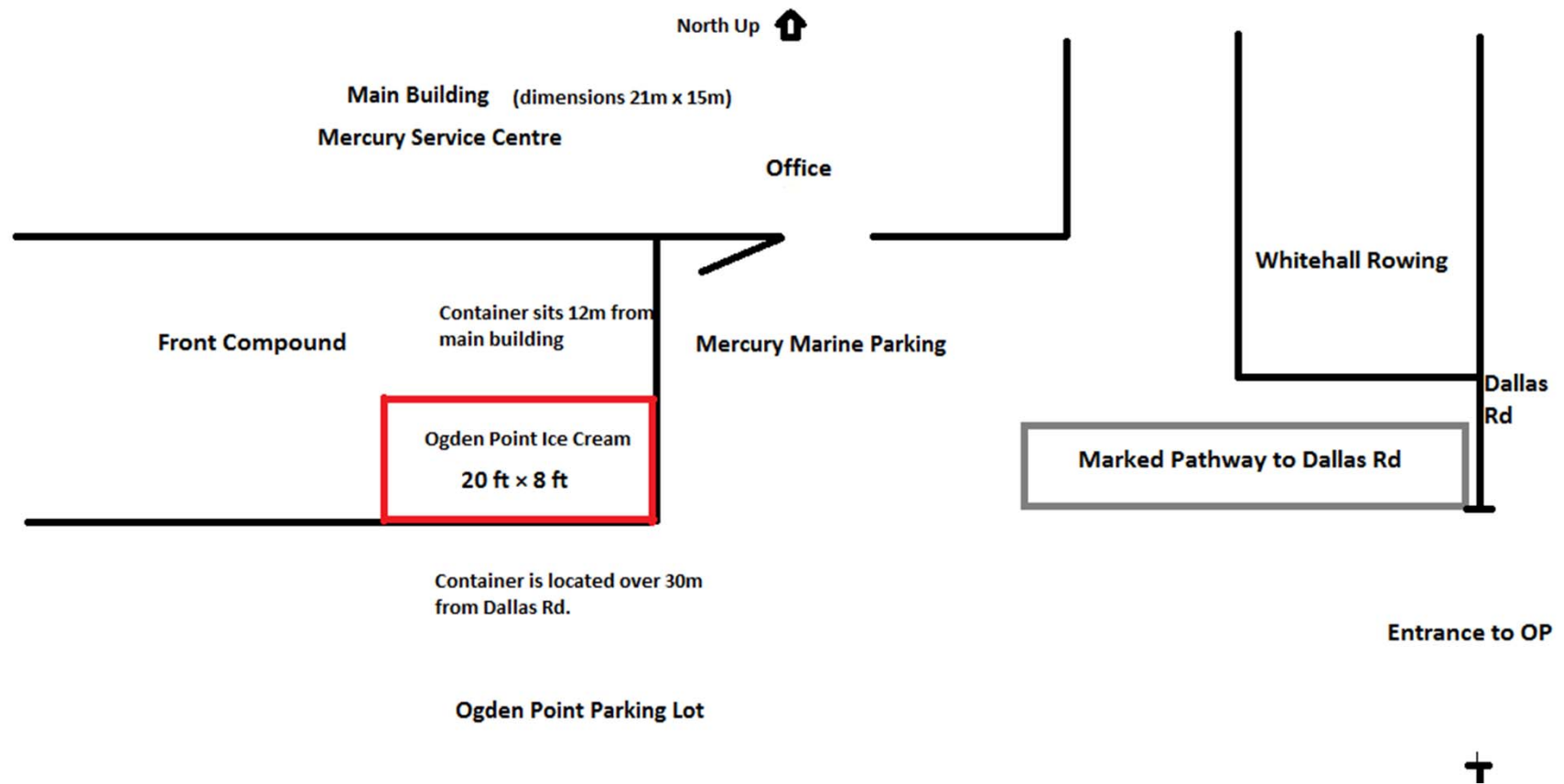
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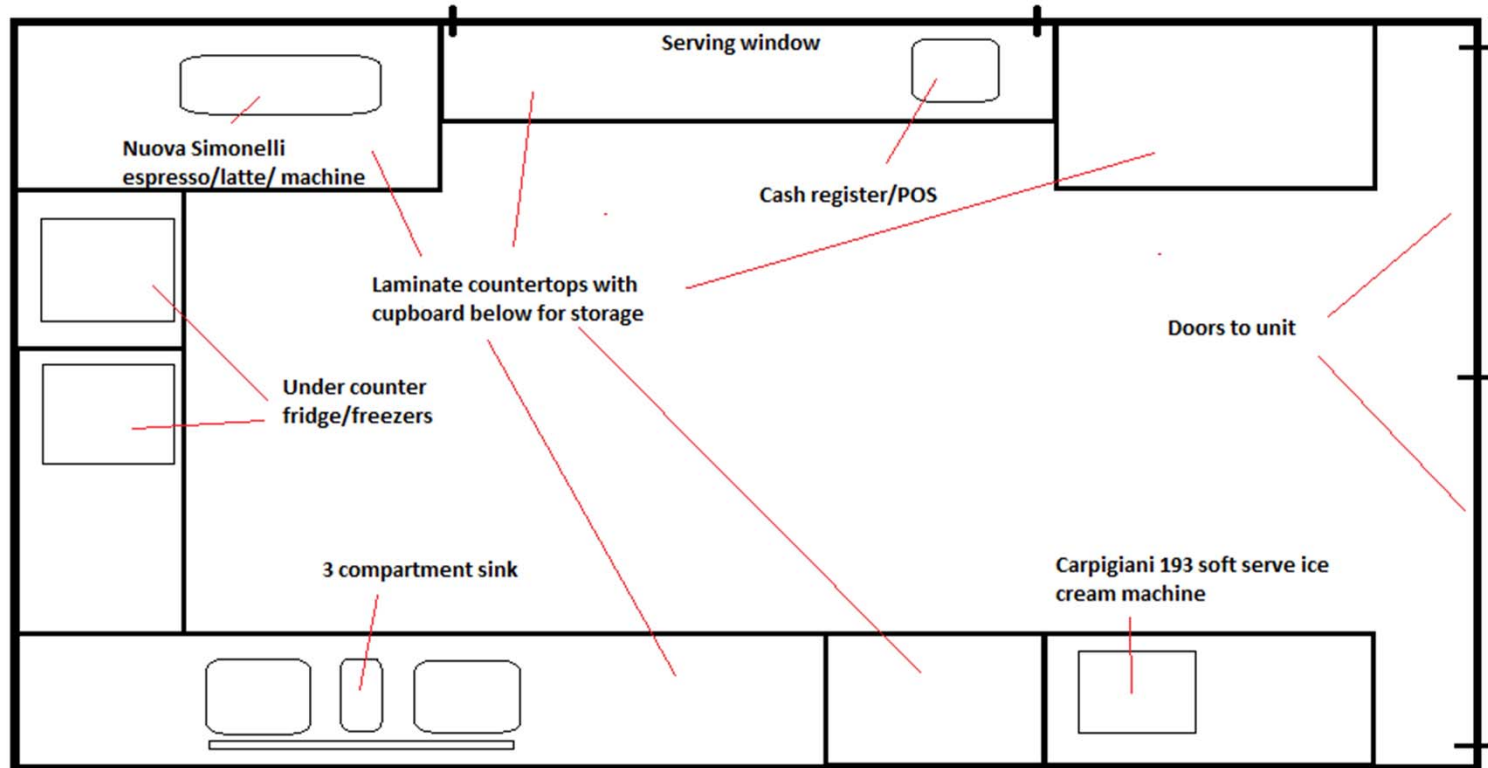
Property Layout



3D Facing North



Ice Cream Kiosk Layout



Facing South West



Shipping Container Information

- **Shipping Container Information**
- | Length | Width | Height | Volume |
|---------------|---------------|--------------------|-----------------------|
| 20 ft (6.1 m) | 8 ft (2.44 m) | 8 ft 6 in (2.59 m) | 1,360 cu ft (38.5 m3) |
- Shipping containers are made of steel and are very strong. A twenty foot container can carry maximum of 53,000 lbs and the roof can sustain a load of more than 320,000lbs.
- Building Materials and additional information:
- container will be painted in keeping with a California surf theme.
- surf board menu's will be added
- interior and exterior lighting will be added to create an upscale look
- lower and upper trim of exterior will have cedar board and batten siding.
- dimensions of service window will be 6ft x 4 ft (1.83m x 1.22m)
- interior will be completed with wood frame and drywall - fully insulated
- container will have an awning over the service window made of sunbrella fabric with stainless steel supports
- interior of container has wood floors that will be painted
- interior will have laminate countertops with cupboards below for storage



Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015

From: Leanne Taylor, Planner, Development Services Division

Subject: Development Permit with Variances Application No. 000401 for 1046 North Park Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council 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 with Variances Application #000401 for 1046 North Park Street, in accordance with:

1. Plans date stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 4.6.2 (8): Relaxation to permit one parking space to be located in the front of the building;
 - ii. Schedule C - Off-street Parking (7.2)(b): Relaxation to permit one parking space to be located at 0m from a street;
 - iii. Schedule C - Off-street Parking (A)(11)(c): Reduction from 1.3 parking spaces per rental attached dwelling (8 parking spaces) to 0 parking spaces per rental attached dwelling (0 parking spaces).
3. Registration of a legal agreement on title dedicating the parking space to Victoria Car Share to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor.
4. An Agreement between the present owner and Victoria Car Share to secure six car share memberships and the collection of membership fees to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development."

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, 2012. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

In accordance with section 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 Permit with Variances Application for the property located at 1046 North Park Street. The proposal is to permit six multiple dwelling units.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan 2012* (OCP) and the design guidelines contained in Development Permit Area 16.
- The proposed design is consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial* (2012).
- The proposed gate and fence are consistent with the *Guidelines for Fences, Gates and Shutters* (2010).
- The proposed contemporary design, density, height and massing are considered acceptable in the neighbourhood context.
- Three parking variances are being requested with respect to onsite parking. The variances are supportable given the Transportation Demand Management (TDM) measures being proposed.

BACKGROUND

Description of Proposal

The proposal is for six multiple dwelling units. Specific details include:

- two, three-storey buildings connected by a single-storey bicycle storage room containing three dwelling units each with separate exterior entrances
- the exterior materials include horizontal smooth fibre-cement siding, painted wood fascia and trim, a natural birch finished front entry door and painted concrete wall
- an internal courtyard and community gardens are being proposed
- permeable paving materials would be integrated throughout the site
- transportation demand management (TDM) amenities would include private bicycle storage lockers, a common bike room, scooter parking and an electric charging station for scooters
- one parking space would be located in front of the building (variance required).

The proposed variances are related to:

- reducing the off-street parking requirement from eight parking spaces to nil
- allowing the parking space to be located in front of the building
- allowing the parking space to be 0m from the street.

Sustainability Features

As indicated in the applicant's Green Features Summary (attached), the following sustainability features are associated with this Application:

- permeable surfaces
- water conservation measures
- energy efficient features.

Active Transportation Impacts

The applicant is proposing to provide Class 1 (enclosed and secure) and Class 2 (bike rack) bicycle parking in the development to encourage active transportation options.

Existing Site Development and Development Potential

The site is currently in the CR-NP Zone, North Park Commercial Residential District, and is presently a vacant lot.

Under the current CR-NP Zone, the property could be developed at a density of 1.5:1 Floor Space Ratio (FSR) and with the uses proposed; however, it could also be developed into a commercial-residential building.

Data Table

The following data table compares the proposal with the existing CR-NP Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CR-NP Zone
Density (Floor Space Ratio) - maximum	0.98:1	1.5:1
Total floor area (m ²) - maximum	307.54	471
Minimum unit size (m ²) - minimum	41.89	33
Height (m) - maximum	8.61	12
Storeys - maximum	3	4
Number of buildings on a lot	1	1
Setbacks (m) - minimum Rear	7	6
*No minimum front and side yard setback requirements in the CR-NP Zone		
Parking		
Parking - minimum	1*	8
Parking location	Front Yard*	Behind building face
Parking stall distance from the street (m) – minimum	0*	1

Bicycle Parking		
Class 1	14	6
Class 2	6	6

Relevant History

The subject property was previously subject to a Development Variance Permit Application along with the lands known as 1032 and 1040 North Park Street. The application was to consolidate the lots and construct 34 residential units. The application was subsequently cancelled in 2011 and the properties were marketed for sale. The current applicant purchased 1046 North Park and a Development Permit with a parking variance was issued by Council in January 2013 to permit the construction of a three-storey residential triplex. Construction had not commenced on the subject property and the Development Permit expired on January 17, 2015. The applicant has revised its proposal and submitted this current Application for Council's consideration.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on January 19, 2015, the Application was referred for a 30-day comment period to the North Park CALUC. A letter dated January 7, 2015, attached to this report, was submitted by the North Park CALUC. Staff have confirmed that although the letter predates the City's original referral, it is relevant to this proposal.

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 16: General Form and Character. The subject property is a long and narrow lot. The applicant is proposing creative design solutions to integrate the building in a manner that is intensive but complementary to the established place character of the neighbourhood. The immediate neighbourhood has a mix of commercial and residential buildings ranging from single-storey buildings to four-storey buildings and a mix of architectural types. The property to the west of the subject property is a two-storey art-deco commercial building and the property to the east is a single family dwelling with accessory buildings.

The proposed three-storey residential building would have flat rooflines, horizontal siding, large windows, balconies and exterior stairs. The building would appear as two separate buildings from the street, however, they would be connected by a single-storey bicycle storage room and stairs. The interior face of the blank west side elevation would be painted red to act as an accent wall. The windows facing the adjacent neighbours would be opaque glass block. The building would be setback 5.1m from the front property line to accommodate one parking space. Some hard and soft landscaping would be provided to enhance the visual interest along the street. The applicant is also proposing an internal courtyard and community gardens in order to provide useable and quality open space for the development.

Regulatory Considerations

Parking Reduction

The applicant is requesting a variance to reduce the required number of off-street parking spaces from eight to nil for the development. However, the one parking space being proposed onsite would be dedicated to Victoria Car Share. Providing more than one parking space in the front yard would not be possible. A shortfall in parking for this development could potentially add to the congestion on the street, limiting parking availability for existing residents and customers to businesses in the area. However, the applicant is proposing to provide the following TDM measures:

- six Victoria Car Share memberships (1 membership per unit)
- one parking space dedicated to Victoria Car Share
- six secure bike lockers (1 per dwelling unit)
- one communal and secure bicycle storage room for eight bikes
- one exterior bicycle rack for six bikes
- three scooter parking spaces and an electric charging station for scooters.

Considering the above TDM measures, the site location, close proximity of amenities and access to alternative transportation options in the area, staff recommend Council support a reduction in parking.

Location and Setback of Parking Space

The applicant is proposing to locate one parking space in front of the building. Locating surface parking at the rear of buildings is encouraged in the design guidelines for multi-unit residential; however, due to the width of the lot (7.32m), there are limited practical options for parking on the subject property. Given the parking space would be dedicated to Victoria Car Share, there may not be a vehicle parked in the space at all times.

There is a regulation in Schedule C: Off-Street Parking in the *Zoning Regulation Bylaw* that states that a parking space must not be closer than 1m from the street. A relaxation to this requirement, in order to allow the building to be closer to the street, is being requested. Permeable and durable paving materials are proposed for the surface treatment for the parking space as well as landscape buffer strip between the parking space and the ground floor unit. These landscaping features, combined with a potential low usage of the parking stall, would minimize the visual impact of the front yard parking.

CONCLUSIONS

The proposal to construct six rental multiple dwelling units is consistent with DPA 16 and the multi-family design guidelines with respect to building form, character and finishes. The parking variance to reduce the number of off-street parking spaces may increase on-street parking demand on North Park Street; however, the proposed TDM measures, access to alternative transportation options in the neighbourhood and the limited time parking zone along North Park Street should deter vehicle ownership and reduce the overall parking demand for the development. Dedicating the parking space to Victoria Car Share would benefit the residents in the development who would be offered car share memberships as well as raise awareness of Victoria Car Share in the community. The applicant is also proposing appropriate design measures to accommodate the parking space in the front yard and close to the property line. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000401 for the property located at 1046 North Park Street.

Respectfully submitted,



Leanne Taylor, Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

April 8, 2015

LT/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000401\PLUC DPWW REPORT.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 10, 2015
- Letter from neighbour dated November 17, 2014
- Letter from North Park Neighbourhood Association dated January 7, 2015
- Minutes of December 3, 2014 North Park Neighbourhood Association Meeting
- Green Building Features Summary
- Plans dated March 17, 2015.

ROYAL ATHLETIC PARK

953
963

1947

1909

1110
1112

CALEDONIA AV

955
2

VANCOUVER ST

973 1007 1021 1027/29 1039 1043 1870

1002 1004 1012 1016/18 1020-24 1026 1030 1032 1040 1046 1048 1054 1056 1802 to 06 1812 1808

R2-3 R-17 R3-A1 R-17 R3-A1

COOK ST

1105 1839 1833 1821 1811 1803 1109/11 1115/17 1116 1118

CR-4 CR-4 CR-4

NORTH PARK ST

1019 1025 1035 1720

1002/08 1010 1016 1020 1028 1036 1044

RK-15 R3-NP CR-NP CR-4 R-2 R3-2 R-2

1729 to 33 1105 1107 1115 1119 1725

CR-4 CR-4

GRANT ST

1711 1417 1106 1112 1114 1118

CR-4 CR-4 R-2 R3-1

BALMORAL RD

1005 1007 1009 1011 1015 1017 1033 1045 1047 1053 1620 1610 1600

1010 1016 1018 1028 1032 1038 1046 1052

R3-1 R-2 CR-C

BALMORAL RD

117 121 127

MASON ST

1046 North Park Street
Development Permit #000401



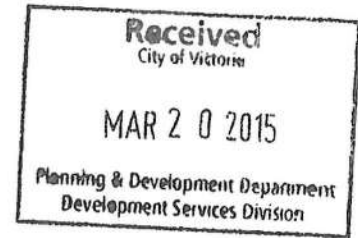


1046 North Park Street
Development Permit #000401



March 10, 2015

Sloane Square Development Rental Units



Letter to Mayor and Council:

Application to Develop 1046 North Park Street

Description of proposal:

We are proposing a compact, creative, appealing, cost effective rental building, each side of the building with 3 rental units. A proposal of 6 rental units located in the Zone CR-NP (Commercial / Residential District).

During our concept design stage this proposal has taken several different directions. After in-depth conversations with the owner and resident of 1048 North Park St, and the City of Victoria we came to the current design. This well thought out design allows for more separations, sun exposure, and optimized habitation for our friendly neighbours. We have designed our private community garden beside our East neighbour's existing garden and at the same time, have carefully designed our building to be further west and under height to allow for greater southerly sun exposure for our east neighbours buildings and garden.

Our proposal requires three variances. (Three parking variances) Please refer to page 4 parking for more detail on those variances.

We believe this 6 rental unit, which appears to be a two building design is ideal for the greater community. This tasteful design gives a sense of community for our development, as well creates safety and security for all residents. 1046 North Park is located in the designated new population growth within walking distance of North Park Village, and is in the core residential area making this a development for the inner city community.

Neighbourhood:

As noted above we have positive feedback from the most effected adjoining neighbour. This was very important to us. This development will also create a safer environment for all North Park Residents as it reduce open dark space which are not ideal for communities. Affordable, compact, cost effective developments such as this are important for growing communities.

Design and development permit guidelines:
(Multi-Unit Residential, Commercial and Industrial)

We feel this proposal meets the community guidelines in achieving a new development with results in design excellence, liveability, contributing to a sense of place and urbanism, while being flexible and creative to our immediate neighbourhood location.

General Guidelines

1.0-The proposed development is very compatible with the established area. Two smaller well-designed portions of building create less building massing. Both proposed sides are under height, which reduces skyline view corridor obstruction. This proposed building is larger than 1048, this is why we took great lengths to reduce sun shading of our adjoining neighbour. 2 smaller sections of one building with a decent interior side yard setback reduce any negative impact on our East neighbour. Our proposa has privacy screens located on the porches, and opaque rated glass block windows facing 1048 North Park, this eliminates any privacy issues for our neighbour.

Our location on North Park has little natural vegetation, one proposed cherry tree planted in a 5'x5' landscaped planter will add to the streetscape. And one proposed cherry tree planted in a 5'x5' landscaped planter with benches between our two buildings will add a sense of serenity in a urban environment. This development will add a vibrant, modern touch to North Park.

Streetscape, relationship to the street and orientation

2.0- Our proposal will add a very positive cohesive, visual identity to the North Park streetscape. The entrance arch / gate and brick walkway and parking surface creates a urban character for this proposal. An entrance roof and upper roof created building relief, and two smaller sections of the building allows for reduced roofline massing. The massing of this proposal creates an impression of 2 smaller buildings. This development has a strong, safe, secure street presences. The building frontage and main entrance is directly facing North Park. Conversations with the Victoria Planning and engineering department were instrumental to this final design. The interlocking brick walkway to front entrance and side electronic gate entrance create privacy, and direct street connection for the public. Natural sunlight has been optimized as much as possible for this narrow lot. There are no privacy issues with this proposal.

Page 2

Human Scale, massing, height and architectural features

3.0- The proposed building has a very narrow front face, this reduces any need for projections.

The exterior façade of this proposal will have a class of dignity, heritage, modernism, and creativity. Key exterior elements will blend together to keep the building smart and not too busy. The secure parking will have a buffer from the street, but will be in full view of the three fronting units. This creates a safer environment for all residents. All garage and recycling areas are located in easy to access hidden locations; we feel this is a smart locating for these amenities.

The entire building design fits nicely in the existing environment. All design elements are directly related to massing, visual impact, and shading. Our proposed buildings have the same setbacks as both our East and West neighbours.

All 6 units of the proposal have private patios and porches. These spaces can be used to have solitary and at the same time if wanted can be used to create a better sense of community. A central open common area green space enhances all entrances.

Exterior Finishes

4.0- The building materials of this proposal will last for a long period of time and hopefully will be timeless. A lighter charcoal grey horizontal smooth fibre cement siding will cover the main body. Darker charcoal painted wood fascia and trim will define the building. A natural Birch finished front entry door will create a pronounced front façade. And the interior surface of the vertical exterior wall will be painted deep red which will bring color to the porches and community.

Open spaces and landscaping

5.0- Permeable block landscaping for walkways, patios, and parking surfaces create a greener environment for the entire development. Hanging baskets add a positive touch for all residences, but do not reduce the usable area of this small site.

Lighting

6.0- An entrance light pole with character will be installed where the walkway into the development starts. The site ground mounted lights will create a well lit, safe, secure, but not visually obtrusive environment. Exterior lights at key locations shown on the landscape plan will add functionality, comfort, and security. The developer is planning on using as many high efficiency lights as possible. All areas including bike parking, scooter parking, walkways, patios, recycling / garbage areas and stairs will have well laid out exterior lighting.

Universal accessible design and safety

7.0- All lower floor units area going to be accessible. There are not stairs or steep ramps located on this proposed side on the ground level. Safe well-lit exit travel paths are very evident in this design. All areas will be well lit and secure from mischief.

Parking

8.0- This lot is only 7.32m wide, and is too narrow to allow side or rear yard parking. This only allows for front yard parking. **Variance #2- Variance for front yard parking.**

The new generation is living a more active, positive, environmentally friendly lifestyle; this design has kept this in mind throughout all stages. Nearby bike paths, local stores and bus routes make this an easy place to live with little need for a vehicle. Additional lit, secure, bike parking, and bike storage reduce the need for a vehicle. Charging stations for electric scooters makes this tasteful proposal very appealing to renters with a greener thumb. Victoria Carshare have been contacted and they are keen to acquire this front yard parking stall as a holding / parking location for their members. Each rental unit will be allocated a car share membership. The developer is also looking into bus tickets to help reduce any vehicle parking needs. **Variance #3 – Variance for reduced parking.**

All parking surfaces will be appealing paving stones. In a group effort we have designed the building as close to North Park Street as possible. This allows for greater separation between the buildings and brings our building closer in line with the existing frontage of our adjoining neighbours. We have allowed for 5.1m to park in the front yard, with a wheel stop located to prevent vehicles from damaging the porch posts. **Variance #4 – Variance for reduced clearance requirement from the property line.**

Access and circulation

9.0- The entire proposed building site has very good internal pedestrian circulation. A layout design with public safety and security has been well thought out. One driveway access has been specifically designed to reduce cars backing onto North Park Street issues.

Loading and service areas, ancillary mechanisms and unenclosed storage

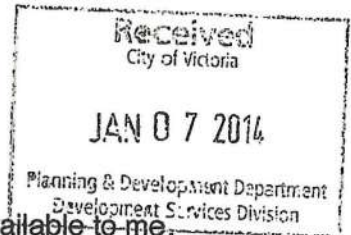
10.0- Easy access allows for speedy garbage and recycling removal. Both buildings have their own garbage and recycling areas. Casual surveillance is possible from many angles of this proposal.

Thank you for taking your time to read this letter. We hope you see the effort we have taken to satisfy all needs of the local community and municipality.

Lindsay Justin Baker
Aspire Custom Designs Ltd.

Page 4

November 17, 2014
 Mayor and Council
 Re: Proposed development of 1046 North Park Street



I have reviewed the plans for this property that Aspire Custom Designs made available to me. Although I have concerns as outlined in this letter they are adequately addressed by the design and the assurances of the owner's agents. I do support the building of these two rental buildings as proposed.

I have lived in my home at 1048 North Park Street for 20 years. The 1046 lot was and remains vacant as of this date.

Concerns and Comments

Light

The rear 20 feet of 1046 will be open ground allowing my garden opposite this location on 1048 to receive plenty of afternoon sun. The entrance/access pathway is next to my property. This will allow a corridor of light along my west side. Twin buildings creates both light and space.

Water Management

Flooding has occurred towards the rear of the property. The proposed aqua pavers allow most water to go back into the ground - a City of Victoria preference for handling rainfall. The required code drainage piping will assure no damage to either property.

Property Maintenance for 1048

I have spoken to the developer's agent who has promised to create an easement on 1046's deed in my favor that will allow mine and any subsequent owner of 1048 access to 1046 property for purposes of maintaining the west side of 1048's current buildings.

Parking

The parking variance sought by the developer I believe to be supportable. Council will need to consider a longer range strategy to deal with street parking in this RC zoned block. A developer of my own property, for example, will expect similar concessions given to 1032 North Park and those being considered for 1046. (A possible solution would be to make the 1000 block "resident only" parking after 6pm. We are not pleased to be a parking lot for Athletic Park and the Memorial Arena!)

I have enjoyed a good relationship with those who wish to move forward with building on the 1046 lot. Given the urban location, the design provides reasonable light and privacy - the stairs are located on the west side of the building and the porches incorporate opaque privacy glass; the design fits the site; encourages downsizing automobile ownership in our neighbourhood; provides wheelchair accessibility for the two ground floor suites.

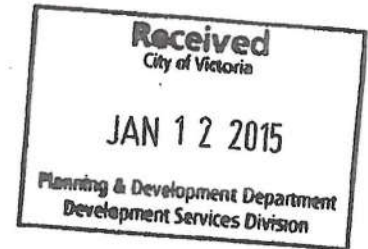
Bottom Line

I support the two variances sought: Parking stall reduction to one off street parking space.
 Two dwellings to be allowed.

Respectfully,

Charles Joerin
 copies: Aspire Custom Designs

cjoerin@shaw.ca 250-388-0528 1048 North Park Street V8T 1C6



North Park Neighbourhood Association
P.O. Box 661, #185-911 Yates St.
Victoria, BC V8V 4Y9
www.npna.ca

January 7, 2015

City of Victoria, Land Use Committee of the Whole
1 Centennial Square
Victoria, BC V8W 1P6

RE: Aspire Custom Designs development proposal – 1046 North Park Street

Dear mayor and council:

The North Park Neighbourhood Association supports the current development proposal from Aspire Custom Designs for 1046 North Park Street. We find this proposal forward-thinking and creative. We particularly appreciate that it incorporates energy-efficient building materials and provision for solar energy, bike storage and outdoor space in an aesthetically pleasing design appropriate for the site.

Early in the process the developer met and consulted with the immediate neighbour at 1048 North Park Street. The NPNA has confirmed that the neighbour is satisfied with the results of that consultation. His attempt to meet with the property owner on the other side of the site was unsuccessful.

Considering all these factors, a motion was approved at the January 7 NPNA general meeting to support the developer's request for two variances for this project.

Thank you for your attention.

Sincerely,

Al Gallupe
Land Use Committee
North Park Neighbourhood Association

NORTH PARK NEIGHBOURHOOD ASSOCIATION
Minutes of December 3, 2014 Meeting

Present:

Board Members: Jenny Farkas (Chair), Tim Hewett, Claudia de Haan, Al Gallupe, Charles Joerin, Penny Bond, Nicole Dillman

Members: Lorna Rennie, Alex Kerr, Tristan Trotter, Yoka van den Berg, Jeff Sears

Guests: Lindsay Baker (Aspire Custom Designs), Dennis Rogers (owner, 1046 North Park St.), Deb Beaton-Smith (Rifflandia), Tanya Leduc (neighbourhood resident)

Regrets: Anne Moon, Daniel Ferguson, Katie Fillion

Call to Order and Introductions:

- Jenny called the meeting to order at 7:00 p.m.
- Welcome to new member Jeff Sears, board member of North Park Manor Society and pastor of First Baptist Church.

Agenda:

The agenda was adopted.

Motion: Claudia de Haan/Alex Kerr/carried

Presentations:

1. **Development proposal — 1046 North Park St. —** Lindsay Baker, Dennis Rogers
 - Design plans were distributed (see attachment).
 - Initial plan for this currently empty lot was for a triplex. The initial plan had been approved by the City. Financially this plan was not feasible.
 - New design is for a total of six market rental units (estimated as ≈ \$850/month) in two three-story buildings. There is one unit/floor in each of the two buildings. This plan works better for the property and the design is greener.
 - Green components include solar panels on roof; passive solar from windows; community garden for tenants at back of property; internal courtyard between the two buildings as well as individual patio/deck area for each unit; bicycle storage; charging stations for mobility scooters and one car, using solar power; building height, and location of courtyard and community garden designed to allow optimal light to adjacent house at 1048 North Park St.
 - The current plan added mobility scooter parking and more bicycle storage.
 - The developer is asking the City for a variance for two buildings instead of one, and a relaxation of the parking variance to one, instead of two, vehicle spots.
 - Attempts to contact the owner of the neighbouring commercial building to the west were unsuccessful.

2.

- Those present felt that this proposal was forward-thinking and creative. It was noted that the developer's early and ongoing consultation with and consideration of the neighbour at 1048 North Park St. was appreciated.

Motion: NPNA is in favour of the development proposal for 1046 North Park St., including the developer's request for two variances, and will write a letter of support to the City of Victoria Land Use Committee.

Al Gallupe/Penny Bond/carried

2. Rifflandia 2014 follow-up — Deb Beaton-Smith

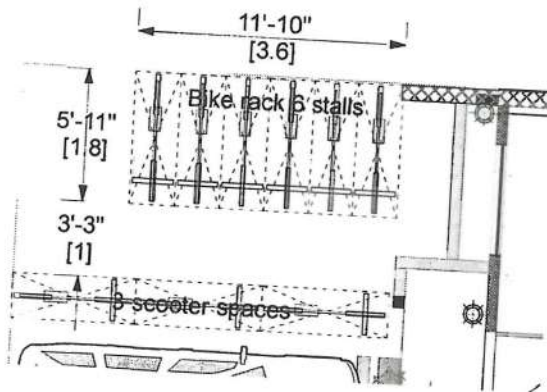
- Highlights of the 2014 Rifflandia festival were:
 - Royal Athletic Park (RAP) as flagship location, also the Atrium building during the day and 14 night venues. Phillips Brewery capacity was increased with street closure.
 - Thinklandia and Kidlandia.
 - Change in BC liquor laws allowed granting of an open liquor licence, one of only two granted in BC in 2014.
 - VicPD and City Parks Dept. were on board for security.
 - It was noted that with the open liquor licence there were fewer liquor sales and the atmosphere was calmer, therefore more family-friendly.
 - At RAP, there were 500 age-10 and under wrist-banded attendees (excluding babies, who are not wrist-banded). Total attendance at RAP, over three days, was 16,500.
 - There were two stages at RAP.
 - The green team and bike racks were in place.
 - RAP hours are 3 - 9 p.m. Friday; noon - 9 p.m. Saturday and Sunday.
 - It is expected that the 9 p.m. curfew will remain.
 - There were fewer complaints in received at Rifflandia's office in 2014, including fewer noise complaints.
 - Rifflandia won its bid to bring "Breakout West" to Victoria.
 - Breakout West formerly was named the "West Coast Music Awards".
 - It has a three components — awards ceremony, conference and performances.
 - The festival component will be in night venues. It is not yet known if RAP will be used for any larger scale performances.
- Discussion:
 - Tanya Leduc, resident of block adjacent to RAP, representing her family, as well as a neighbour, reported:
 - There has been no problem with other RAP events which mainly are sports.
 - There was initial shock when RAP was allowed to be used as a venue for Rifflandia; since then the neighbours have accepted that it is going to happen.

Green Building Features for North Park Development.

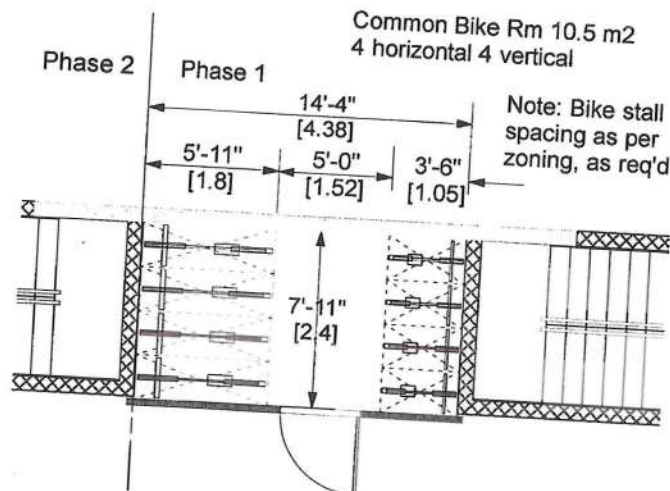
The **"NORTH PARK COMPLEX"**

- Permeable parking surface
- Permeable walkway surface
- Permeable patios on ground surface
- Passive design incorporated
- Car share participation
- Roof water catchment
- Water catchment for gardening
- Solar panels / photovoltaic system
- Car / scooter charging station
- Bike parking & bike storage lockers
- Thermal windows
- Community garden area
- Recycling area
- Composting area
- Reduced parking to create urban walking environment
- Bike paths and bus routes nearby
- Instant hot water / hot water on demand

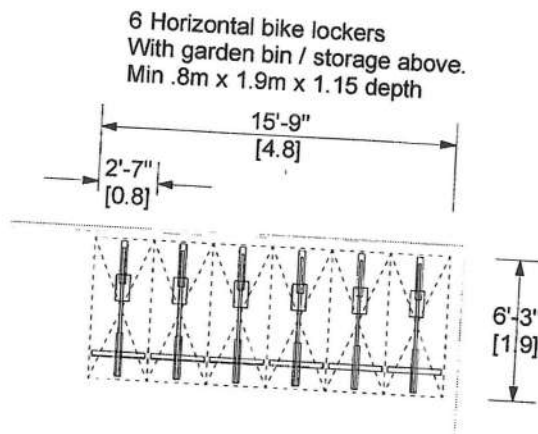
- Green building rating system still to be explored.
- The building has integrated passive design practice by locating the proposed building to give it the most southerly exposure. Most of the walls and exposed building face will generate heat through sun exposure throughout daylight hours.
- Creating two smaller buildings rather than one larger building will allow for more green space as well allows adjoining neighbors to have more sun exposure. This was critical as the adjoining neighbor to the east has a beautiful garden. Separating the two building also allows for community green space between the buildings.
- As the 6-unit complex is walking distance from downtown, reduced parking will also be a positive benefit by decreasing carbon emissions. A car share program will be explored for all the residents.
- The location of this property allows for easy bus route access to many bus routes. We would also like to explore the option of a bus pass provision for the residents of this property.
- We have gone to great lengths to create additional bike parking and secure bike storage for our residents.
- We will also be installing an electric scooter / bike charging station.
- We are planning on plumbing the building to be solar hot water ready.
- We are planning on being pre-plumb for solar PV.
- Ideally we will be able to obtain a minimum of 5% building energy consumption through renewables.
- We are planning on building a water catchment for complex community gardening purposes.
- We will be using Aqua Pavers throughout the site. This is a very permeable surface.
- As this property is bare land at the moment we will be adding a few additional trees on the property. Mainly we will have a beautiful feature Cherry tree located next to the front boulevard.
- Hanging baskets on the front of the building will add greenery.
- An electric car charging station will be installed.
- Solar panels will help reduce electrical consumption.



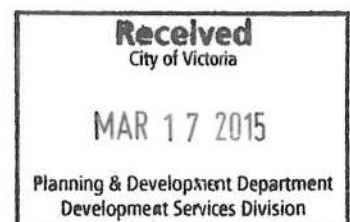
Front Yard Bicycle Parking
3/16 = 1'0"



Bicycle Room Parking
3/16 = 1'0"



Bicycle Locker Parking
3/16 = 1'0"



Strata Plan 2016

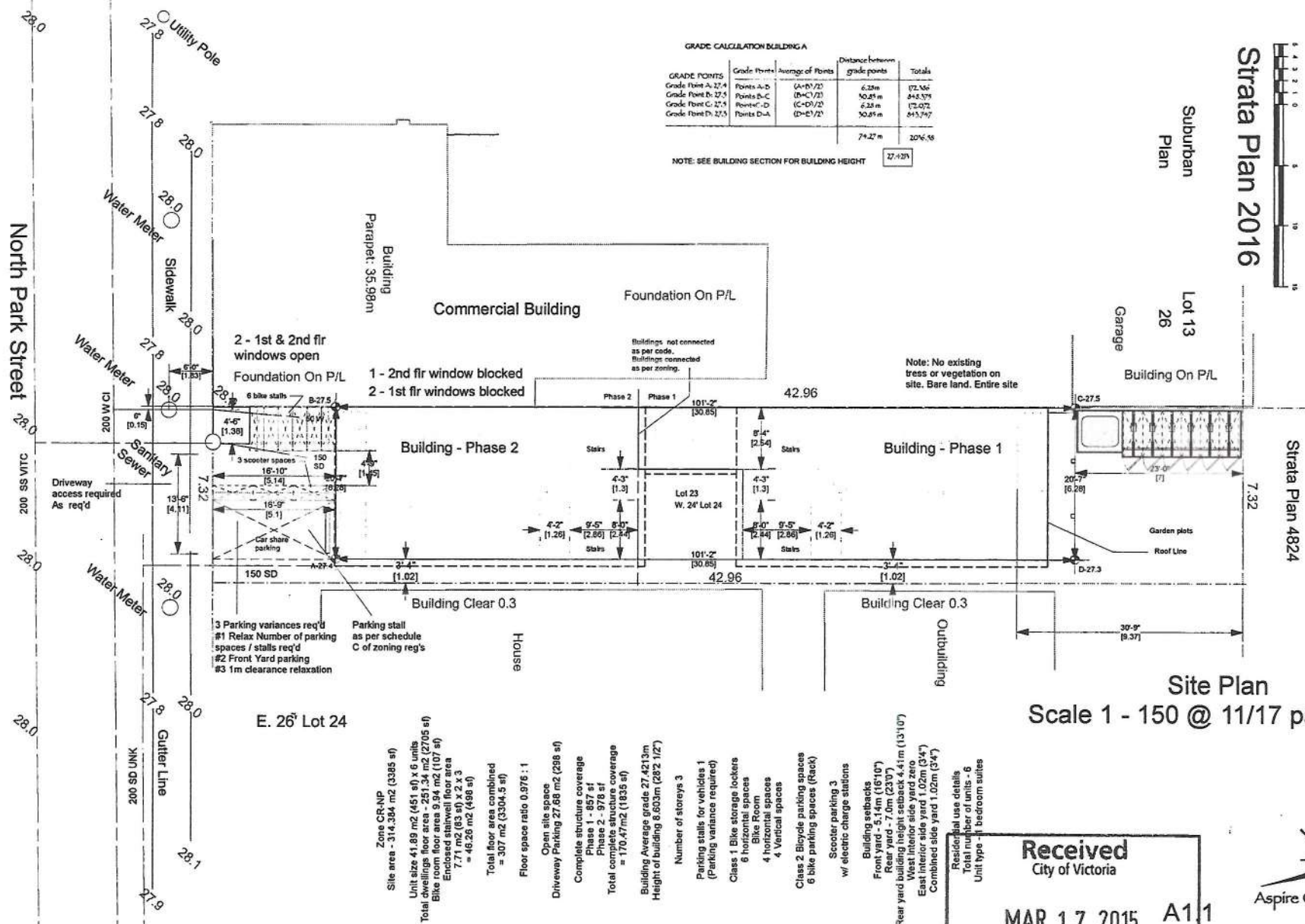


GRADE CALCULATION BUILDING A				
GRADE POINTS	Grade Points	Average of Points	Distance between grade points	Totals
Grade Point A: 27.5	Points A-B	$(A+B)/2$	6.25m	172.56
Grade Point B: 27.4	Points B-C	$(B+C)/2$	50.85m	843.578
Grade Point C: 27.5	Points C-D	$(C+D)/2$	6.25m	172.072
Grade Point D: 27.5	Points D-A	$(D+A)/2$	50.85m	843.747
			74.27m	2076.96

NOTE: SEE BUILDING SECTION FOR BUILDING HEIGHT

27.425

NOTE: SEE BUILDING SECTION FOR BUILDING HEIGHT



Site Plan
Scale 1 - 150 @ 11/17 paper size

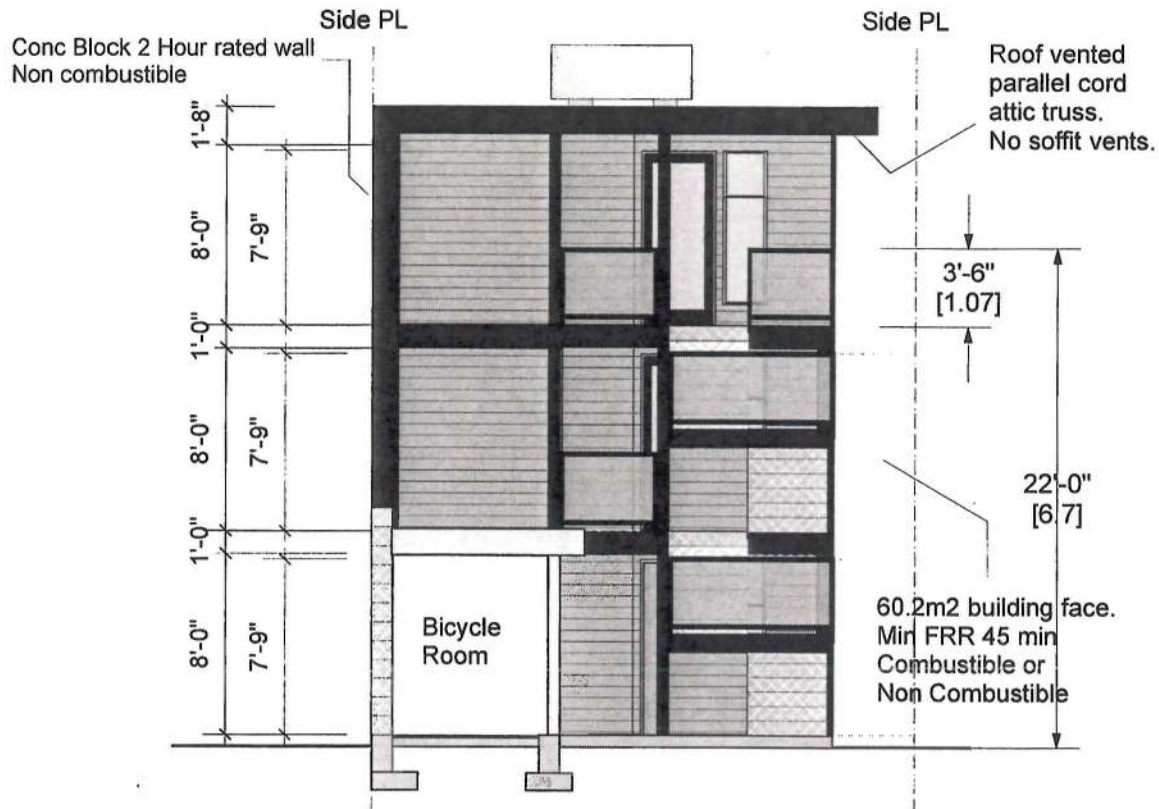
Received
City of Victoria

MAR 17 2015

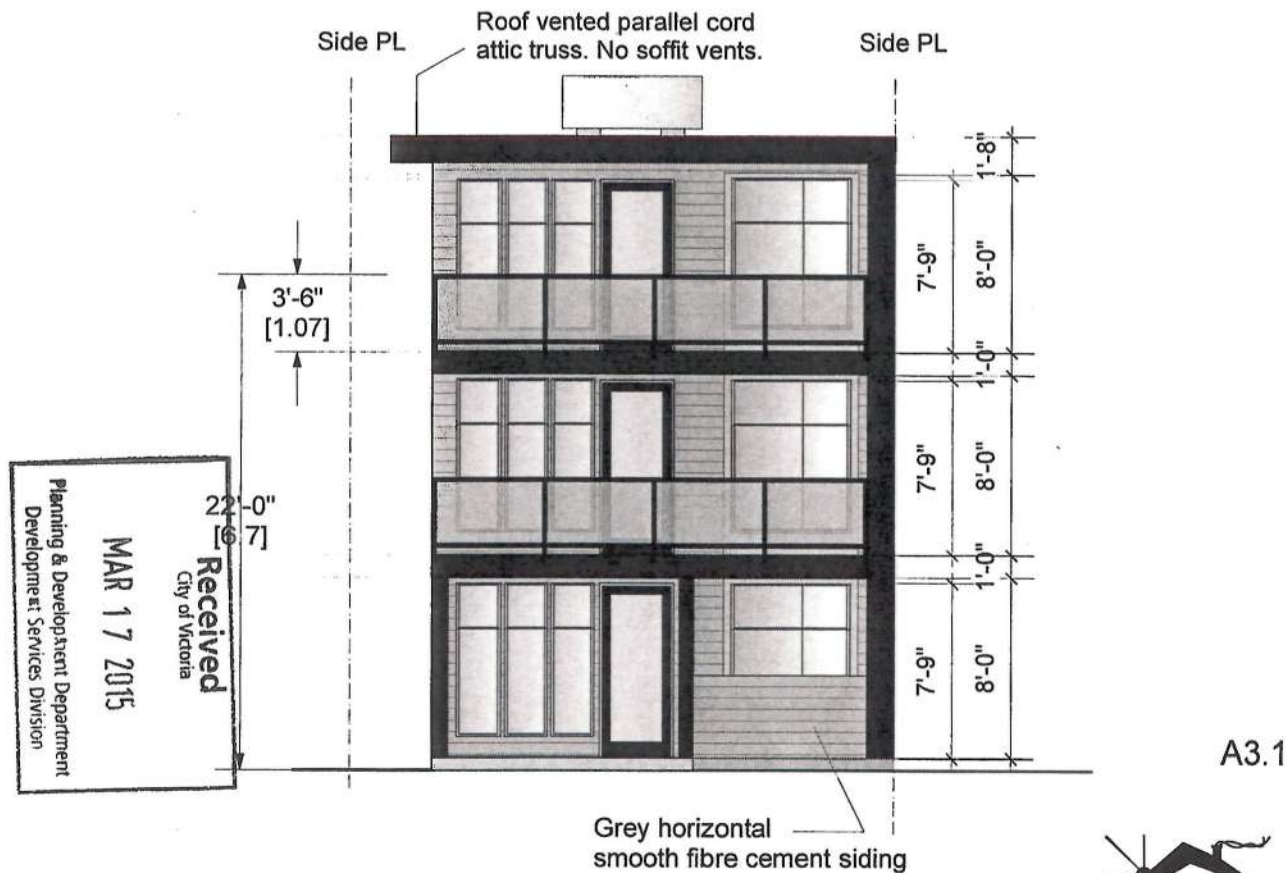
A1.1

Planning & Development Department
Development Services Division

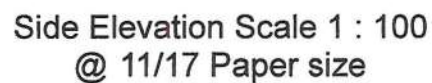
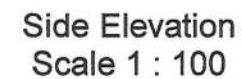




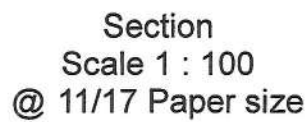
Interior Front Phase 1 Elevation

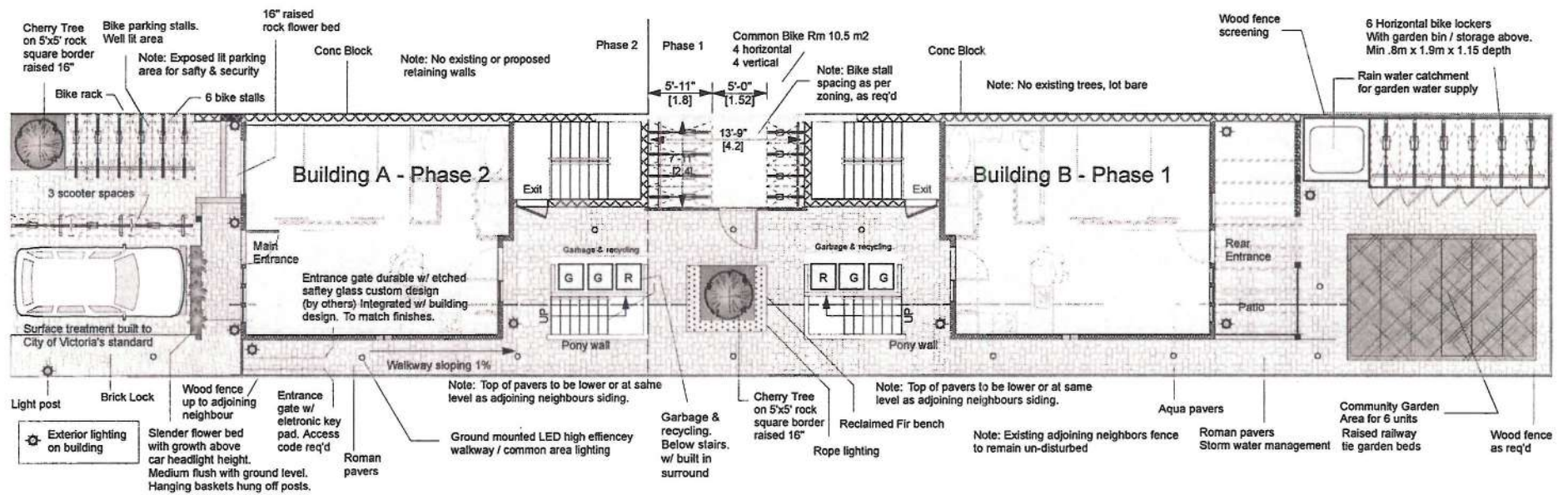


Rear Elevation Phase 1



16 Apr 2015





Landscaping Plans



A1.2



North Park Street

200 W CI

200

28.0

Water Meter

28.0

Sidewalk

28.0

Water Meter

27.8

200 W CI

6" [0.15]

Sanitary Sewer

13'-6" [4.11]

Driveway access required As req'd

Water Meter

28.0

27.8

28.0

200 SD UNK

Gutter Line

Building Parapet: 35.98m

Commercial Building

Foundation On P/L

2 - 1st & 2nd flr windows open

Foundation On P/L

1 - 2nd flr window blocked
2 - 1st flr windows blocked

Buildings not connected as per code.
Buildings connected as per zoning.

Note: No existing trees or vegetation on site. Bare land. Entire site

Phase 2

Phase 1

101'-2" [30.85]

42.96

Building - Phase 2

Stairs

Stairs

Building - Phase 1

Lot 23
W. 24' Lot 24

4'-2" [1.26]
9'-5" [2.86]
8'-0" [2.44]

8'-4" [2.54]
4'-3" [1.3]
8'-10" [2.44]
9'-5" [2.86]
4'-2" [1.26]

101'-2" [30.85]

42.96

Building Clear 0.3

Outbuilding

3 Parking variances req'd
#1 Relax Number of parking spaces / stalls req'd
#2 Front Yard parking
#3 1m clearance relaxation

Parking stall as per schedule C of zoning reg's

House

Building Clear 0.3

E. 2

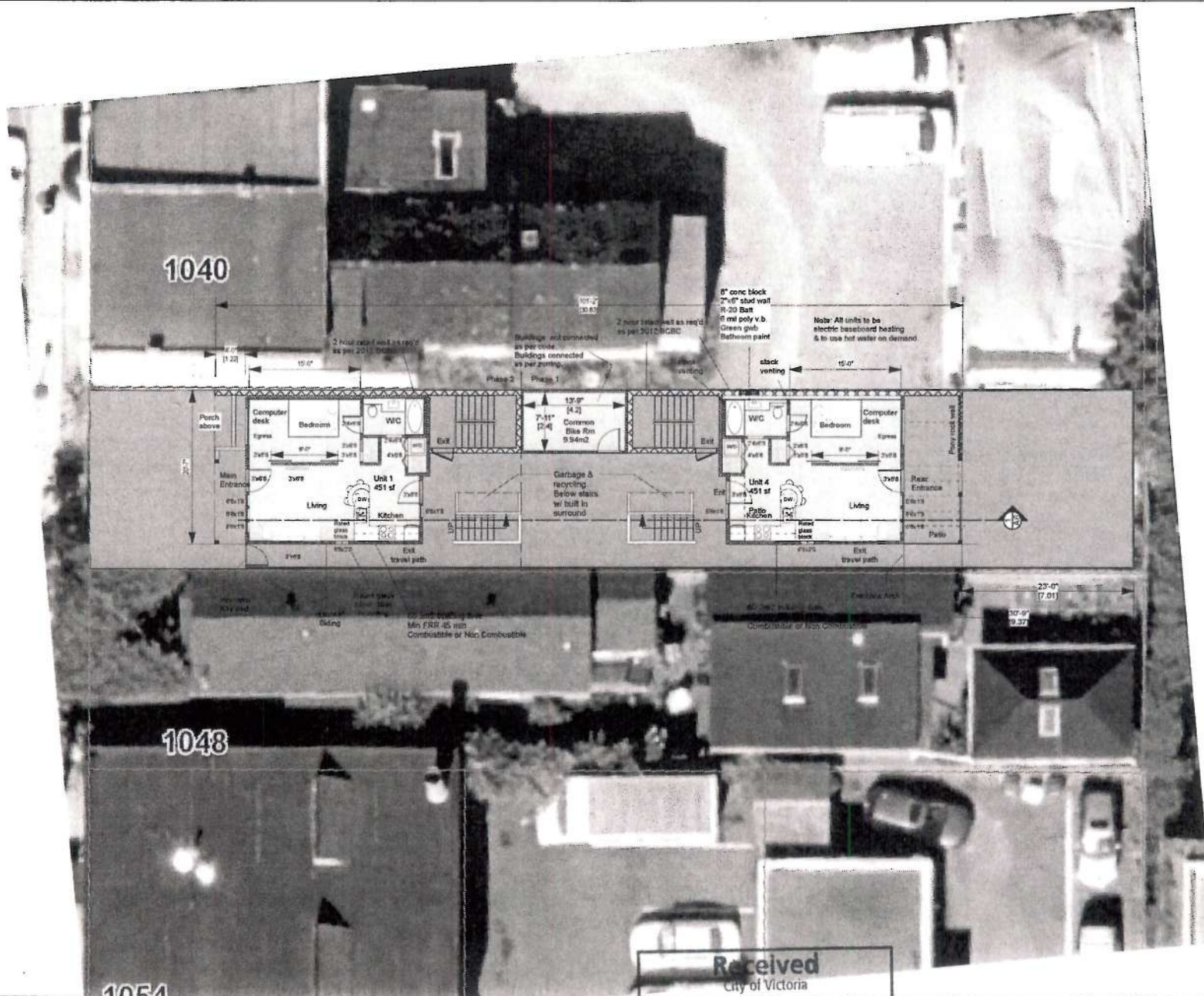
Site Plan

Scale 1 - 100 @ 11/17 Paper size



A1.3

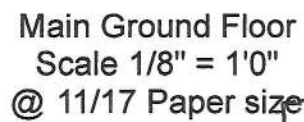


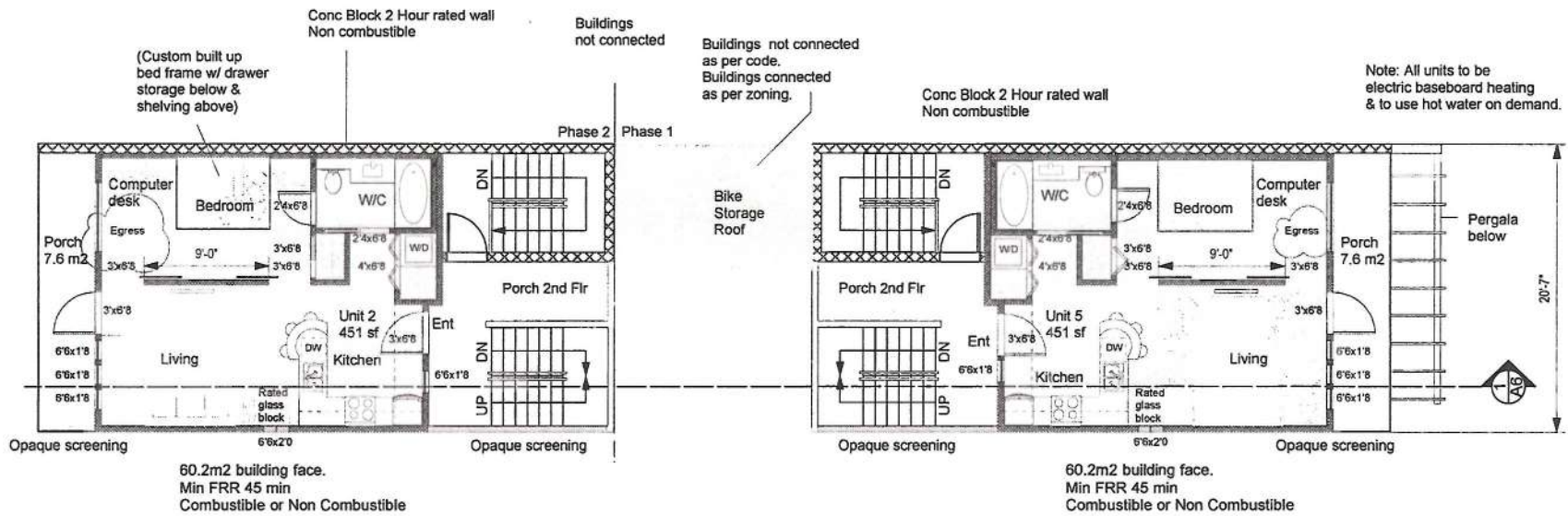


Received
City of Victoria

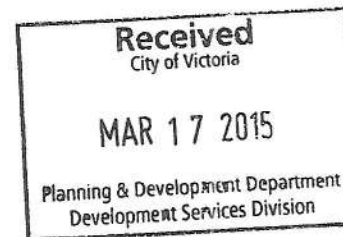
MAR 17 2015

Planning & Development Department
Development Services Division



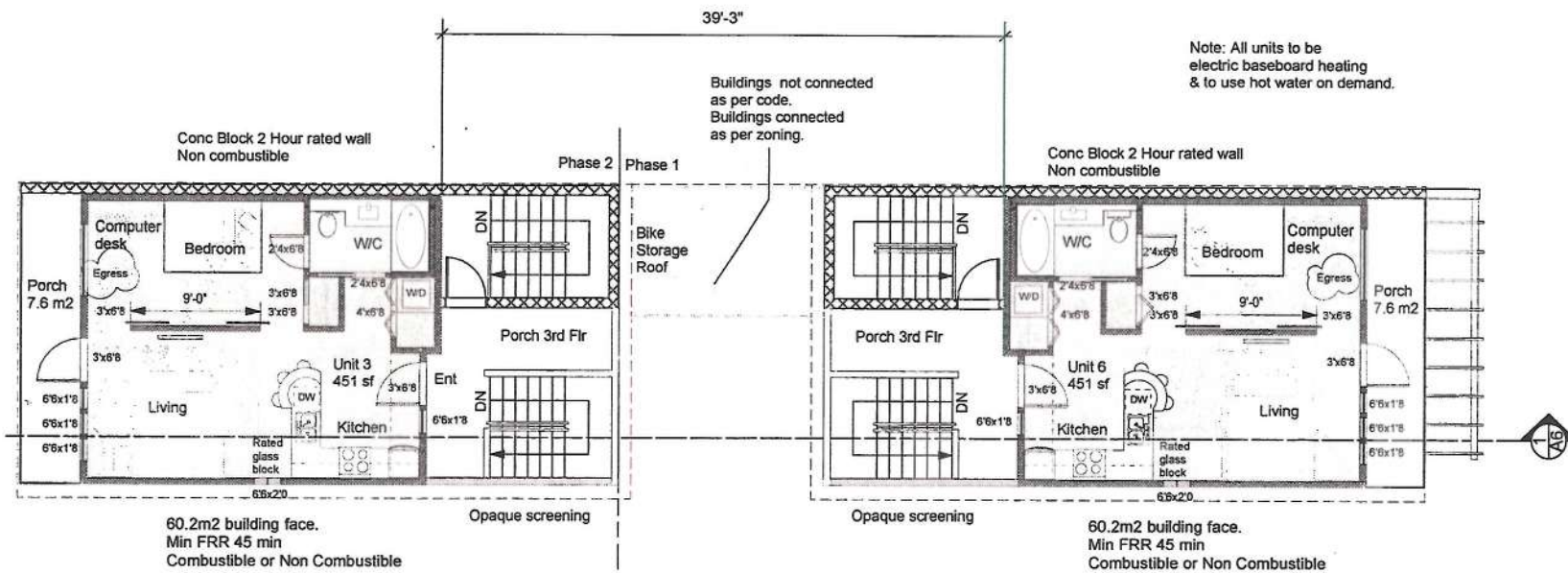


2nd Floor
Scale 1/8" = 1'0"
@ 11/17 Paper size



A2.2

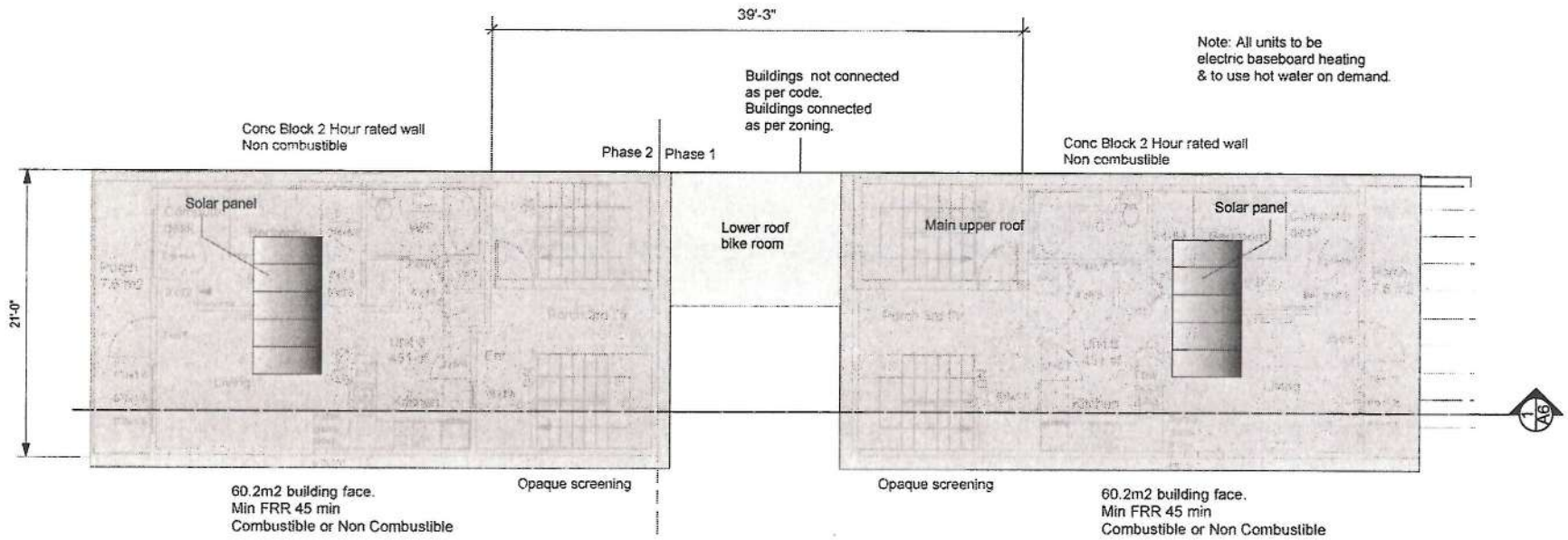




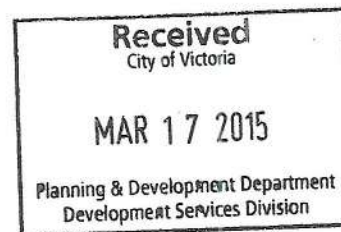
3rd Floor
Scale 1/8" = 1'0"
@ 11/17 Paper size

A2.3



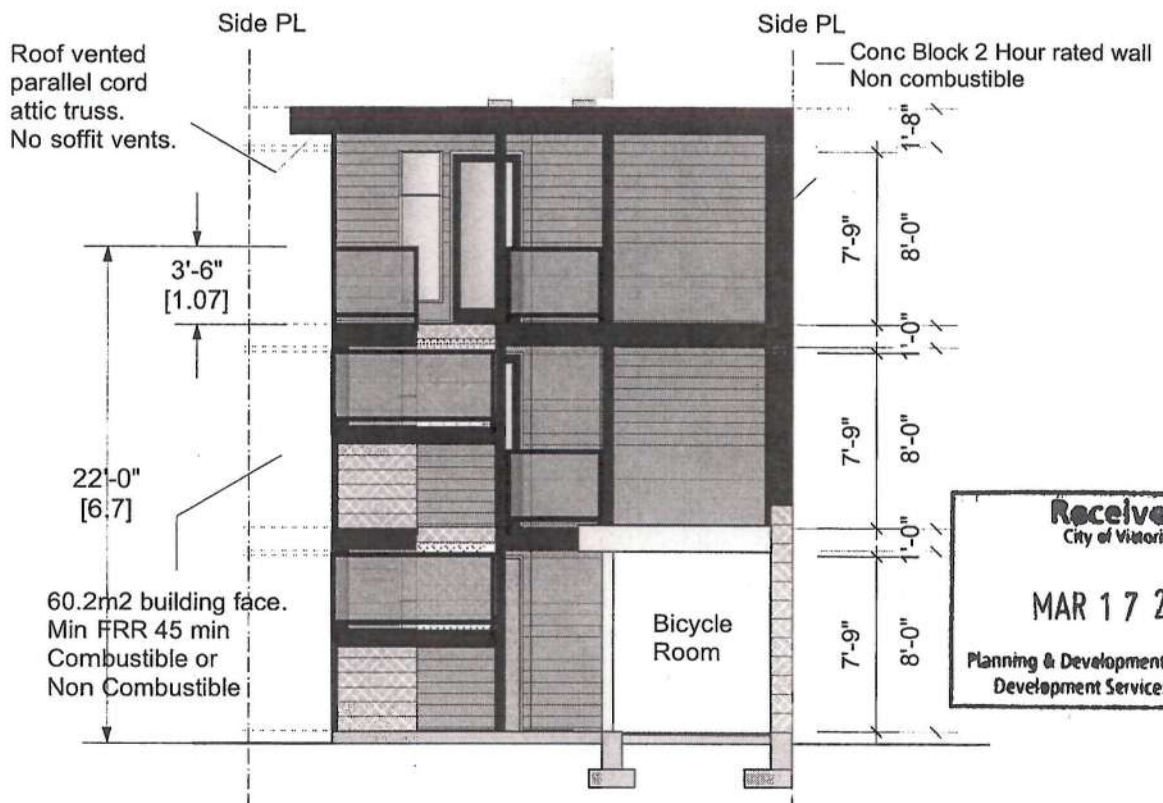
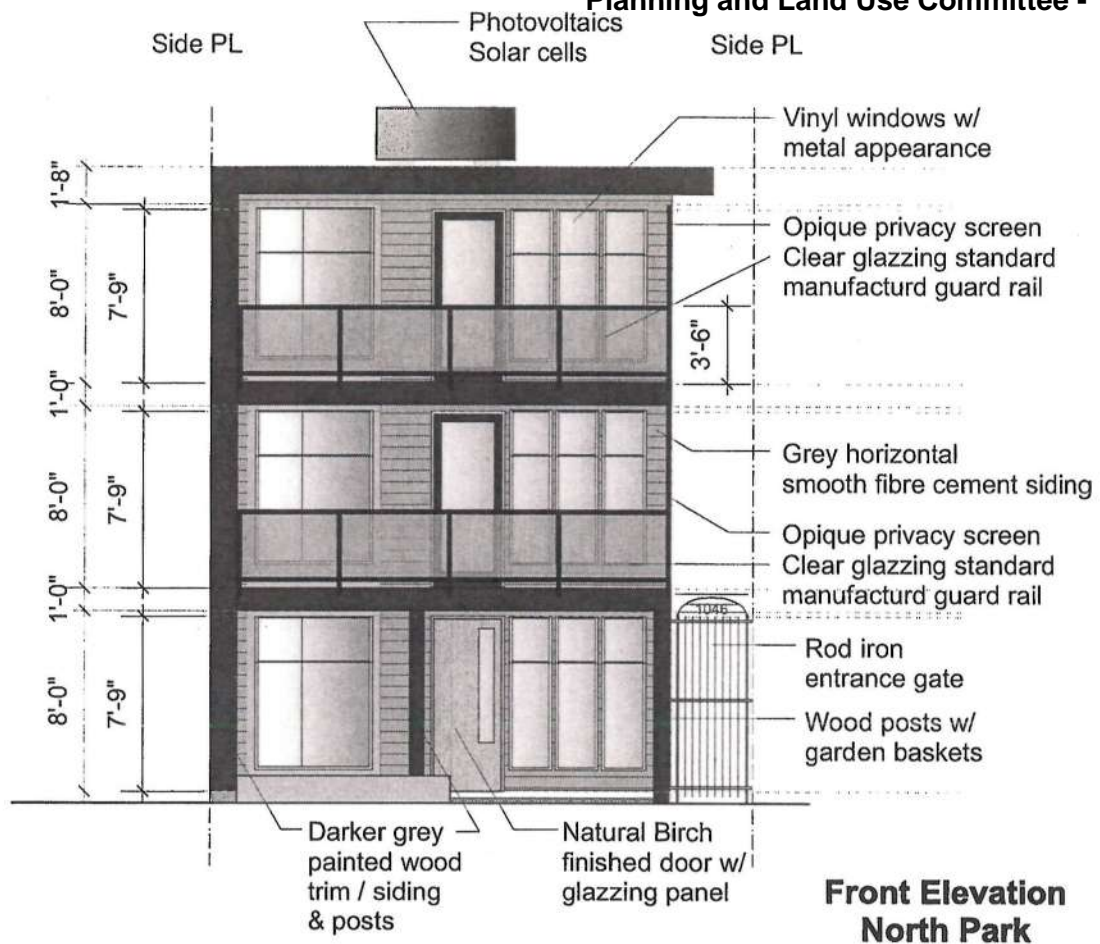


Roof Plan
Scale 1/8" = 1'0"
@ 11/17 Paper size



A2.4

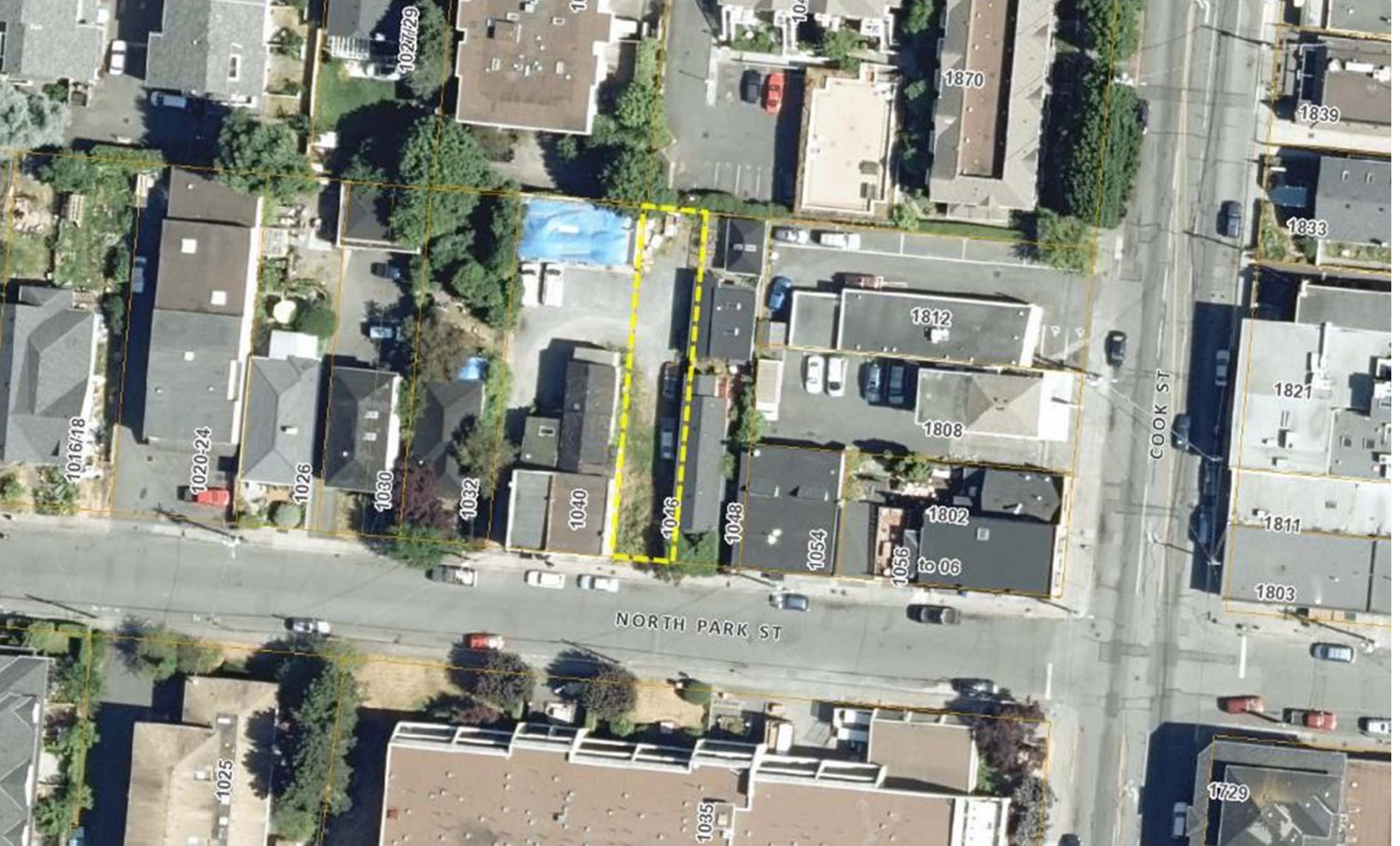




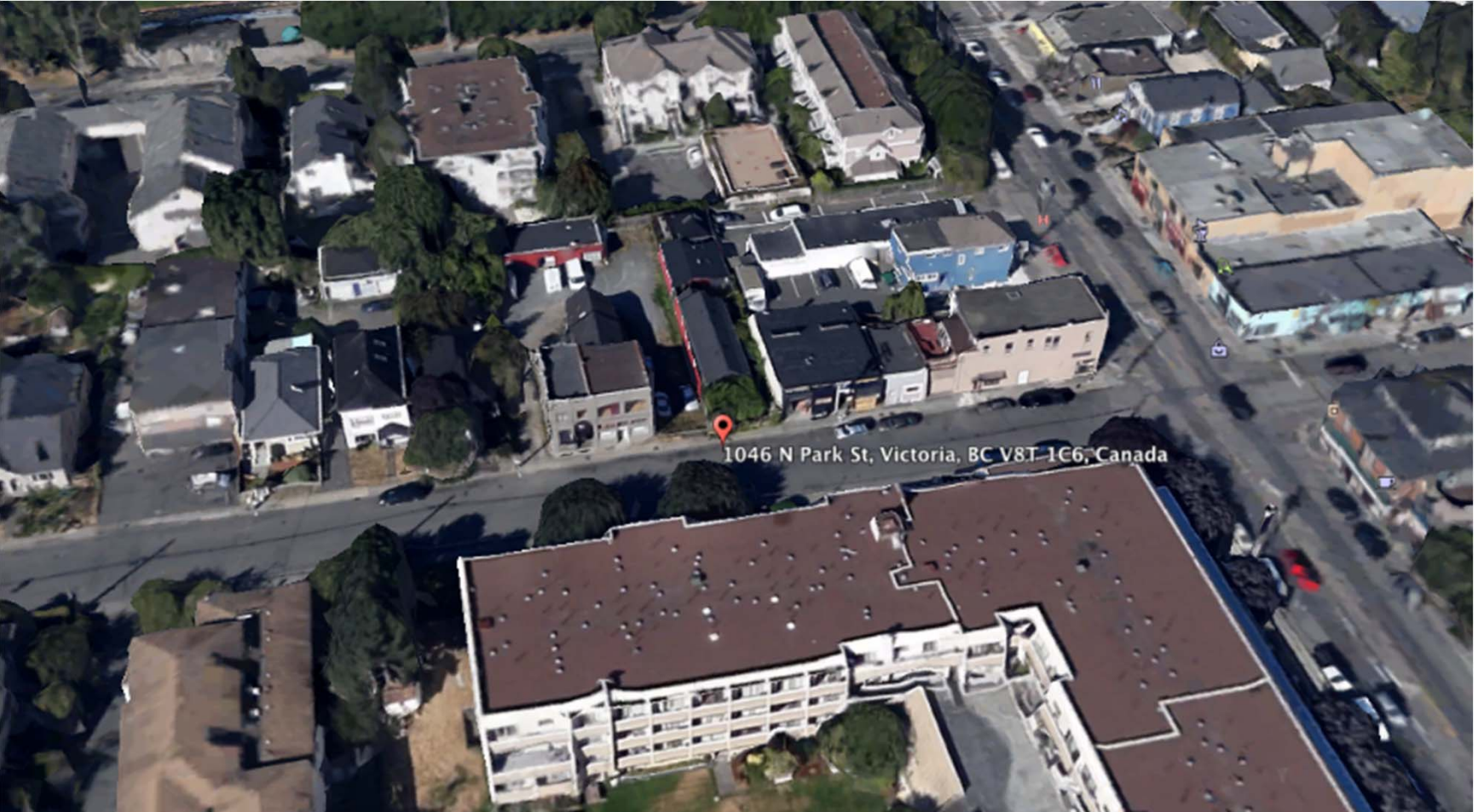
Interior Front Phase 2 Rear Elevation

A3.0

1046 North Park – Development Permit Application with Variances #000401



Context plan / overview



Subject Property – Vacant Lot

Subject Property



Properties to North



Property to the South



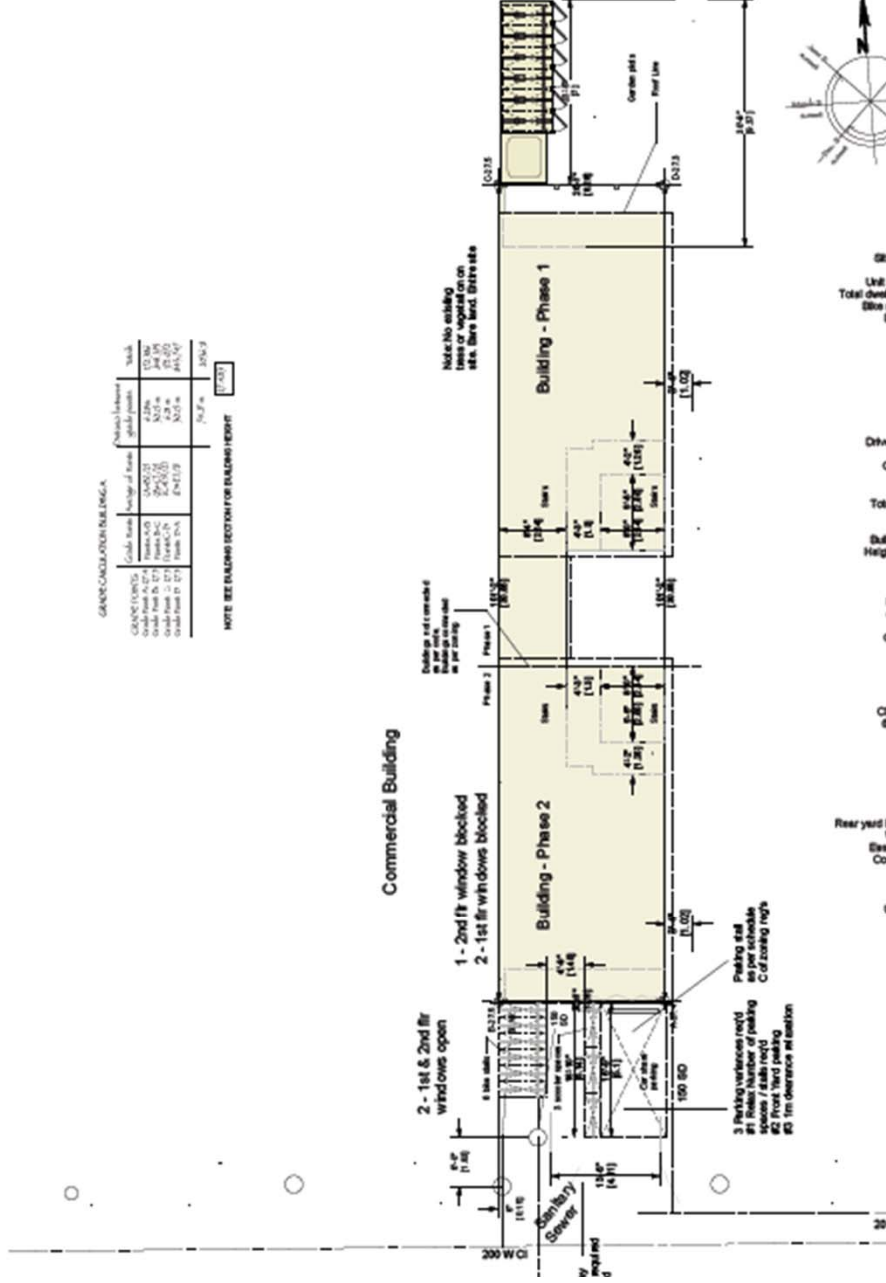
Properties to the West



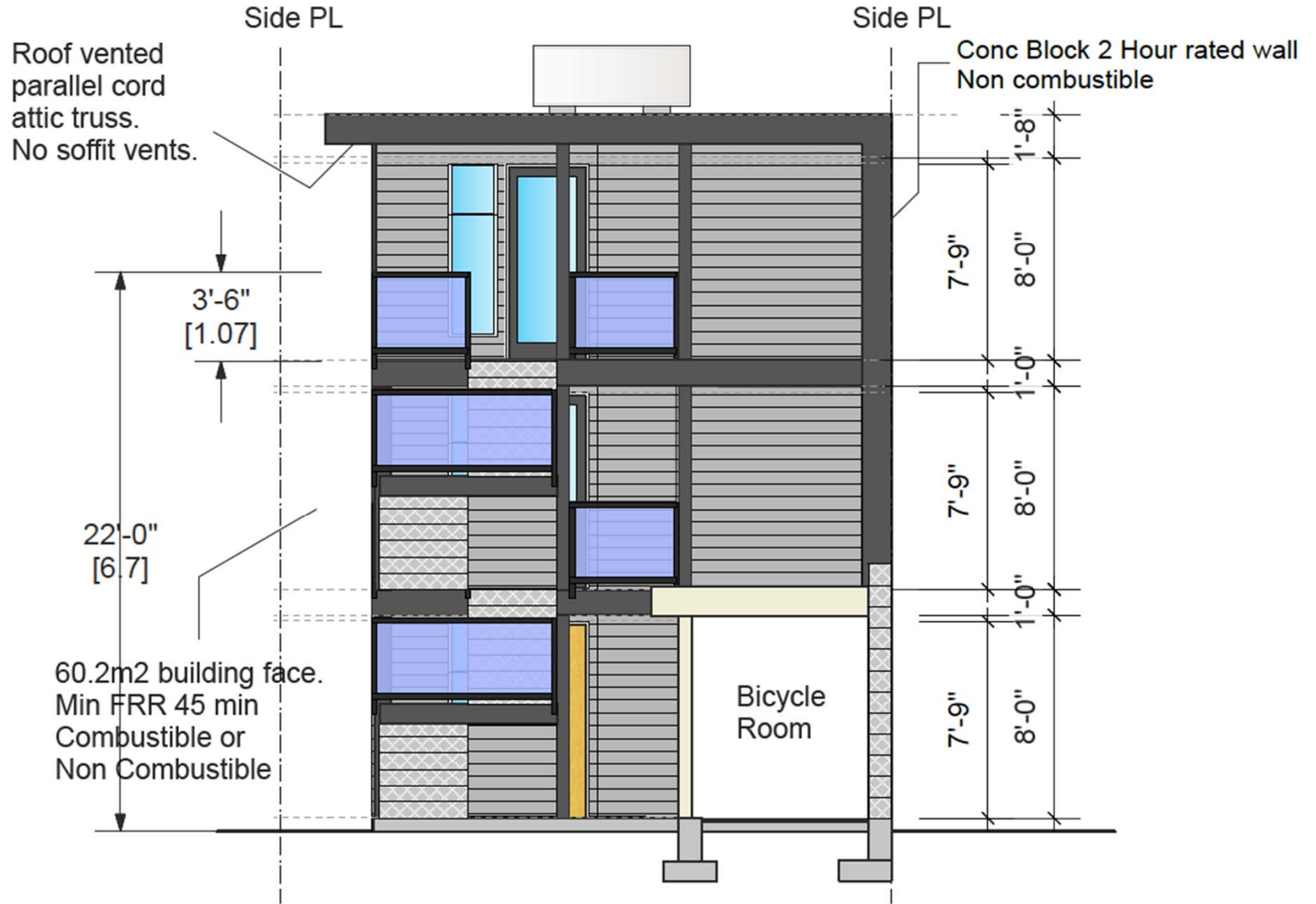
Properties to the East



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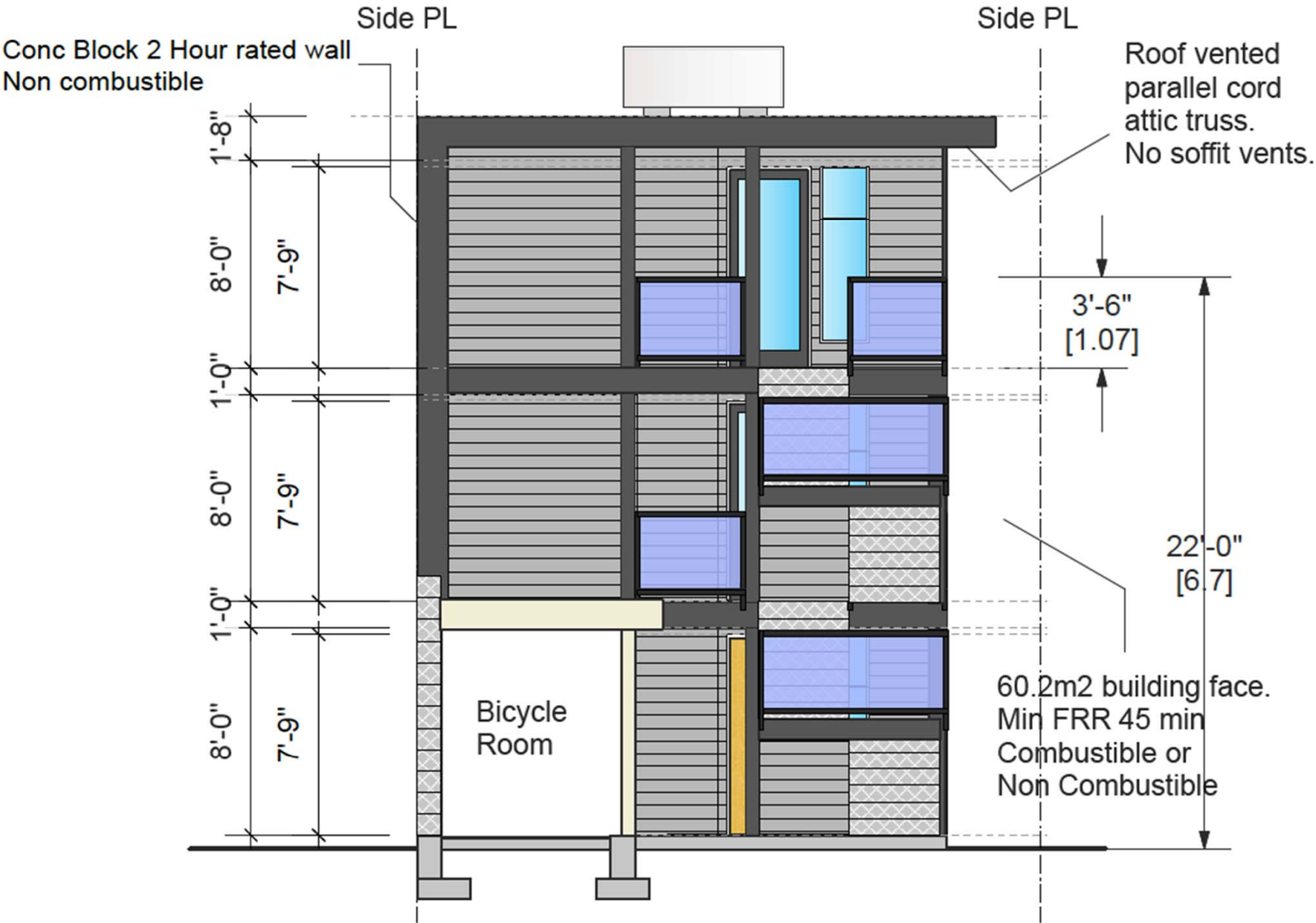


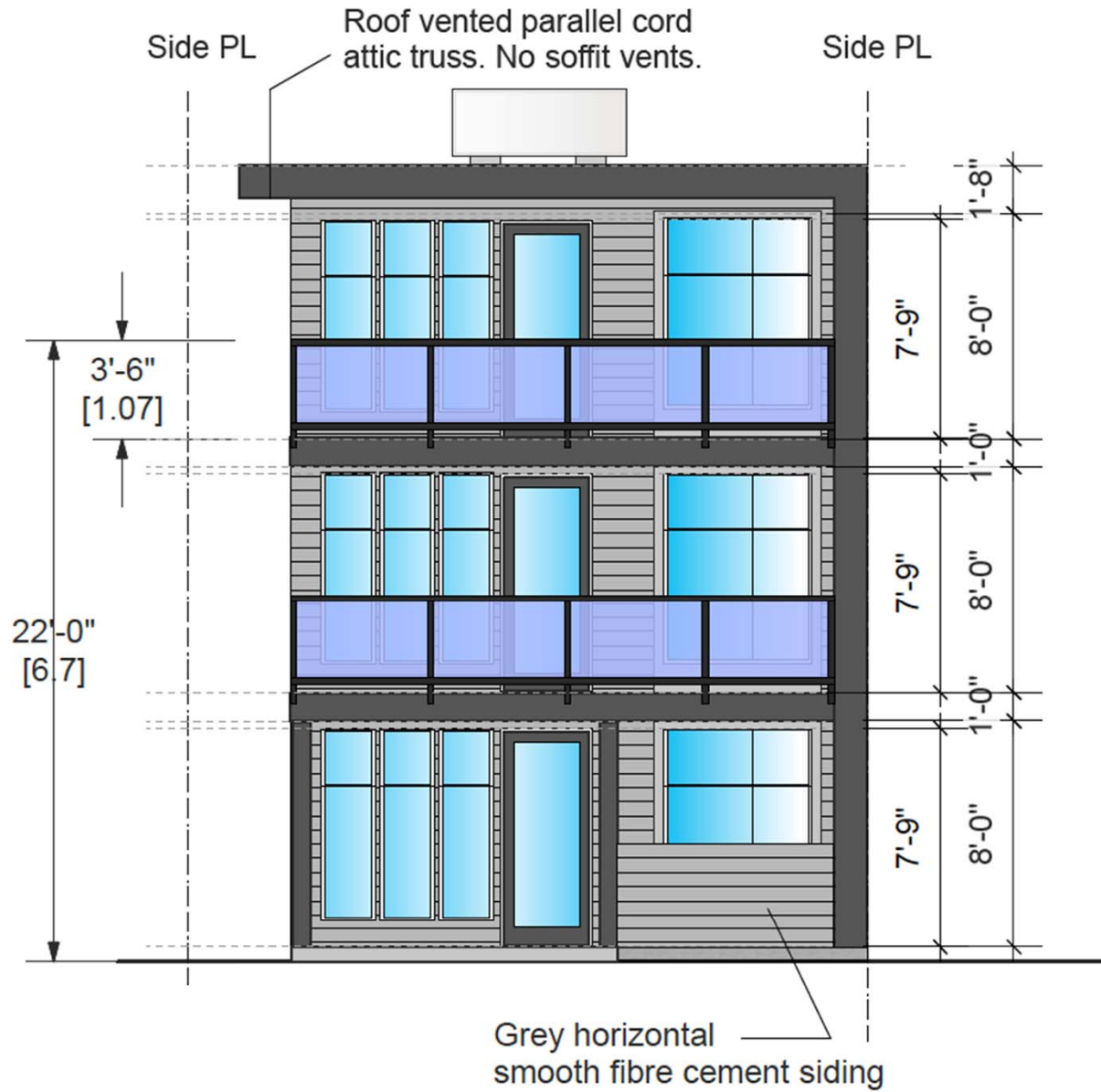




Interior Front Phase 2 Rear Elevation

A3.0

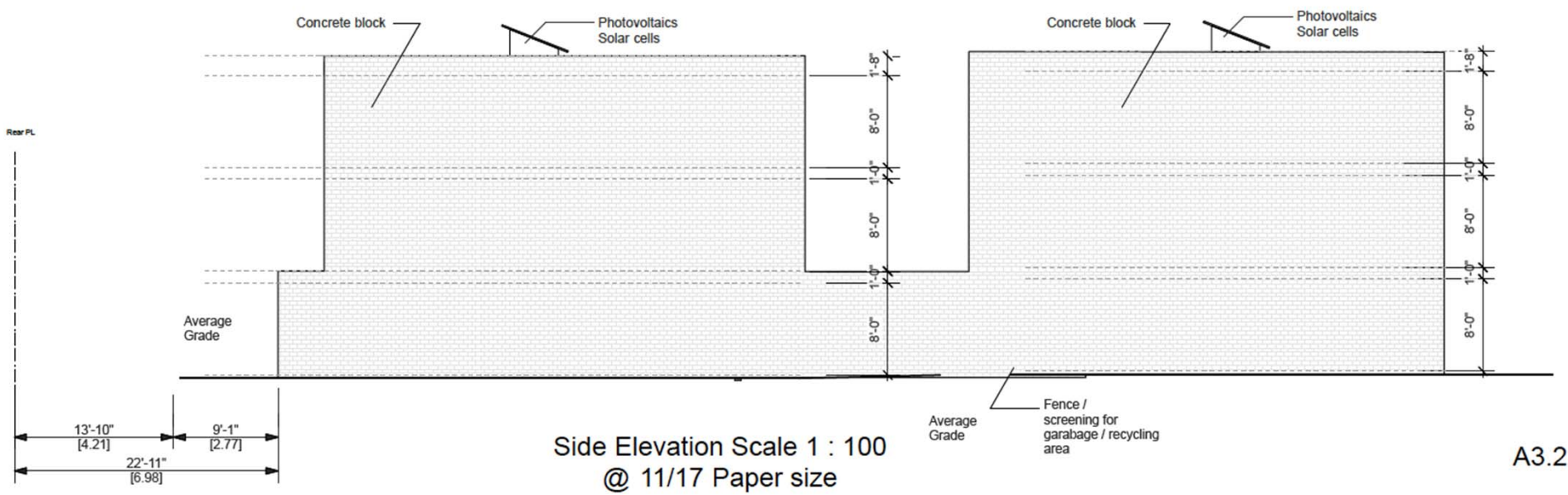




Rear Elevation Phase 1

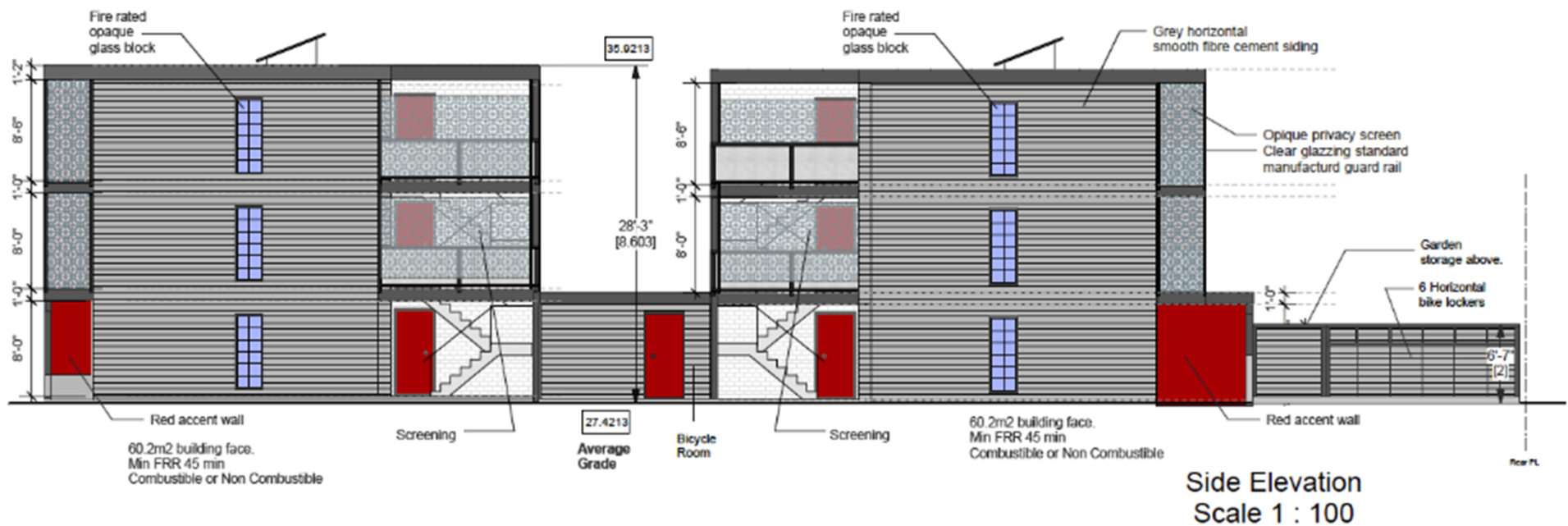


West side elevation, zero lot line

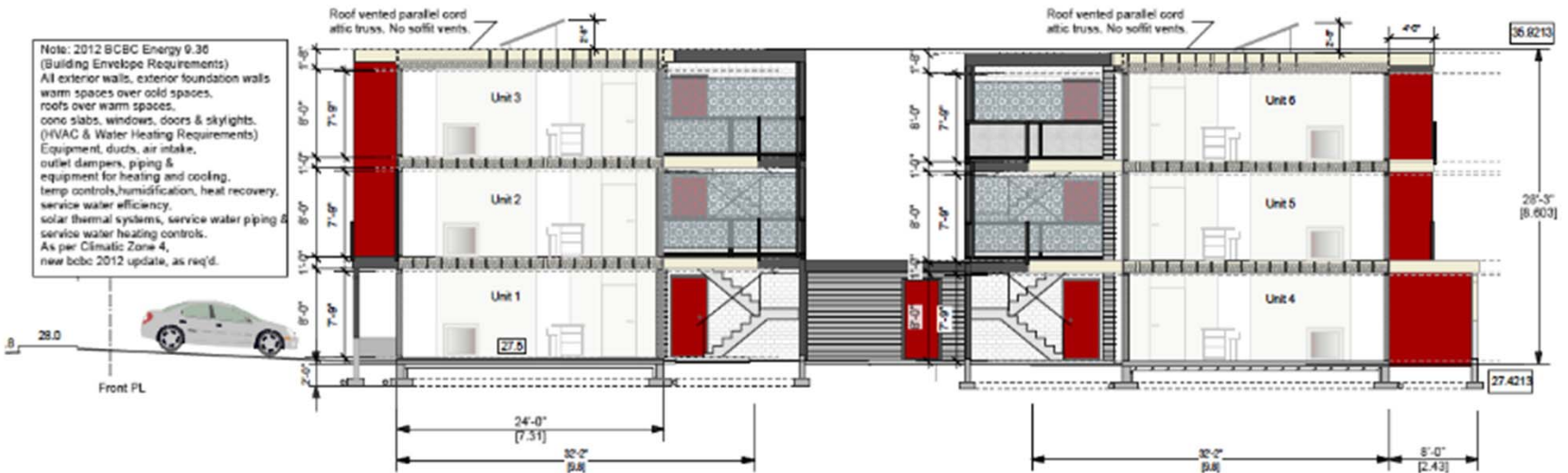


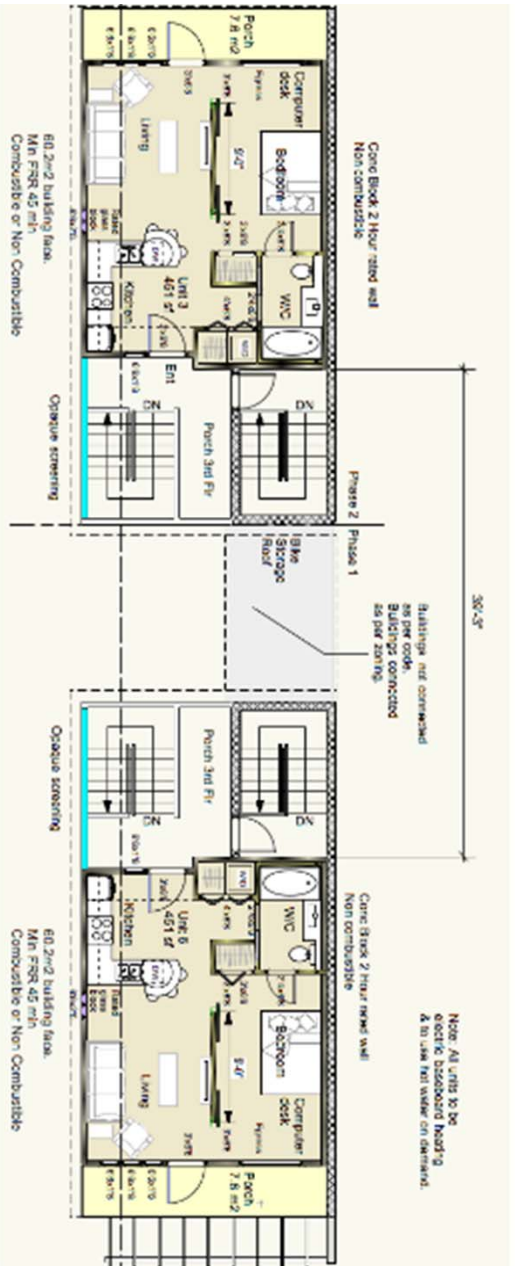
A3.2

Planning and Land Use Committee - 16 Apr 2015

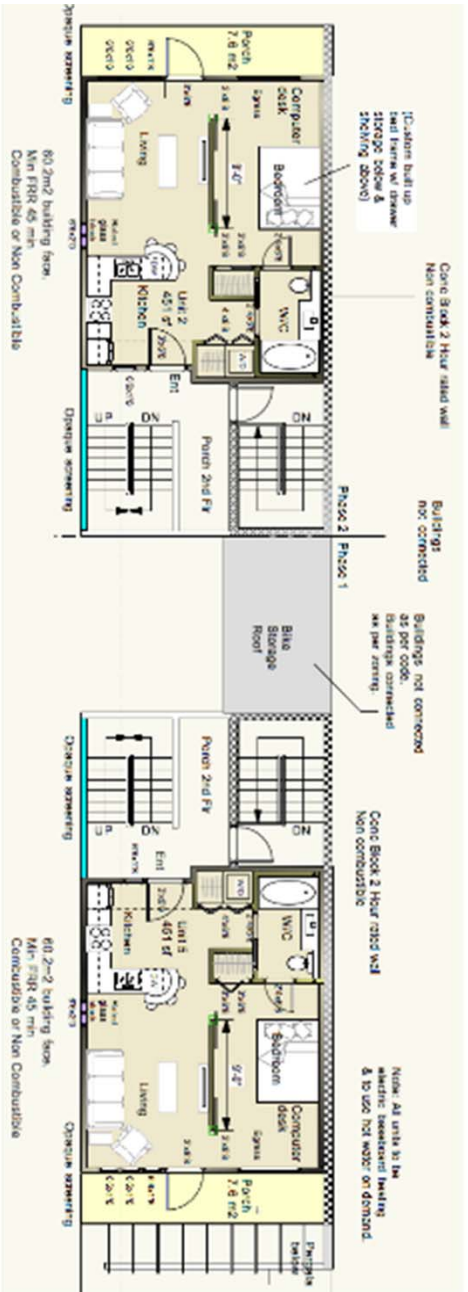


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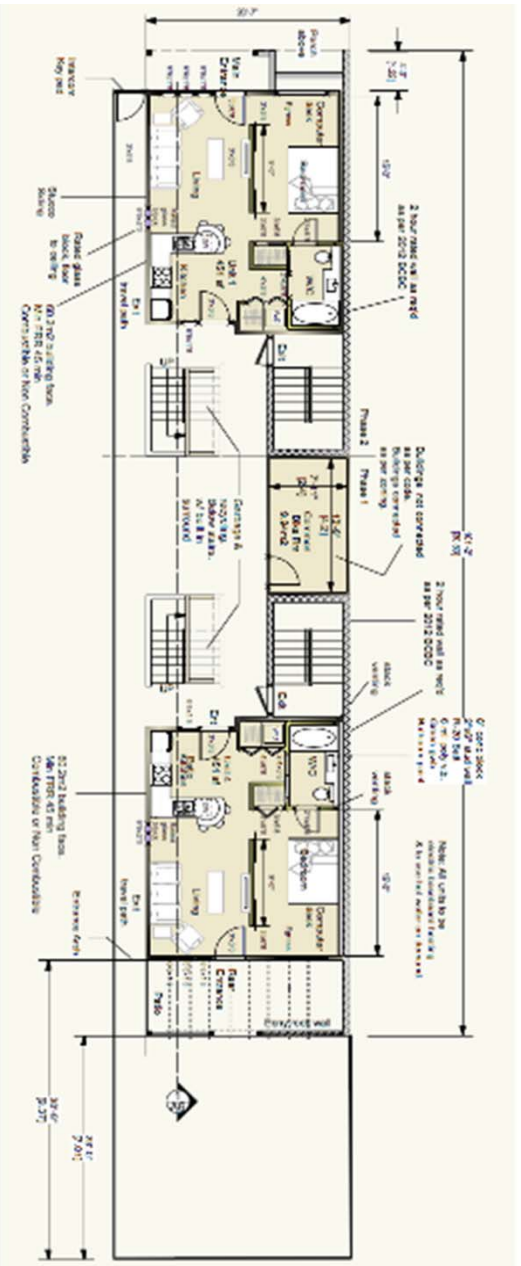




Third Floor



Second Floor



Ground Floor



Street view



Adjoining zero lot line building



Accent wall, post, overhang, soffit, window type, & siding



Roman paving stones





Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 2, 2015

From: Helen Cain, Senior Planner, Development Services Division

Subject: Development Permit Application No. 000408 with Variances for
1015 Rockland Avenue

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. 000408 for 1015 Rockland Avenue, subject to:

1. Amendments to the Car Share Agreement between the applicant and Victoria Car Share Co-op to increase the total memberships from 5 to 14.
2. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor, and in accordance with:
2. Plans date stamped March 12, 2015.
3. Development meeting all *Zoning Regulation Bylaw* requirements in the R-73 Zone (Rockland Avenue Multiple Dwelling District), except for the following variances:
 - Part 3.96.5 (b) - Allow the projection of balconies into the rear yard setback, by 1.65m.
 - Part 3.96.6 (a) - Increase in the maximum allowable site coverage from 58.00% to 59.60%
 - Part 3.96.6 (b) - Reduction in the minimum open space required from 14.70% to 13.10%
 - Part 3.96.7 (b) - Reduction in onsite vehicle parking from 0.87 spaces per unit to 0.78 spaces per unit for a multiple dwelling subject to strata title ownership."

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 with Variances for the property located at 1015 Rockland Avenue. The proposal is to permit minor changes to the previously approved site plan and design of a 14-unit, four-storey apartment building. The variances are related to a slight increase in site coverage and corresponding decrease in open space, the projection of balconies into the rear yard setback, and removal of one vehicle parking stall.

The following points were considered in assessing this application:

- During the preparation of working drawings for the Building Permit Application, it became necessary to strengthen the cantilevered building form with thicker support columns at the rear in order to comply with seismic standards for construction. This has resulted in an increase in site coverage, and decrease in open space, that are technical in nature, and the removal of one vehicle parking stall.
- To offset any impact on nearby street parking, the applicant has committed to amend the Car Share Agreement that was a condition for Council's approval of a Rezoning Application for this property in 2014. While the original commitment was five memberships, the current proposal is one membership per unit, or 14 in total.
- The proposed variances are minor. The site plan is essentially the same as the original design, which was consistent with the relevant guidelines. There is no change in rear balconies from the Development Permit Application that was approved in 2014.
- Given the addition of nine more Car Share memberships to offset the loss of one parking stall, and the minor nature of the variances related to the site plan and architecture, staff recommend that Council advance this application to a public meeting.

BACKGROUND

Description of Proposal

The proposal is to permit minor changes to the design of a 14-unit, four-storey apartment building. Specific details include:

- During the preparation of working drawings for the Building Permit Application, it became necessary to strengthen the cantilevered building form with thicker support columns at the rear in order to meet seismic standards for construction. This has resulted in slightly increased site coverage and decreased open space, and the removal of one vehicle parking stall to accommodate the wider columns.
- The balconies were part of the design in the Development Permit Application that was approved in 2014 (PLUC report attached), but a variance is required to address an omission in the Zone.
- To offset any impact on nearby street parking, the applicant has committed to amend the Car Share Agreement that was a condition for Council's approval of a Rezoning Application for this property in 2014. While the original commitment was five memberships, the current proposal is one membership per unit, or 14 in total.

The proposed variances are:

- reduce open space, from 14.70% to 13.10%;
- increase site coverage, from 58.00% to 59.60%;
- permit the projection of balconies into the rear yard setback, by 1.65m;
- reduce onsite vehicle parking requirements from 0.87 to 0.78 spaces per unit, for a multiple dwelling with not more than 14 strata-titled dwelling units.

Sustainability Features

The Development Permit Application that was approved in 2014 included landscape strips in the rear yard, and the east side yard, to lessen the rainwater runoff from concrete surface parking. These features are remaining part of the current proposal for this development.

Active Transportation Impacts

The applicant proposed the following features which support active transportation:

- 14 Car Share memberships
- 30 bicycle storage units
- one visitor bicycle rack.

Existing Site Development and Development Potential

The site is presently in the R-73 Zone (Rockland Avenue Multiple Dwelling District) and is vacant.

Data Table

The following data table compares the proposal with the R-73 Zone. An asterisk is used to identify where the proposal is less stringent than this zone.

Zoning Criteria	Proposal	Zone Standard R-73
Site area (m ²) - minimum	675.00	675.00
Density (Floor Space Ratio) - maximum	0.79:1 FSR	0.79:1 FSR
Total floor area (m ²) - maximum	1210.92	1215.00
Lot width (m) - minimum	18.43	n/a
Height (m) - maximum	13.20	13.20
Storeys - maximum	4	4
Site coverage % - maximum	59.60*	58.00
Open site space % - minimum	13.10*	14.70
Setbacks (m) - minimum		
Front (Rockland Avenue)	4.88	4.88
Balcony projection – front	1.64	3.60
Canopy projection - front	4.63	4.88

Zoning Criteria	Proposal	Zone Standard R-73
Rear	4.87	4.87
Balcony projection – rear	1.33*	Not permitted
Side (north)	1.20	1.20
Side (south)	3.35	3.35
Parking - minimum	11*	12
Visitor parking (minimum) included in the overall units	1	1
Bicycle stalls – visitor rack (minimum)	6	6
Bicycle storage units (minimum)	30	14

Relevant History

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 26, 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.

ANALYSIS

Variances Related to Design

The proposed variances related to design are minor and technical in nature. The site plan is essentially the same as the original approved plans, which were consistent with the relevant guidelines. There are no substantial changes from the Development Permit Application that was approved in 2014.

Variance for Vehicle Parking

The proposed amendment to the existing Car Share Agreement to secure one membership per strata unit will help to offset any impacts of the loss of one parking stall on the availability of street parking near the subject property. Given the addition of nine Car Share memberships, and that the original Development Permit Application included double the required amount of bicycle storage units for residents, the reduction in vehicle parking spaces would be mitigated.


CONCLUSIONS

The variances related to design are minor and technical in nature, and do not affect the form, massing or character of the four storey apartment building that Council approved in 2014. Staff recommend that Council advance this Development Permit Application with Variances to a public meeting, subject to securing the amendments to the existing Car Share Agreement to secure a total of 14 memberships, which would help to offset the reduction in parking spaces.


ALTERNATE MOTION

That Council decline Development Permit Application No. 000408 for the property located at 1015 Rockland Avenue.

Respectfully submitted,


Helen Cain
Senior Planner


Alison Meyer
Assistant Director

Report accepted and recommended by the City Manager:  Jason Johnson

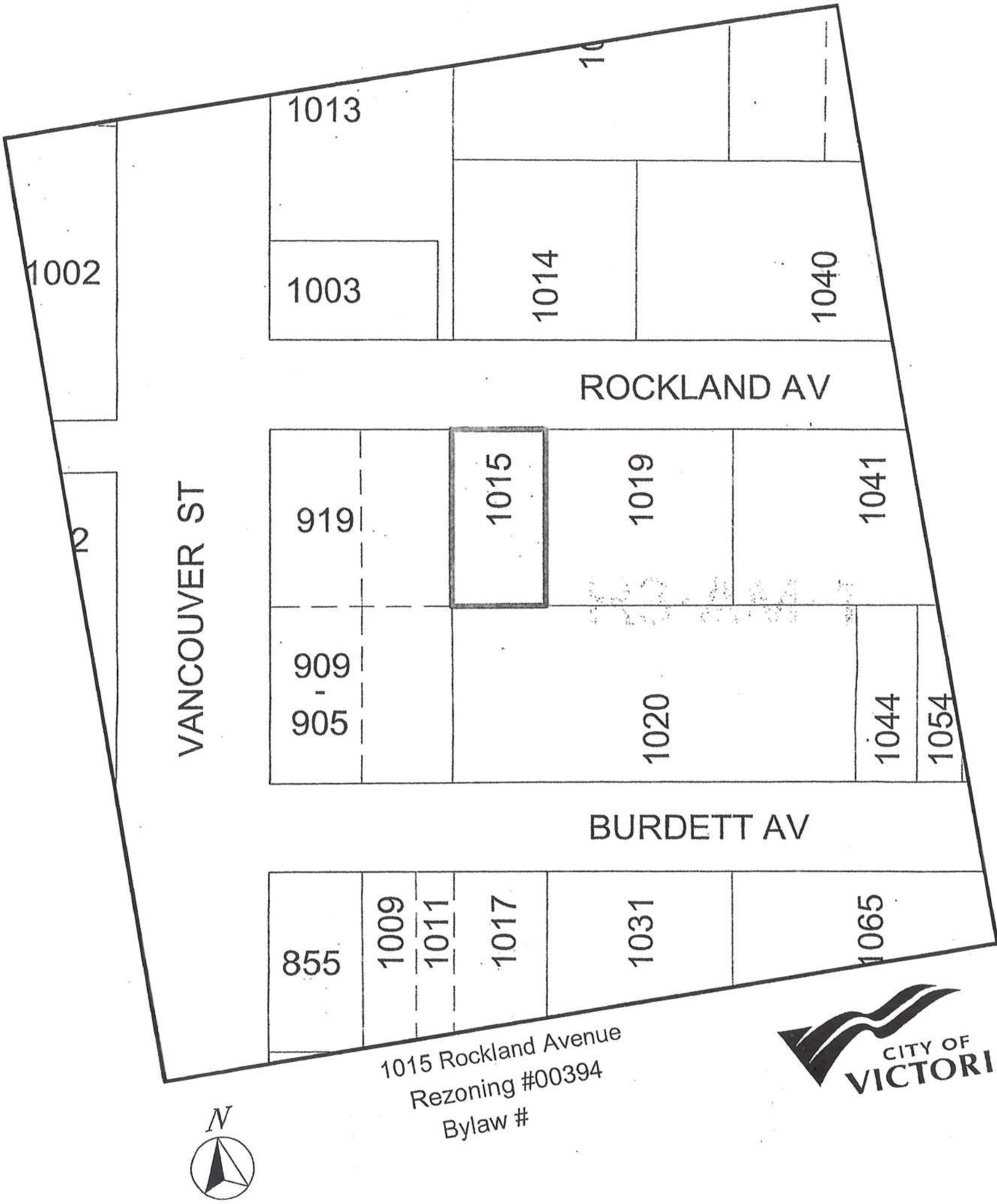
Date:  April 8, 2015

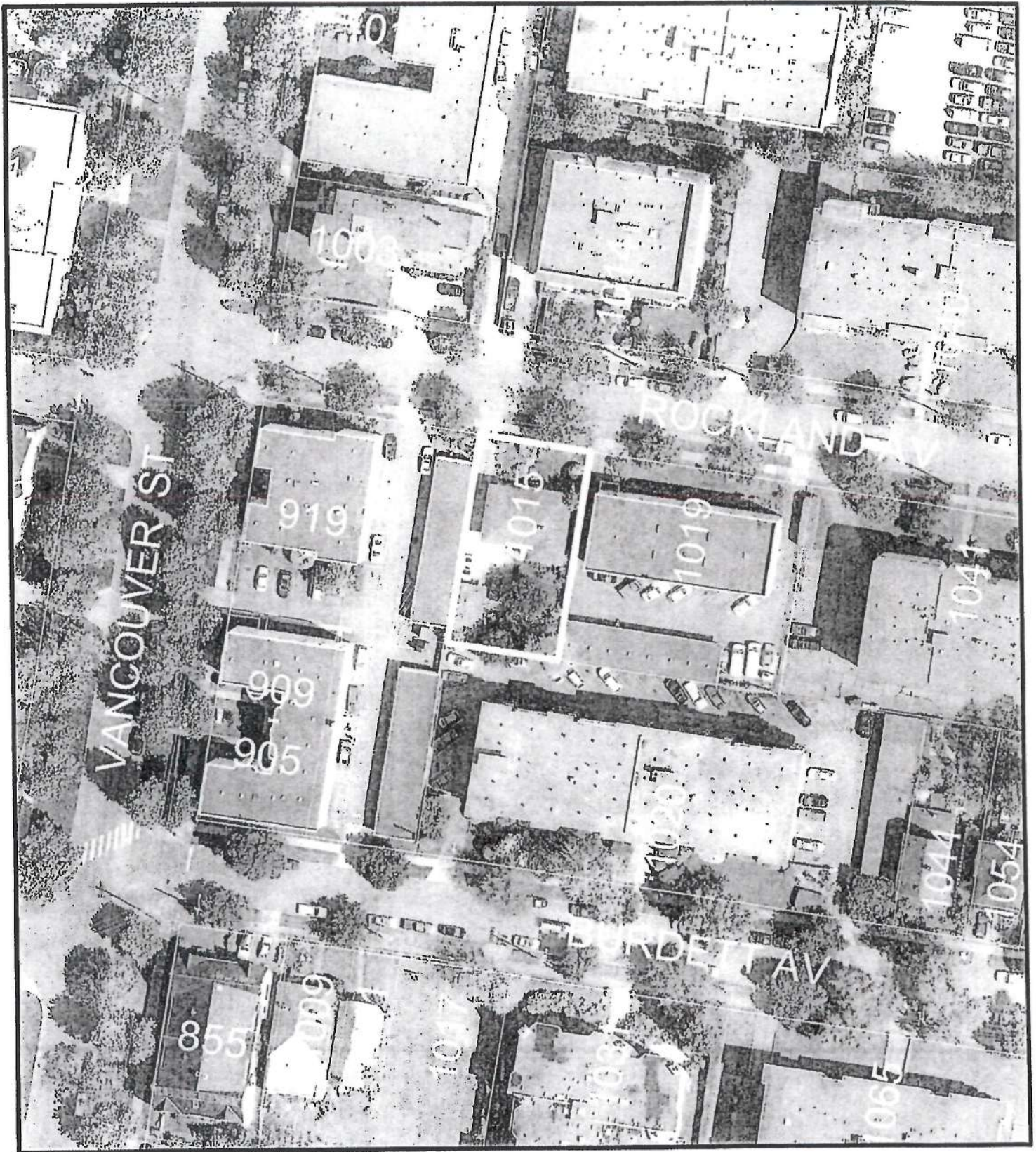
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List of Attachments

- Zoning map
- Aerial map
- Letter from Abstract Developments Inc. date stamped February 23, 2015
- Plans for Development Permit Application No. 000408, date stamped March 12, 2015
- Planning and Land Use Committee Report on Rezoning Application No.00394 and Development Permit Application No.000300, dated October 2, 2013.





1015 Rockland Avenue

Rezoning #00394

Bylaw #



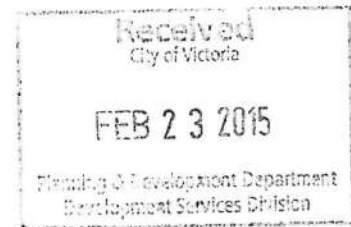


February 13, 2015

City of Victoria
No. 1 Centennial Square
Victoria, BC V8W 1P6

Attn: Mayor and Members of Council

Re: Application for Development Permit with Variances
1015 Rockland Avenue, Victoria, BC



Dear Mayor and Members of Council,

The property located at 1015 Rockland Avenue in the Fairfield Neighbourhood received Rezoning and Development Permit approvals on February 27, 2014 for a four storey, 14 unit residential strata-titled development with partially covered surface parking. The schematic design for rezoning and development permit application was completed by MJM Architect Inc., and we are now working through the construction drawings for the project with architecture firm KPL James. While completing these drawings a few items have arisen resulting in this application for Development Permit with Variances:

1. Number of parking stalls;
2. Site Coverage and Open Site Space; and,
3. Balcony projection into the rear yard setback.

1. Number of Parking Stalls

We are requesting a 1 parking stall variance based on what was approved through the original Development Permit. Currently, 12 parking stalls are required and we are requesting a variance to 11 parking stalls. Once we started on the construction drawings for the project and engaged a structural consultant, it was determined that the previously proposed 8" steel columns were insufficient to support the building's rear overhang and that two additional columns would be required in order to support the above load. We were able to maintain 5 parking stalls on the north side of the parking area through completely redesigning the building's core into a scissor stair to avoid and exit stair taking up width along the west side of the building. Where we did not have sufficient width was for the parking stalls along the west property line where there were previously 7 parking stalls. Each structural column has had to increase in width by 45mm (250mm concrete column versus a 205mm steel column) and an additional concrete column was also required. Coupled with the increased parking stall widths required, only 6 parking stalls could fit along the west end of the property.

In order to offset the request for a one parking stall variance we will be purchasing a Victoria Car Share Co-Op membership for each dwelling unit within the building. Through the original Development Permit and the Traffic Demand Management measures already implemented, this means an additional 9 car share memberships will be purchased for the building.

2. Site Coverage & Open Site Space

The site coverage and open site space were miscalculated when the plan check was being completed on the original Rezoning and Development Permit Application. The awning leading up to the main entrance from the sidewalk, which was shown and approved through the Development Permit application, was not included in the calculation. As a result, we are requested a minor variance to both the site coverage and open site space:

- Site coverage variance of 1.6%
- Open site space variance of 1.7%

3. Balcony Projection in the Rear Yard Setback

The balconies on the south elevation of the building have always been shown to project into the rear yard setback; however, a typographical error occurred when the bylaw was written. This is a mistake on the part of the planning department, but requires a variance nonetheless.

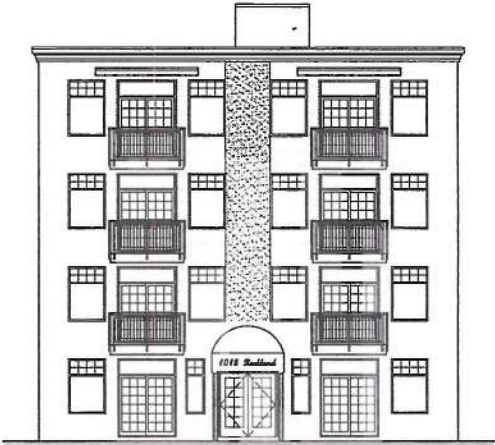
If you have any question please do not hesitate to contact me.

Sincerely,



Sam Ganong
Development Manager

1015 ROCKLAND AVENUE
Victoria, BC



REZONING AND DEVELOPMENT PERMIT APPLICATION

Original Submission: 02/01/2013
Revised Submission: 05/15/2013
Revised Submission: 10/28/2013
Revised Submission: 01/22/2015
Revised Submission: 02/13/2015
Revised Submission: 03/12/2015

DRAWING LIST

- A-1 Cover Sheet
- A-2 Site Plan and Project Data
- A-3 Basement Floor Plan
- A-4 Main Level Plan
- A-5 Second Level Plan
- A-6 Third Level Plan
- A-7 Fourth Level Plan
- A-8 Roof Plan
- A-9 Building Section 1
- A-10 Building Sections 2 & 3
- A-11 Exterior Elevations
- A-12 Streetscape & Proposed Trellis Details
- A-13 Street View From North West
- L1.1 Landscape Plan
- L2.1 Landscape Details

APPLICANT	ARCHITECT	LANDSCAPE
Abacus Development Inc. 1576 Oak Bay Avenue Victoria, BC V8R 1E2 P: 250.883.5579	KPL Limited Partnership 519 Pandora Avenue Victoria, BC V8W 1N5 P: 250.388.4261	Murdoch de Greeff Inc. 200-524 Chatham Road Victoria, BC V8Z 1G1 P: 250.412.2891

KPLJ
KPL Limited Partnership
519 Pandora Avenue
Victoria, BC V8W 1N5
P: 250.388.4261

519 PANDORA AVENUE VICTORIA, B.C.
BC V8W 1N5 P: 250.388.4261

NO.	DESCRIPTION OF VARIANCE/REVISION	DATE
1	1015 Rockland Avenue - 1015 Rockland Avenue	02/01/2013
2	1015 Rockland Avenue - 1015 Rockland Avenue	05/15/2013
3	1015 Rockland Avenue - 1015 Rockland Avenue	10/28/2013
4	1015 Rockland Avenue - 1015 Rockland Avenue	01/22/2015
5	1015 Rockland Avenue - 1015 Rockland Avenue	02/13/2015
6	1015 Rockland Avenue - 1015 Rockland Avenue	03/12/2015

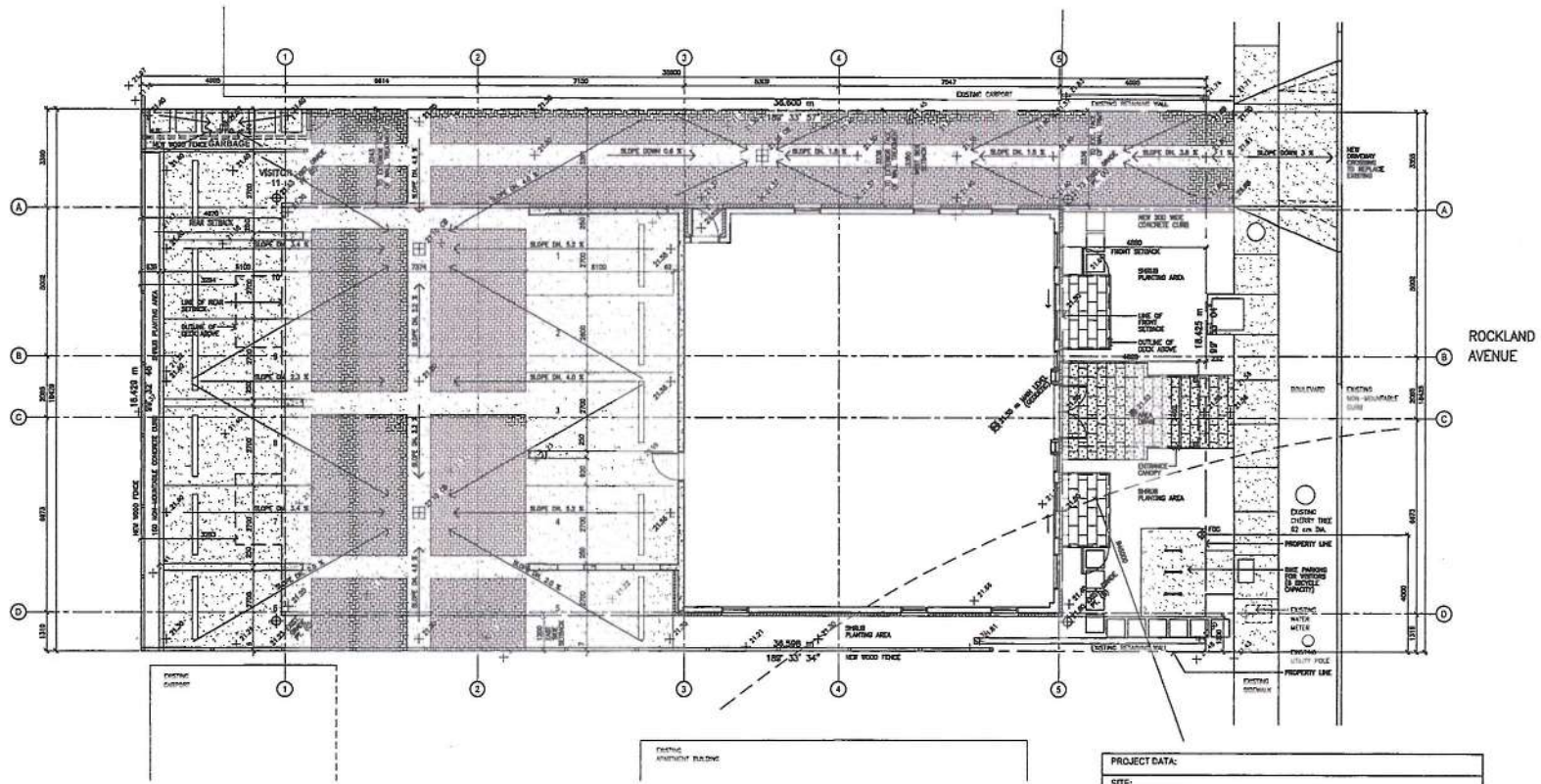
1015 ROCKLAND AVENUE

SCALE

PROPOSED TRELLIS

COVER SHEET

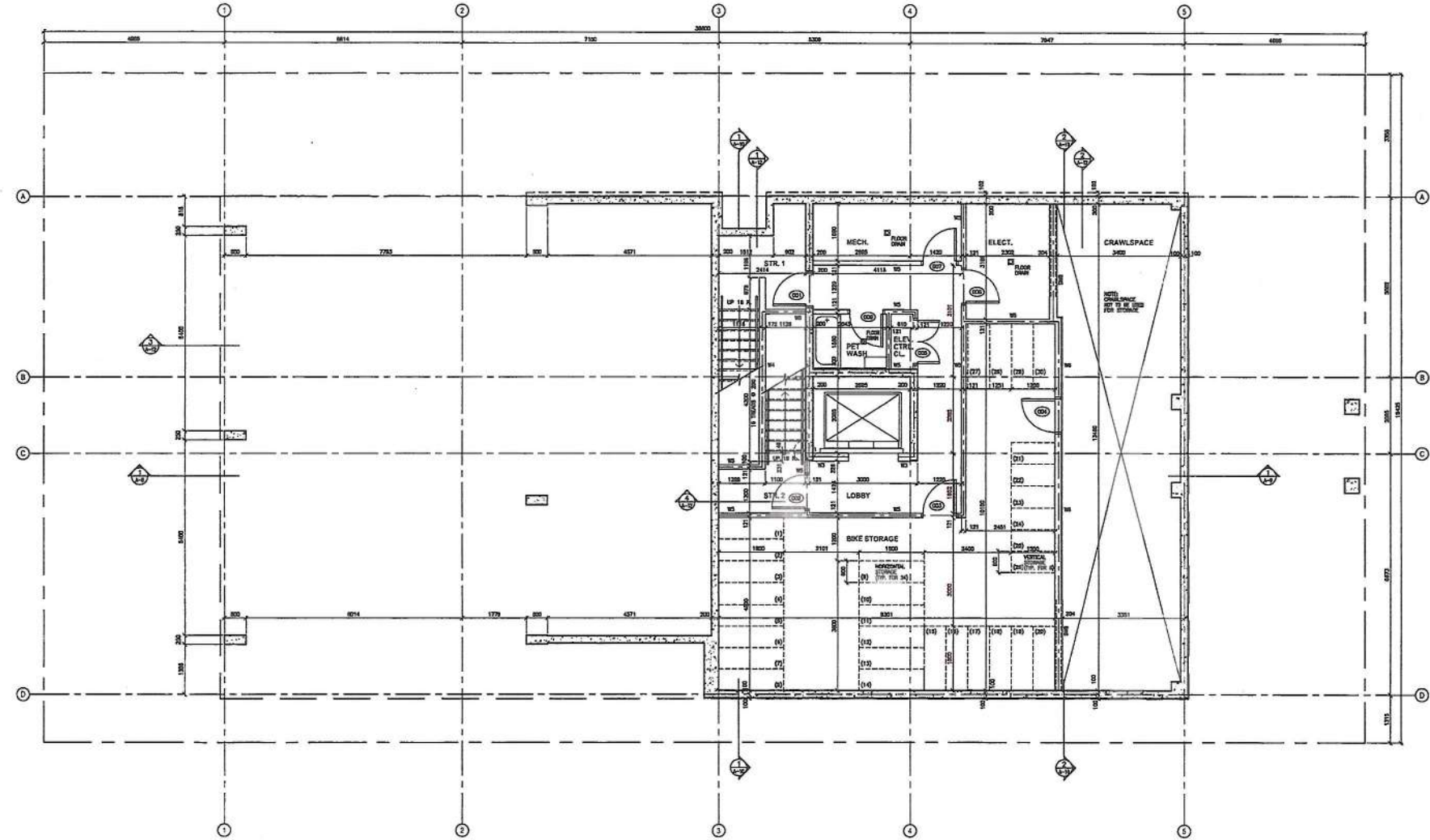
APPLICANT: ABACUS DEVELOPMENT INC.	DATE: 03/12/2015
PROJECT: 1015 ROCKLAND AVENUE	SCALE: 1/8" = 1'-0"
DRAWN BY: KPL	DATE: 03/12/2015
CHECKED BY: KPL	DATE: 03/12/2015
DATE: 03/12/2015	DATE: 03/12/2015



LEGEND:

	PERMISSIBLE CONCRETE UNIT PARKING (12.1 m ²) (DECKING, TERRAZZO)
	CONCRETE UNIT PARKING (DECKING, TERRAZZO)
	CONCRETE PARKING - BRICK PAVING
	PERMISSIBLE CONCRETE UNIT PARKING (12.1 m ²) (DECKING, TERRAZZO)
	CONCRETE UNIT PARKING (DECKING, TERRAZZO)

PROJECT DATA:	
SITE:	
CHC ADDRESS:	1815 ROCKLAND AVENUE, VICTORIA, BRITISH COLUMBIA
LEGAL DESCRIPTION:	LOT 1106, VICTORIA
PROJECT DESCRIPTION:	MAJESTIC DWELLING
ZONING:	R-75, ROCKLAND AVENUE MULTIPLE DWELLING DISTRICT
SITE AREA:	874.4 m ²
TOTAL WALK AREA (INCLUDING ENCLAVES):	402.8 m ²
LOT COVERAGE (WALK) (m² / 874.4 m²):	46.0%
OPEN SITE SPACE (m² / 874.4 m²):	13.1%
FIRST FLOOR AREA:	182.8 m ²
SECOND FLOOR AREA:	344.8 m ²
THIRD FLOOR AREA:	344.8 m ²
FOURTH FLOOR AREA:	344.8 m ²
TOTAL FLOOR AREA:	1220.0 m ²
FLOOR SPACE INDEX (TOTAL FLOOR AREA / SITE AREA):	1.39 TO 1
SETBACKS:	
FRONT:	4.88 m
REAR:	4.87 m
SIDE (WEST):	3.20 m
SIDE (EAST):	1.2 m
PARKING:	
PERCENTAGE:	10
VEHICLES:	1
AVERAGE DRIVE CALCULATION:	
DRIVE POINTS:	
Q1 & Q2:	(21.40 + 21.40) / 2 = 21.40 m
Q2 & Q3:	(21.40 + 21.40) / 2 = 21.40 m
Q3 & Q4:	(21.40 + 21.40) / 2 = 21.40 m
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1 BASEMENT FLOOR PLAN

KPLJ *architects*

515 PANTORA AVENUE, VICTORIA, B.C.
V8N 1X5

1 HOUR FAX
1.2 HOUR FAX
2 HOUR FAX

NO.	DESCRIPTION	DATE
1	REVISION	2015.03.10
2	REVISION	2015.03.10
3	REVISION	2015.03.10
4	REVISION	2015.03.10
5	REVISION	2015.03.10
6	REVISION	2015.03.10
7	REVISION	2015.03.10
8	REVISION	2015.03.10
9	REVISION	2015.03.10
10	REVISION	2015.03.10

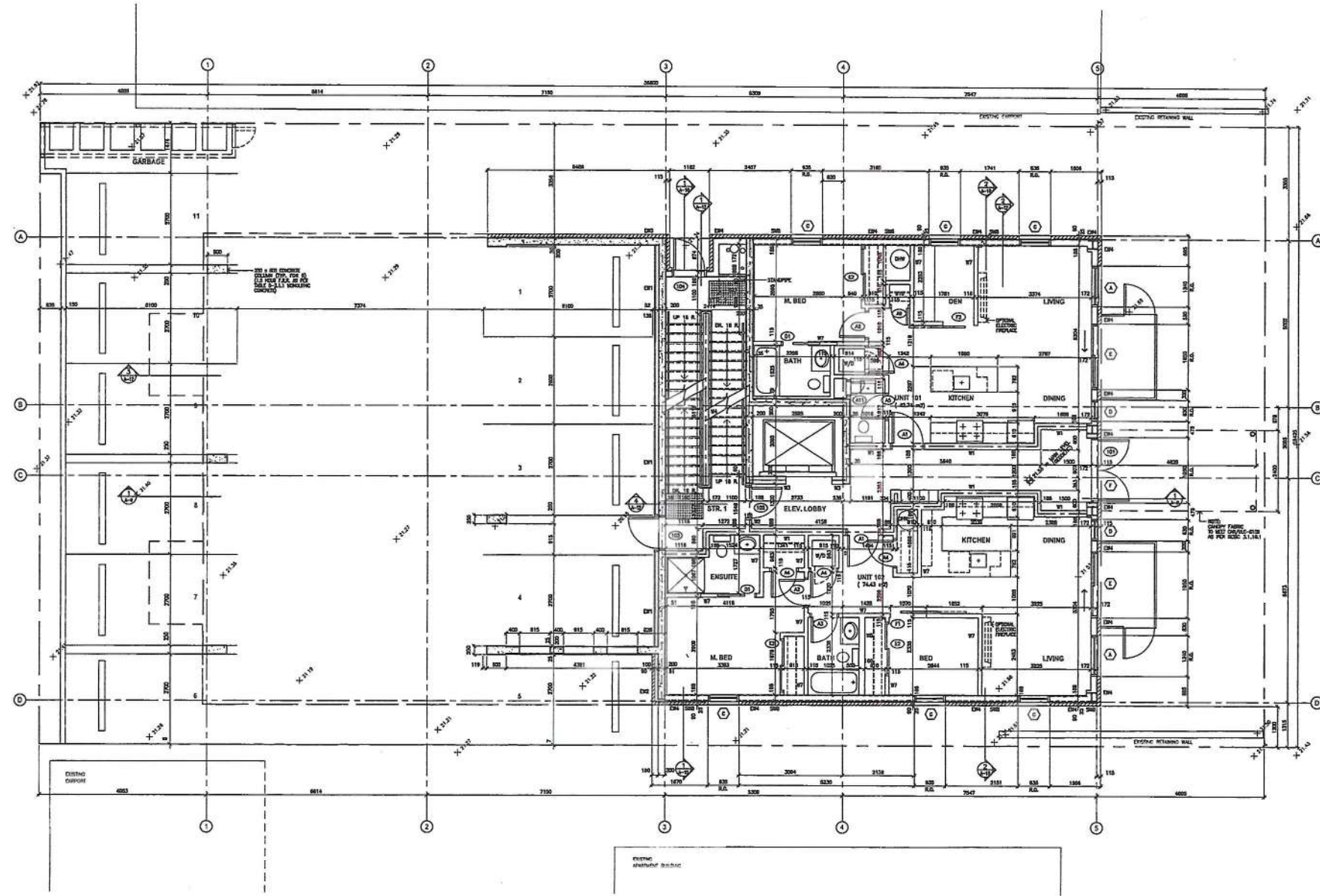
1015 ROCKLAND AVENUE

Scale:

PROJECT TITLE:

BASEMENT FLOOR PLAN

PROJECT NO. 000408
PREPARED BY: KPLJ
CHECKED BY: KPLJ
DATE: MARCH 10, 2015



1 MAIN LEVEL PLAN

KPLJ 0118 00118 00118

519 PANDORA AVENUE, VICTORIA, B.C.
1015 ROCKLAND AVENUE

1 HOUR FAX
1.5 HOUR FAX
2 HOUR FAX

NO.	DESCRIPTION	DATE
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2	PROPOSED APPROVALS	2015.03.10
3	PROPOSED APPROVALS	2015.03.10
4	PROPOSED APPROVALS	2015.03.10
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94	PROPOSED APPROVALS	2015.03.10
95	PROPOSED APPROVALS	2015.03.10
96	PROPOSED APPROVALS	2015.03.10
97	PROPOSED APPROVALS	2015.03.10
98	PROPOSED APPROVALS	2015.03.10
99	PROPOSED APPROVALS	2015.03.10
100	PROPOSED APPROVALS	2015.03.10

1015 ROCKLAND AVENUE

MAIN LEVEL PLAN

PROJECT NUMBER: 000408
CREATED BY: KPLJ
SCALE: 1/8" = 1'-0"
DATE: MARCH 10, 2015

515 PANDORA AVENUE VICTORIA, B.C.
TEL: 755-2666 FAX: 755-2667

_____ 1 HOUR F.A.A.
_____ 1.5 HOUR F.A.A.
_____ 2 HOUR F.A.A.

[illegible]

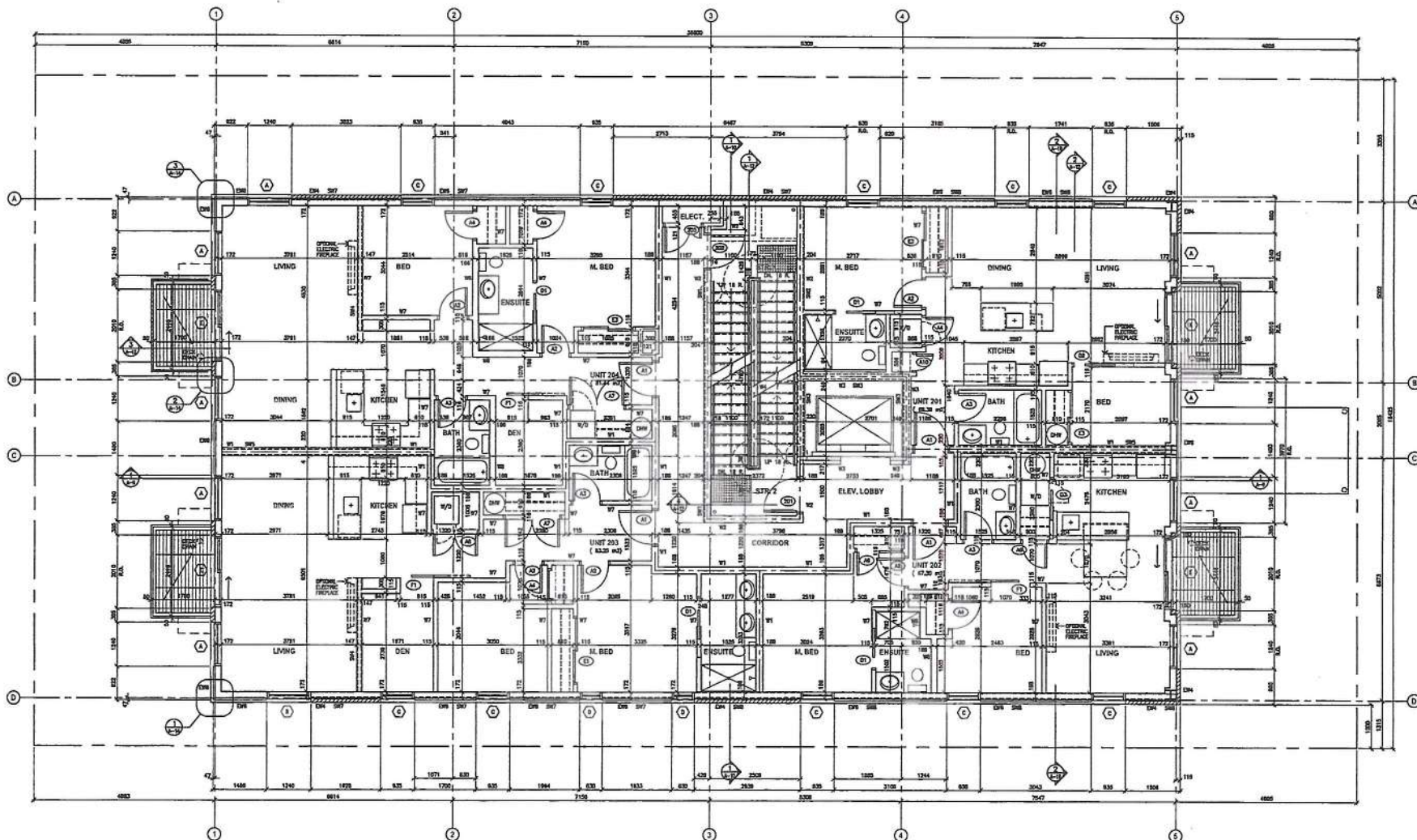
1015 ROCKLAND AVENUE

REGISTRATION:

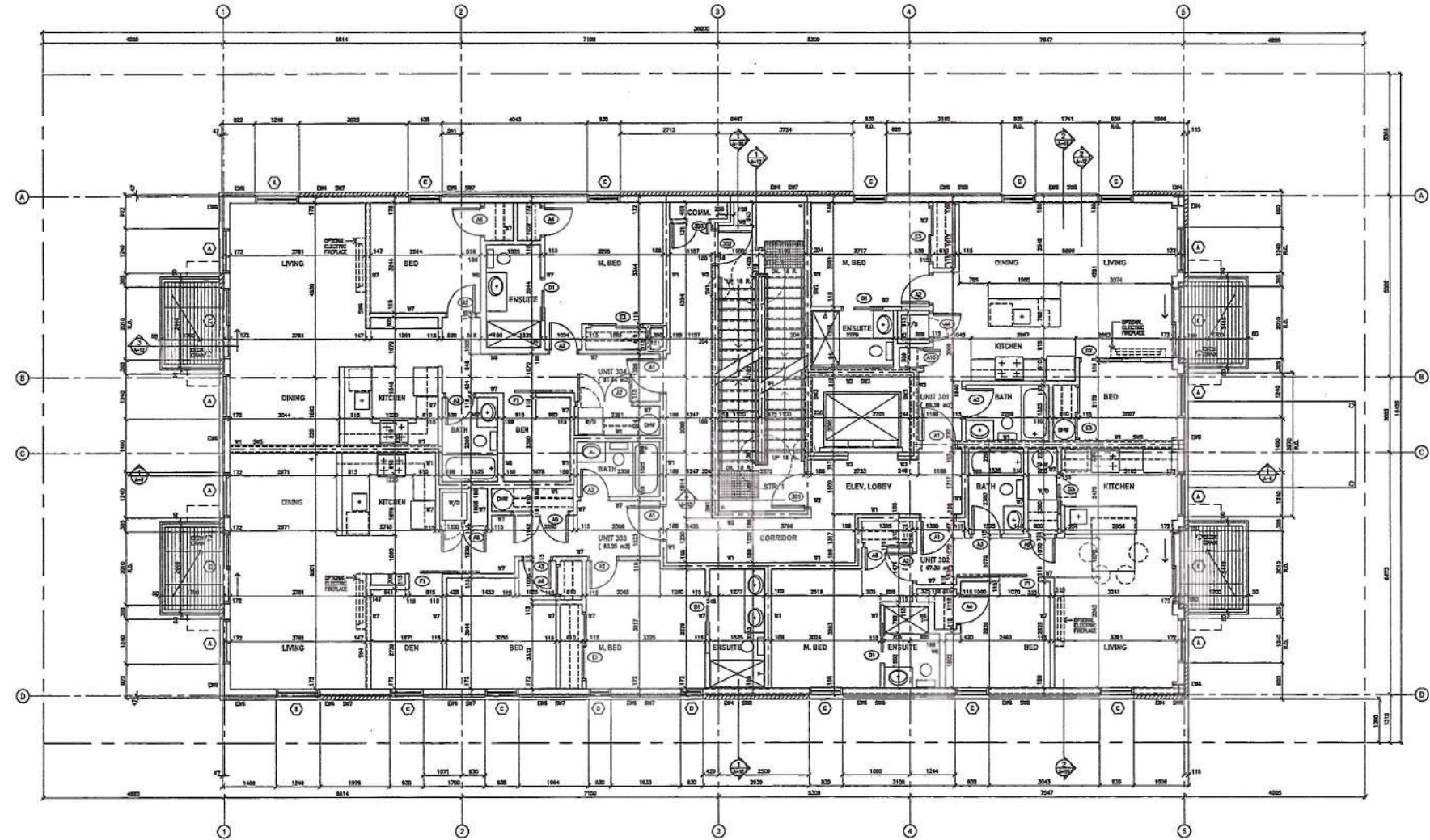
SECOND LEVEL
PLAN

WAGGON	41000
TRUCK	750
TRUCK	12
SCORE	100
DATE	1/1/1975

Planning and Land Use Committee - 16 Apr 2015



① SECOND LEVEL PLAN



1 THIRD LEVEL PLAN

KPLJ

519 PANDORA AVENUE, VICTORIA, B.C.
BY: [Signature]

1 HOUR FAX
1.5 HOUR FAX
2 HOUR FAX

1	OWNER/PROJECT NAME	1015 ROCKLAND AVENUE
2	OWNER/PROJECT ADDRESS	1015 ROCKLAND AVENUE
3	OWNER/PROJECT PHONE	250-250-1234
4	OWNER/PROJECT FAX	250-250-1234
5	OWNER/PROJECT EMAIL	info@kplj.ca
6	OWNER/PROJECT WEBSITE	www.kplj.ca

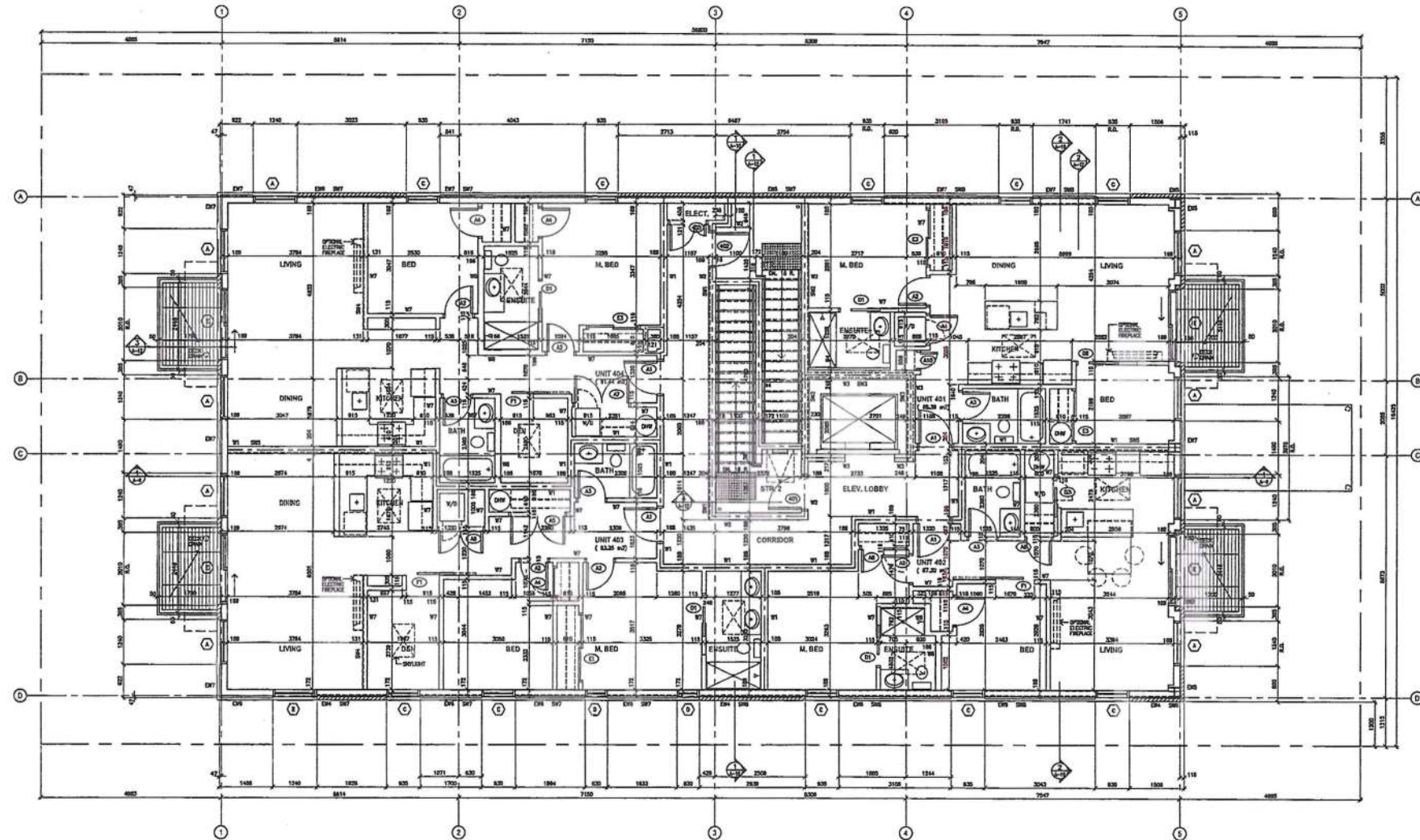
1015 ROCKLAND AVENUE

DATE:

PREPARED BY:

THIRD LEVEL PLAN

PROJECT NUMBER: 000408
DESIGNER: KPLJ
DATE: MARCH 17, 2015



1 FOURTH LEVEL PLAN

KPLJ
architects

515 PANDORA AVENUE VICTORIA, B.C.
TEL: 253-1234 FAX: 253-5678

1 HOUR F.A.A.
1.5 HOUR F.A.A.
2 HOUR F.A.A.

NO.	PROJECT NAME	DATE
1	1015 ROCKLAND AVENUE	2015.04.16
2	1015 ROCKLAND AVENUE	2015.04.16
3	1015 ROCKLAND AVENUE	2015.04.16
4	1015 ROCKLAND AVENUE	2015.04.16
5	1015 ROCKLAND AVENUE	2015.04.16
6	1015 ROCKLAND AVENUE	2015.04.16
7	1015 ROCKLAND AVENUE	2015.04.16
8	1015 ROCKLAND AVENUE	2015.04.16
9	1015 ROCKLAND AVENUE	2015.04.16
10	1015 ROCKLAND AVENUE	2015.04.16

1015 ROCKLAND AVENUE

SCALE

THICK C-100

FOURTH LEVEL PLAN

PROJECT NUMBER: 000408
DESIGNED BY: KPLJ
CHECKED BY: KPLJ
SCALE: 1/8" = 1'-0"
DATE: 2015.04.16

KPLJ

519 PACORA AVENUE VICTORIA, B.C.
PHOTOGRAPHY: TAYLOR & HARRIS

1 HOUR F.A.A.
15 HOUR F.A.A.
2 HOUR F.A.A.

NO.	DESCRIPTION	DATE
1	REVISION	15 MAR 2015
2	REVISION	15 MAR 2015
3	REVISION	15 MAR 2015
4	REVISION	15 MAR 2015
5	REVISION	15 MAR 2015
6	REVISION	15 MAR 2015
7	REVISION	15 MAR 2015
8	REVISION	15 MAR 2015
9	REVISION	15 MAR 2015
10	REVISION	15 MAR 2015

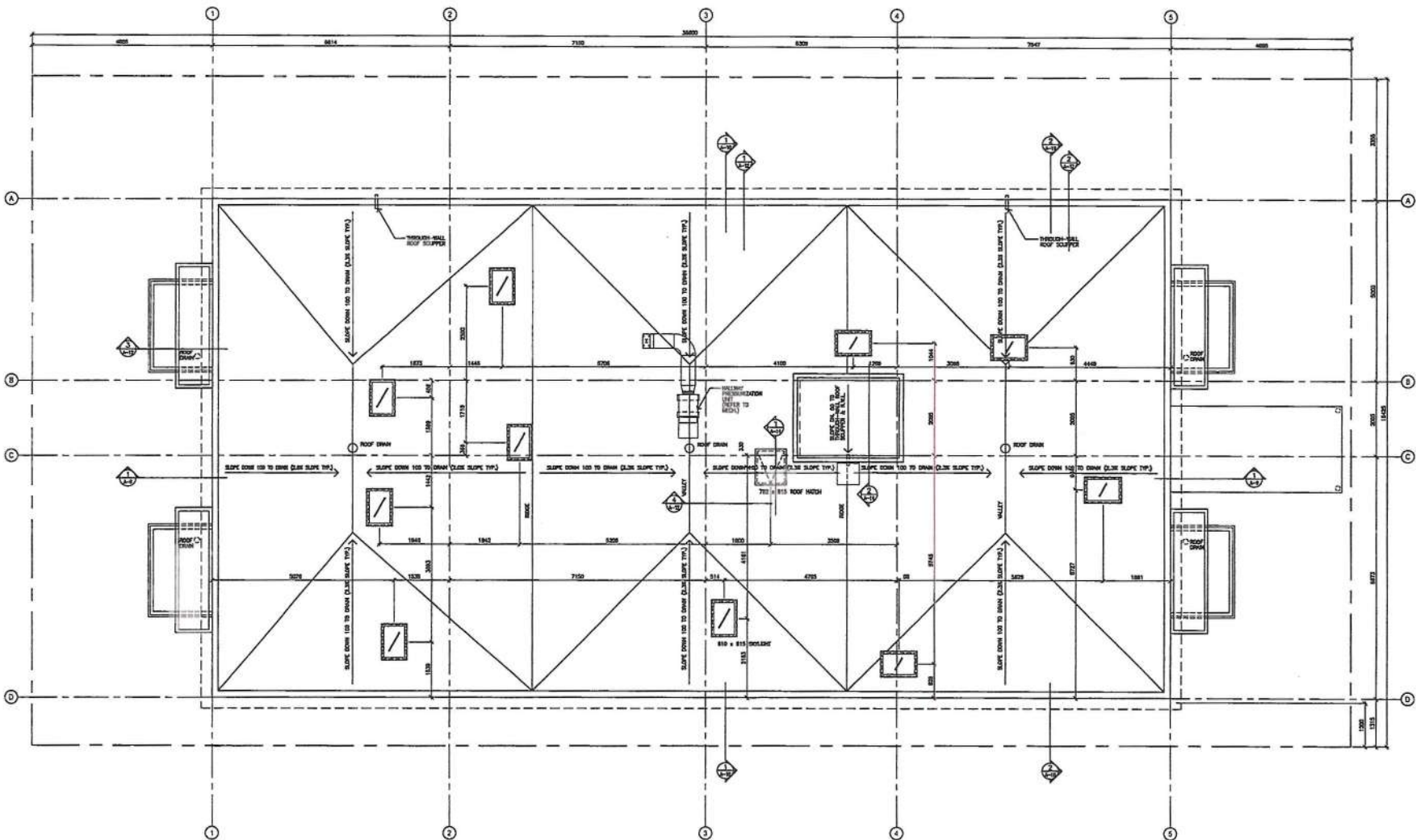
1015 ROCKLAND AVENUE

SCALE

ROOF PLAN

PROJECT NO. 1015
DESIGNED BY: KPLJ
CHECKED BY: KPLJ
DATE: 15 MAR 2015

1 ROOF PLAN



519 PANDORA AVENUE, VICTORIA, B.C.
Tel: 250-366-0271 Fax: 250-366-6171

_____ 1 HOUR F.A.R.
 _____ 1.5 HOUR F.A.R.
 _____ 2 HOUR F.A.R.

1	2014年12月31日	100.00
2	2015年12月31日	100.00
3	2016年12月31日	100.00
4	2017年12月31日	100.00
5	2018年12月31日	100.00
6	2019年12月31日	100.00
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321		

1015 ROCKLAND AVENUE

2644

Figure 1

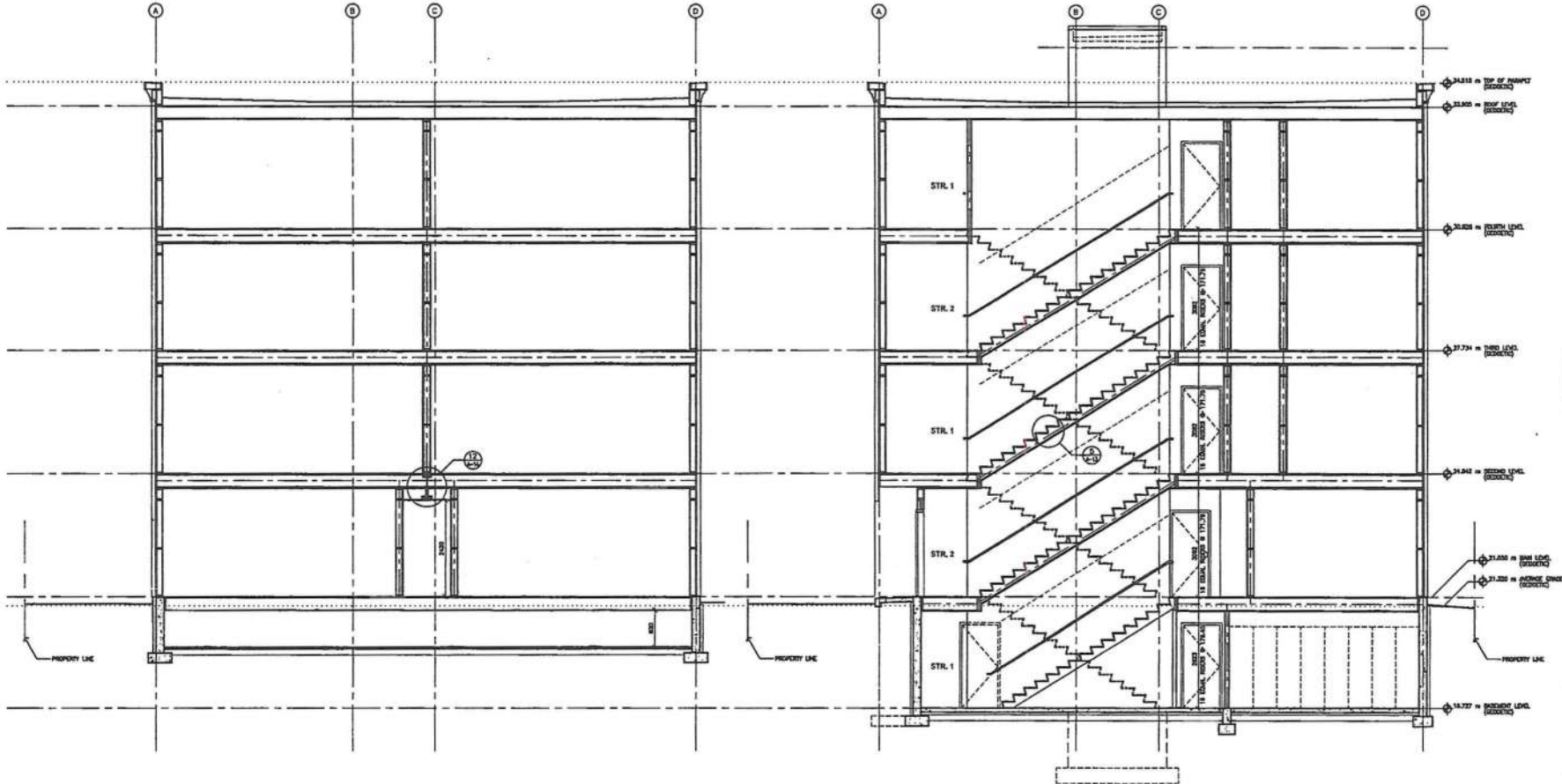
BUILDING SECTION 1

中國信託商業銀行	81.9%
台灣信託銀行	7%
中國建設銀行	3%
S&P	A-1
DATE:	September 11, 2015

Planning and Land Use Committee - 16 Apr 2015

A-9

DOOR SCHEDULE:																
DOOR NO.	ROOM FROM / TO	SIZE	TYPE	MATERIAL	FINISH	FRAME	FINISH	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS	NOTES
A1	CORRIDOR / BATHROOM	513 x 2134	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	DOOR NEVER
A2	BATHROOM	762 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A3	BATHROOM	762 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A4	CLINET	762 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A5	BATHROOM	711 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A6	CLINET	689 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A7	CLINET	2 @ 762 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	STOPS IF REQUIRED
A8	CLINET	2 @ 610 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	STOPS IF REQUIRED
A9	CLINET	608 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A10	CLINET	458 x 2033	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
A11	CLINET	408 x 1176	A	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
B1	BATHROOM	762 x 2033	B	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
B2	BATHROOM	762 x 2033	B	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
B3	CLINET	762 x 2033	B	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
C1	CLINET	2 @ 610 x 2033	C	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
C2	CLINET	2 @ 762 x 2033	C	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
C3	CLINET	2 @ 711 x 2033	C	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	
F1	BATHROOM	1170 x 2033	F	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	BATHROOM WARDROBE
F2	BATHROOM	1810 x 2033	F	WOOD	PAINT	WOOD	PAINT	1 1/2 PAB	YES	YES	YES	YES	YES	YES	YES	BATHROOM WARDROBE



1 BUILDING SECTION 2

KPLJ

519 PANDORA AVENUE VICTORIA, B.C.
V8N 1A1

1 HOUR FAA
1.5 HOUR FAA
2 HOUR FAA

1	EXISTING BUILDING	EXISTING
2	EXISTING BUILDING	EXISTING
3	EXISTING BUILDING	EXISTING
4	EXISTING BUILDING	EXISTING
5	EXISTING BUILDING	EXISTING
6	EXISTING BUILDING	EXISTING
7	EXISTING BUILDING	EXISTING
8	EXISTING BUILDING	EXISTING
9	EXISTING BUILDING	EXISTING
10	EXISTING BUILDING	EXISTING

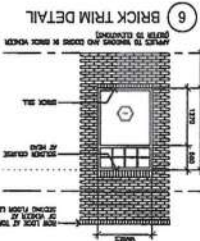
1015 ROCKLAND AVENUE

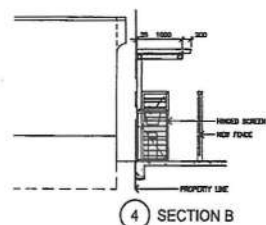
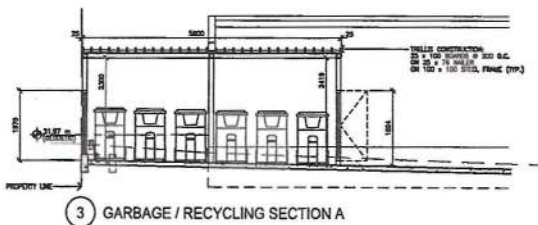
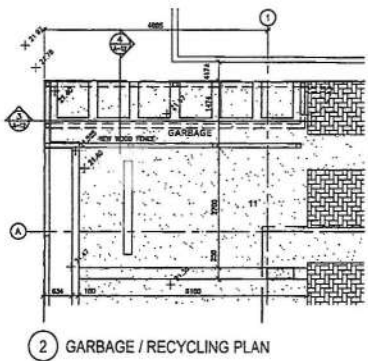
SCALE

PROPOSED (1/2")

BUILDING SECTIONS 2 & 3

PROJECT NO.	000408
DATE	04/16/2015
SCALE	1/8" = 1'-0"
DATE	04/16/2015

[illegible]



KPLJ

519 PANDORA AVENUE, VICTORIA, B.C.
V8P 1G1

1 HOUR FAX
1.5 HOUR FAX
2 HOUR FAX

NO.	DESCRIPTION	DATE
1	PRELIMINARY	2015.04.16
2	REVISION	2015.04.16
3	REVISION	2015.04.16
4	REVISION	2015.04.16
5	REVISION	2015.04.16

1015 ROCKLAND AVENUE

DATE:

REVISION:

STREETSCAPE & PROPOSED
TRELLIS DETAILS

PROJECT NUMBER: 000408
DRAWN BY: KPLJ
CHECKED BY: KPLJ
DATE: 2015.04.16

A-1

1	515 PANDORA AVENUE, VICTORIA, B.C.	100, 10000000
2	515 PANDORA AVENUE, VICTORIA, B.C.	100, 10000000
3	515 PANDORA AVENUE, VICTORIA, B.C.	100, 10000000
4	515 PANDORA AVENUE, VICTORIA, B.C.	100, 10000000

1015 ROCKLAND AVENUE

S&L

PROPOSED DEVELOPMENT

STREET VIEW
FROM NORTH WEST

PROJECT NUMBER	10000000
PROPOSER	PLN
CONSULTANT	PLN
SCALE	1:50
DATE	NOV 12, 2015

A-10



① STREET VIEW FROM NORTH WEST



Concrete unit paving with concrete bands



Taxus hedge



Choiya



Hebe



Lonicera plant.



Fuentes:



Hydrangea ovatifolia



Life



Colour inside colour only

DRAWING NOTES

1. **DO NOT SCALE DRAWING:** Verify all property lines and existing structures/vegetation to remain prior to construction.
2. All new dimensions in inches and all other dimensions in feet/inches.
3. Plant material to be installed shall meet time precedences over plant list in wetlands.
4. Contractor to confirm location and elevation of all existing structures and utilities prior to start of work.
5. Provide invoice of all work for approval by Landscape Architect prior to proceeding with work.
6. Contractor to provide invoice for plant for new planting areas, to current B&B Standards and Conditions.
7. Trees and shrubs to be planted on separate zones.
8. Landscape architect to verify a 1-year warranty on all work of acceptance.
9. Plant material, installation and maintenance to conform to the current edition of the SCS Standards and Conditions.
10. General Contractor and/or sub-contractors are responsible for all work related to purchase and installation of all landscape and all landscape materials. Includes including irrigation.

GRADING NOTES

1. ALL ELEVATIONS ARE IN METERS.
2. REFER TO ARCHITECTURAL PLANS, SECTIONS AND ELEVATIONS FOR TOP OF SLAB ELEVATIONS. SLAB ELEVATIONS ARE INDICATED BY A "S" IN THE DRAWINGS ARE FOR REFERENCE ONLY, REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
3. ALL ROAD AND SIDEWALK ELEVATIONS INDICATED ON LANDSCAPE DRAWINGS ARE FOR REFERENCE ONLY, REFER TO CIVIL ENGINEERING DRAWINGS FOR ALL ROAD AND ARCHITECTURAL DRAWINGS FOR SIDEWALK ELEVATIONS. REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
4. CONFIRM ALL EXISTING GRADES PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO CONSULTANT FOR REVIEW AND RESPONSE.
5. GROSS SLOPES: NOTED PROVIDE A MINIMUM SLOPE OF 2% ON ALL HARD AND SOFT LANDSCAPE AREAS TO DRAIN POSITIVE DRAINAGE TO THE BUILDINGS OR TO DRAINAGE STRUCTURES.

PLANT LIST				
Sym	Qty	Botanical Name	Common Name	Sched. Size / Plant Spacing
		<u>ALBES</u>		
		Prunus spondyliodora 'Aletandri'	Aleboni Cherry Tree	4.0m col. b.b.b.
		<u>HYDRANGEA</u>		
Bw	4	Hydrangea macrophylla 'Nikko Blue'	Whiteleaf Hydrangea	#3 pot
Cx	7	Hydrangea macrophylla 'Acquafina' 700 Flowers	Flower Red Goss	#3 pot
Cr	7	Hydrangea macrophylla	Whiteleaf Goss	#3 pot
Rb	6	Hydrangea 'Lips Ranch'	Little Ranch Hydrangea	#3 pot
Hr	24	Hydrangea 'Tee Edge'	Tea Edge Hedge	#3 pot
Hq	2	Hydrangea macrophylla 'Snowglobe'	Ice-Leafed Hydrangea	#1 pot
U	11	Hydrangea 'Mistral'	White Leaf	#1 pot
Lp	40	Lyonicia elaeagnifolia	White Hydrangea	#3 pot
Ps	2	Hydrangea macrophylla 'Majestic'	Major Leaf	#3 pot
Sx	23	Yucca x media	Hybrid Yucca	#3 pot
Tot	4	Yucca x media 'Duchess'	Double Yucca	#2 pot



5	for DP with Variance	15.02.13
4	for DP with Variance	15.01.20
3	Building Permit	14.12.12
2	Reasoning / DP revs	13.04.25
1	Reasoning / DP	13.01.14
rev no	description	date




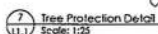
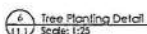
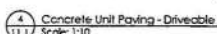
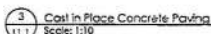
Planning and Land Use Committee - 16 Apr 2015

client	nVision Properties Inc.
project	1015 Rockland Avenue Victoria, BC

Sheet Title


Landscape Plan

project no.	11224
scale	1:100
drawn by	SM/KH
checked by	SM/PdG
revision no.	sheet no.
	L1.1



**Murdoch
de Greeff** INC
Landscape Planning & Design

2001 2nd Floor, 1000 Broadway
New York, NY 10018
Tel: 212 691 1000
Fax: 212 691 1001
E-mail: info@murdochdegreff.com

project no.	112.24
scale	1:100
drawn by	SNA/RAT
checked by	SM/PDG
revision no.	sheet no.
	12.1



Planning and Land Use Standing Committee Report

Date: October 2, 2013 **From:** Helen Cain, Senior Planner
Development Services

Subject: **Rezoning Application #00394 and Development Permit Application #000300 for 1015 Rockland Avenue** - Applications to rezone lands from the R3-AM-1 Zone to increase permitted density and construct a 14-unit apartment building

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property at 1015 Rockland Avenue. The property is located in the R3-AM-1 Zone (Mid-Rise Multiple Dwelling District) which permits a maximum density of 1.2:1 floor space ratio (FSR) for a multiple dwelling without underground parking. The applicant proposes to rezone the land to increase density to 1.79:1 FSR and to construct a new 14-unit strata-titled apartment building with surface parking.

The following points were considered in assessing this application:

- 1015 Rockland Avenue is located across the street from the south edge of the Urban Core in Fairfield, as identified in the *Official Community Plan 2012* (OCP)
 - the OCP designates the property as Urban Residential where the envisioned density is generally up to 1.2:1 floor space ratio (FSR), but sites within walking distance (200 m) of the Urban Core are eligible for additional density up to 2:1 FSR for new development that "significantly advances plan objectives".
- The proposal is consistent with Development Permit Area 16 – General Form and Character objectives for high quality design and transition to lower-scale residential areas and the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development, 2012*.

An early version of the proposal had a density of 1.57:1 FSR where the first storey of habitable floor space was sunken below grade (i.e. a basement) and was, therefore, excluded from the initial density calculation. The applicant raised the building to street level in response to staff comments with respect to design considerations and this revision resulted in the current density of 1.79:1 FSR. Due to a series of unique events related to this specific proposal, staff do not recommend that the applicant be required to address the increase in density and do not recommend an economic land lift analysis.

Given the high quality of design, staff recommend that this proposal does not require a review at the Advisory Design Panel and that it should move forward for consideration at a Public Hearing, subject to the conditions related to vehicle parking and guaranteed rental of strata units.

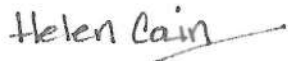
Planning and Land Use Standing Committee
Rezoning Application #00394 and Development Permit Application #000300
for 1015 Rockland Avenue

October 2, 2013
Page 2 of 9

Recommendations

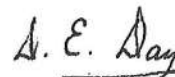
1. That Rezoning Application #00394 for 1015 Rockland Avenue proceed for consideration at a Public Hearing, subject to:
 - (a) revisions to the site plan to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works to increase visitor parking spaces;
 - (b) providing a Car Share Agreement to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works;
 - (c) securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor;
 - (d) preparation of a *Zoning Regulation Bylaw* amendment;
 - (e) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
2. Following consideration of Rezoning Application #00394, that Council authorize the issuance of a Development Permit for 1015 Rockland Avenue, in accordance with:
 - (a) plans stamped Development Permit #000300 dated May 15, 2013;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services

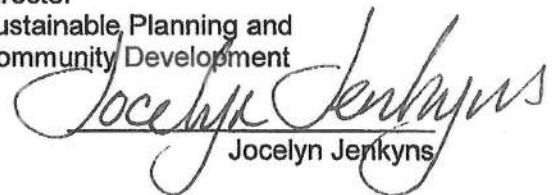




Deb Day
Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:

HC:aw


Jocelyn Jenkins

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00394\PLUSCREPORT_REZ&DP_1015ROCKLANDAVENUE.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property at 1015 Rockland Avenue. The applicant has submitted a concurrent Development Permit Application.

2.0 Background

2.1 Description of Proposal

The applicant proposes to rezone the property at 1015 Rockland Avenue to permit increased density from the maximum 1.2:1 FSR in the existing R3-AM-1 Zone (Mid-Rise Multiple Dwelling District) to 1.79:1 FSR and the development of a four-storey, 14-unit apartment building that will be strata titled. This proposal also includes the demolition of a single-family dwelling.

The site plan, architecture and landscape of the proposal include the following features and details:

- reduced parking standard from 20 to 12 spaces
- bicycle storage exceeding the standard of 14 to 23 spaces in total
- cantilevered building form, over surface parking, on rear elevation
- narrow setbacks softened with landscape strips
- siding: mix of brick veneer and stucco in shades of grey
- windows and doors: metal clad wooden windows and sliding balcony doors, and stained wooden front door with twin metal columns
- balconies: decorative metal railings
- hardscape: mix of permeable and non-permeable surfaces and textures for front patios and pathway, and rear surface parking
- trees and plantings: retention of a street tree and new on-site trees and plantings
- perimeter fence: wood picket with clear stain.

With regard to the proposed increase in density and relaxation of vehicle parking standards, the applicant is willing to provide car share memberships to the owners of five of the 14 strata units. This will help mitigate the negative impacts of intensification on the existing street parking.

2.2 Land Use Context

The subject property is located in an area of transition in Fairfield where the north side of Rockland Avenue is the southern boundary of the Downtown Core Area. Residential infill of low-to-medium density is well-suited to the south side of the 1000-block of Rockland Avenue, where the place character is predominantly apartment buildings that are relatively large in scale.

2.3 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association on December 17, 2012. A letter from the Land Use Committee is attached to this report.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the existing R3-AM-1 Zone (Mid-Rise Multiple Dwelling District). The proposed new four-storey apartment building is less stringent than the standard zone in criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	Zone Standard R3-AM-1
Site area (m ²) – minimum	674.4*	920
Lot width (m) – minimum	18.43	n/a
Total floor area (m ²) – maximum	1210.62*	809.28
Density (Floor Space Ratio) – maximum	1.79:1*	1.2:1 (1.6:1 FSR with enclosed parking, maximum 40% site coverage & minimum 50% open space)
Height (m) – maximum	13.2*	12
Storeys – maximum	4	4
Site coverage (%) – maximum	58*	30
Open site space (%) – minimum	14.6*	30
Setbacks (m) – minimum		
north (front)	4.88* (building)	10.5 (building)
south (rear)	4.87* (building)	6.6 (building)
west (side)	3.35*	6.6
east (side)	1.2*	6.6
Parking – minimum	12*	20
Visitor parking – minimum	1*	2
Bicycle storage – minimum	23	14
Bicycle rack – minimum	6	6

2.5 Legal Description

Lot 1125, Victoria City.

2.6 Consistency with City Policy

2.6.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

2.6.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The property at 1015 Rockland Avenue is designated as Urban Residential in the OCP, which envisions multi-unit residential buildings up to nine storeys and density generally up to 1.2:1 FSR. Increased density up to a total of approximately 2:1 FSR may be considered in strategic locations, including walking distance from the Urban Core. The subject site at 1015 Rockland Avenue is located across from the south edge of the Urban Core.

In accordance with the OCP, the new apartment building is subject to DPA16 General Form and Character. The objectives of DPA 16 are:

4. (a) *To support commercial, industrial and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys, or lower.*
- (b) *To integrate commercial, industrial and multi-unit residential developments in a manner that is complementary to established place character in a neighbourhood or other areas, including its heritage character.*
- (c) *To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.*
- (d) *To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.*

The proposed development at 1015 Rockland Avenue is broadly consistent with DPA 16 objectives for infill with a high-quality design that enhances place character.

2.7 Consistency with Design Guidelines

The proposal is subject to review under DPA 16 General Form and Character. Building form, character and finishes, and landscaping details are controlled and regulated in relation to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development, 2012*. Relevant guidance includes: context and transition; streetscape and relationship to the street; human scale; exterior finishes; open spaces and landscaping; parking, access and circulation. The proposed development responds well to the design considerations as summarized below.

2.7.1 Area-wide Context and Transition between Areas

The form and massing of the new apartment building is appropriate in relation to the adjacent buildings and streetscape along the 1000-block of Rockland Avenue, where the proposed development is a good fit with the existing place character of low-rise, large apartment buildings.

2.7.2 Streetscape, Relationship to the Street and Orientation

The proposed apartment building is similar to other apartment buildings in the immediate context with respect to height, roofline and massing, but is smaller in size and scale than adjacent buildings. The front elevation is visually and physically connected to the street through patios, a canopy to mark the main entryway, trees and plantings to soften the interface between private and public realm.

2.7.3 Human Scale, Massing, Height and Architectural Features

The new apartment building will be human-scaled in contrast to the larger size and massing of existing older apartment buildings on this block of Rockland Avenue, where several of these buildings have car-oriented features such as a carport on the west side of the subject property. The proposal will enhance place character through the front elevation that will add pedestrian interest through the canopy feature over a pathway to the main entrance, projecting balconies and the two enclosed private patios which are visible from the public street.

2.7.4 Exterior Finishes and Landscaping

A mix of exterior finishes, including stucco and brick veneers and metal balcony railings, are proposed for the principal facade. Although the open site space available for landscaping is limited, the proposed trees and plantings in the front yard will help to create a positive street presence and shrubs within the narrow east side setback provide screening for privacy. The landscape strip along the rear property line will break up the hard surfaces, providing visual relief in combination with the variety of textures and patterns in the surface treatment.

2.7.5 Parking

A number of vehicle stalls are proposed beneath the cantilevered portion at the back of the building, where there are additional surface parking spaces away from public view. A visitor bicycle rack is clearly visible, located at the front property line, which reinforces a visual and physical connection between the proposed apartment building and the street.

3.0 Issues

There are no outstanding issues with respect to the Development Permit Application. However, the following issues are associated with the Rezoning Application:

- transportation demand management
- increased total floor area and density.

4.0 Analysis

4.1 Transportation Demand Management

The applicant is willing to provide car share memberships to the purchasers of five strata units to help offset the reduction from the vehicle parking standards in the *Zoning Regulation Bylaw Schedule C*. Staff have no objection to this proposal because the reduced number of spaces combined with the proposed car share memberships will lessen the impact on the availability of street parking. However, the provision of one parking space for visitors is not adequate. The site plan should be amended to meet the *Zoning Regulation Bylaw* standard of two stalls.

4.2 Increased Total Floor Area and Density

An early version of this proposal included a below-grade bottom floor. Because a basement (which is sunk partially or completely below grade with a ceiling of no more than 1.2 m above grade) is not calculated in floor area in the *Zoning Regulation Bylaw*, the density was approximately 1.57:1 FSR. In response to staff feedback with respect to design considerations, the applicant raised the building above grade to strengthen its relationship to the street which increased the total floor area and density to 1.79:1 FSR. Although the raising of the building involves a further increase in density, the removal of the basement results in a better street relationship. Furthermore, the resulting height and massing are well-suited to the immediate streetscape where place character is primarily older apartment blocks with greater massing.

5.0 Resource Impacts

There are no resource impacts that are associated with this development.

6.0 Options

Option One: (Staff Recommendation)

1. That Rezoning Application #00394 for 1015 Rockland Avenue proceed for consideration at a Public Hearing, subject to:
 - (a) revisions to the site plan to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works to increase visitor parking spaces;
 - (b) providing a Car Share Agreement to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works;
 - (c) securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor;
 - (d) preparation of a *Zoning Regulation Bylaw* amendment;
 - (e) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

2. Following consideration of Rezoning Application #00394, that Council authorize the issuance of a Development Permit for 1015 Rockland Avenue, in accordance with:
 - (a) plans stamped Development Permit #000300 dated May 15, 2013;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Option Two: (Decline)

That Rezoning Application #00394 and Development Permit #000300 for 1015 Rockland Avenue be declined.

7.0 Conclusions

The rezoning proposal for a new, low-rise apartment building with a density of 1.79:1 FSR at 1015 Rockland Avenue is appropriate to the land use context of an Urban Residential area located within 200 m (walking distance) of the Urban Core. This flat-roofed, four-storey building has a form and massing that is a good fit for a streetscape that is primarily characterized by larger apartment buildings. In addition, the proposed development is aligned with DPA 16 objectives for new infill and all relevant design guidelines for multi-unit residential buildings.

8.0 Recommendations

1. That Rezoning Application #00394 for 1015 Rockland Avenue proceed for consideration at a Public Hearing, subject to:
 - (a) revisions to the site plan to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works to increase visitor parking spaces;
 - (b) providing a Car Share Agreement to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Engineering and Public Works;
 - (c) securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor;
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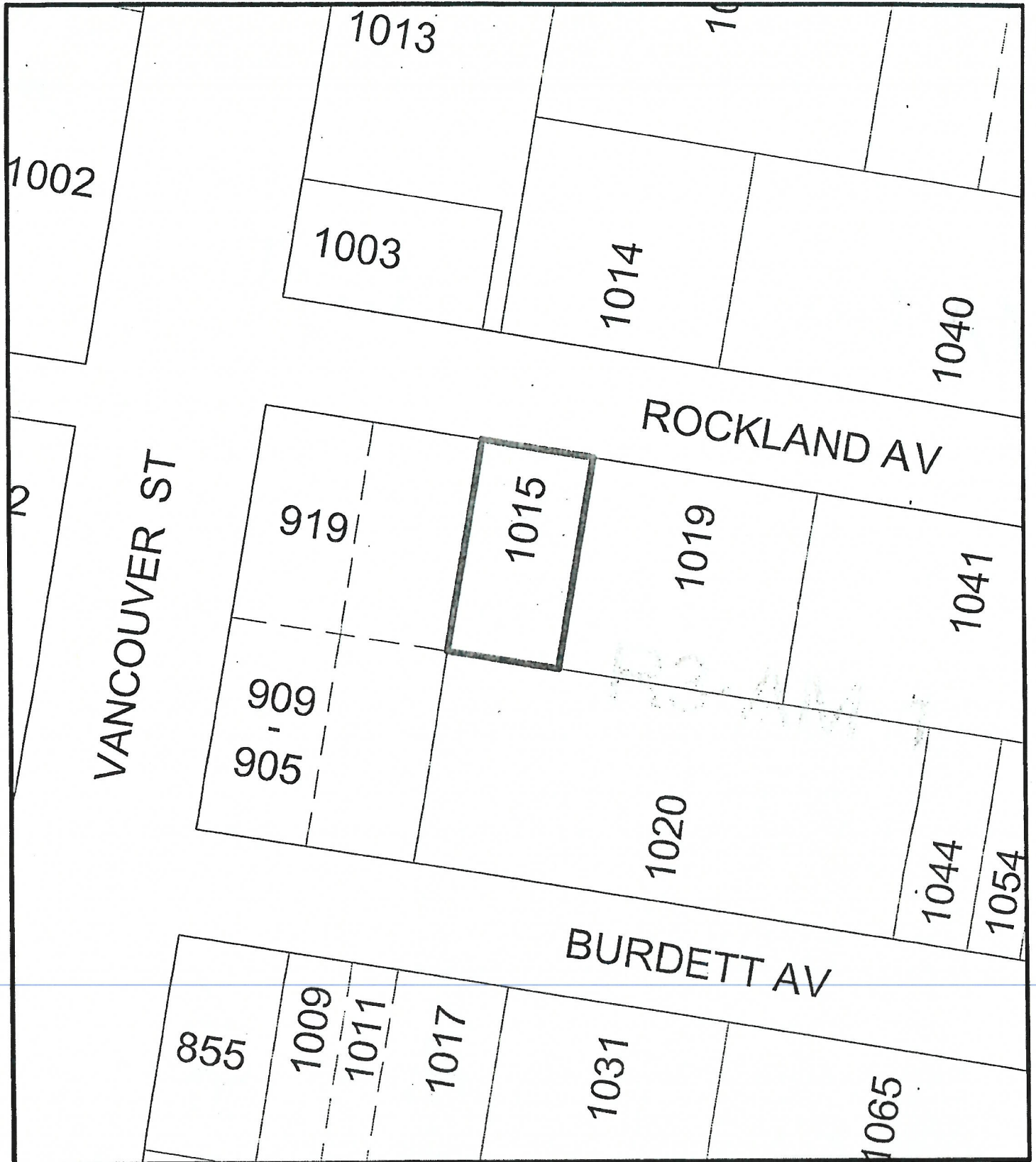
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Rezoning Application #00394 and Development Permit Application #000300
for 1015 Rockland Avenue

October 2, 2013
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- (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

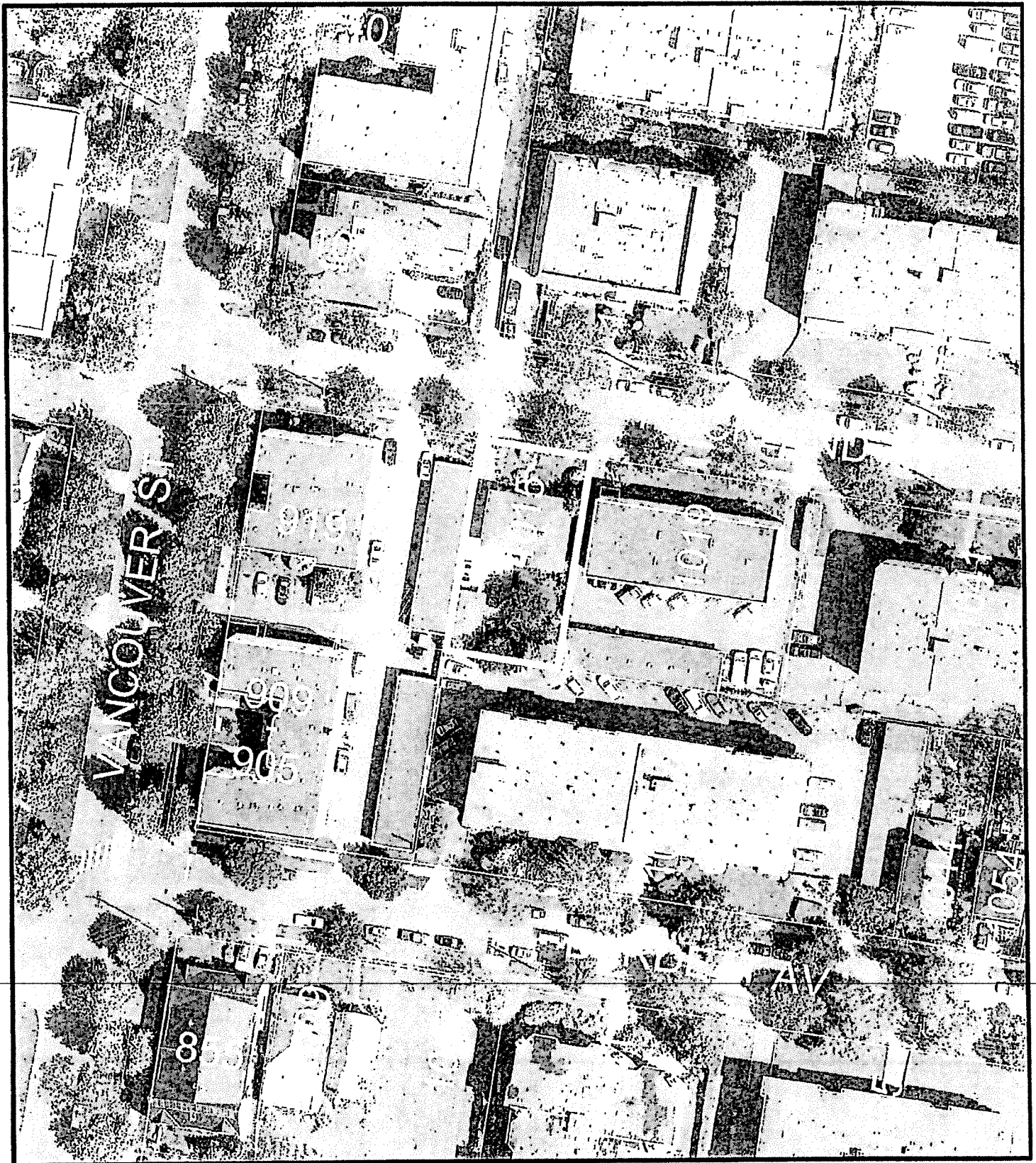
9.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Abstract Developments Inc. stamped dated May 15, 2013, and February 1, 2013
- Plans for Rezoning Application #00394 and Development Permit Application #000300, stamped dated May 15, 2013
- Minutes from Fairfield and Gonzales Community Association Meeting on December 17, 2012.



1015 Rockland Avenue
Rezoning #00394
Bylaw #





May 15, 2013

City of Victoria
No. 1 Centennial Square
Victoria, BC V8W 1P6

Attn: Mayor and Members of Council

Re: Revised Rezoning and Development Permit Application for 1015 Rockland Avenue, Victoria, BC



Dear Mayor and Members of Council,

Further to the initial Rezoning and Development Permit Application submitted on February 1, 2013, this revised application responds to all departments' comments made within the Application Review Summary dated February 27, 2013. Included in this revised letter, and for simplicity, is an appendix outlining how each department's comments have been addressed.

PREAMBLE

We are pleased to submit the enclosed Rezoning and Development Permit Application for a four-storey, fourteen unit strata-titled residential building. Located at 1015 Rockland Avenue in the Fairfield Neighbourhood, this infill development provides a great opportunity to further enhance the neighbourhood by encouraging a walkable community within steps of the Downtown Core.

We feel this proposal's architectural approach, being traditional with hints of Edwardian influence, not only fits well into the existing character of this Fairfield neighbourhood, but also builds upon the unique character that defines Victoria as a whole.

DESCRIPTION OF PROPOSAL

This Rezoning Application is requesting to rezone the property from the current R3-AM-1 (Mid-Rise Multiple Dwelling District) zone to a site specific zone. The current zoning allows for multi-family use with heights of up to four storeys, and our proposal is in keeping with these parameters.

The subject site is situated within Fairfield, near the intersection of Rockland Avenue and Vancouver Street. This is close to the most westerly portion of Rockland Avenue, which is predominantly built up with some mid-century purpose built rental apartment buildings and some newer condominium developments. This largely multi-family neighbourhood is within easy walking distance of the Downtown Core helping to service the local business community, especially the local retail shops along the Fort Street corridor.

The proposed four storey strata-titled residential building will be targeting a minimum BuiltGreen® Silver designation, and will offer fourteen units ranging in size and type from a 570 square foot one-bedroom unit up to a 975 square foot two-bedroom plus den unit.

TABLE 1: RESIDENTIAL UNIT BREAKDOWN

UNIT NO.	UNIT SIZE (sq. ft.)	UNIT TYPE
101	568	1 bed, 1 bath
102	698	2 bed, 2 bath
201	648	1 bed, 1 bath, den
202	720	2 bed, 2 bath
203, 303, 403	974	2 bed, 2 bath, den
204, 304, 404	900	2 bed, 2 bath, den
301, 401	688	2 bed, 1 bath
302, 402	692	2 bed, 2 bath

The building's main entrance will be located with direct access off of Rockland Avenue, and an attractive fabric awning has also been designed to make a visual and physical connection from the public sidewalk to the building's front door. Resident parking will be located in the property's rear yard, providing twelve parking stalls. It will be partially covered by the building, and landscaping features will further screen the parking area from the street and from the adjacent residential buildings. The driveway to the parking area will run along the property's west property line, similar to the existing driveway location, and will be attractively finished with permeable unit pavers.

A basement, completely below grade, has also been incorporated into the building to accommodate all electrical and utility rooms, as well as a storage locker for each unit and twenty-eight (28) secure bicycle parking spaces. We feel that by providing two (2) bicycle parking stalls per unit, rather than the required one (1) per unit, residents will be encouraged to use bicycles for transportation rather than cars. A six (6) stall bicycle rack is also located in the property's front yard for visitor use.

GOVERNMENT POLICIES

While undergoing the design of this proposal the recently adopted Official Community Plan was reviewed in detail as well as the guidelines of Development Permit Area 16.

Official Community Plan (OCP)

The new Official Community Plan (OCP) designates the subject site as "Urban Residential." This designation provides guidance towards a built form of multi-unit buildings up to approximately 6 storeys, with a total floor space ratio (FSR) up to a total of approximately 2.0:1. The guidelines surrounding density are further enhanced with Policy 6.23 whereby properties within 200 metres of the Urban Core may seek densities toward the upper end of the range and where the proposal significantly advances the objectives of the OCP.

It is important to note our proposal is directly adjacent to the Urban Core; specifically, the north side of Rockland Avenue is designated as "Core Residential" under the Urban Place Designations. This particular

area of the Core Residential designation provides guidance towards buildings of up to approximately 6 storeys with densities up to approximately 3.5:1.

We feel our proposed 4 storey building with a density of 1.79:1 is not only in keeping with the existing built form of the surrounding neighbourhood, but will also provide an effective transition from the adjacent higher density Core Residential area into the Urban Residential area. It should be noted that while undergoing our acquisition due diligence, and in our initial discussions with planning staff, it was our intent to proceed on the basis of a Development Variance Permit under the existing zoning of R3-AM-1. In pursuing this option, we were proposing to have the two ground floor units facing Rockland Avenue sunken below grade. These units, having their ceiling height no greater than 1.2m above grade, would have been discounted from the floor space ratio (FSR) of our proposal, resulting in an FSR of 1.57:1. Under the existing zoning, and in conjunction with meeting additional parameters, the allowable FSR is 1.6:1; however, in response to staff feedback with respect to design considerations, we raised the building above grade in order to strengthen to proposal's relationship to the street. Consequently, our proposal's FSR increased from 1.57:1 to 1.79:1. We feel this revised proposal is supportive of the policies and objectives of the new Official Community Plan and responds exactly to the intent of the Design Guidelines.

TABLE 2: ZONING, OCP, AND PROPOSAL COMPARISON

TYPE	CURRENT ZONE	OCP	PROPOSAL
Zone	R3-AM-1	Urban Residential	New Zone
Density (FSR)	1.2 : 1 (up to 1.6 : 1)	2.0 : 1	1.79 : 1
Height (storeys)	4 storeys	6 storeys	4 storeys

Development Permit Area 16 (DPA 16)

The subject site falls within Development Permit Area 16 (DPA 16), and in conjunction with reviewing the Official Community Plan, we have given careful consideration to the General Form and Character guidelines established within DPA 16. As a result, we feel several of the objectives within DPA 16 have been met and are reflected in our proposal; specifically,

- Providing a sensitive transition to adjacent and nearby areas with built form that is four storeys;
- Integrating our proposal in a manner that is complimentary to the established place character of the neighbourhood through our architectural approach, design features, and landscape design elements;
- Enhancing the place character of the neighbourhood through high-quality architecture, landscape, and urban design; and,
- Achieving a more livable environment through considerations for human-scaled design and privacy impacts.

Design Guidelines for Multi-Unit Residential & Advisory Design Guidelines

These guidelines are "intended to guide applicants in achieving new development that results in design excellence, livability, and contribution to sense of place and urbanism that is responsive to Victoria's context." We have kept this in the forefront of our minds while undergoing the planning and design of this proposal, and feel we support the objectives of these guidelines.

The overall design of the proposal first considered the streetscape and built form of its immediate context along Rockland Avenue. This block of Rockland Avenue is predominantly built up with multi-family buildings: to the east of the subject property is a three storey rental apartment building (1019 Rockland Avenue), to the west is another three storey rental apartment building (905 Vancouver Street), and directly across the street is a newer four storey residential condominium development (1014 Rockland Avenue). Our proposed four storey residential building responds well to the existing built form of the neighbourhood.

In addition, it is important to note that the north side of Rockland Avenue is designated at "Core Residential" within the Official Community Plan, and the south side of Rockland Avenue is designated "Urban Residential." Therefore, it was necessary for us to consider the built form of future developments as well as the existing built form in order to effectively transition between the two areas. The urban place guidelines for this area of Core Residential indicate a built form of up to approximately six storeys with an FSR up to approximately 3.5:1. We feel our proposed 4 storey residential building will act as an effective transition from the adjacent higher density Core Residential area and into the comparatively lower density Urban Residential area.

TABLE 3: BUILT FORM TRANSITION

TYPE	ROCKLAND AVE. (north)	ROCKLAND AVE. (south)	PROPOSAL*
Designation	Core Residential	Urban Residential	Urban Residential
Height (storeys)	6 storeys	6 storeys	4 storeys
Floor Space Ratio (FSR)	3.5 : 1	2.0 : 1	1.79 : 1

** Our proposal is located on the south side of Rockland Avenue.*

Once we established the appropriate contextual fit for the built form, we began to consider the architectural approach in order to provide unity and coherence to the surrounding neighbourhood. The buildings along this block of Rockland Avenue are somewhat uninspiring as it relates to architecture. Their utilitarian approach and apparent lack of cohesion reflects the transitional nature of this neighbourhood. As a result, we began to pull inspiration from the streetscape of Vancouver Street, offering heritage buildings, attractive character houses, and Tudor inspired multi-family developments that begin to establish this neighbourhood's sense of place. Specifically, the heavy cornice moulding along the flat roofline of our proposal reflects the Mt. Edward Court building located at 1002 Vancouver Street, the colour palette of light and dark greys is reflective of the Christ Church Cathedral School's masonry façade, and the mullioned upper windows are apparent in numerous character buildings along Vancouver Street.

Furthermore, the use of traditional detailing with hints of Edwardian influence in our architectural approach provides a cohesive feeling without replication or mimicry of surrounding buildings. The building's façade is finished with high-quality brick with elements of smoothly textured stucco. The lighter grey stucco will be inset from the grey brick facade providing visual interest and a sense of articulation and human scale. This façade detailing will be carried onto each side of the building in order to maintain a cohesive feeling in the building's architecture. In addition, wrought iron inspired balcony railings reinforce the traditional character of the building, which are partially recessed to further enhance the streetscape appearance.

The building's traditional siting, symmetrical design, and landscape features also contribute to an effective relationship to the street. The front yard setback balances the setbacks of the two adjacent apartment buildings, and is reflective of the setback of the carport along the property's west property line. In addition, the building's unified design with a similarly symmetrical landscape design will enhance the streetscape rhythm along this block of Rockland Avenue.

Lastly, particular attention has also been given towards the potential for privacy impacts on neighbouring buildings. The subject property's rear yard, and consequently the building's rear elevation, is surrounded by and is overlooking the carports and surface parking areas of each of the adjacent multi-family buildings. The building's west elevation is overlooking the carport and surface parking area of 919 Vancouver Street, and a large distance separates our proposal's west elevation from the rear elevation of 919 Vancouver Street. Our proposal's east elevation is looking onto the west elevation of 1019 Rockland Avenue, which is a 3 storey apartment building. This adjacent building's west elevation only contains the windows of a stairwell, mitigating any privacy concerns for the residents. Overall, we feel our proposal is effectively sited and oriented to mitigate concerns over privacy impacts upon neighbouring residential uses.

PROJECT BENEFITS & AMENITIES

The primary benefit of our proposal to the community is to help establish a placemaking concept for this block of Rockland Avenue. In order to achieve a sensitive transition and cohesive feel, this proposal builds upon the established character and sense of place of the surrounding neighbourhood. This is achieved through a sensitive comprehensive design approach including high-quality architecture, an attractive and complimentary landscape design, and a traditional siting of the building, all of which also promote an improved streetscape.

To contribute further to the placemaking of this neighbourhood, this location encourages a connection to the Urban Core by promoting alternate modes of transportation. Residents of this neighbourhood are within easy walking distance of recreation centres, parks, and shops, and have easy access to "Frequent Transit" routes, resulting in a very walkable and livable community. While each resident will be able to walk or take advantage of nearby public transit, twenty-eight secure bicycle parking stalls (2.0 per unit) will also be available for residents' use to further encourage a reduced reliance on cars. And to further reinforce a livable and environmentally conscious community, this proposal will be targeting a minimum BuiltGreen® Silver designation.

CONCLUSION

While undergoing the planning and design of this project, careful consideration has been given towards supporting the objectives established within the recently adopted Official Community Plan. Attention has also been given towards not only the adjacent buildings, but also to the neighbourhood as a whole.

We are dedicated to building homes with uncompromising standards, and this project will be no different. Resulting, we feel, is a high-quality and well-designed infill development that will continue to positively contribute to this area of Fairfield for many years to come.

Sincerely,



Mike Miller
President

APPENDIX A

The following provides a summary of the Application Review issued by the City of Victoria on February 27, 2013, and the comments stated in red outline how we have addressed each comment with our revised application.

APPLICATION REVIEW SUMMARY

For: 1015 Rockland Avenue
 Date: February 27, 2013
 Rezoning Application # 00394
 Development Permit # 000300

Development Services Division Comments:

Area Planner: Helen Cain, Telephone #: (250) 361-0282

- The application should consider providing an independent economic land lift analysis to quantify the value of the increased density above the lower general amount identified in the Official Community Plan. This information will help City staff and Council to assess the application in relation to its advancement of the Official Community Plan objectives and will assist the applicant in fully communicating the details of the proposed project. Before commissioning the economic land lift analysis, please discuss the details related to methodology and client-consultant relationship with the Area Planner.

In completing our initial acquisition due diligence, it was our intent to proceed with a Development Variance Permit Application under the existing R3-AM-1 zoning. Under this zoning the allowable density is 1.6:1, and we were initially proposing an FSR of no greater than 1.6:1. To achieve this, the two ground floor units fronting Rockland Avenue would have been sunken below grade with their ceiling heights being no greater than 1.2m above grade, thereby discounting the FSR of the proposal's below grade area. However, in response to staff feedback, the building was raised in order to improve its relationship to the street. As a result, our proposal's density would have been greater than the allowable FSR under the existing zoning, and a Rezoning and Development Permit application would be required. Accommodating staff's feedback, we proceeded on this basis in order to improve the design of the proposal, but an economic land lift analysis was not mentioned as being considered by staff at that time. Had we known our revised proposal would have been subject to an economic land lift analysis, we would not have proceeded with the rezoning.

- The density and building footprint are too large to fit comfortably on the lot.

We have revised our proposal to decrease the density by 675 square feet (62.67 m²) resulting in an FSR of 1.79. In order to achieve this we have reduced the width of the building and reduced the depth of the main floor plan. The amount of open site space has also been increased with our revised proposal through reducing the building's footprint and incorporating additional landscaping along the property's east side yard and in the rear yard.

- Consider increasing side setbacks to ensure livability between dwellings on adjacent properties. Identify all window openings for the new and adjacent units on the site plan.

We have increased the east side yard setback to 1.2m, and have incorporated additional landscaping along this side yard to ensure livability between our proposal and the adjacent

apartment building. The windows located on the northern most portion of the building's east elevation have also been revised to ensure privacy is maintained for the adjacent residents entering and exiting their building; these windows are now small upper windows.

- Consider flipping the site plan to permit adequate breathing room between the site and the adjacent building to the west.

If the site plan were to be "flipped", our proposed building would be uncomfortably close to the adjacent building to the west. We feel our site plan as currently configured addresses this concern in the best possible way.

- Consider relocation of the parking underground.

The viability of providing underground parking for this proposal is economically prohibitive.

- Provide more landscaping.

A wider landscape strip has been incorporated within the east side yard setback, and a new landscape strip has been located within the rear yard along the south property line.

- Consider a variety of colour.

The colour palette proposed for the building consists of grey brick veneer set among a lighter grey stucco finish and is accented by darker windows, doors, and railings. We feel this simple yet strong colour palette is effective in complimenting the architectural expression of the proposal. We also took cues from other building in the neighbourhood which are built with masonry facades.

Engineering and Public Works Department Comments:

Contact: Craig Standberg, Phone: (250) 361-0296

The comments below are a result of the Engineering review:

Items Required Prior to Planning and Land Use Standing Committee:

- **REQUIRED:** The applicant has not provided technical data to support the request to vary the required number of parking stalls from 20 stalls to 12 stalls. However, given the development's location, unit sizes, and the proposed provision of 23 class 1 bicycle parking spaces (1.6 spaces per unit) the proposed parking variance of 8 stalls may be supported if additional TDM measures such as on-site car share marketing and memberships for each unit are provided. If significant TDM measures were implemented, 12 parking spaces for this proposed development may be appropriate.

We have revised our proposal to include 2 class 1 bicycle storage spaces per unit. We feel that by exceeding the bicycle storage requirements outlined in Schedule C by 100% (i.e. 28 stalls instead of the required 14 stalls), our proposal provides adequate traffic demand management measures.

- **REQUIRED:** Staff does not support a variance for eliminating on-site visitor parking. The provision of on-site guest parking is important for this development as there is limited available on-street parking in this area.

On-site visitor parking is now provided.

- **Revision Required:** The proposed awning supports must not be located on the public right-of-way. The awning has been pulled back and is no longer located within the public right-of-way.

- **Revision Required:** The required class 2 bike parking must not be located on the public right-of-way.

The class 2 bike parking has been relocated and is no longer located on the public right-of-way.

Permits and Inspections Division Comments:

Contact: Avy Woo, Phone: (250) 361-0241

The following are preliminary review items. There are some significant code issues and the architect should complete an overall code concept review or engage in the services of a code consultant to perform such a review:

1. The basement shows only 1 exit; 2 exits are required.
The basement floor plan has been revised to provide two exits.
2. The east face of the building has a limiting distance of 1.092m. As such, no unprotected openings (windows) are allowed. Even if the building face is pulled back to 1.2m, the BC Building Code permits only 7-11% of the exposed building face to be unprotected openings. This needs to be resolved, recognizing there are bedroom window that may need light and ventilation.
The east side yard setback has been increased to 1.20m. We have also revised the window dimensions, resulting in a total percentage of unprotected openings on the east elevation of 14%. Our architect has confirmed with the Permits and Inspections Department that this complies with the BC Building Code.
3. The ground floor exit door comes out into an enclosed space. There needs to be a 3m clearance from the exposed building face for the path of travel from the back to the front, or the windows along this path will need to be protected with fixed, wired glass in steel frame assemblies. Again, some are shown to be bedroom windows.
The windows shown adjacent to the path of travel (i.e. the driveway) will all be sprinklered.
4. The separation of exits on the 2nd, 3rd, and 4th floor may not meet the code requirement for remoteness.
Exit stair number 2 has been revised to comply with the exit separation requirements.
5. The soft storey on the ground floor with open parking and 1.6m cantilevered balconies shown may need to have post supports which will interfere with the parking if posts are introduced later. This should be reviewed for structural and seismic feasibility at this stage.
We confirm that we will address these concerns at Building Permit stage.



Abstract
DEVELOPMENTS INC.

February 1, 2013

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P7

Attn: Mayor and Members of Council

Re: Rezoning and Development Permit Application
1015 Rockland Avenue, Victoria, BC

Received
City of Victoria

FEB - 1 2013

Planning & Development Department
Development Services Division

Dear Mayor and Members of Council,

We are pleased to submit the enclosed Rezoning and Development Permit Application for a four-storey, fourteen unit strata-titled residential building. Located at 1015 Rockland Avenue in the Fairfield Neighbourhood, this infill development provides a great opportunity to further enhance the neighbourhood by encouraging a walkable community within steps of the Downtown Core.

We feel this proposal's architectural approach, being traditional with hints of Edwardian influence, not only fits well into the existing character of this Fairfield neighbourhood, but also builds upon the unique character that defines Victoria as a whole.

DESCRIPTION OF PROPOSAL

This Rezoning Application is requesting to rezone the property from the current R3-AM-1 (Mid-Rise Multiple Dwelling District) zone to a site specific zone. The current zoning allows for multi-family use with heights of up to four storeys, and our proposal is in keeping with these parameters.

The subject site is situated within Fairfield, near the intersection of Rockland Avenue and Vancouver Street. This is close to the most westerly portion of Rockland Avenue, which is predominantly built up with some mid-century purpose built rental apartment buildings and some newer condominium developments. This largely multi-family neighbourhood is within easy walking distance of the Downtown Core helping to service the local business community, especially the local retail shops along the Fort Street corridor.

The proposed four storey strata-titled residential building will be targeting a minimum BuiltGreen® Silver designation, and will offer fourteen units ranging in type and size from a 570 square foot one-bedroom unit, up to a 975 square foot two-bedroom plus den unit.

TABLE 1: RESIDENTIAL UNIT BREAKDOWN

UNIT NO.	UNIT SIZE (sq. ft.)	UNIT TYPE
101	568	1 bed, 1 bath
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201	648	1 bed, 1 bath, den
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A basement, completely below grade, has also been incorporated into the building to accommodate all electrical and utility rooms, as well as a storage locker for each unit and twenty-three secure bicycle parking spaces (approximately 1.6 secure bicycle spaces per unit). A six-stall bicycle rack is also located in the property's front yard for visitor use.

GOVERNMENT POLICIES

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The new Official Community Plan (OCP) designates the subject site "Urban Residential." This designation provides guidance towards a built form of multi-unit buildings up to approximately 6 storeys, with a total floor space ratio (FSR) up to a total of approximately 2.0:1. The guidelines surrounding density are further enhanced with Policy 6.23, whereby properties within 200 metres of the Urban Core may seek densities toward the upper end of the range and where the proposal significantly advances the objectives of the OCP.

It is important to note our proposal is directly adjacent to the Urban Core; specifically, the north side of Rockland Avenue is designated as "Core Residential" under the Urban Place Designations. This particular area of the Core Residential designation provides guidance towards buildings of up to approximately 6 storeys with densities up to approximately 3.5:1.

We feel our proposed 4 storey building with a density of 1.89:1 is not only in keeping with the existing built form of the surrounding neighbourhood, but will also provide an effective transition from the adjacent higher density Core Residential area into the Urban Residential area.

TABLE 2: ZONING, OCP, AND PROPOSAL COMPARISON

TYPE	CURRENT ZONE	OCP	PROPOSAL
Zone	R3-AM-1	Urban Residential	New Zone
Density (FSR)	1.6 : 1	2.0 : 1	1.89 : 1
Height (storeys)	4 storeys	6 storeys	4 storeys

Development Permit Area 16 (DPA 16)

The subject site falls within Development Permit Area 16 (DPA 16), and in conjunction with reviewing the Official Community Plan, we have given careful consideration to the General Form and Character guidelines established within DPA 16. As a result, we feel several of the objectives within DPA 16 have been met and are reflected in our proposal; specifically,

- Providing a sensitive transition to adjacent and nearby areas with built form that is four storeys;
- Integrating our proposal in a manner that is complimentary to the established place character of the neighbourhood through our architectural approach, design features, and landscape design elements;

- Enhancing the place character of the neighbourhood through high-quality architecture, landscape, and urban design; and,
- Achieving a more livable environment through considerations for human-scaled design and privacy impacts.

Design Guidelines for Multi-Unit Residential & Advisory Design Guidelines

These guidelines are “intended to guide applicants in achieving new development that results in design excellence, livability, and contribution to sense of place and urbanism that is responsive to Victoria’s context.” We have kept this in the forefront of our minds while undergoing the planning and design of this proposal, and feel we support the objectives of these guidelines.

The overall design of the proposal first considered the streetscape and built form of its immediate context along Rockland Avenue. This block of Rockland Avenue is predominantly built up with multi-family buildings: to the east of the subject property is a three storey rental apartment building (1019 Rockland Avenue), to the west is another three storey rental apartment building (905 Vancouver Street), and directly across the street is a newer four storey residential condominium development (1014 Rockland Avenue). Our proposed four storey residential building responds well to the existing built form of the neighbourhood.

In addition, it is important to note that the north side of Rockland Avenue is designated at “Core Residential” within the Official Community Plan, and the south side of Rockland Avenue is designated “Urban Residential.” Therefore, it was necessary for us to consider the built form of future developments as well as the existing built form in order to effectively transition between the two areas. The urban place guidelines for this area of Core Residential indicate a built form of up to approximately six storeys with an FSR up to approximately 3.5:1. We feel our proposed 4 storey residential building will act as an effective transition from the adjacent higher density Core Residential area and into the comparatively lower density Urban Residential area.

TABLE 3: BUILT FORM TRANSITION

TYPE	ROCKLAND AVE (north)	ROCKLAND AVE (south)	PROPOSAL*
Designation	Core Residential	Urban Residential	Urban Residential
Height (storeys)	6 storeys	6 storeys	4 storeys
Floor Space Ratio (FSR)	3.5 : 1	2.0 : 1	1.89 : 1

* Our proposal is located on the south side of Rockland Avenue.

Once we established the appropriate contextual fit for the built form, we began to consider the architectural approach in order to provide unity and coherence to the surrounding neighbourhood. The buildings along this block of Rockland Avenue are somewhat uninspiring as it relates to architecture. Their utilitarian approach and apparent lack of cohesion reflects the transitional nature of this neighbourhood. As a result, we began to pull inspiration from the streetscape of Vancouver Street, offering heritage buildings, attractive character houses, and Tudor inspired multi-family developments that begin to establish this neighbourhood’s sense of place. Specifically, the heavy cornice moulding along the flat roofline of our proposal reflects the Mt. Edward Court building located at 1002 Vancouver Street, the colour palette of light and dark greys is reflective of the Christ Church Cathedral School’s masonry façade, and the mullioned upper windows are apparent in numerous character buildings along Vancouver Street.

Furthermore, the use of traditional detailing with hints of Edwardian influence in our architectural approach provides a cohesive feeling without replication or mimicry of surrounding buildings. The building’s façade is finished with high-quality brick with elements of smoothly textured stucco. The lighter grey stucco will be inset from the grey brick facade providing visual interest and a sense of articulation and human scale. This façade detailing will be carried onto each side of the building in order to maintain a cohesive feeling in the building’s architecture. In addition, wrought iron inspired balcony railings reinforce the traditional character of the building, which are partially recessed to further enhance the streetscape appearance.

The building's traditional siting, symmetrical design, and landscape features also contribute to an effective relationship to the street. The front yard setback balances the setbacks of the two adjacent apartment buildings, and is reflective of the setback of the carport along the property's west property line. In addition, the building's unified design with a similarly symmetrical landscape design will enhance the streetscape rhythm along this block of Rockland Avenue.

Lastly, particular attention has also been given towards the potential for privacy impacts on neighbouring buildings. The subject property's rear yard, and consequently the building's rear elevation, is surrounded by and is overlooking the carports and surface parking areas of each of the adjacent multi-family buildings. The building's west elevation is overlooking the carport and surface parking area of 919 Vancouver Street, and a large distance separates our proposal's west elevation from the rear elevation of 919 Vancouver Street. Our proposal's east elevation is looking onto the west elevation of 1019 Rockland Avenue, which is a 4 storey apartment building. This building's west elevation only contains the windows of a stairwell, mitigating any privacy concerns for the residents. Overall, we feel our proposal is effectively sited and oriented to mitigate concerns over privacy impacts upon neighbouring residential uses.

PROJECT BENEFITS & AMENITIES

The primary benefit of our proposal to the community is to help establish a placemaking concept for this block of Rockland Avenue. In order to achieve a sensitive transition and cohesive feel, this proposal builds upon the established character and sense of place of the surrounding neighbourhood. This is achieved through a sensitive comprehensive design approach including high-quality architecture, an attractive and complimentary landscape design, and a traditional siting of the building, all of which also promote an improved streetscape.

To contribute further to the placemaking of this neighbourhood, this location encourages a connection to the Urban Core by promoting alternate modes of transportation. Residents of this neighbourhood are within easy walking distance of recreation centres, parks, and shops, and have easy access to "Frequent Transit" routes, resulting in a very walkable and livable community. While each resident will be able to walk or take advantage of nearby public transit, twenty-three secure bicycle parking stalls (1.6 per unit) will also be available for resident's use to further encourage a reduced need for cars. And to further reinforce a livable and environmentally conscious community, this proposal will be targeting a minimum BuiltGreen® Silver designation.

CONCLUSION

While undergoing the planning and design of this project, careful consideration has been given towards supporting the objectives established within the recently adopted Official Community Plan. Attention has also been given towards not only the adjacent buildings, but also to the neighbourhood as a whole.

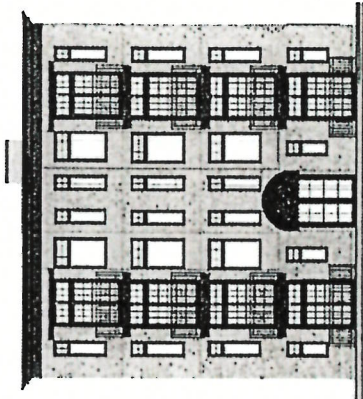
We are dedicated to building homes with uncompromising standards, and this project will be no different. Resulting, we feel, is a high-quality and well-designed infill development that will continue to positively contribute to this area of Fairfield for many years to come.

Sincerely,



Mike Miller
President

1015 ROCKLAND AVENUE
Victoria, BC



REZONING & DEVELOPMENT PERMIT APPLICATION

Original Submission: 02/01/2013
Revised Submission: 05/15/2013

DRAWING LIST

- A 1 Site Plan and Project Data
- A 2 Basement and Main Floor Plans
- A 3 Second, Third, and Fourth Floor Plans
- A 4 Elevations
- A 5 Building Sections
- A 6 Streetscape
- A 7 Renderings – NW and NE
- A 8 Renderings – SW and SE
- L 1 Landscape Plan
- S 1 Site Servicing Plan

APPLICANT
Abstar Development Inc.
1976 Oak Bay Avenue
Victoria, BC V8S 1E2
P: 250.883.5979

ARCHITECT
M/M/Architect Inc.
10 800 Vancouver Street
Victoria, BC V8V 3V6
P: 250.861.3102

LANDSCAPE ARCHITECT
Murdock de Gooch Inc.
205-595 Columbia Road
Victoria, BC V8Z 1G1
P: 250.412.2891

Received
City of Victoria

MAY 15 2013

Planning & Development Department
Development Services Division

[illegible]

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT STATUS	PROJECT START DATE	PROJECT END DATE	PROJECT BUDGET	PROJECT ACTUAL COST	PROJECT VARIANCE	PROJECT RISK	PROJECT COMPLETION DATE
1	2	3	4	5	6	7	8	9	10

Rezoning Application
1015 Rockland Avenue
Victoria, B.C.

Site Plan & Data
Scale - As Noted
April 22nd., 2016

A11

APR 22 2016

CITY OF VICTORIA

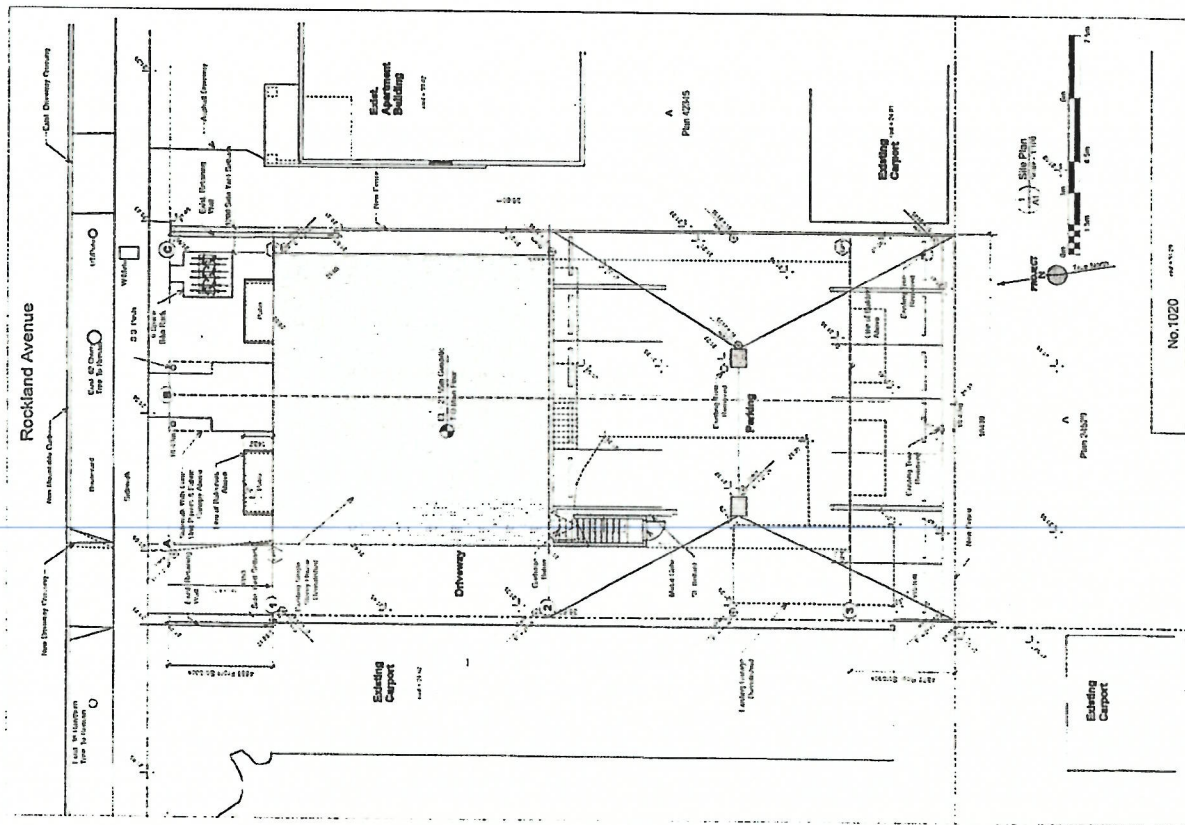
CLERK OF THE CITY

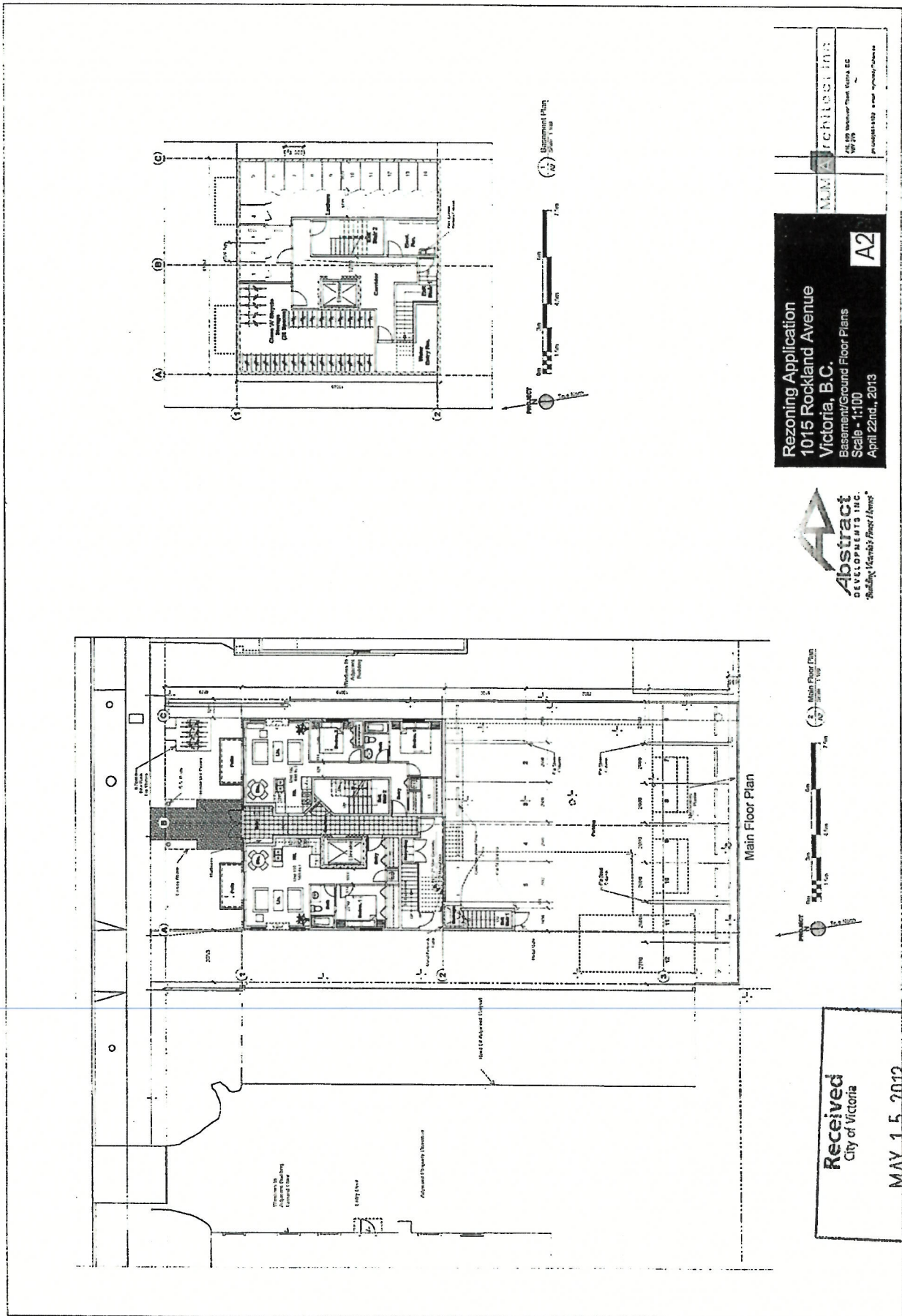
1015 ROCKLAND AVENUE, VICTORIA, BC
V8S 2G9

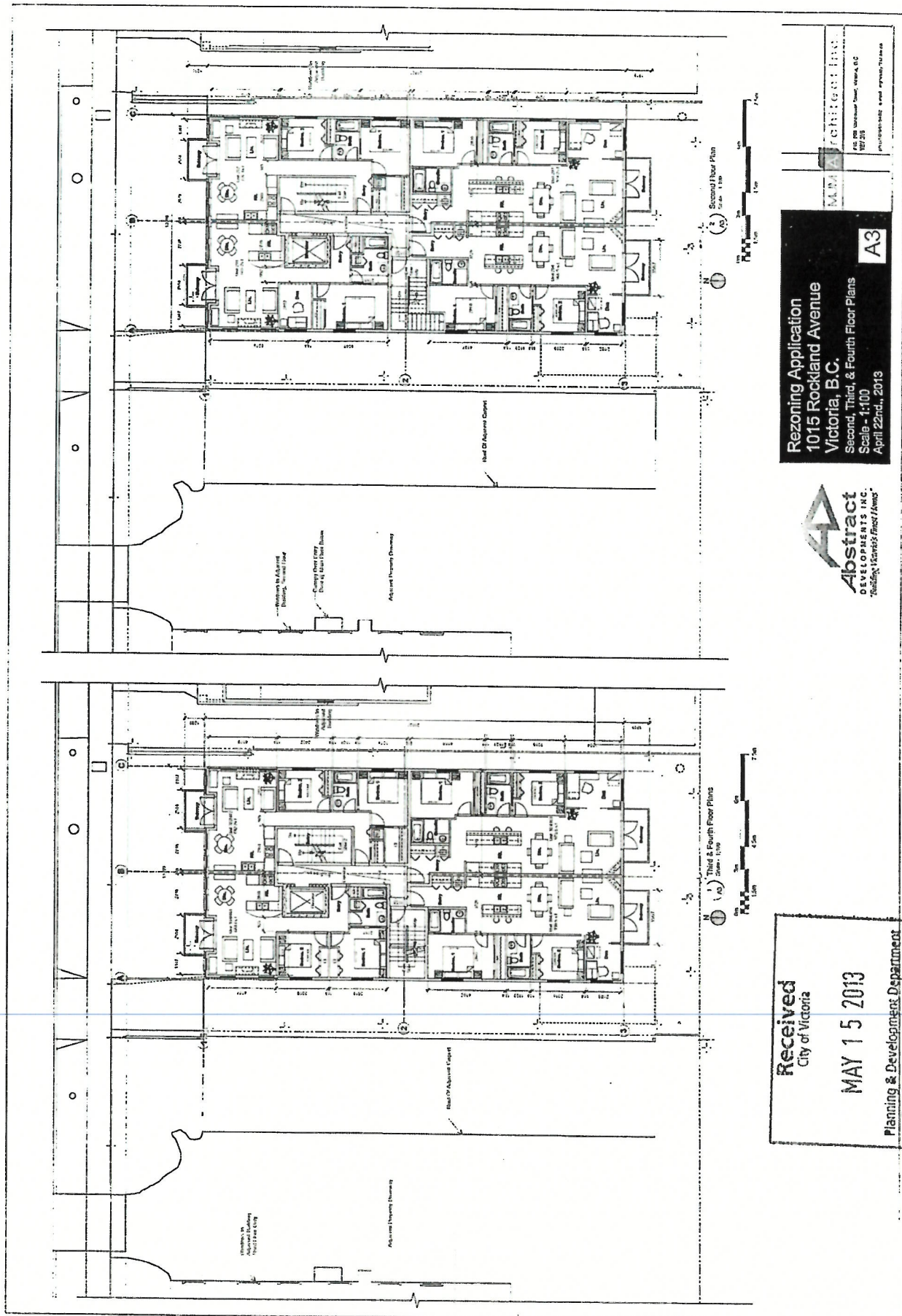
PROPOSED ZONE: C-101 COMMERCIAL-10

MAY 15 2013

Planning & Development Department
Development Services Division



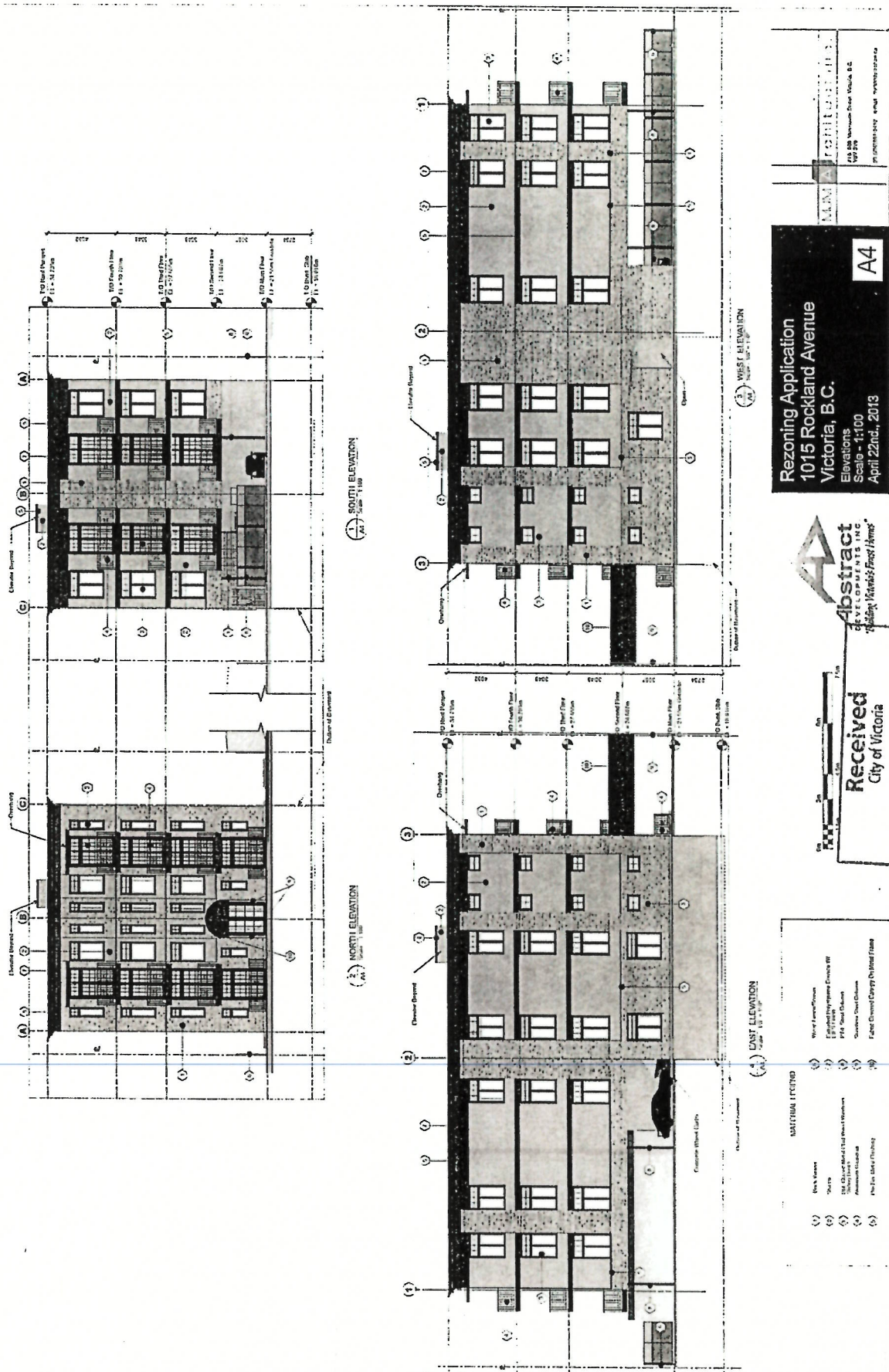


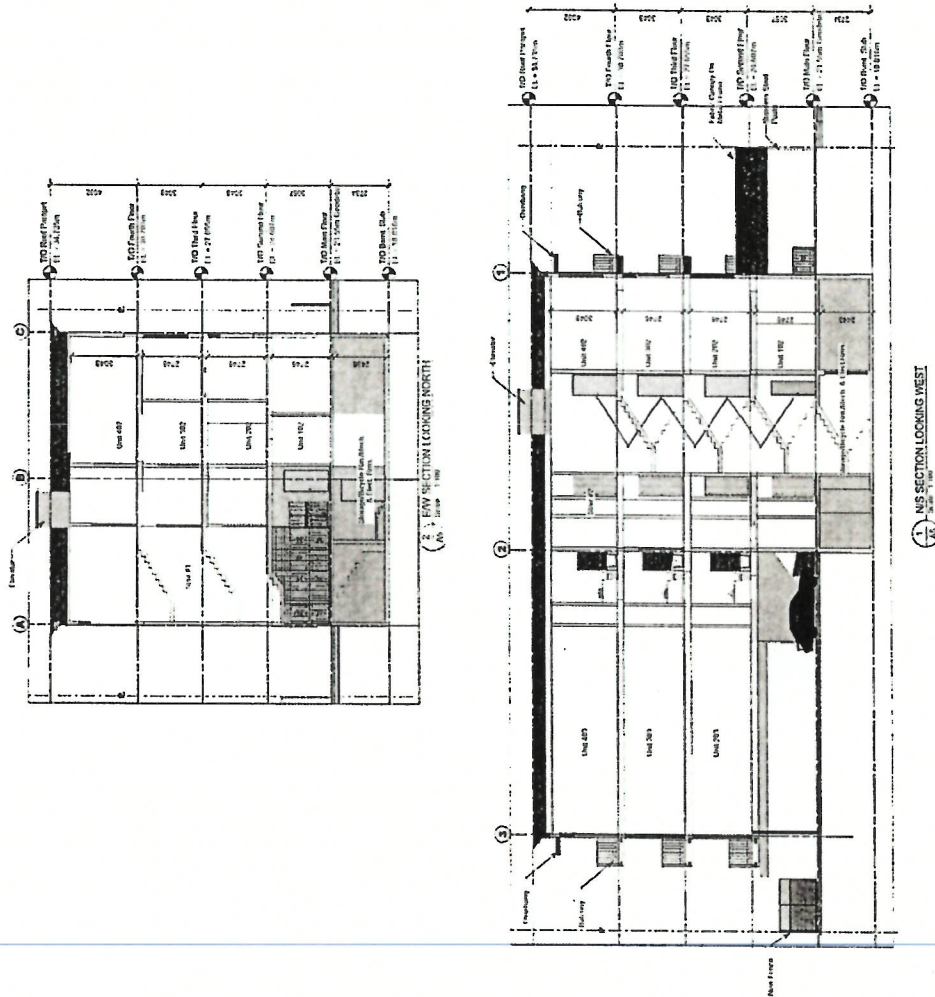


Rezonig Application
 1015 Rockland Avenue
 Victoria, B.C.
 Second, Third, & Fourth Floor Plans
 Scale - 1:100
 April 22nd., 2013



Received
 City of Victoria
 MAY 15 2013
 Planning & Development Department
 Development Services Division





**Rezoning Application
1015 Rockland Avenue
Victoria, B.C.**

**Building Sections
Scale - 1:100
April 22nd., 2013**

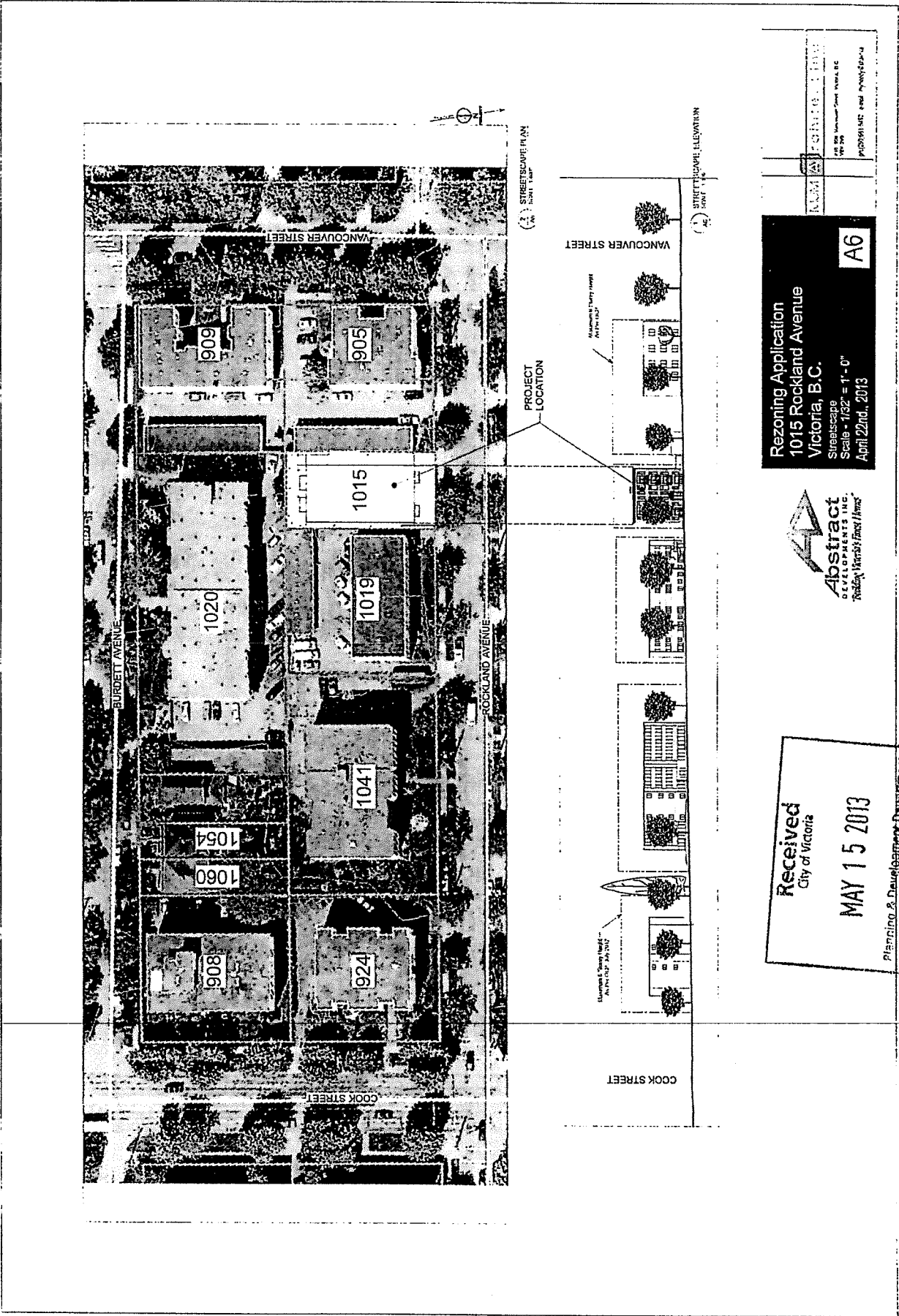


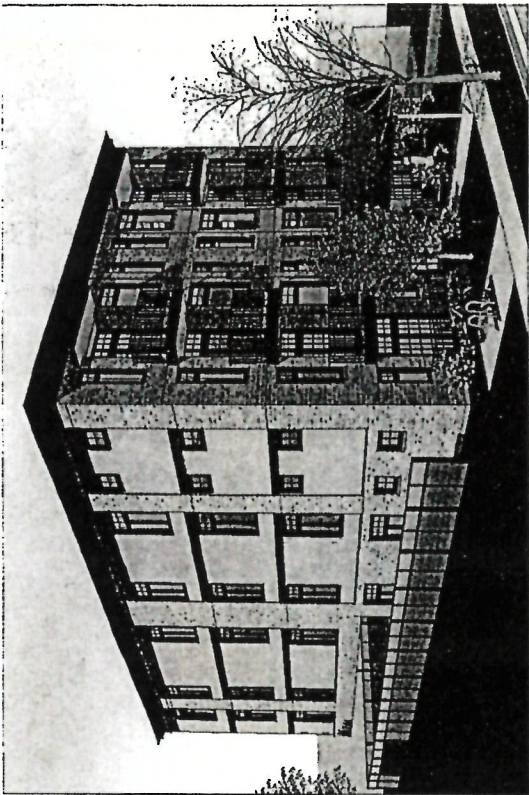
Abstract
DEVELOPMENTS INC.
"Building Your Future Home"

Received
City of Victoria

MAY 15 2013

Planning & Development Department
Development Services Division





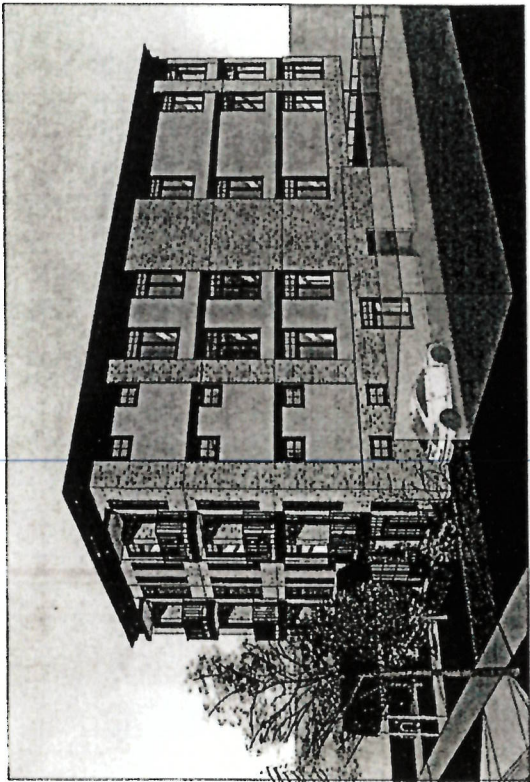
1 Front View From N.W.
Not To Scale

Rezonning Application
1015 Rockland Avenue
Victoria, B.C.
Renderings
Scale - Not To Scale
April 22nd, 2013

A7

Abstract
DEVELOPMENTS INC.
"Building Victoria's Future"

1015 Rockland Avenue, Victoria, B.C.
V8M 1K6
Phone: 250-383-8888
Fax: 250-383-8889
www.abstractdevelopments.com

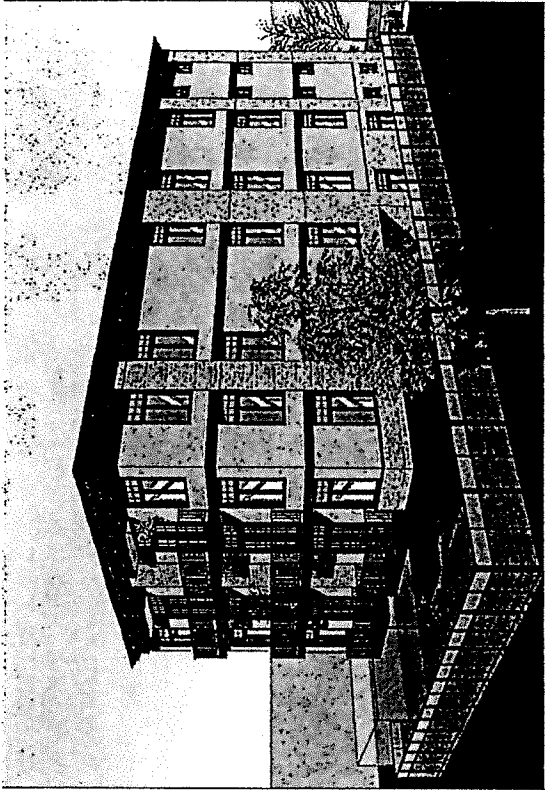


2 Front View From N.E.
Not To Scale

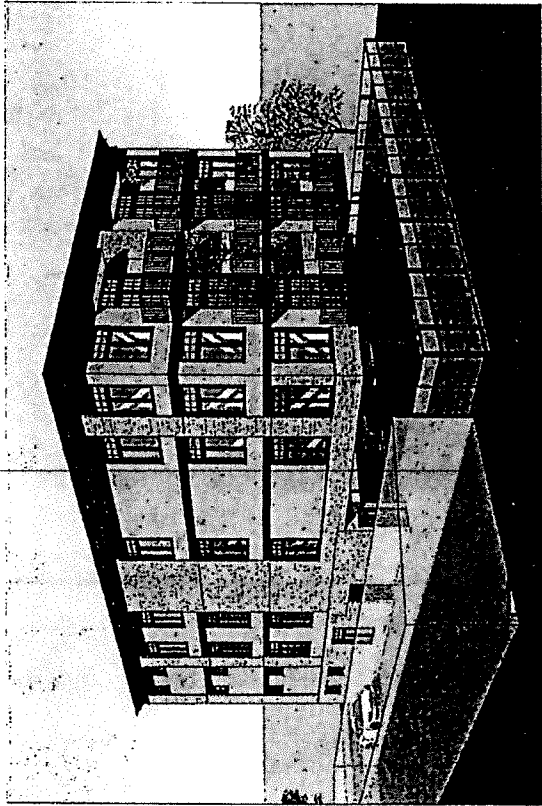
Received
City of Victoria

MAY 15 2013

Planning & Development Department
Development Services Division



1 Rear View From S.E.
Not To Scale



2 Rear View From S.W.
Not To Scale

Rezoning Application
1015 Rockland Avenue
Victoria, B.C.
Renderings
Scale - Not To Scale
April 22nd, 2013

A8



City of Victoria

MAY 15 2013

Planning & Development Department
Development Services Division

**MINUTES OF COMMUNITY MEETING
FAIRFIELD-GONZALES COMMUNITY ASSOCIATION
7-PM, Dec 17 2012**

DEVELOPMENT PROPOSAL FOR 1015 ROCKLAND AVENUE.

Meeting attendance: 14 area residents and/or owners (8 addressed the meeting)
4 representatives of developer, Abstract Developments Inc.
Meeting chairs: Joan Kotarski & George Zador FGCA

Mike Miller, President of Abstract gave an extensive overview of the proposed project comprising of an attractive 4-storey structure with 14 one and two bedroom strata units and 12 on-site parking stalls. The proposal calls for the rezoning of the building lot, presently a single-family dwelling, the only remaining one among all apartment buildings in the city block, referred to as an "orphan lot."

Comments were favourable regarding the style and quality of construction, the reputation of Abstract was mentioned as "we trust your past good performance". There was no specific opposition to the project except as in the following:

Multiple concerns about added traffic on an already busy street.

Multiple concerns about existing shortage of on-street parking, to be further taxed by cars not accommodated in the planned 12 parking stalls.

Comments about the "undesirable" increase in density of the area and subject project's increased site coverage (from 30 to 50%)

Developer was asked if they have other planned projects in the area....answer, "no".

The lively meeting ended at 8:25 pm.

Minutes recorded by:

George Zador.

FROM THE DESK OF CAROLE ELLIOTT

119B Superior Street, Victoria B.C. V8V 1 T2

Phone: (250) 386-8829 Fax: (250) 386-8839

E mail: caelliott100@shaw.ca

DATE: December 17, 2012

Page:

To: Fairfield Association Land Use Committee

RE: Rezoning of 1015 Rockland Avenue

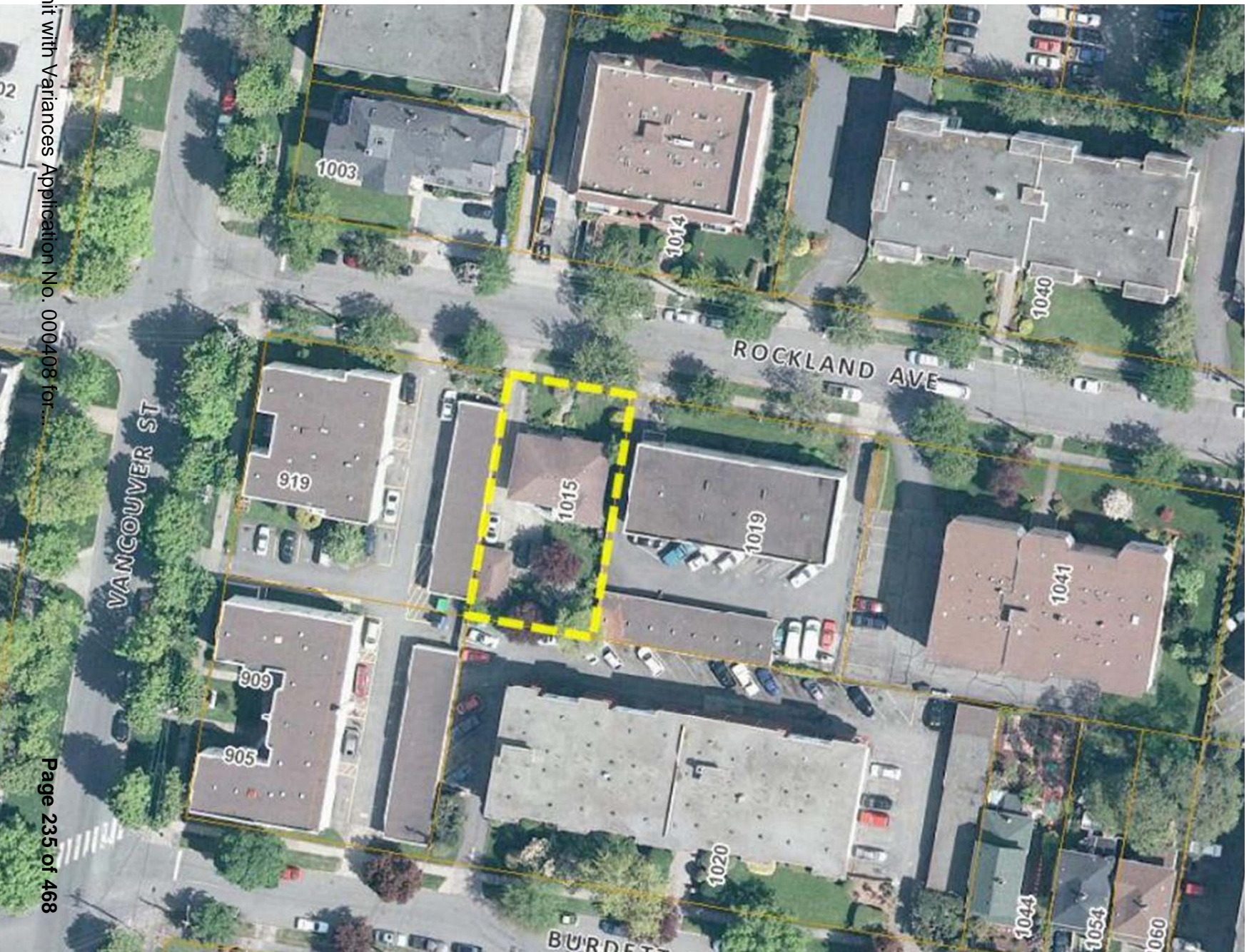
I am the owner of 1003 Vancouver; the yellow house on the corner of Vancouver and Rockland Avenue. This house which is on the **primary Heritage list** contains 8 very affordable and well maintained suites. All but one of my tenants is under the age of 35, most are in their 20s.

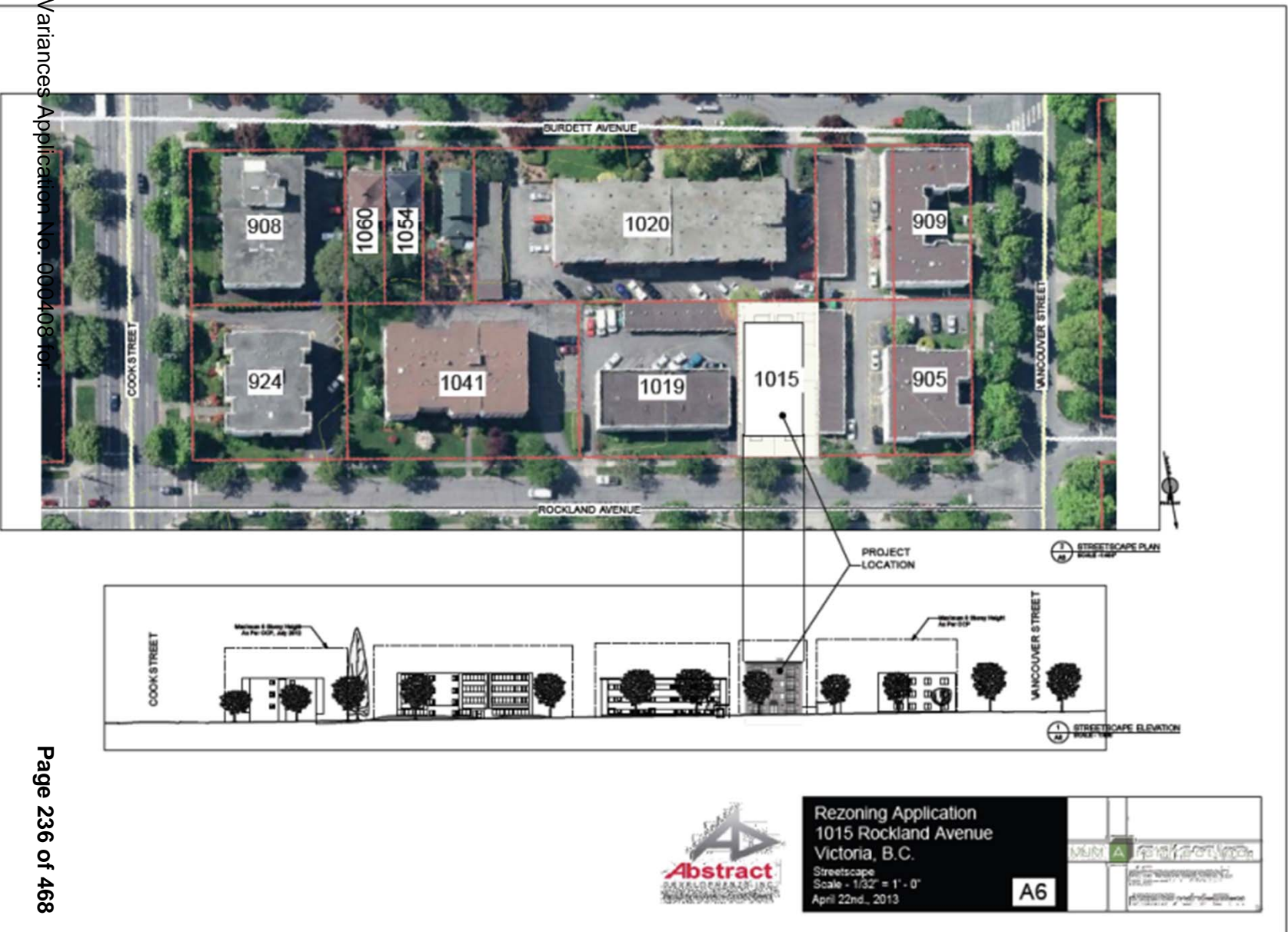
I am very concerned about the parking on Rockland Avenue. The narrow lot that my house sits on has provision for 3 very tight parking spaces. The tenants in the other suites must park with a city permit (my house has 5) on Rockland Avenue. If we do not at least adhere to the city's normal requirements for parking I know there will be even more problems with parking in the 1000 block of Rockland Ave than we have now. I believe, at present my young tenants are using 4 of these permits and another tenant has just inquired with regard to getting a permit as she is purchasing a car.

No matter how we try to encourage walking and biking it always come down to the tenants having both a bike (my bike room is jammed) and a motor vehicle or a scooter as well.

Thank you for taking the parking problems into consideration on this preliminary rezoning.

I added to this sheet I handed to the developer This is too big for such a small lot.





Adjacent Buildings



Rockland Avenue: South Streetscape



Rockland Avenue: North Streetscape





1 Front View From N.W.
NOT TO SCALE



2 Front View From N.E.
NOT TO SCALE



Rezoning Application
1015 Rockland Avenue
Victoria, B.C.

Renderings
Scale - Not To Scale
April 22nd., 2013

A7





1 Rear View From S.E.
Not To Scale



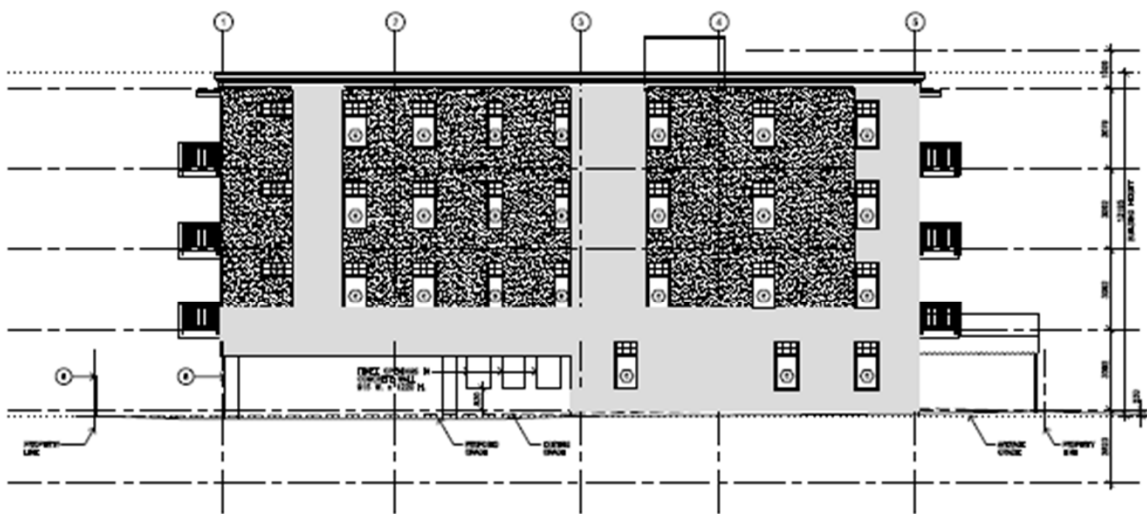
2 Rear View From S.W.
Not To Scale



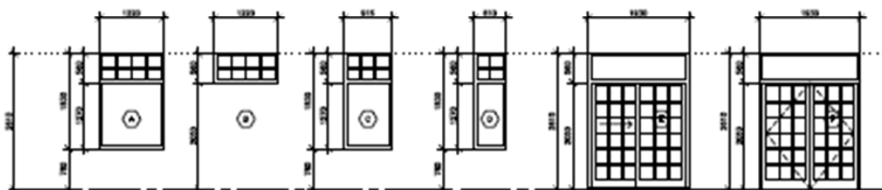
Rezoning Application
1015 Rockland Avenue
Victoria, B.C.
Renderings
Scale - Not To Scale
April 22nd., 2013

A8

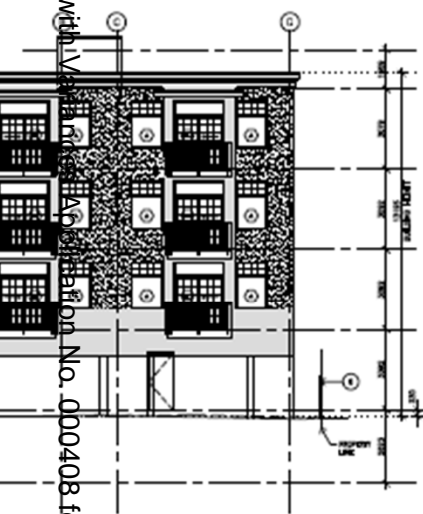
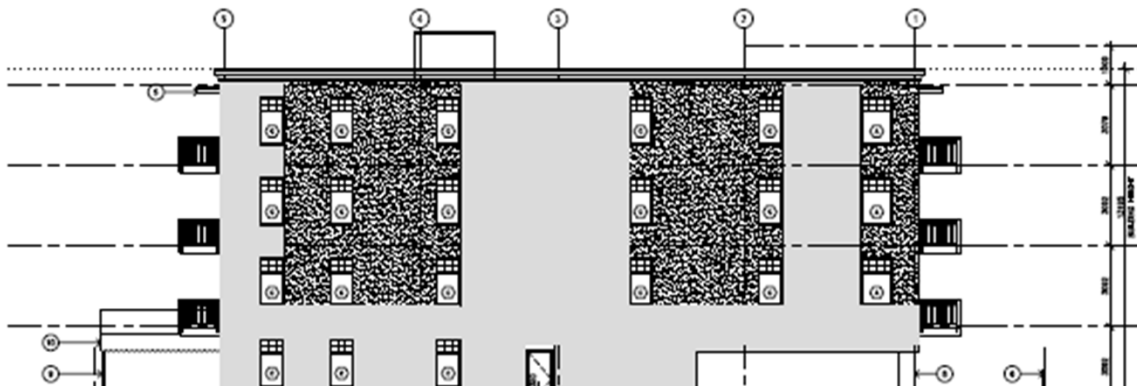




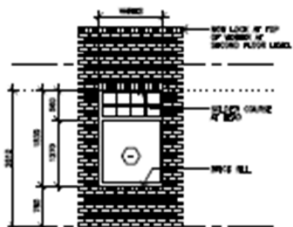
2 EAST ELEVATION



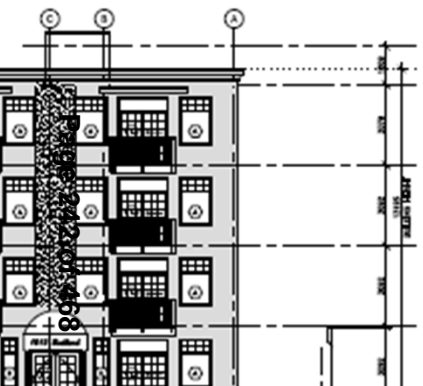
5 WINDOW SCHEDULE



4 NORTH ELEVATION



6 BRICK TRIM DETAIL





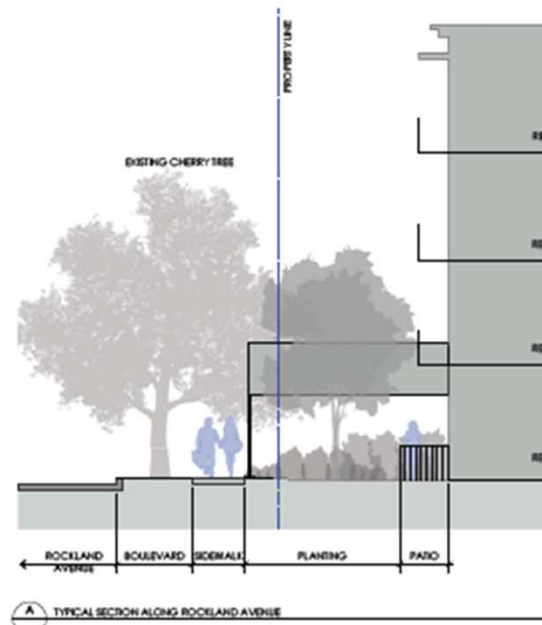
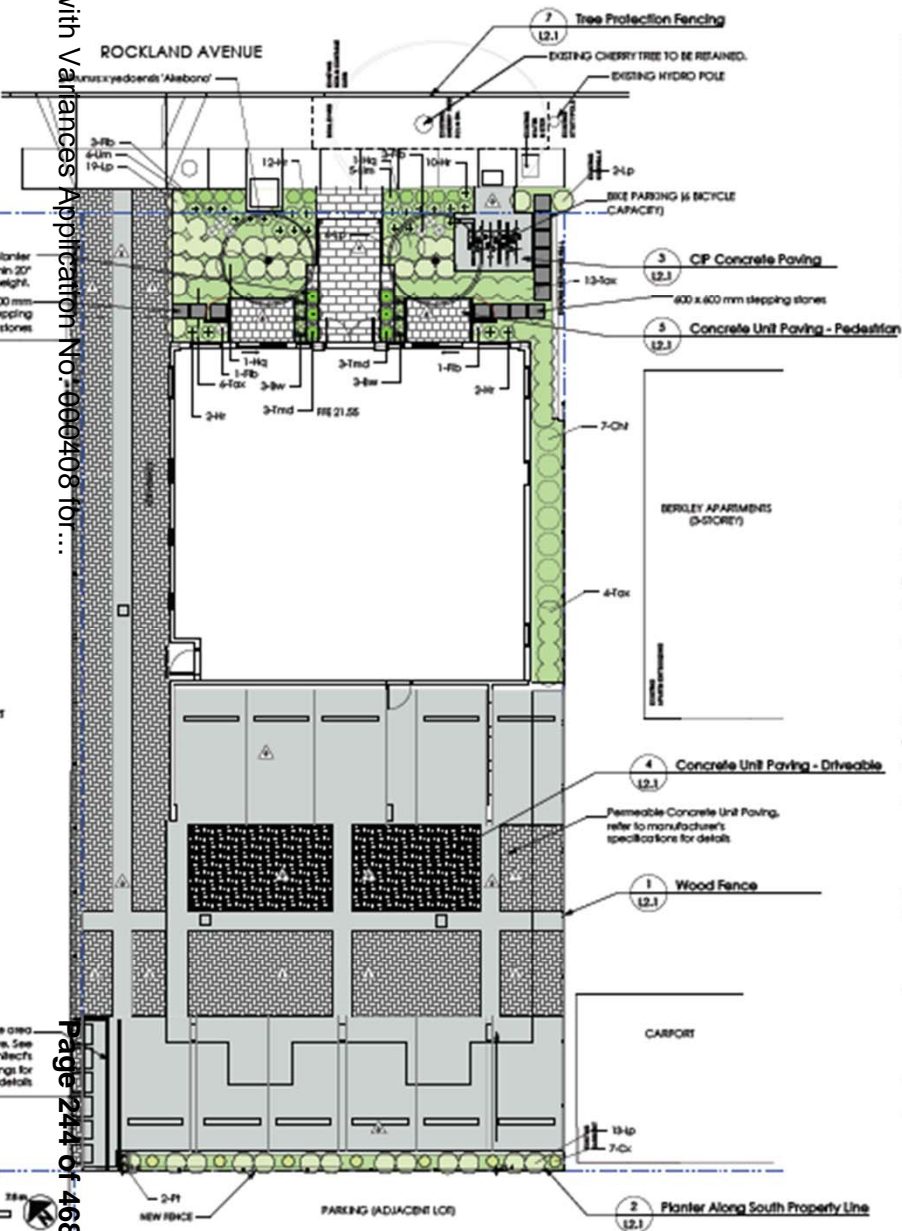
 Property Line
 Roof line (above)
 Shrub Planting Area
 Concrete (and Paving or Specialty Concrete Paving)
 Irrescutable Paving (asphalt)
 Concrete Paving - finished finish (asphalt)
 Asphalt Paving (parking)
 Existing Grade (in)

- DO NOT SCALE DRAWING: variety of property lines and existing structures/vegetation/terrain, plot boundaries, etc.
- All plot dimensions in inches and all detail dimensions in millimeters.
- Scale: contractor to take precedence over plant list quantities.
- Contractor to coordinate location and elevation of all existing structures and utilities prior to start of construction.
- Provide layout of all work for approval by Landscape Architect prior to proceeding with work.
- Contractor to provide irrigation system for all planters to current ASNC Standards and Contract Specifications.
- Understand the importance to comply with all work within bounds of acceptance.
- Plant material, installation and maintenance to conform to the current edition of the ASNC Standards and Contract Specifications.
- General Contractor and/or sub-contractors are responsible for all work related to production and maintenance of landscape and all landscape installation including but not limited to:

[illegible]

TYPICAL SECTION ALONG ROCKLAND AVENUE







1 STREET VIEW FROM NORTH WEST



1 Rear View From S.E.
Not To Scale



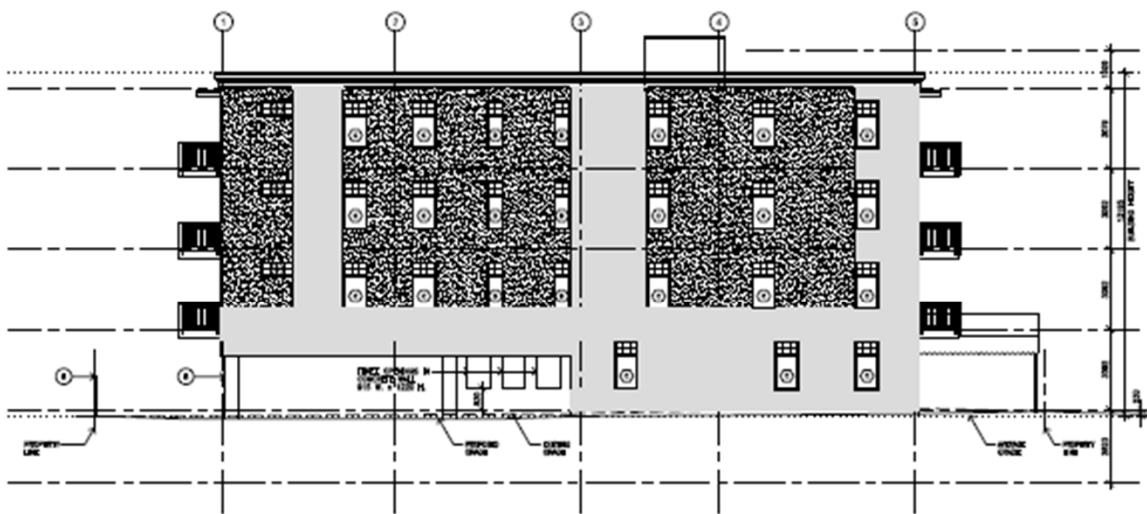
2 Rear View From S.W.
Not To Scale



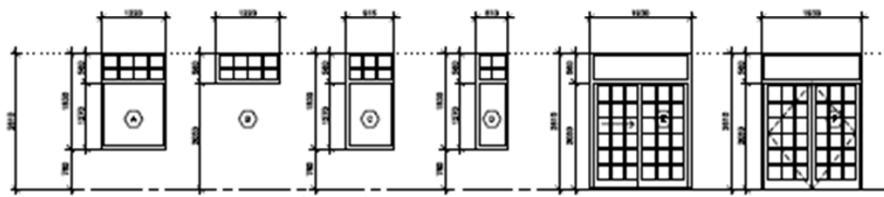
Rezoning Application
1015 Rockland Avenue
Victoria, B.C.
Renderings
Scale - Not To Scale
April 22nd., 2013

A8

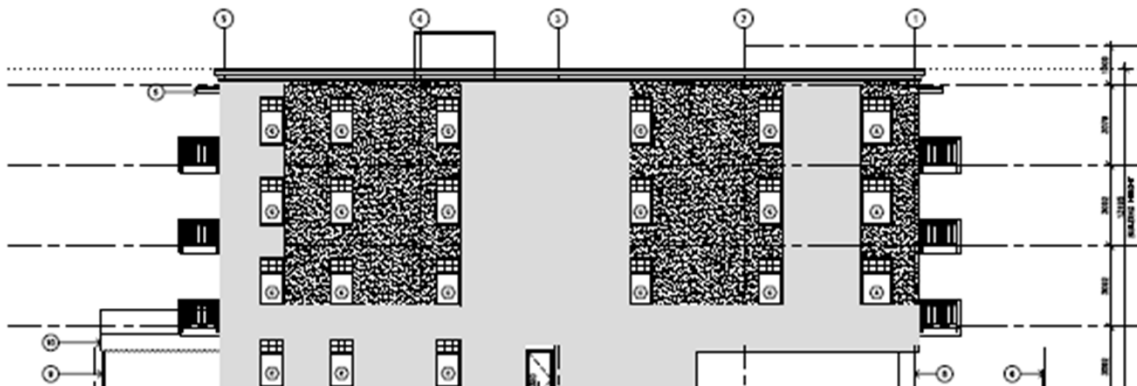




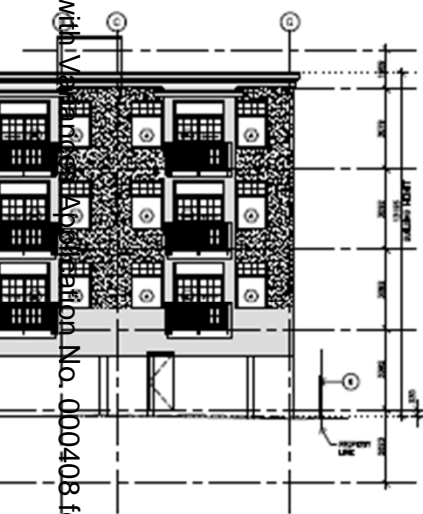
2 EAST ELEVATION



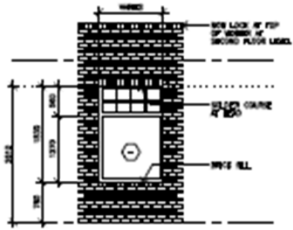
5 WINDOW SCHEDULE



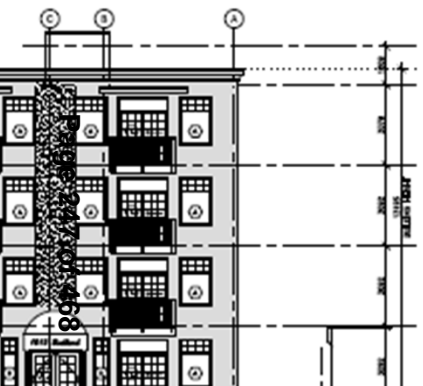
3 SOUTH ELEVATION



4 NORTH ELEVATION



6 BRICK TRIM DETAIL



5 WEST ELEVATION



1 STREET VIEW FROM NORTH WEST



Planning and Land Use Committee Report For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015
From: Leanne Taylor, Planner, Development Services Division
Subject: Development Variance Permit Application #00147 for 1435 Brooke Street

RECOMMENDATION

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

"That Council authorize the issuance of Development Variance Permit #00147 for 1435 Brooke Street, in accordance with:

1. Plans date stamped March 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule "C" Section 3 - Relaxation to permit one parking space to be located in the front yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department."

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 that 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 1435 Brooke Street. The variance is related to the location of a parking space for the dwelling unit.

The following points were considered in assessing this Application:

- Schedule C of the *Zoning Regulation Bylaw* requires one parking space per dwelling unit to be located in a garage or in the side or rear yard of a lot.
- The applicant would like to enclose the existing garage and convert it into a recreation room. The variance is to allow a parking space in the front yard.

- Creating a parking space on the east side of the building behind the front wall is not a practical solution due to the width of the side yard and existing retaining wall.
- The front yard parking would provide the required off-street parking space for the dwelling unit.

BACKGROUND

Description of Proposal

The proposal is for a parking variance to allow a parking space in the front yard of a dwelling unit located at 1435 Brooke Street in order to facilitate the conversion of a garage into a recreation room. Specific details include:

- The front yard parking would provide the required off-street parking space for the dwelling unit.
- Creating a parking space on the east side of the building behind the front of the house is not a practical solution due to the width of the side yard and existing landscaping and retaining wall.
- The applicant stated that the garage has not been used for parking in the last several years and parking has already been accommodated on the driveway.
- The proposal is to replace the garage door with a traditional door and window, and extend the existing stucco around the new door and window to match the rest of the house.

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 proposal.

Existing Site Development and Development Potential

The property is in the R1-B Zone, Single Family Dwelling District, and is occupied by a single family dwelling.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	R1-B Zone Standard
Parking - minimum	1	1
Parking Location	Front yard*	Rear yard or side yard

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Variances Applications* on March 6, 2015, the Application was referred for a 30-day

comment period to the Fairfield Gonzales Neighbourhood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

There is adequate space in the driveway to accommodate one parking space for the existing dwelling unit. A vehicle would not encroach into the City's Right-of-Way. There is an existing cedar hedge on the neighbouring property (1439 Brooke Street) that would provide screening for the adjacent neighbours. The applicant is willing to work with the neighbours to maintain the cedar hedge in the future.

CONCLUSIONS

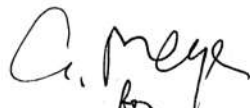
The parking space proposed in front of the dwelling unit provides a suitable alternative location for off-street parking and enables the owners to add a recreation room in the dwelling unit. The additional floor area would still comply with the regulations in the *Zoning Regulation Bylaw*.

As there are limited practical options for off-street parking on the subject parcel, this Application to use the existing driveway as a front yard parking space represents a supportable solution.

ALTERNATE MOTION

That Council decline Development Variance Permit Application #00147 for the property located at 1435 Brooke Street.

Respectfully submitted,



Leanne Taylor
Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

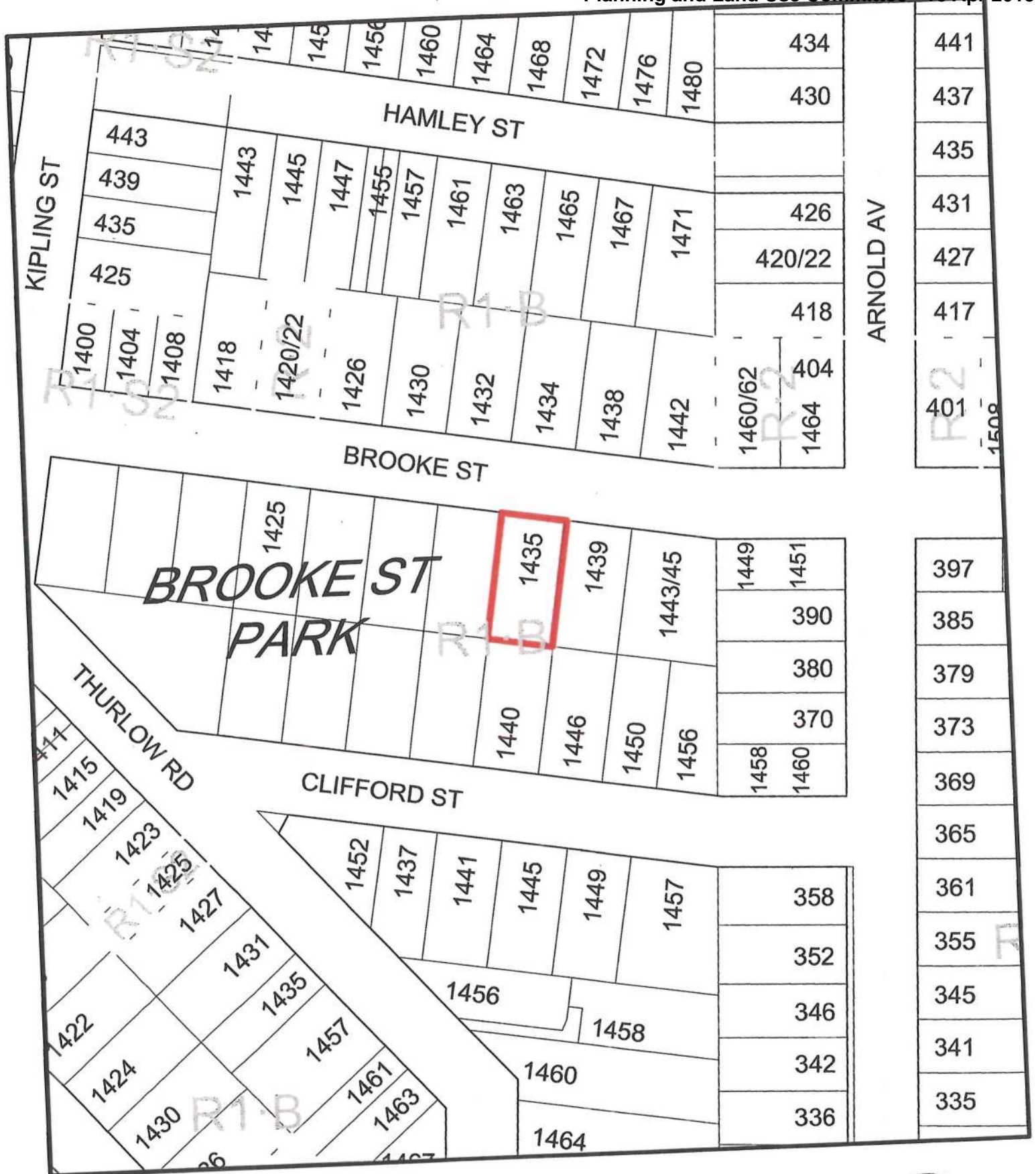
April 13, 2015

LT/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\IDVP\IDVP00147\PLUC REPORT 1435 BROOKE.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 13, 2015
- Two signed petitions from neighbours
- Plans dated March 3, 2015.

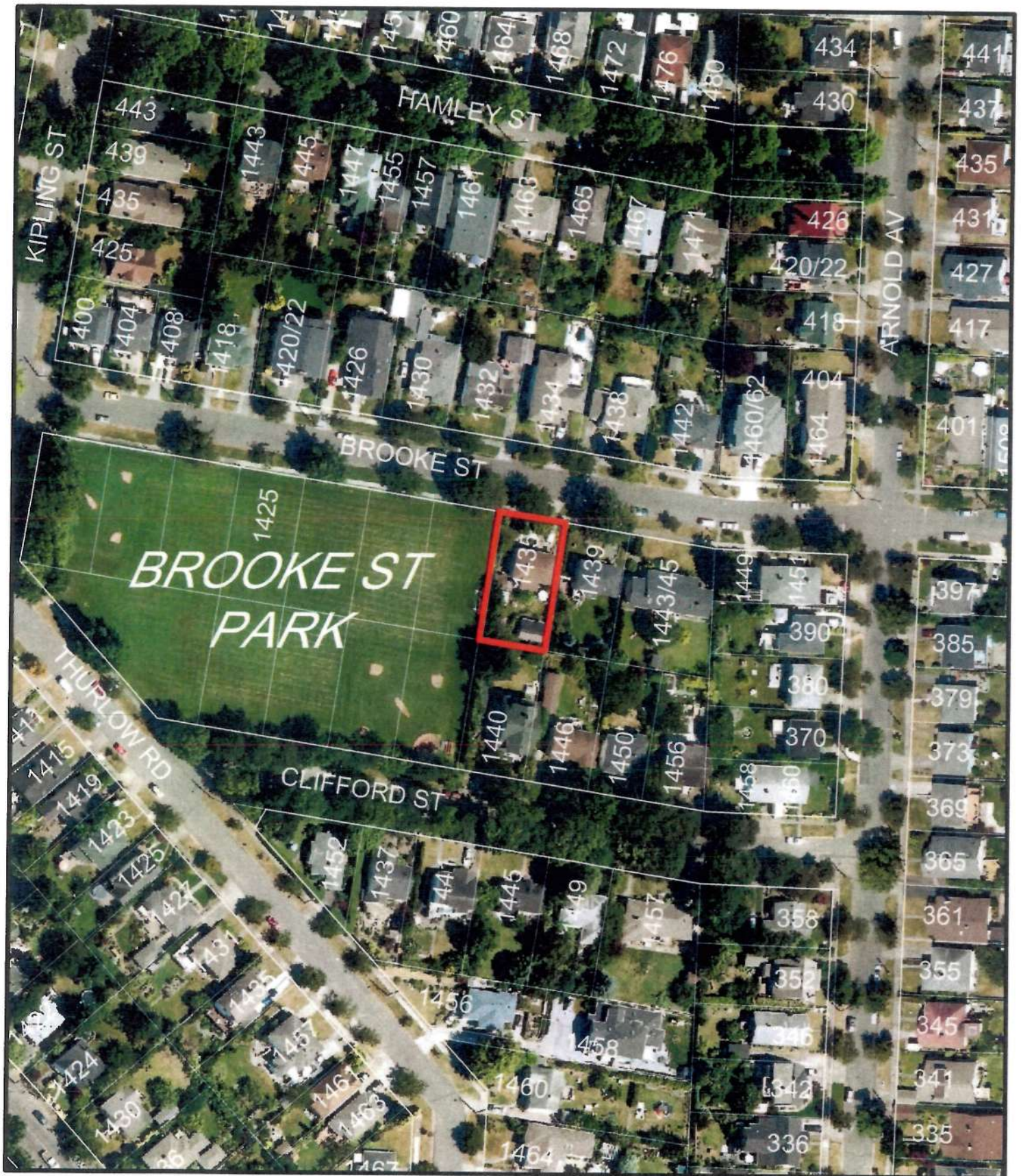


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1435 Brooke Street
Development Variance Permit #00147





1435 Brooke Street
Development Variance Permit #00147

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

February 15, 2015



Dear Mayor and Council:

RE: Request for Parking Variance: 1435 Brooke Street, Victoria

I, my husband, and my 14 year old son have lived at 1435 Brooke Street for almost 10 years. Our house is a traditional, small, 1950 stucco home – a design which is seen in a number of other houses in the Fairfield neighbourhood. The garage is located under the master bedroom as shown in Figure 1 below.

Figure 1: Garage Under Master Bedroom



It is our interest to close in the garage in order to convert it into a recreation room for our son and his friends. We are interested in replacing the existing garage door shown in Figure 2 with a traditional door and window, and extending the existing stucco around the new door/window to match the rest of the front of the house. This style replicates the style used on other houses in the neighbourhood, including that of our neighbour next door at 1439 Brooke Street, as shown in Figure 3.

Figure 2: Existing Garage Door



Figure 3: 1439 Brooke Street with Traditional Door/Windows

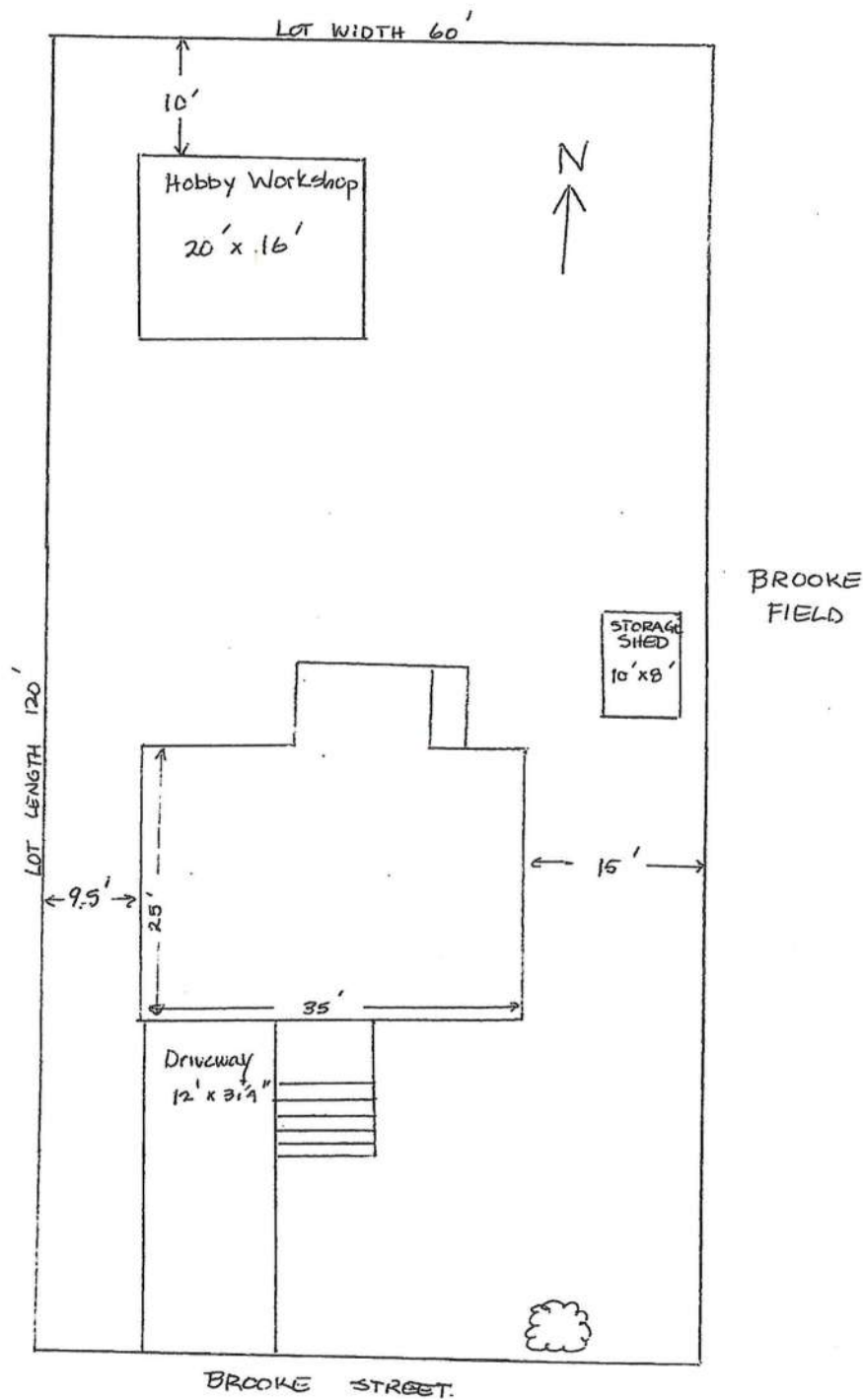


Once the garage door is replaced with a traditional door and window, the garage will no longer be available for parking, and in consultation with the City of Victoria staff, we were informed this would require additional off-street parking.

We have been informed that off-street parking must be put in place either alongside or behind our house.

As shown in the attached Figure 4, there is only 9.5 feet of clearance on the east side of our house directly adjacent to the existing driveway, which we have been informed is insufficient for off-street parking.

Figure 4: Space for Off-Street Parking



As shown above in Figure 4, on the west side of the house, adjacent to Brooke Street Park, there is over 10 feet of clearance. However, to develop this area for parking would require the removal of a tree on the City of Victoria boulevard as shown in Figure 5 below.

Figure 5: City of Victoria Tree on West Side of House



We own one car, and it is used sparingly (and insured as such with ICBC only for occasional use). My husband is retired, but is an avid cyclist. I work downtown, and walk to and from work daily. My son attends Victoria High School and walks to and from school daily. We have never used our garage to park the car – rather, the garage has always been used for storage. We park our car in the driveway leading to the underground garage. In addition, there is space for two vehicles in front of our house for on-street parking as shown in Figure 6.

Figure 6: View of Street Parking in Front of House from Front Window



Our home is located directly adjacent to Brooke Street Park, a neighbourhood park that is open on three sides, with parking along the entire perimeter. This park is used by our neighbours as a place to walk their dogs, for pickup football and other casual games. The park is used occasionally for little league baseball practice and Saturday morning soccer played by local children. At no time during these periods has the extensive parking areas surrounding the Brooke Street Park on three sides been full. In Figure 7 are pictures of the extensive parking around Brooke Street Park.

Figure 7: View of Parking Around Brooke Street Park



Diagonally opposite to the Brooke Street Park is the Robert J. Porter Park, which also has significant space for parking.

We have consulted with neighbours across, adjacent and behind our house, who have all indicated support for us to close in the garage, as they are aware we do not currently use our garage for parking, and hence this will not create additional demands on existing (ample) parking in front of our house, or around the adjacent Brooke Street Park.

REQUEST: *We respectfully request a variance from the City from the requirement for new off-street parking at 1435 Brooke Street:*

- *As a family which uses its single car irregularly and the car is parked in the driveway, we have no need for additional off-street parking*
- *Limitations to our lot (< 10 feet of clearance on the east side and City of Victoria tree blocking access to west side of the house) preclude the development of off-street parking.*
- *Visitors have significant access to parking in front of our house, around the three sides of the directly adjacent Brooke Street Park, or around two sides of the Robert J. Porter Park nearby.*

Sincerely,



Lisa Gow
1435 Brooke Street
Victoria, BC
V8S 1M4

Home: (250) 592-9173
Work: (250) 387-2672
Cell: (250) 514-6826

Dear Neighbor:

Re: Renovation, 1435 Brooke Street

Lisa and I are planning a renovation which involves removing our garage door and replacing it with an exterior door and a window. Our driveway would become our primary parking spot.

We have to apply for a variance in order to satisfy the city of Victoria parking requirements as we are not using the garage to park our car, and will now park in the driveway. We have never used the garage to park our car, but I am required to inform you of the change.

If you have any objections to our plans please let me know, otherwise please sign the letter at the bottom indicating that you agree to the change.

Thank you for your help.

Sincerely:

John and Lisa

I agree to the changes Lisa and John wish to make.

Please Print

ALAN J. CHARK

Signature

[Handwritten Signature]

1434 Brooke Street,
Victoria.

Dear Neighbor:

Re: Renovation, 1435 Brooke Street

Lisa and I are planning a renovation which involves removing our garage door and replacing it with an exterior door and a window. Our driveway would become our primary parking spot.

We have to apply for a variance in order to satisfy the city of Victoria parking requirements as we are not using the garage to park our car, and will now park in the driveway. We have never used the garage to park our car, but I am required to inform you of the change.

If you have any objections to our plans please let me know, otherwise please sign the letter at the bottom indicating that you agree to the change.

Thank you for your help.

Sincerely:

John and Lisa

I agree to the changes Lisa and John wish to make.

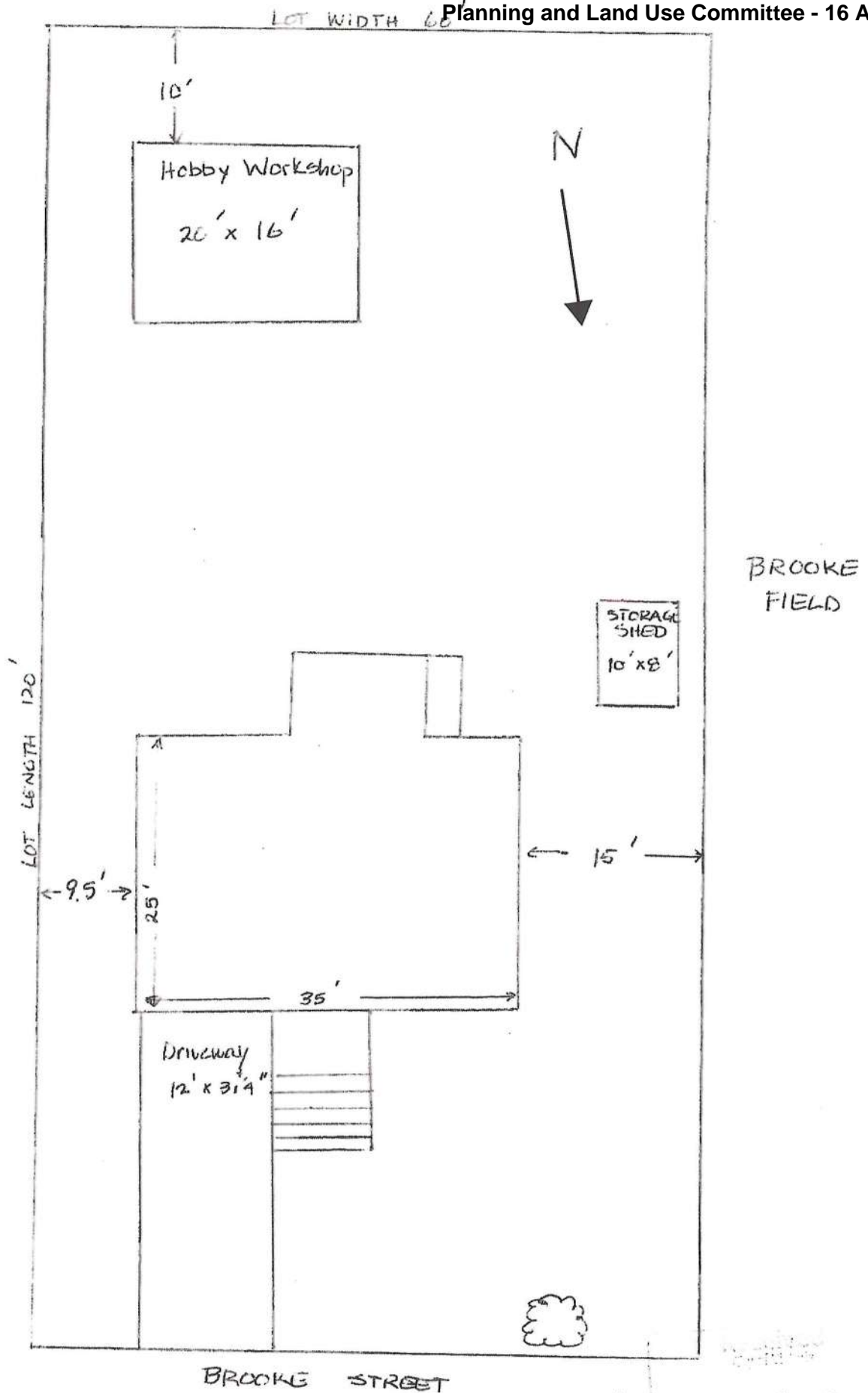
Please Print

ARLEN E GIBSON

Signature



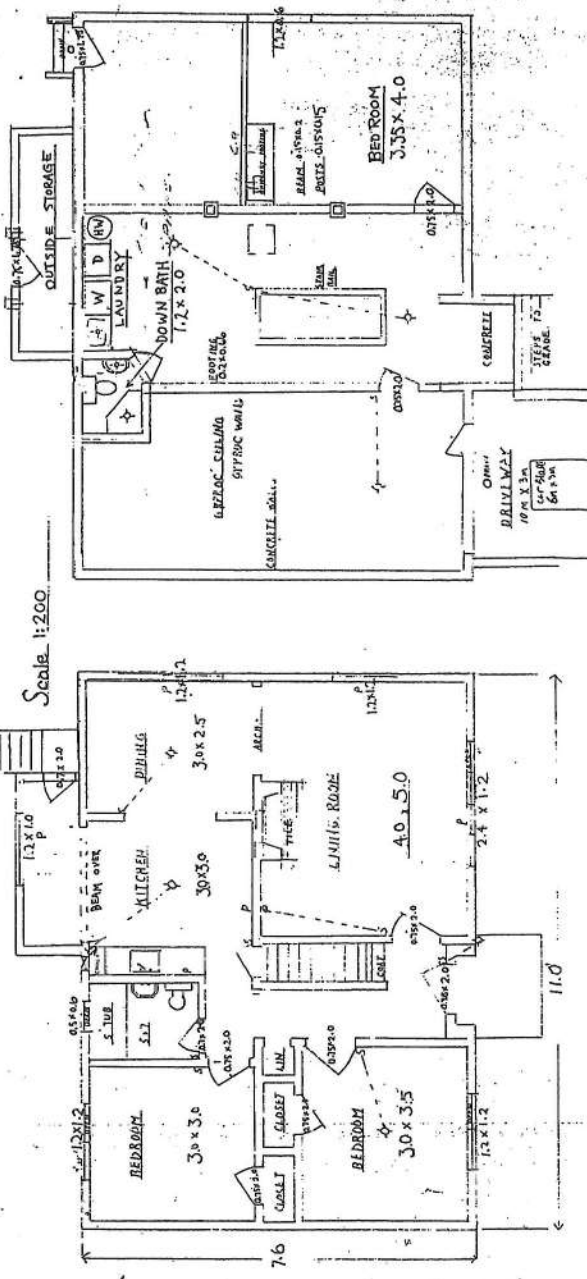
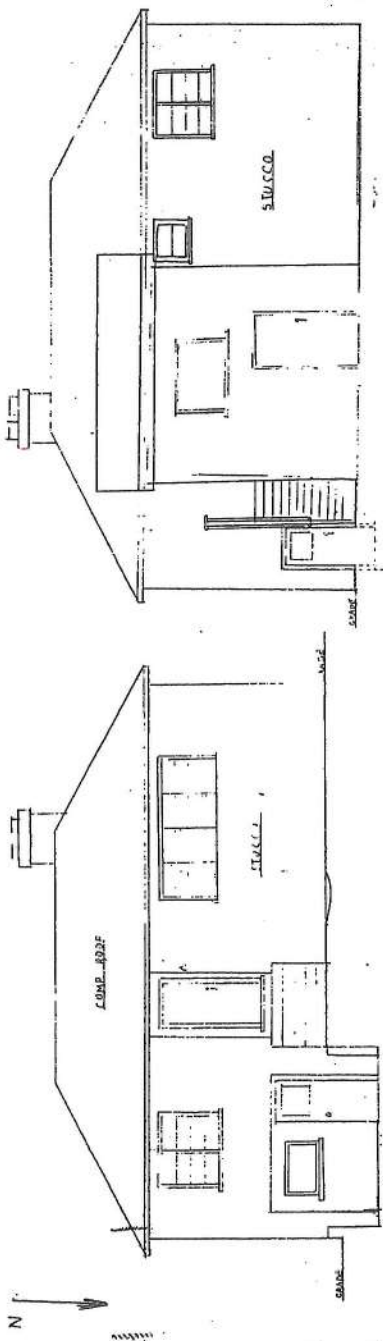
1439 Brooke Street,
Victoria.



MAR 03 2015

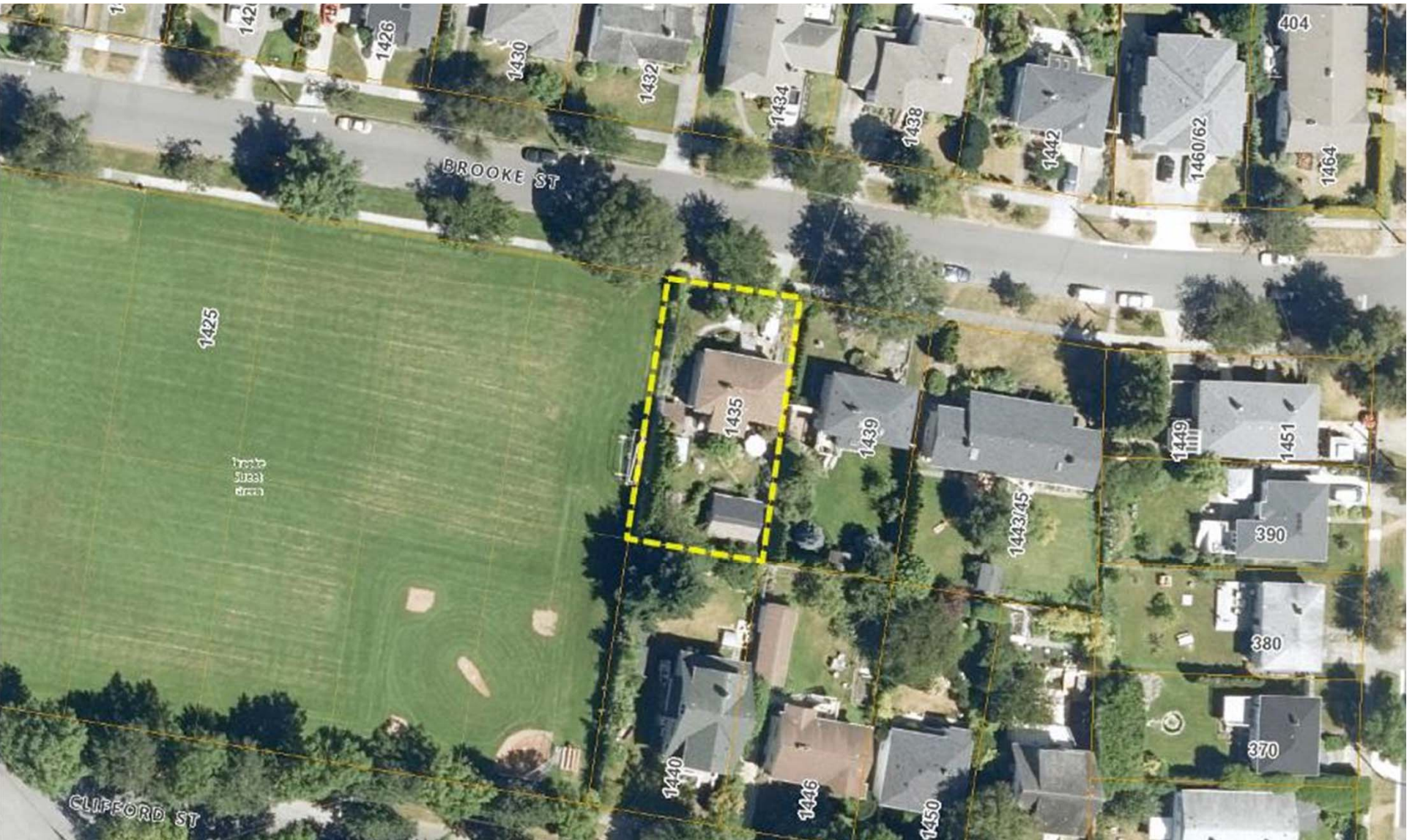
MAR 03

STEWART / Gow Highway
1435 Brook Street
Victoria B.C.
V8S 1M4
Legal Description:
Lot 10, Fairfield Farm Estate
Victoria City, Plan 1088



Scale 1:200

1435 Brooke Street – Development Variance Permit Application #00147



View of subject property with vehicle parked in driveway and neighbors house facing south



Property to the North



Property to the East



Brooke Street Park to the West



View of subject property from neighbours facing West



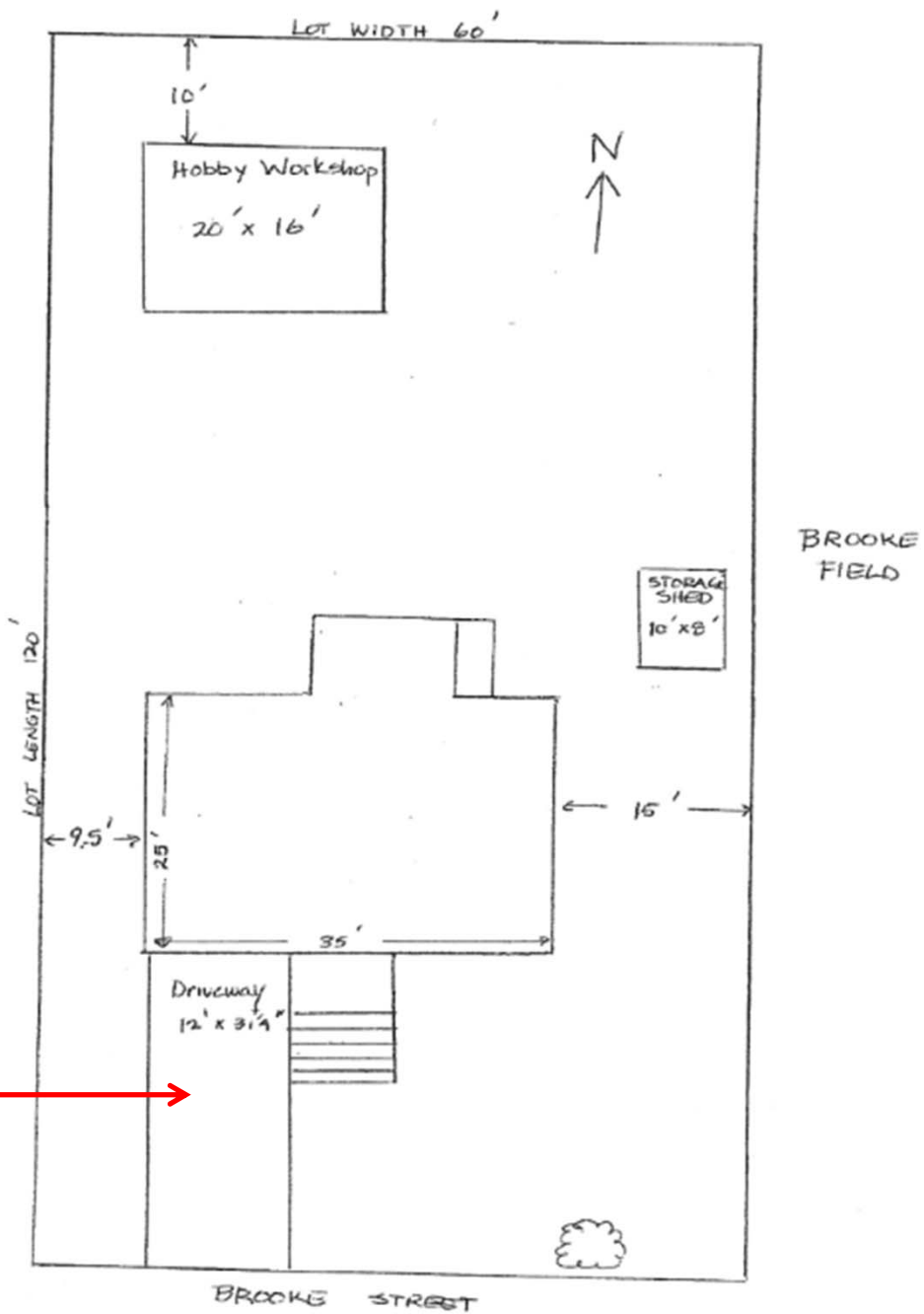
View of vehicle parked in driveway on subject property



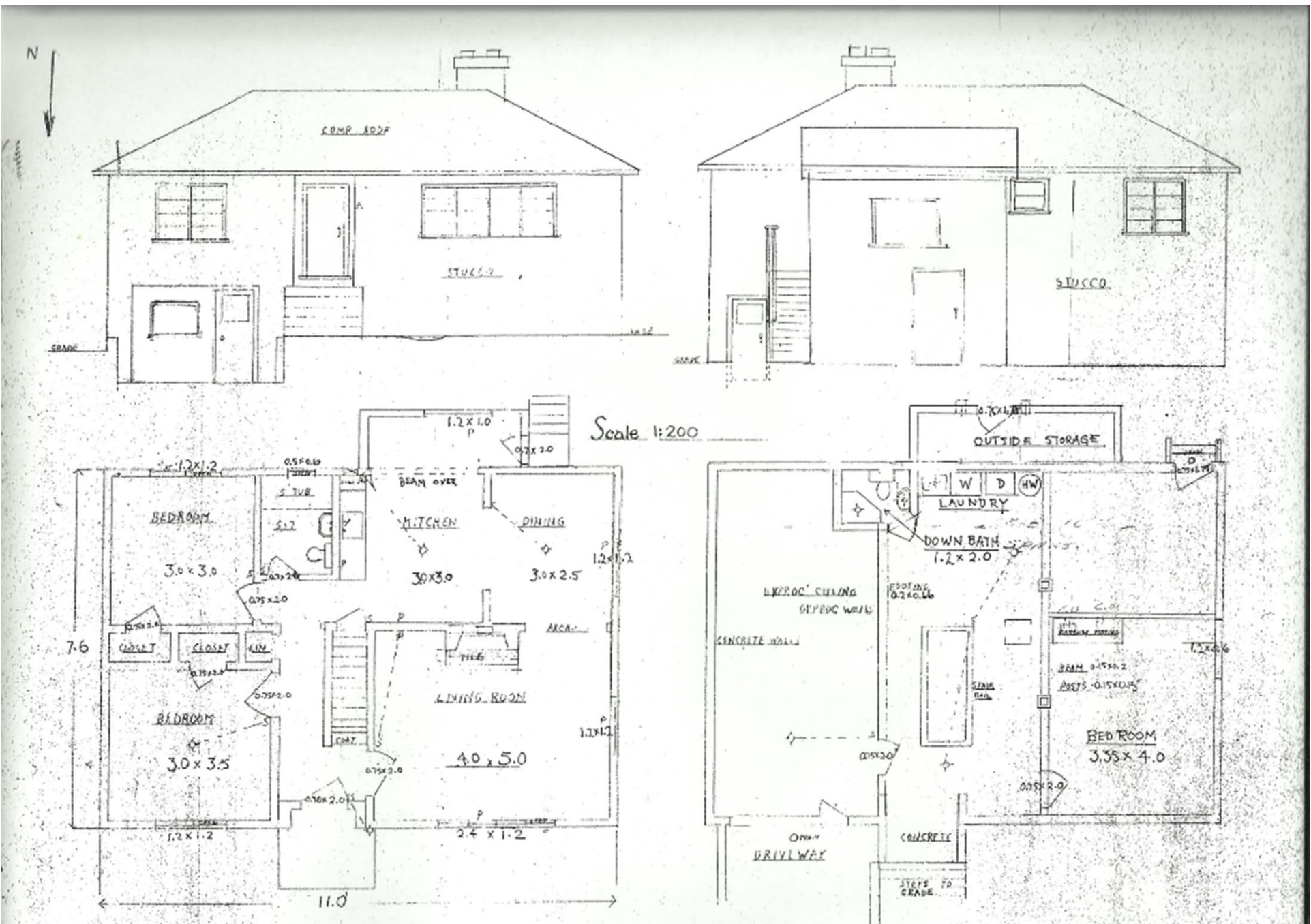
View of Subject Property from Brooke Street Park



Figure 4: Space for Off-Street Parking



Location of Proposed
Parking Space in Driveway



Conclusion

- **Single car family** - family of cyclists, walkers - single car parked in driveway protected from adjacent neighbours view
- **Restrictions on lot** – insufficient width adjacent to existing driveway on east side of lot, new driveway on west side would require removal of City of Victoria boulevard tree
- **Significant parking available** – in front of 1435 Brooke and around three sides of Brooke Street park directly to west to accommodate all the residents and users of the park and community
- **Support of neighbours** – neighbours provided written support of proposed changes



Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 2, 2015

From: Leanne Taylor, Planner, Development Services Division

Subject: Development Variance Permit No. 000385 for 759 Yates Street

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. 000385 for 759 Yates Street in accordance with:

1. Plans date stamped March 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 6.8, Section 6(ii): Reduce parking requirement from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
3. Registration of a legal agreement on title securing 72 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor."

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 new information, analysis and recommendations for a Development Variance Permit Application for the property located at 759 Yates Street. The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing.

On December 18, 2014, the Governance and Priorities Committee (GPC) considered the Application. At the meeting, the Committee passed a motion that the Application be referred

back to the next PLUC meeting provided that additional onsite bicycle parking was incorporated into the proposal (minutes attached). Following the GPC meeting, staff met with the applicant to discuss the options for additional onsite bicycle parking and the revised plans were submitted on March 23, 2015 (attached). The applicant is proposing to provide 72 bicycle parking spaces in the building (Class 1) and install 2 V-racks and 6 U-racks (Class 2) in the sidewalk on Yates Street, which would accommodate 24 bicycles.

BACKGROUND

Description of Proposal

The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing. Specific details include:

- The existing hotel contains 100 rooms. The parking requirement in the CA-4 Zone, Central Area Commercial Office District, for transient accommodation is 0.5 parking spaces per unit. A total of 50 parking spaces would be required for the hotel, however, no parking was provided for the hotel when it was constructed in the early 1900s and, therefore, the parking shortfall is legally non-conforming.
- The applicant proposes a total of 97 residential suites with private bathrooms and one communal kitchen on the second floor.
- Under the current Zone, the building would require 68 parking spaces (0.7 spaces per residential unit), however, given the building's legal non-conforming status, the building would only be required to have 18 parking spaces for the residential use. The variance is to reduce the required number of parking spaces from 18 to nil.
- The existing commercial uses on the ground floor would be retained. There is no parking requirement for commercial uses in the CA-4 Zone.

The original plans proposed 73 bicycle parking spaces (49 bicycle spaces in the building and 2 V-racks and 6 U-racks on Yates Street, which would accommodate 24 bicycles).

ANALYSIS

Council requested that the applicant provide more onsite bicycle parking. The applicant is now proposing 72 Class 1 (secure and enclosed) bicycle parking spaces for 97 residential suites. Seven bike rooms would be provided in various locations within the building accommodating a total of 35 bikes and 37 residential suites would have wall mounted in-suite bicycle racks. Additionally, eight Class 2 bicycle racks (24 bicycle parking spaces) would be installed in the sidewalk on Yates Street. Table 1 below compares the original and revised proposals.

Table 1. A comparison of the number of bicycle parking spaces being proposed

	Total Number of Bicycle Parking Spaces	Bicycle Parking Spaces in Bike Rooms (Class 1)	Bicycle Parking Spaces in the Suites (Class 1)	Class 2 Bicycle Parking Spaces
Original Proposal	73	28	21	24
Revised Proposal	96	35	37	24

Resource Impacts

The applicant would install the V-racks and U-racks in the City's sidewalk on Yates Street, however, the City would be responsible for maintaining them.

CONCLUSIONS

A reduction in parking to facilitate the conversion of the existing hotel to market rental accommodation is supportable in the *Official Community Plan* (OCP) and the *Downtown Core Area Plan* (DCAP). The OCP encourages the development of incentives to support the rehabilitation and conversion of "Heritage-Designated Commercial" buildings to residential or residential mixed uses and the reduction of parking requirements in the Downtown Core if TDM measures are provided. The existing hotel is not a "Heritage-Designated Commercial" building, however, it is a "Heritage-Registered Commercial" building and, therefore, formerly recognized by Council for its heritage values. DCAP supports a reduction in the number of required vehicle parking stalls for uses located adjacent to major transit stops.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 000385 for the property located at 759 Yates Street.

Respectfully submitted,



Leanne Taylor, Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

April 8, 2015

LT:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000385\DP DVP PLUC REPORT TEMPLATE1.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 25, 2015
- Governance and Priorities Committee Report dated December 18, 2014
- Governance and Priorities Committee Minutes December 18, 2014
- Plans dated March 23, 2015.





759 Yates Street
Development Variance Permit #000385





Victoria Rocket, LP

Suite 303 One Alexander Street
Vancouver BC V6A 1B2

(604) 717-4477

22 March 2015

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor and Council:

Re: 759 Yates – Dominion Hotel
Development Permit with Variance – Bicycle Parking

We are writing to provide updated plans and documentation in support of our Development Permit with Variance application to permit a variance to the parking requirements under the current CA-4 zoning for the Dominion Hotel. The details provided below address the comments raised in the Governance and Priorities Committee meeting in December 2015

Conditions to be Met Prior to Planning and Land Use Committee

- An updated Bicycle Parking Plan is provided: changes to the plan set represented in the bubbled areas include:

Level 2

18	Bike Rooms
11	<u>In Suite</u>
29	Total Level 2

Level 3

9	Bike Rooms
11	<u>In Suite</u>
20	Total Level 3

Level 4

9	Bike Rooms
<u>11</u>	<u>In Suite</u>
20	Total Level 4

Level 5

<u>3</u>	<u>In Suite</u>
3	Total Level 5
72	Total All Bike Parking

We trust the above comments and attached documentation address the issues raised through the GPC. We look forward to having the application advance and to achieving variance approval.

Respectfully,



David Fullbrook, President
Honeycomb RE Advisors
General Partner,
Victoria Rocket Limited Partnership



Governance and Priorities Committee Report

For the Meeting of December 18, 2014

To: Governance and Priorities Committee **Date:** December 4, 2014
From: Leanne Taylor, Planner, Development Services Divisions
Subject: Development Variance Permit Application #000385 for 759 Yates Street

RECOMMENDATION

Staff recommend that Committee forward this report Council and that Council convene a Hearing for the proposed variance associated with Development Variance Permit Application #000385 for 759 Yates Street, and following the Hearing, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application #000385 for 759 Yates Street, subject to the registration of a legal agreement securing 49 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department and the City Solicitor and in accordance with:

1. Plans date stamped November 21, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 6.8, Section 6(ii): Relaxation from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
 - ii. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department."

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 759 Yates Street (Dalton Hotel). The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan 2012* (OCP) and the *Downtown Core Area Plan* (DCAP).
- Under the current zone, the building would require 68 parking spaces (0.7 spaces per residential unit); however, given the legal non-conformity, the building would only be

required to have 18 parking spaces for the residential use. The variance is to reduce the required number of parking spaces from 18 to nil.

- To help offset the parking shortfall, the applicant would provide 49 Class 1 bicycle parking spaces in the building.

BACKGROUND

Description of Proposal

The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing. Specific details include:

- The existing hotel contains 100 rooms. The parking requirement in the CA-4 Zone, Central Area Commercial Office District, for transient accommodation is 0.5 parking spaces per unit. A total of 50 parking spaces would be required for the hotel, however, no parking was provided for the hotel when it was constructed in the early 1900s, and therefore, the parking shortfall is legally non-conforming.
- The applicant proposes a total of 97 residential suites with private bathrooms and one communal kitchen on the second floor.
- Under the current Zone, the building would require 68 parking spaces (0.7 spaces per residential unit); however, given the building's legal non-conforming status, the building would only be required to have 18 parking spaces for the residential use. The variance is to reduce the required number of parking spaces from 18 to nil.
- The existing commercial uses on the ground floor would be retained. There is no parking requirement for commercial uses in the CA-4 Zone.
- A total of 73 bicycle parking spaces would be provided. The applicant would provide 49 Class 1 bicycle parking spaces in enclosed storage areas and within individual suites and install U-racks and V-racks in the sidewalk on Yates Street to accommodate 24 bicycles.

Sustainability Features

The applicant has not identified any new sustainability features associated with this proposal. However, converting the building from hotel to market rental housing is an example of building retention and reuse.

Existing Site Development and Development Potential

The site is presently operated as a hotel (Dalton Hotel) with commercial uses on the ground floor. The building was constructed between 1890 and 1913 with no underground or surface parking on-site to serve the hotel. The existing building is set back approximately 1.4 metres from the eastern property line. There are a total of 16 rooms located on the second, third and fourth floors of the building, with windows overlooking the adjacent property to the east (769 Yates Street). Currently, a single-storey restaurant (Foo) and storage enclosures are located on the adjacent property (zoned CA-4) and attached to the existing hotel; however these buildings and structures would be removed if the adjacent parcel redevelops. Parking is not required for commercial uses in the CA-4 Zone. Future development of 769 Yates Street may affect the livability of the eastern units of the subject property; however Building Code requirements can still be achieved.

Data Table

The following data table compares the proposal with the existing C4-A Zone. 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	Zone Standard CA-4
Density (Floor Space Ratio) - maximum	3.82:1**	3:1
Height (m) - maximum	19.25**	10 at the street 43
Setbacks (m) - minimum		
Front (Douglas Street)	0	0
Rear(south)	0	0
Side (east)	1.4**	4.5
Side (west)	0**	4.5
Parking – minimum (existing use)	0**	50
Parking – minimum (proposed use)	0*	68

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 10, 2014, the Application was referred for a 30-day comment period to the Downtown Resident's Association. 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 Hearing.

ANALYSIS

Official Community Plan

The OCP identifies this property within DPA 2 (HC) – Core Business. The OCP supports the reduction in parking requirements where geographic location, residential and employment density, housing type, land-use mix and transit accessibility support alternate modes of transportation. The OCP further supports the provision of Transportation Demand Management (TDM) measures, such as short-term and long-term bicycle parking facilities, car-share and transit passes.

The City's *Bicycle Parking Strategy* (2011) identifies the Downtown as having the highest concentration of employment, shopping and services, which attracts new residents to the Downtown and generates a higher than average demand for bicycle parking. Schedule C - Off-Street Parking of the *Zoning Regulation Bylaw* and the "Cycling Network Policies and Actions" in the DCAP refer to new construction. However, there is an opportunity in the existing hotel to accommodate Class 1 bicycle parking. The applicant is proposing 49 Class 1 (secure and enclosed) bicycle parking spaces for 97 residential suites. Four bike rooms would be provided in various locations within the building accommodating a total of 28 bikes and 21 residential suites would have wall mounted in-suite bicycle racks. Additionally, eight Class 2 bicycle racks would also be installed in the sidewalk on Yates Street.

Staff recommend for Council's consideration that Council require a legal agreement to be registered on the subject property in order to secure the 49 Class 1 bicycle parking spaces in the building and as shown on the plans (attached).

Resource Impacts

The applicant is proposing to install two V-racks and six U-racks in City's sidewalk on Yates Street. The applicant would cover the costs to install the racks; however, the City would be responsible for maintaining them.

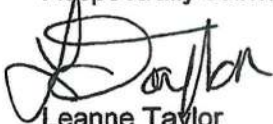
CONCLUSIONS

The OCP encourages the development of incentives to support the rehabilitation and conversion of "Heritage-Designated Commercial" buildings to residential or residential mixed uses and the reduction of parking requirements in the Downtown Core if TDM measures are provided. The existing hotel is not a "Heritage-Designated Commercial" building; however it is a "Heritage-Registered Commercial" building, and therefore, formerly recognized by Council for its heritage values. The *Downtown Core Area Plan* also supports a reduction in the number of required vehicle parking stalls for uses located adjacent to major transit stops. Given this policy direction, staff recommend that Council advance the Application to a Hearing.


ALTERNATE MOTION

That Council decline Development Variance Permit Application #000385 for the property located at 759 Yates Street.

Respectfully submitted,



Leanne Taylor
Planner
Development Services



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

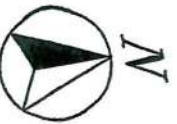
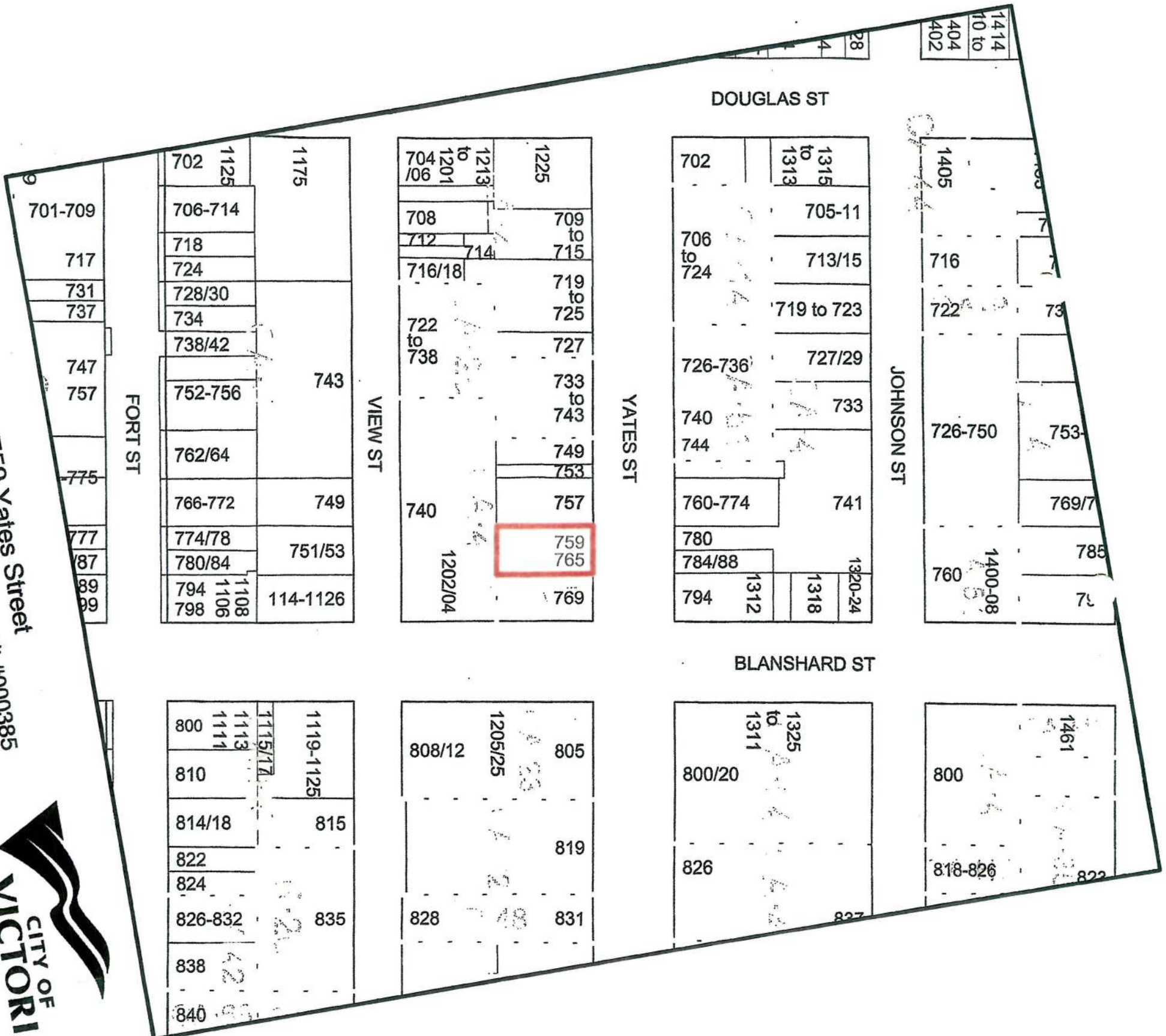
December 12, 2014

LT:aw

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List of Attachments

- Aerial map
- Subject map
- Letter dated November 21, 2014
- Final Plans dated November 21, 2014.



759 Yates Street
Development Variance Permit #000385





759 Yates Street
Development Variance Permit #000385





21 November 2014

**Re: Dalton Hotel & Suites
Development Permit with Variance - Bicycle Parking**

Dear Mayor and Council

PARTNERS

Jim Aalders
Arch. AIBC, MRAIC, LEED AP,
NCARB

Nick Bevanda
Arch. AIBC, MRAIC, NCARB, AIA

Mark Hentze
Arch. AIBC, NLAA, MRAIC, NCARB,
IAKS

William Locking
Arch. AIBC, AAA, FRAIC

Troy Ransdell
Arch. AIBC, MBA

John Scott
Arch. AIBC, AAA, MRAIC, NCARB,
AIA

Red Windjack
Arch. AIBC, MRAIC, LEED AP

PARTNER EMERITUS

Richard Bolus
Arch. AIBC, MRAIC, Assoc. AIA,
LEED AP

The Dominion Hotel sited at 759 Yates Street was originally constructed in phases between 1890-1913. At it's completion, the building consisted of 200 rooms with 100 baths on the upper floors and commercial on the main. During the 1960's or 70's the building was converted from a 200 room hotel with 100 baths to a 100 room hotel with in-suite washrooms. This is the current configuration of the hotel.

The current zoning is CA-4 which has a parking requirement of .5 stalls per room for hotel use. Given this, there is an implied variance that exists of 50 stalls. The proposed change to residential use consists of 97 units utilizing the existing hotel room configuration. The parking requirements for residential in CA-4 is .7 stalls per room, or 68 stalls. In light of the historical 50 stall variance there is a shortfall of 18 stalls.

While existing heritage building is build-out to the property lines and has no ability to accommodate on-site parking, we have been able to provide ±73 bike stalls for the project. This is comprised of 28 Class-1 Bike stalls within the building in secure bike rooms and 21 Class-1 Bike racks within suites. An additional 24 bikes are accommodated on the sidewalk as the owner proposes an additional six new u-shaped bike racks in front of the building on Yates and two v-shaped racks on the corner bulb at Yates and Blanshard.

A recent proposal to council from staff which was approved on July 17th, included provisions to develop policy that would eliminate parking requirements for heritage designated and or registered buildings. This building would fall under that new policy.

Thank you for your consideration of this application which we believe will assist to create a vibrant residential population in the downtown core.

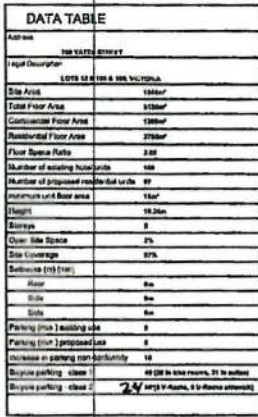
Yours very truly,
CEI Architecture Planning Interiors

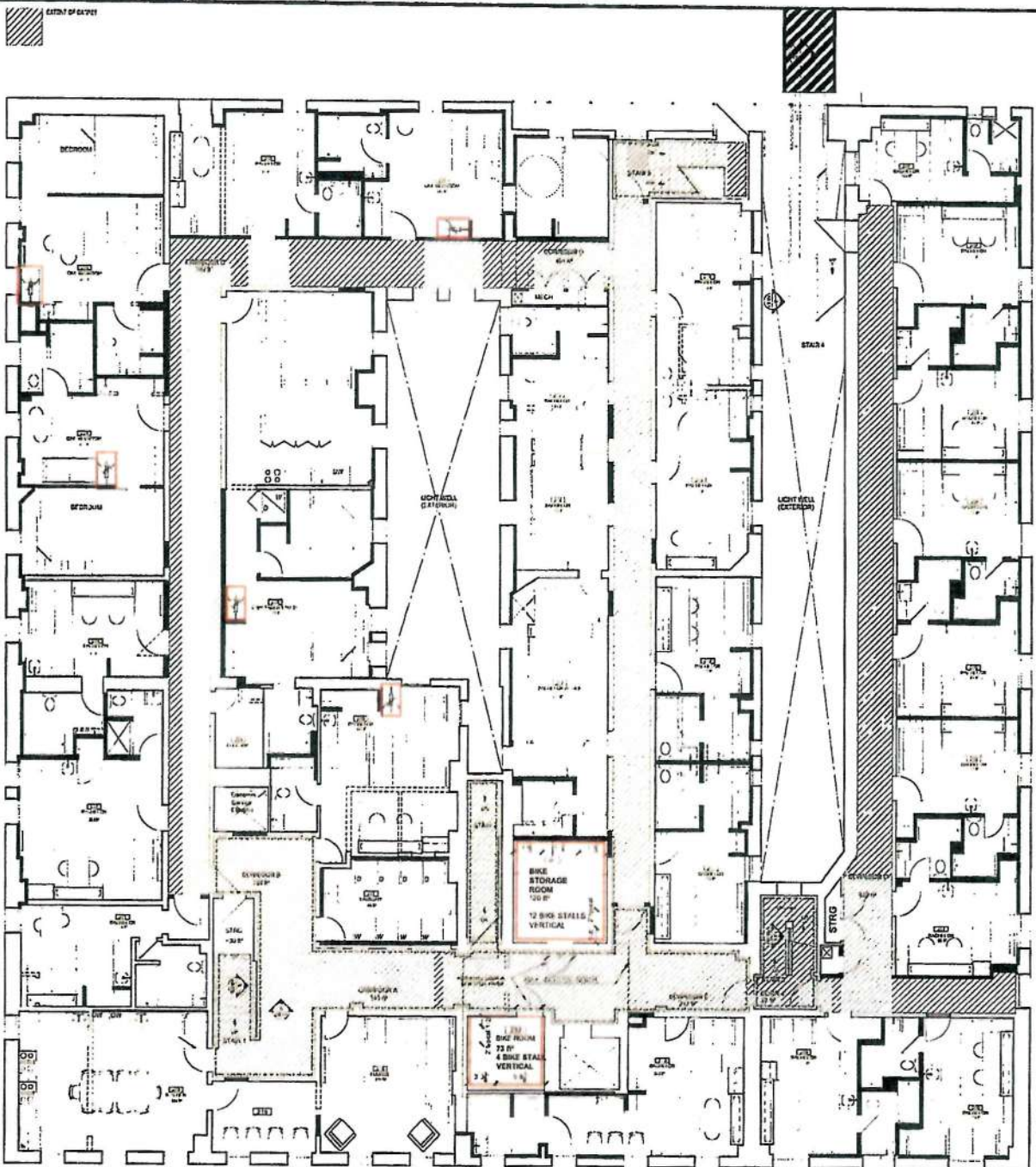
Jim Aalders Architect AIBC MRAIC LEED AP

www.ceiarchitecture.com

Vancouver
500-1500 West Georgia Street
Vancouver, BC V6G 2Z6
T 604-687-1898 F 604-682-5398

Victoria
202-655 Tyee Road
Victoria, BC V9A 6X5
T 250-388-5588 F 250-361-9418





BIKE PARKING COUNT	
16	BIKE ROOM
5	IN SUITE
21	TOTAL LEVEL 2



CEI Architecture
 1000 10th Ave S
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 Vancouver, BC V6Z 2Y4
 Tel: 604.681.1111
 Fax: 604.681.1112
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IMPERIAL

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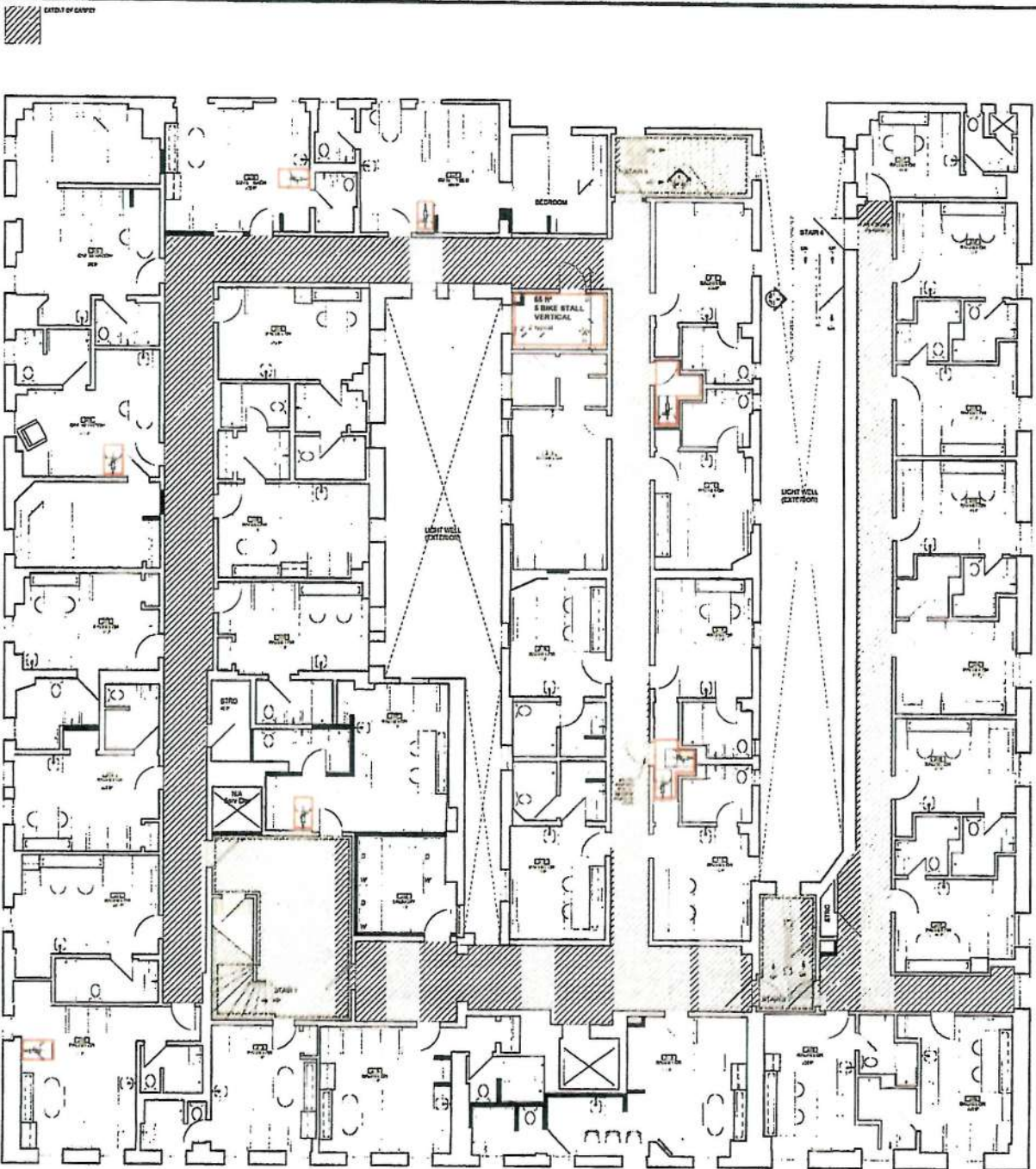
**VICTORIA
 ROCKET**

759 Yates Street

**LEVEL 3
 PLAN**

1000 10th Ave S
 Suite 1000
 Vancouver, BC V6Z 2Y4
 Tel: 604.681.1111
 Fax: 604.681.1112
 www.ceiarchitecture.com

2011-101 A2.22



NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VANCOUVER BUILDING DEPARTMENT (BCDP) REGULATIONS AND THE BC BUILDING ACT.
2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VANCOUVER BUILDING DEPARTMENT (BCDP) AND THE BC BUILDING DEPARTMENT.
3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VANCOUVER BUILDING DEPARTMENT (BCDP) AND THE BC BUILDING DEPARTMENT.
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BIKE PARKING COUNT

8	BIKE ROOM
5	IN SUITE
13	TOTAL LEVEL 3



CEI Architecture

200 West 10th Avenue, Suite 100
Vancouver, BC V6P 3C1
Tel: 604.681.1111 Fax: 604.681.1112

PROJECT: VICTORIA ROCKET

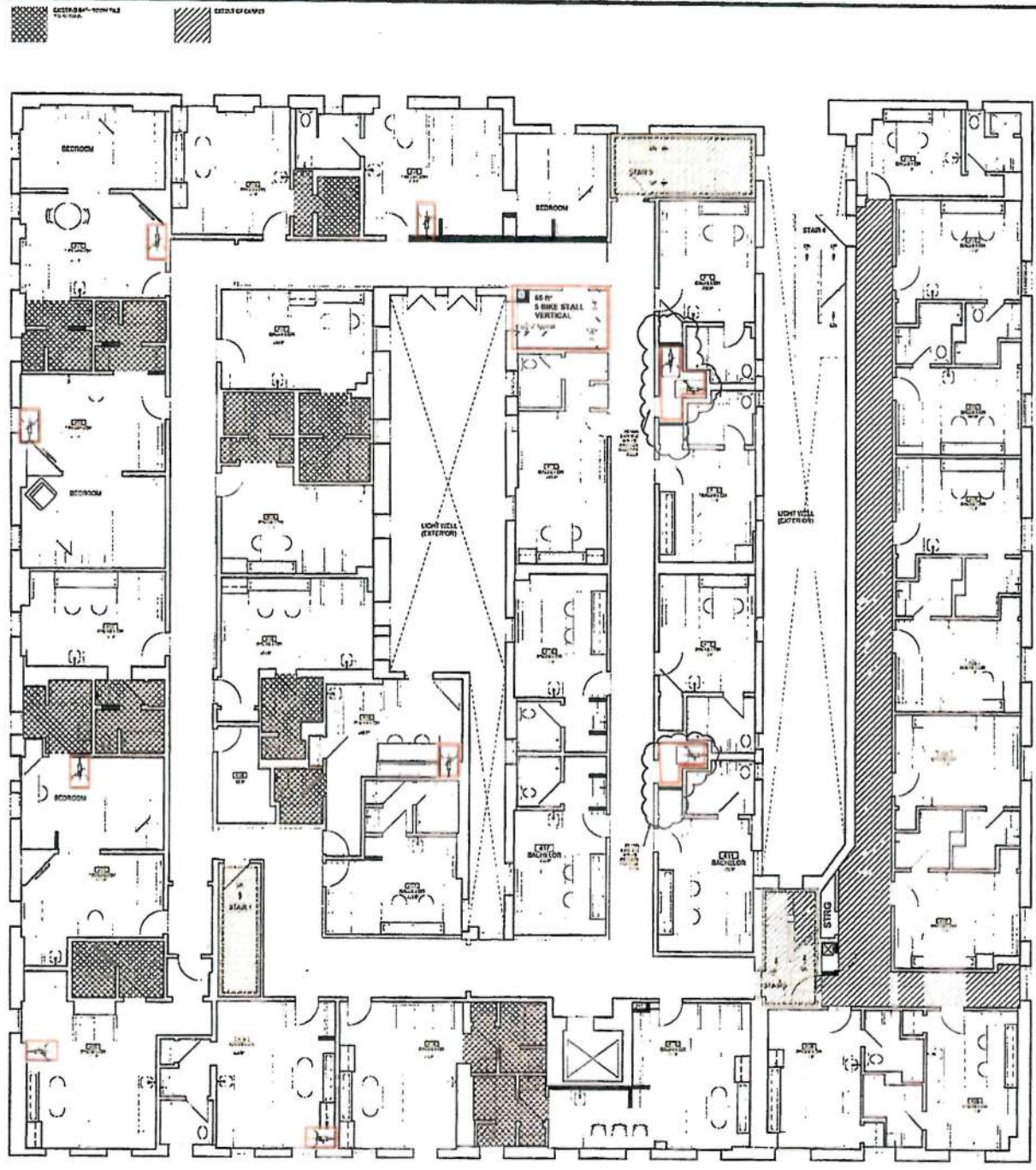
759 Yates Street

LEVEL 4 PLAN

DATE: 04/20/2015 BY: [signature] CHECK: [signature]

SCALE: 1/8" = 1'-0" (SEE DETAILS)

2011-101 A2.32



NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL ROOMS SHALL BE FINISHED TO THE CENTERLINE OF THE WALL OR PARTITION UNLESS OTHERWISE NOTED.
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BIKE PARKING COUNT

8	BIKE ROOM
7	IN SUITE
15	TOTAL LEVEL 4

IMPERIAL

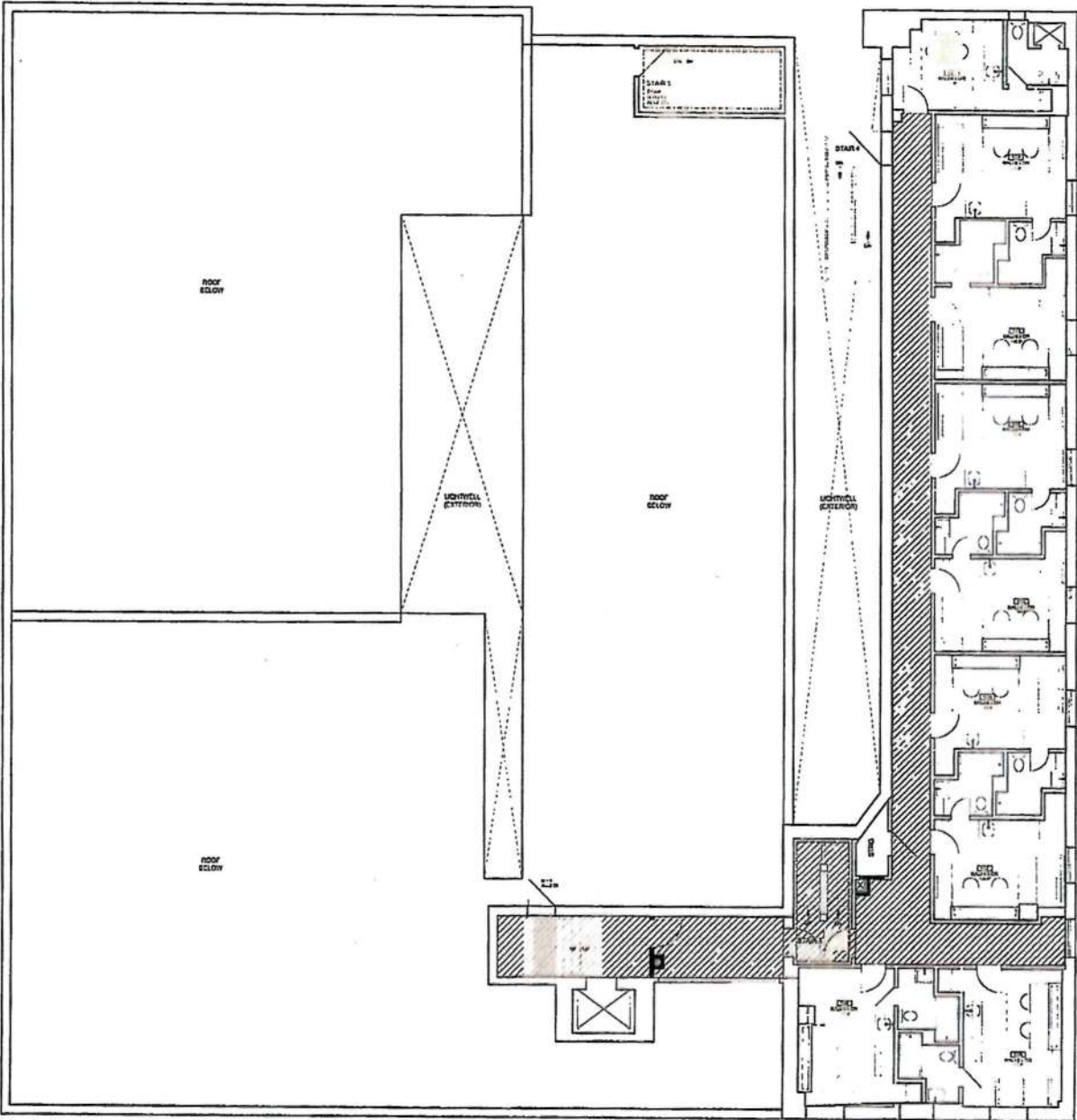
DESCRIPTION
1. IMPERIAL
2. IMPERIAL
3. IMPERIAL

**VICTORIA
ROCKET**

750 Yates Street

**LEVEL 5
PLAN**

DESIGNED BY: [Signature]
DATE: 1/17/2015
PROJECT NO: 2011-101
A2.42



- NOTES**
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6.8 Development Variance Permit Application No. 000385 for 759 Yates Street

Committee received a report dated December 4, 2014 from Sustainable Planning and Community Development regarding Development Variance Permit Application No. 000385 for 759 Yates Street which recommends that a Public Hearing be held for a proposed parking variance to facilitate the conversion of the existing hotel to market rental housing.

Action: It was moved by Councillor Thornton-Joe, and seconded by Councillor Alto, that Committee recommends that Council convene a Hearing for the proposed variance associated with Development Variance Permit Application No. 000385 for 759 Yates Street, and following the Hearing, that Council consider the following motion:

That Council authorizes the issuance of Development Variance Permit Application No. 000385 for 759 Yates Street, subject to the registration of a legal agreement securing 49 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department and the City Solicitor and in accordance with:

1. Plans date stamped November 21, 2014.
2. Development meeting all *Zoning Regulation Bylaw* regulations, except for the following variances:
 - i. Part 6.8, Section 6(ii): Relaxation from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
 - ii. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.

Committee discussed the following:

- Concerns regarding the lack of parking and how the bike parking will be accommodated.
- Concerns regarding the amenities provided for the living units with respect to them qualifying as residential.
- The zoning which allows residential and hotel use.

Motion to Refer: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee refer this application to the next Planning and Land Use Committee to provide for additional onsite bicycle parking.

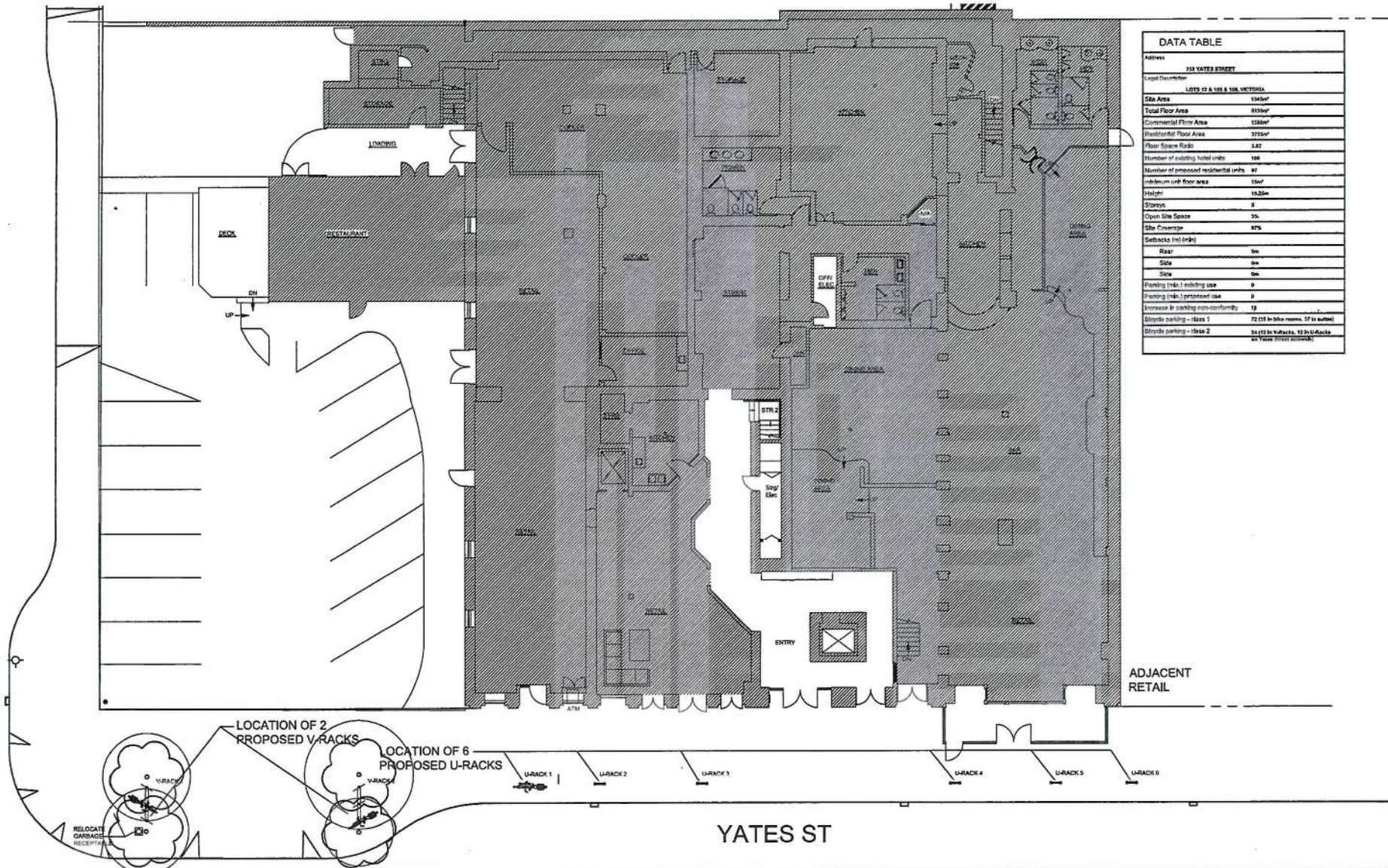
Committee discussed the motion to refer:

- Options for providing bicycle parking in the building and on the property.
- The timing of this application and options for moving it forward to Public Hearing with additional bicycle parking requirements.

CARRIED 14/GPC619

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

BLANSHARD ST



DATA TABLE	
Address	759 YATES STREET
Legal Description	LOTS 12 & 101 & 102, VICTORIA
Site Area	13450m ²
Total Floor Area	81300m ²
Commercial Floor Area	13800m ²
Residential Floor Area	37500m ²
Floor Space Ratio	3.47
Number of existing hotel units	140
Number of proposed residential units	97
Minimum unit floor area	120m ²
Height	14.25m
Stories	5
Open Site Space	3%
Site Coverage	87%
Setbacks (m) (min)	
Rear	0m
Side	0m
Front	0m
Parking (min.) existing use	0
Parking (min.) proposed use	0
Increase in parking non-conformity	19
Bicycle parking - class 1	72 (15 in bike rooms, 57 in outdoor)
Bicycle parking - class 2	25 (12 in V-racks, 13 in U-racks on Yates Street sidewalk)

PROJECT: Dalton Hotel - 759 Yates
 DRAWING TITLE: Proposed Bike Racks - Yates St Frontage
 ISSUED FOR DEVELOPMENT VARIANCE PERMIT
 SCALE: 1/4" = 1'



PROJECT No: 2011-101
 DATE: 2015-03-20
 DRAWING No:
 REFERENCE: rev 2





- [illegible]

BIKE PARKING COUNT	
18 BIKE ROOMS	
11 IN SUITE	
29 TOTAL LEVEL 2	

Received
City of Victoria

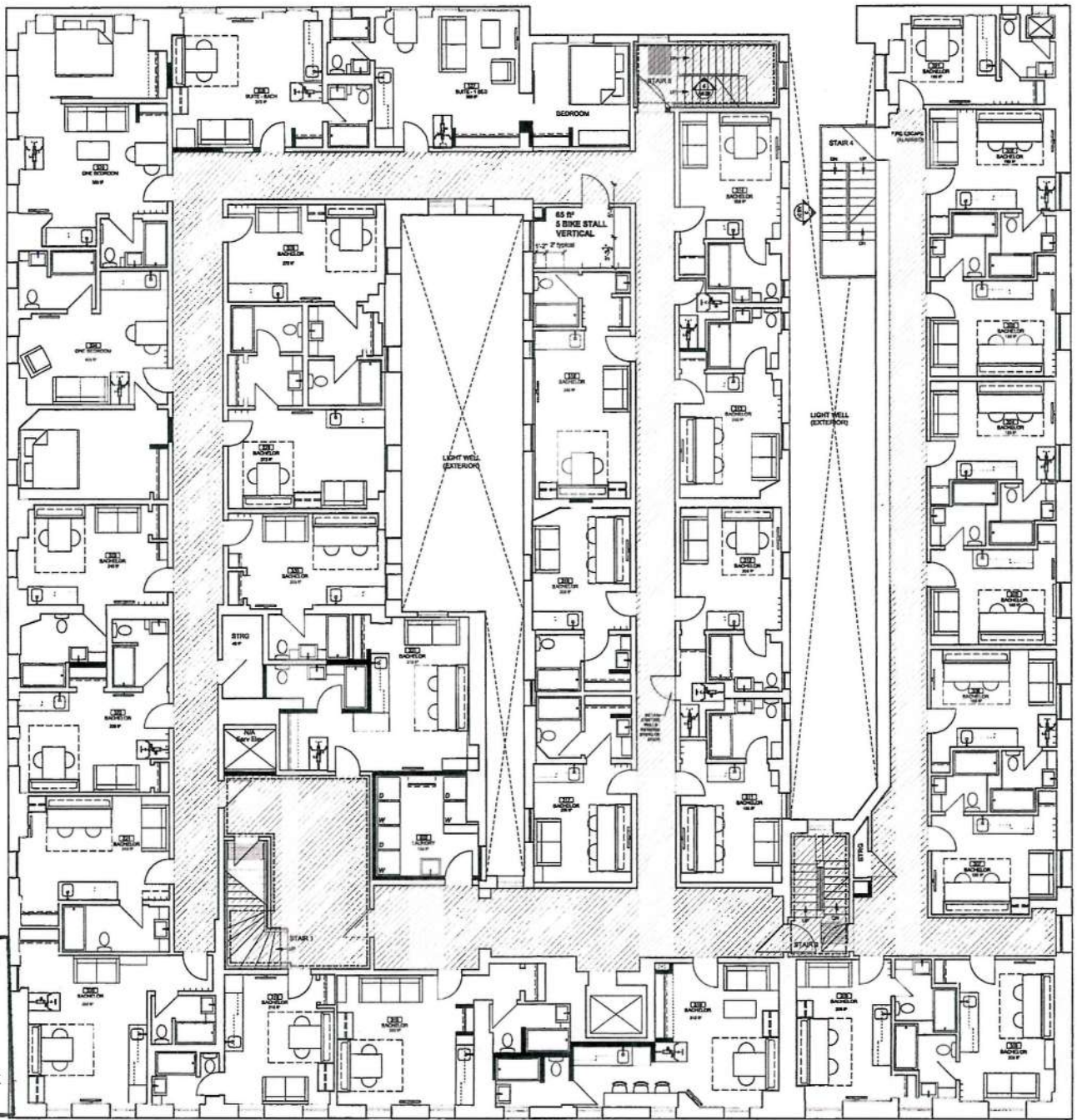
MAR 23 2015

Planning & Development Department
Development Services Division

NOTES:
 1. DEVELOPER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VICTORIA AND THE PROVINCE OF BRITISH COLUMBIA.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VICTORIA BUILDING DEPARTMENT REGULATIONS AND THE BRITISH COLUMBIA BUILDING ACT.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VICTORIA AND THE PROVINCE OF BRITISH COLUMBIA.
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BIKE PARKING COUNT
 9 BIKE ROOMS
 11 IN SUITE
 20 TOTAL LEVEL 3

Received
 City of Victoria
 MAR 23 2015
 Planning & Development Department
 Development Services Division



CEI Architecture
 2040 West Road
 Victoria, BC V8M 2K2
 Tel: 250-688-1111 Fax: 250-688-1112
 www.ceiarchitecture.com | Twitter | LinkedIn

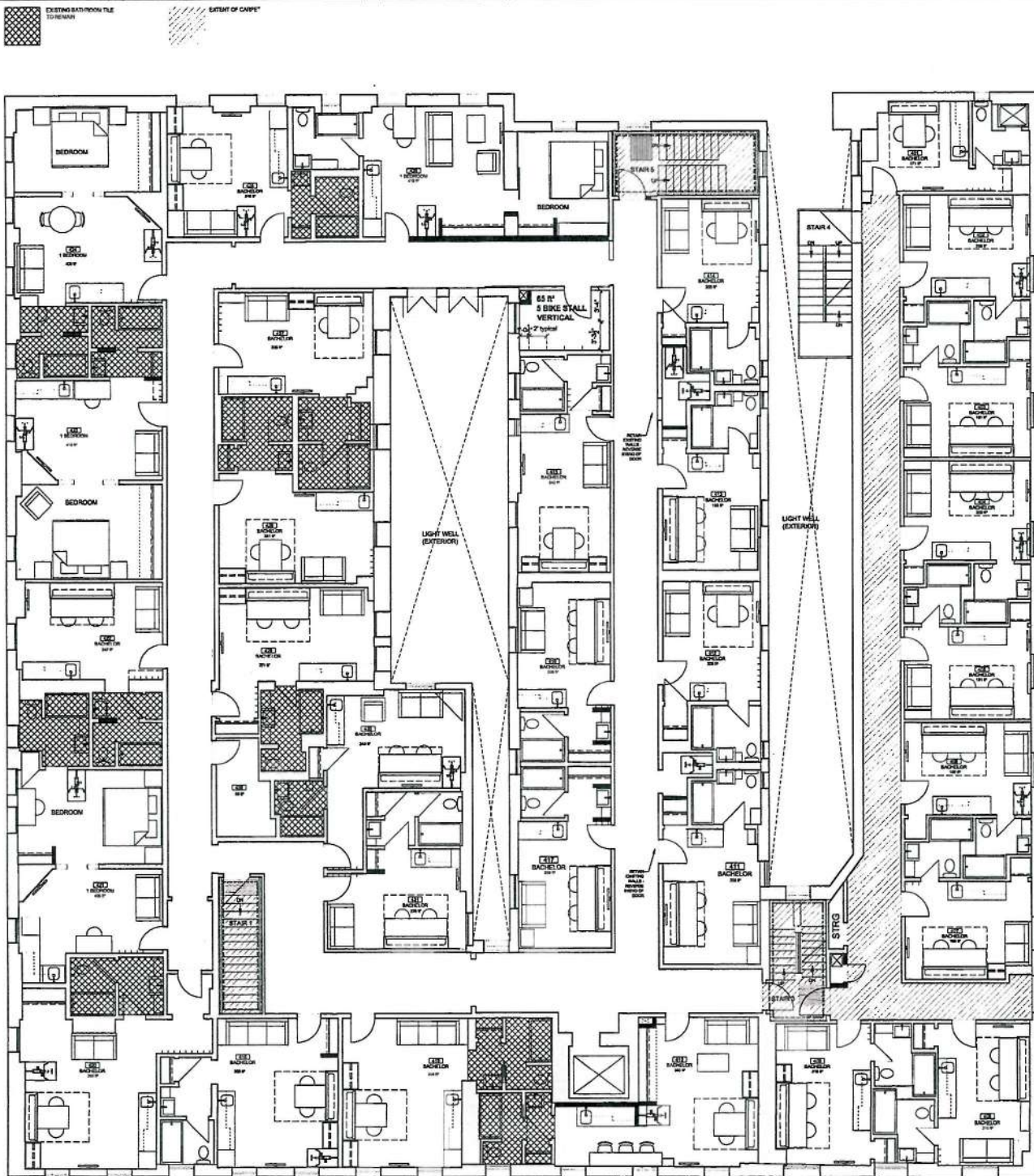
SCALE
 CORRELATION

IMPERIAL

NO.	DATE	DESCRIPTION
1	2014 OCT 28	DEVELOPMENT PROPOSAL
2	2014 NOV 17	VARIANCE APPLICATION
3	2014 MAR 26	REVISY PLANING REVIEWED

PROJECT TITLE
 VICTORIA
 ROCKET
 759 Yates Street
 DRAWING TITLE
 LEVEL 3
 PLAN
 CHECKED BY: JM DRAWN BY: JM
 SCALE: 1/4" = 1' DATE: 2014.03.26
 PROJECT NO.: 2011-101 DRAWING NO.: A2.22

- NOTES**
1. ALL EXISTING BUILDING TO BE DEMOLISHED BY THE CONTRACTOR TO PROVIDE A CLEAR SITE FOR CONSTRUCTION OF THE NEW BUILDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VICTORIA AND THE PROVINCE OF BRITISH COLUMBIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VICTORIA AND THE PROVINCE OF BRITISH COLUMBIA.
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BIKE PARKING COUNT

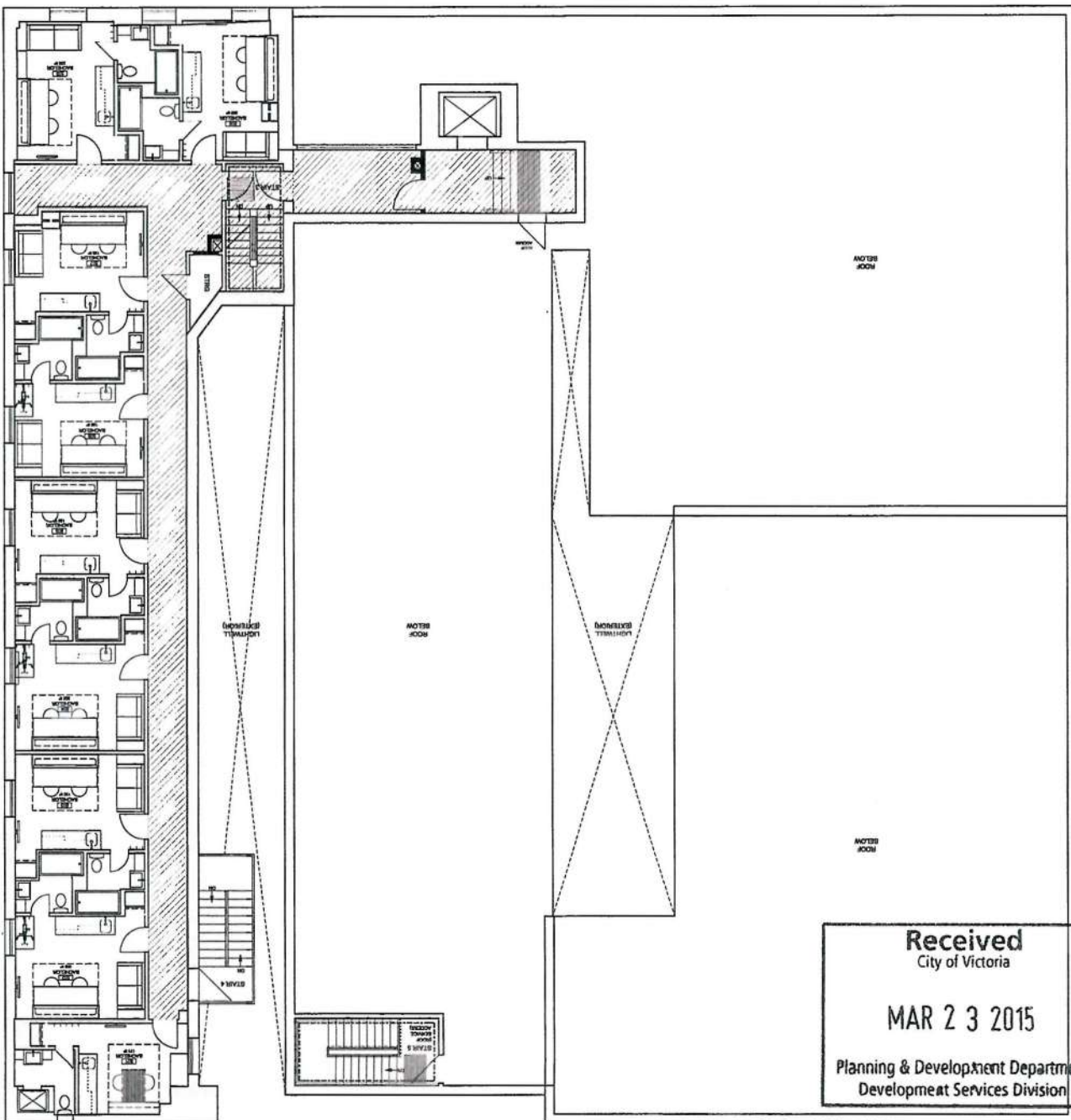
8	BIKE ROOMS
12	IN SUITE
20	TOTAL LEVEL 4

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City of Victoria

MAR 23 2015

Planning & Development Department
Development Services Division

NO.	DATE	DESCRIPTION
1	2014 OCT 27	DEVELOPMENT PERMIT
2	2014 NOV 21	DEVELOPMENT PERMIT
3	2015 MAR 25	DEVELOPMENT PERMIT

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City of Victoria

MAR 23 2015

Planning & Development Department
Development Services Division

Page 303 of 468





Subject Property – Dalton Hotel

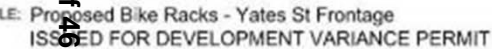


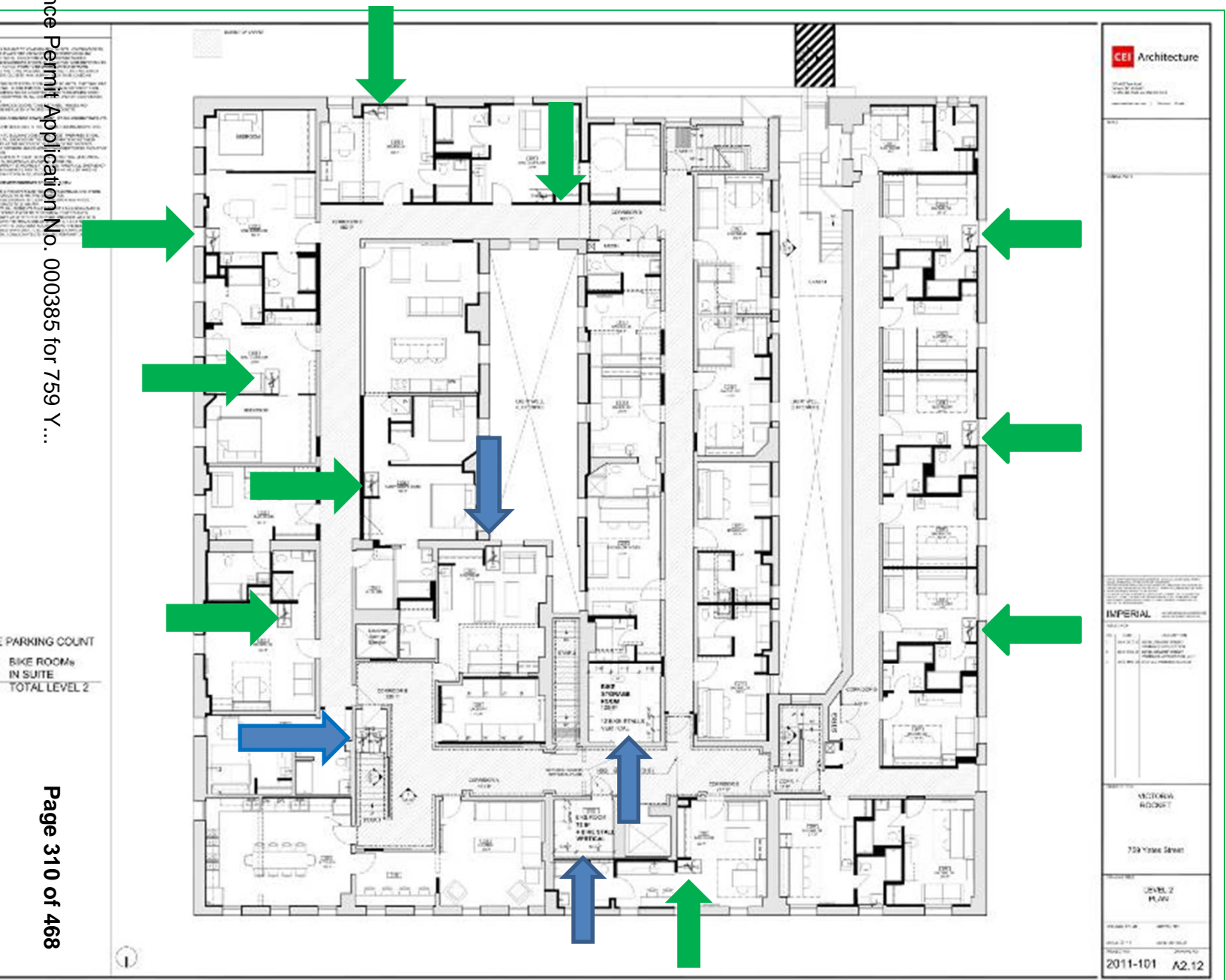
Commercial Properties to the West











 **CEI Architecture**
1000 10th Avenue
Vancouver, BC V6Z 1Y1
Tel: 604.681.1111
www.ceiarch.com

Project No. 2011-101

Project Name: **IMPERIAL**

Client: **VICTORIA ROCKET**

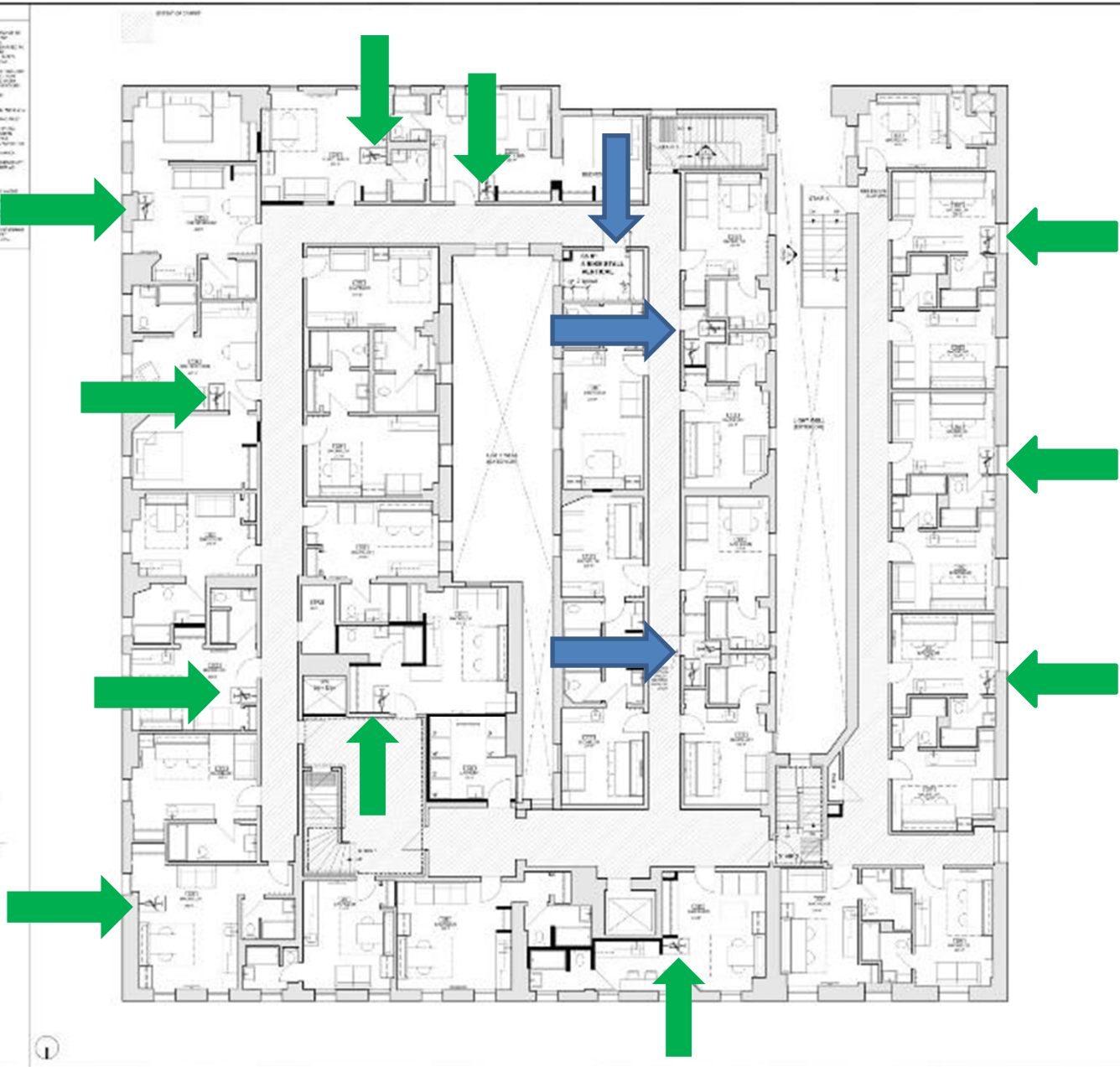
Address: **753 Yuba Street**

Project Phase: **LEVEL 2 PLAN**

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

Drawn By: **2011-101**

Check By: **A2.22**

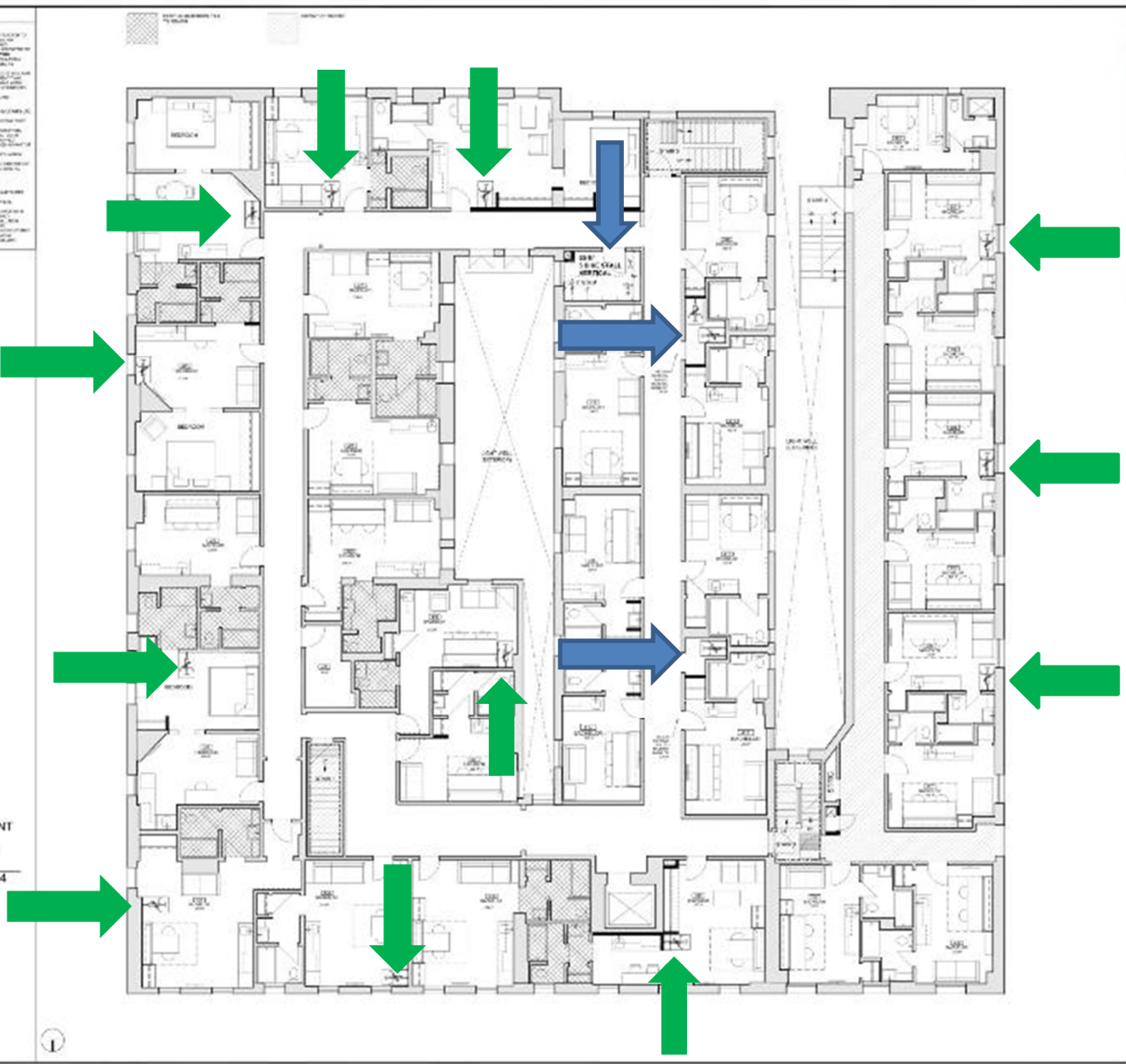


 **CEI Architecture**

PLAN NUMBER: 2011-101
PROJECT NAME: VICTORIA ROCKET
DATE: 2014-04-16

PROJECT NAME: VICTORIA ROCKET
700 PARK STREET
LEVEL 4 PLAN

2011-101 A2.32



CEI Architecture

100 West Pender Street
Vancouver, BC V6C 2R7
Tel: 604.681.1111 Fax: 604.681.1112
www.cei-arch.com

DATE

REVISION

IMPERIAL

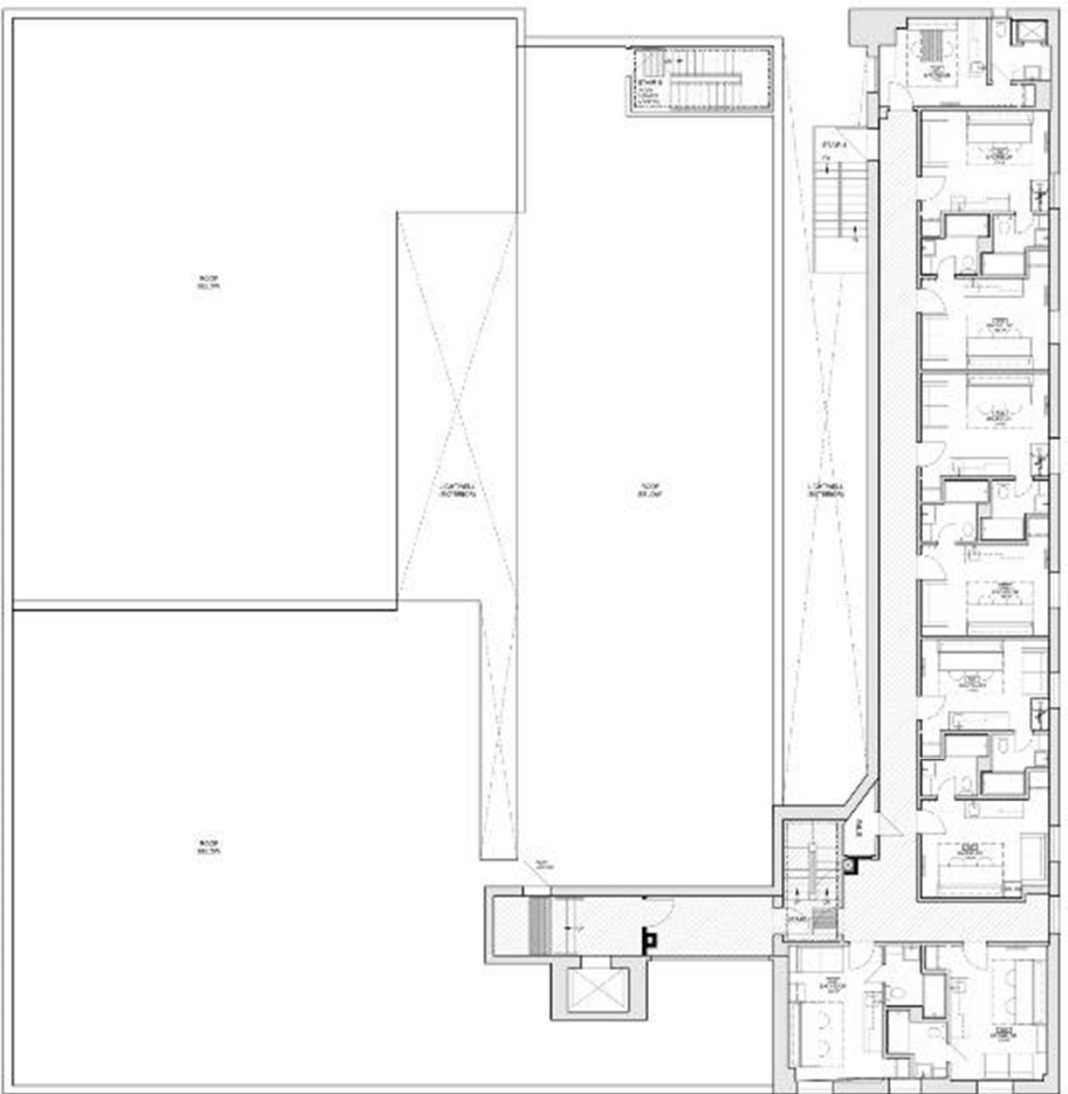
NO.	DATE	DESCRIPTION
1	2011-10-11	ISSUED FOR PERMIT
2	2011-10-11	ISSUED FOR PERMIT
3	2011-10-11	ISSUED FOR PERMIT

VICTORIA ROAD

708 Yvrard Street

LEVEL 5 PLAN

DATE: 2011-10-11
BY: [Signature]
CHECKED: [Signature]
PROJECT NO: 2011-101
SHEET NO: A2.42



Development Variance Permit Application No. 000385 for 759 Y...

KE PARKING COUNT
IN SUITE
TOTAL LEVEL 4

Bicycle Parking in Building

Storey	Number of spaces in bike rooms	Number of suites with bicycle parking	Number of suites without bicycle parking
1st	0	0	0
2nd	18	11	15
3rd	9	11	20
4th	8	12	19
5th	0	3	6





Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015

From: Andrea Hudson, Assistant Director, Community Planning

Subject: Heritage Alteration Permit Application No. 00191 for 1205 Wharf Street/
10 Bastion Square (The Local Patio)

RECOMMENDATIONS

1. That Council consider authorizing the issuance of Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square subject to:
 - i. Plans date stamped June 20, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Authorization provided by the property owner of 1205 Wharf Street/10 Bastion Square.
 - iv. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning.
2. That Council provide express permission for a temporary patio structure in Bastion Square in accordance with Section 16(1) of Parks Regulation Bylaw No. 07-059 subject to:
 - i. Final plans to be generally in accordance with the plans authorized by Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square to the satisfaction of the Assistant Director of Community Planning.
 - ii. Term of approval is for one year, commencing immediately until such time as reasonable notice revoking the authorization is provided by Council.
 - iii. That the Director of Parks has authority to renew the permit on an annual basis, provided the patio and structure do not conflict with any applicable laws and bylaws which are in force at the time of renewal.
 - iv. The applicant providing confirmation of approval by the BC Safety Authority for the installation of the proposed gas heaters.

LEGISLATIVE AUTHORITY

In accordance with sections 972 and 973 of the Local Government Act, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of heritage protection of the property.

EXECUTIVE SUMMARY

The applicant holds a Sidewalk Patio Permit with the City of Victoria, originally issued in 2007 that permitted an outdoor seating area for a restaurant in Bastion Square. In seeking to add features to the established patio that could extend the patio season by mitigating weather conditions, the applicant had discussions with various City staff about a proposal to erect a trellis structure with natural gas heaters. In 2014, the applicant installed the trellis which was attached to an adjacent Heritage-Designated building and included support structures on the City's land. This work was undertaken without permits.

The events that led to this unauthorized work reveal that improvements to the sidewalk café permit process are needed to discourage this type of scenario from happening in future, to provide better customer service, and to achieve placemaking and economic development objectives. To that end, staff are working on process improvements and plan to update the Sidewalk Café Bylaw and Parks Bylaw to better reflect how sidewalk patios have evolved over the years, from being temporary seasonal measures to year round additions to Downtown businesses which contribute to placemaking and economic development. Council may reconsider the advice provided by staff in the attached report which focuses on consistency with heritage conservation area guidelines. In addition, this report includes broader considerations.

Given the circumstances that led to this scenario, and given that staff will be reconsidering sidewalk patio objectives as part of the bylaw update, including how patios can best be integrated into public spaces with heritage value, Council could consider authorizing the Heritage Alteration Permit and allowing the patio structure on City land on a temporary basis in the meantime. Following the outcome of the Sidewalk Café Bylaw and Parks Bylaw updates, Council may reconsider authorization in future if the structure is deemed inconsistent with the directions taken in an updated bylaw, but with reasonable notice provided to the applicant.

BACKGROUND

At the Council meeting of December 18, 2014, it was moved by Councillor Alto, seconded by Councillor Thornton-Joe:

1. *That Council Rescind the resolution passed on August 28, 2014 to decline the Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square, and*
2. *That the applicant be permitted the opportunity to resubmit their application to PLUC for the Committee's consideration.*

It was also requested that when staff report back, that the original staff report be included. Staff advised that the previous report, a timeline and overview of what transpired would be included in a follow up report (please refer to attached Council minutes).

ISSUES AND ANALYSIS

1. Relevant History and Timeline

The applicant holds a Sidewalk Patio Permit with the City of Victoria, originally issued in 2007 that permitted a patio of a defined area with low fencing to delineate the outdoor seating area. At that time, the City of Victoria was treating Bastion Square patios as though they were sidewalks pursuant to the Sidewalk Café Regulation Bylaw No. 91-137. In 2010, the applicant installed unauthorized glass enclosures to provide wind breaks for restaurant patrons. Staff required that these be removed as the work was not authorized by permit and the height of the enclosures was deemed too high.

Throughout 2011, the applicant proposed other solutions to the café space and met with various City staff to discuss the proposed changes. Pre-application discussions took place with some staff to review specific components of their proposal which included an extension to the patio area and proposed natural gas heaters affixed to a trellis attached to the adjacent building that could provide comfort for restaurant patrons and extend the patio season. Meetings with some staff occurred separately to review specific components of the proposal, including Engineering and Public Works staff which provided feedback on placement and height of the proposed trellis.

The Sidewalk Café Regulation Bylaw No. 91-137 does not anticipate natural gas heaters and only permits free-standing propane heaters if conditions are met related to safety, number and placement. Because the City was applying the Sidewalk Café Regulation Bylaw to Bastion Square, the provisions of that bylaw were being applied to the proposal for natural gas heaters affixed to a permanent structure (rather than free-standing), and it was deemed to be non-compliant. In 2012, there were discussions about this with the applicant and the need for the Sidewalk Café Regulation Bylaw to be updated to reflect current technologies and other design components associated with outdoor patios, but that work had not yet commenced.

In 2013, the applicant consulted with Fire Department staff for advice on the natural gas heaters. Support was provided in writing to the applicant focused on the perspective of safety (please see attached letter dated April 3, 2013).

Following these discussions, the applicant installed the trellis. In 2014, a complaint was made to the City and Bylaw Enforcement staff became involved to investigate the situation. It was determined that a Heritage Alteration Permit was required given the structure was affixed to a building protected through Heritage Designation, in addition to needing a Sidewalk Café Permit (or an amendment to the existing permit). The City advised the applicant that this work was considered unauthorized and that permits would be needed to authorize the work. The requirement for a Heritage Alteration Permit was not communicated to the applicant during earlier discussions as heritage planning staff representing the Sustainable Planning and Community Development Department were not aware of the proposed trellis structure at that time.

The Heritage Alteration Permit was submitted by the applicant and reviewed by the Heritage Advisory Panel which recommended that the application be approved. Sustainable Planning and Community Development Department staff did not support the application as there were concerns with the impact of the horizontal beam on public views, *Downtown Core Area Plan* guidelines that encourage low-height structures for outdoor dining areas, and impact to the character of the historic place. Staff had recommended that the application be declined and the beam be removed, and the Planning and Land Use Committee passed this recommendation. Council ratified this decision at the August 28, 2014 meeting. This decision was later rescinded so the matter could be reconsidered given the chronology of events leading to this situation.

2. Lessons Learned

2.1 Coordinated Approach to Application Reviews

The applicant's chronology of events and this high level summary from staff's perspective reveal procedural aspects of the current sidewalk patio process that could be improved. There are many considerations with sidewalk patio proposals that span various City departments ranging from placemaking (urban design and heritage conservation), economic development (encouraging active commercial uses at ground level throughout Downtown including restaurants that contribute to sidewalk interest and vibrancy), transportation (in the form of

pedestrian circulation), fire and safety (regarding types of heat sources), structural considerations and how proposed patios may affect servicing and other infrastructure within the public right-of-way.

Discussions between the applicant and individual staff on separate occasions prevented staff from providing feedback that covered the full range of considerations in a coordinated manner when the proposal was being conceived. This resulted in the applicant receiving conflicting advice in piecemeal fashion, and also placed staff in difficult positions when some aspects were supported by some departments at early stages, and issues regarding other aspects were discovered later by others. If coordinated reviews were undertaken, staff would be able to provide collective advice back to an applicant so issues (if there are any) can be addressed in a timely manner.

2.2 Sidewalk Café Bylaw Update

The chronology of events also indicates that the Sidewalk Café Bylaw should be updated as it does not anticipate structures or types of technology (such as heat sources) that are commonly installed as part of patios. Further, Bastion Square does not meet the definition of "sidewalk" in the Sidewalk Café Bylaw, and is designated as a park, both in the *Official Community Plan* and in Parks Regulation Bylaw No. 07-059. Pursuant to section 16(1) of the Parks Regulation Bylaw, structures are not permitted in Bastion Square unless permitted by that bylaw, or with express prior permission of Council.

Even though permits for structures in Bastion Square fall under the Parks Regulation Bylaw, and not under the Sidewalk Café Bylaw, patio permits have been issued for restaurants and cafés along the perimeter of Bastion Square over the years given that Bastion Square is an urban plaza that is integrated with the surrounding public rights-of-way, particularly Wharf Street. These bylaws need to be updated so patio permits can be administered consistently in accordance with Council direction for urban spaces like Bastion and Centennial Squares, with considerations for how patios can best be integrated into public spaces with heritage value. In the meantime, should Council wish to sanction any structures associated with patios in these squares, they would need to be approved through a resolution of Council and in accordance with the Parks Regulation Bylaw which permits consideration for structures, rather than the Sidewalk Café Bylaw.

2.3 Administration of Sidewalk Café Permits

In considering improvements to the sidewalk permit process, staff reconsidered which City department should administer the permit reviews and lead the coordinated approach. Given the objectives for sidewalk patios to contribute to placemaking and economic development, and the negotiations with applicants needed in design development, staff are concluding that sidewalk patios be administered by the Sustainable Planning and Community Development Department. This change has not formally been implemented; however, staff are working together to deal with the transition and formalizing a coordinated approach to permit reviews, similar to how other development applications are vetted by staff representatives across departments.

This will ensure that City staff are able to discuss various and sometimes conflicting considerations with applicants in a timely manner, and work through potential issues to find solutions with applicants. Staff can also advise if other types of permits are necessary depending on the proposal.

3. Reconsideration of the Heritage Alteration Permit Application for The Local

While staff are committed to improving the sidewalk patio permitting process to improve customer service and achieve patios that make positive contributions to street vibrancy, Council must also reconsider this specific situation at 1205 Wharf Street/10 Bastion Square (The Local patio) given the previous Council decision was rescinded.

In the attached report, staff recommended that the Heritage Alteration Permit be declined due to concerns over impact on the character of the historic place and on public views out of the square. Normally, when application proposals are received, planning staff are presented with a design rationale to understand the applicant's objectives and design choices, are able to provide advice based on established policy and guidelines, and reach design compromises that achieve objectives on both sides. There was no opportunity to discuss revisions to the proposal, such as reduction of the extent of the beam or adjustments in its height, given it was already installed based on discussions the applicant had with other staff.

In a recent meeting on site, planning staff met with the applicant to better understand their design rationale. The applicant indicated that the height of the trellis was chosen to coincide with the height of the railing of the upper public space to the east, that wood was chosen for the horizontal beam to complement other materials in and adjacent to the square, that the thickness of the beam was needed to ensure the added weight of the heaters would be structurally safe, and the extent of the beam was chosen to be continuous so one natural gas line could run unencumbered to all the heaters that would be placed along it.

From the perspective of heritage conservation, there may well have been alternate designs that could have been less intrusive on the historic place. To address the impact to public views, the beam would ideally have been placed slightly lower to better align with the railing of the upper public space. On the other hand, the overhead beam with heaters, instead of tall glass windbreaks, provides better street vibrancy due to its open air characteristics. Council may reconsider the advice provided by staff in the attached report which focuses on staff's interpretation of the applicable heritage conservation area guidelines. This report includes broader considerations.

A final technical consideration is the proposed natural gas heaters, which is governed by the BC Safety Authority and requires gas installation permits. Should Council wish to authorize this proposal, it is recommended that the applicant provide the City with confirmation of BC Safety Authority approval for the installation.

OPTIONS AND IMPACTS

Option 1

Council may approve the proposal.

Option 1 Impact

This would permit the structure to be affixed to the Heritage-Designated building on adjacent private property and would authorize its extension onto City lands. Council could approve this structure with the condition that authorization could be revoked in future so the situation can be reassessed once fundamental sidewalk patio objectives are reconsidered and implemented through a new bylaw.

Option 2

Council may approve the structure conditional on revisions that could include lowering the beam to better align with the railing of the upper public space to the east to improve public views out to the harbour or other interventions that could lessen the visual impact of the trellis:

1. That Council consider authorizing the issuance of Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square subject to:
 - i. Plans date stamped June 20, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements,
 - iii. Authorization provided by the property owner of 1205 Wharf Street/10 Bastion Square.
 - iv. Lowering the beam to lessen the impact to public views of the harbour to the satisfaction of the Assistant Director of Community Planning.
 - v. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning.
2. That Council provide express permission for a temporary patio structure in Bastion Square in accordance with Section 16(1) of Parks Regulation Bylaw No. 07-059 on the following conditions:
 - i. Final plans to be generally in accordance with the plans authorized by Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square to the satisfaction of the Assistant Director of Community Planning.
 - ii. Term of approval is for one year, commencing immediately until such time as reasonable notice revoking the authorization is provided by Council.
 - iii. That the Director of Parks has authority to renew the permit on an annual basis, provided the patio and structure do not conflict with any applicable laws and bylaws which are in force at the time of renewal.
 - iv. The applicant providing confirmation of approval by the BC Safety Authority for the installation of the proposed gas heaters.

Option 2 Impact

This option, while an improvement from a placemaking perspective, may not be practical as the applicant is trying to achieve safe clearances between the heaters and patio patrons.

Option 3

Council may decline the proposal through the following motions:

1. That Council decline Heritage Alteration Permit Application #00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and that the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Assistant Director of Community Planning.
3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

Option 3 Impact

The City would resume enforcement action, the applicant would need to remove the beam and consider other design solutions with staff.

OFFICIAL COMMUNITY PLAN CONSISTENCY STATEMENT

If Council considers that this proposal is consistent with the guidelines of Development Permit Area 1 (HC): Core Historic, Council may authorize a Heritage Alteration Permit without an OCP amendment.

CONCLUSIONS

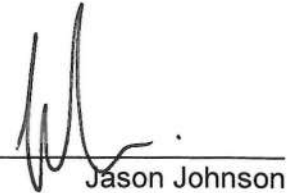
Given the events that led to this unauthorized work, and that staff are working to improve the sidewalk café permit process, it is recommended that Council approve the Heritage Alteration Permit and allow the patio structure on a temporary basis under the Parks Regulation Bylaw while sidewalk patio objectives are reconsidered as part of updating the Sidewalk Café Bylaw and the Parks Regulation Bylaw. Following the outcome of that process, Council may revoke authorization in future if the structure is deemed inconsistent with the objectives of the Sidewalk Café Bylaw update, but with reasonable notice to the applicant.

Respectfully submitted,



Andrea Hudson
Assistant Director, Community Planning
Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: Apr. 9, 2015

AH/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PLHAP\HAP00191\PLUC REPORT THE LOCAL AND SIDEWALK PATIO PROCESS APRIL 1.DOC

List of Attachments

- Council minutes dated December 18, 2014
- Planning and Land Use Committee minutes dated December 11, 2014
- Planning and Land Use Committee report dated November 30, 2014 which includes Council minutes dated November 27, 2014 and Council Member Motion dated November 27, 2014
- Applicant's documented chronology synopsis dated September 18, 2014
- Council minutes dated August 28, 2014
- Planning and Land Use Committee minutes dated August 21, 2014
- Planning and Land Use Committee report dated August 7, 2014
- Letter from City of Victoria to applicant dated April 3, 2013.

REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – December 11, 2014

4. Chronology Synopsis for 1205 Wharf Street / 10 Bastion Square (The Local)

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe,:

1. That Council Rescind the resolution passed on August 28, 2014 to decline the Heritage Alteration Permit Application for 1205 Wharf Street / 10 Bastion Square, and;
2. That the applicant be permitted the opportunity to resubmit their application to PLUC for the Committee's consideration.

Councillor Madoff said that she sees value in reviewing the process, but not Council's decision.

Councillor Thornton-Joe said that she favours reviewing the process to see if changes are required for applications. She is concerned that there could have been a difference in the vote if all this information was before them at the time they made their decision.

Councillor Young said he made his decision on the merits of the case; however, he is prepared examine possibilities that an error was made and to look at this application again.

Mayor Helps asked if the motion to rescind passes, does Council debate the merits of the motion or send it back to PLUC.

Robert Woodland (Corporate Administrator): The way the motion is worded it would cancel the previous decision and the application would be considered at PLUC as a new application.

Councillor Isitt asked if the City has its own timeline, or only the one from the application.

Jocelyn Jenkyns (General Manager, Victoria Conference Centre): The timeline provided to Council was created by the applicant and the City's information was added in coloured text.

Councillor Isitt said that it is hard to determine the pertinent facts; are we accepting what the applicant says?

Councillor Loveday said that Council asked for an un-redacted timeline without using staff time and this is it.

For:

***Mayor Helps, Councillors Alto,
Coleman, Lucas, Thornton-Joe and Young***

Against:

Councillors Isitt, Loveday and Madoff

Jason Johnson (City Manager): A new staff report will be created for PLUC along with the timeline.

Mayor Helps requested that the original staff report be included.

Jason Johnson: Everything will be included as well as a fulsome overview report.

5.11 1205 Wharf Street / 10 Bastion Square (The Local)

Committee received a report and background information regarding 1205 Wharf Street / 10 Bastion Square (The Local) as it relates to the outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk café. Committee was asked to rescind the decision from the August 21, 2014, Planning and Land Use Committee and reconsider the application based on additional information provided by the applicant.

Committee discussed:

- The recommendation to rescind the decision was tabled at Council and Council requested the chronology leading up to the decision made at the August meeting.
- When the application initially came forward there may have been a perception that clear and timely guidance was not provided to the applicant.
- How to proceed with the recommendation to rescind the original motion. If Council feels they have enough information, then they could decide to rescind or not. Council would lift the motion from the table and then have a debate on the motion to rescind.
- That a clear chronology of the events leading up to the August meeting should be provided in order to make an informed decision.

Action: It was moved by Councillor Isitt, and seconded by Councillor Alto, that Committee refer the report and background information including a chronology of events to the Council Meeting of December 18, 2014.

CARRIED UNANIMOUSLY 14/PLUC0315



Planning and Land Use Committee Report

For the meeting of December 11, 2014

Date: November 30, 2014 **From:** Jocelyn Jenkyns, General Manager, VCC

Subject: 1205 Wharf Street/10 Bastion Square – The Local
Within DPA 1 9HC) – Core Historic
Zoned: CA-3C-Old Town District

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with information and recommendations regarding the activities undertaken with regard to The Local Bar and Grill as it relates to outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk cafe.


Recommendation:

That Council rescind the decision from the August 21, 2014 PLUC meeting and reconsider the existing application in light of the chronology of events and the additional information from the applicant.

Respectfully submitted


Jocelyn Jenkyns
GM Victoria Conference Centre

Report accepted and recommended by the City Manager: _____


December 10, 2014

Planning & Land Use Standing Committee
DEC 11, 2014
Late Item# 14A
Page#

1.0 Purpose

The purpose of this report is to present the Planning and Land Use Committee with information and recommendations regarding the activities undertaken with regard to The Local Bar and Grill as it relates to the outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk café.

2.0 Background

The Local Bar and Grill has been in operation since 2007. In March 2007, a permit for a sidewalk café was submitted by Jeremy Petzing, the owner and operator of the establishment. In April 2007, a sidewalk café permit was approved based on the footprint of the café. The patio has always complied with the City of Victoria patio regulations as condition of the lease and has been operating without incident since 2007.

In 2011, the owner started to install a glass windbreak similar to the enclosure at a neighbouring establishment and was issued a stop work order due to the height of the glass. Two years later the windbreak was approved but with limited glass height. Based on that, the owner began to explore a way to heat the space to extend the seasonality of the operation.

For the last three years the City and the owner/operator have corresponded extensively on the issue of acceptable heaters for the patio. In the spring of 2013 the owner/operator submitted a rendering for a trellis beam, natural gas heaters and patio glazing. Following that, various departments were involved in aspects of this file but were unable to resolve the issue at hand as the proposal falls outside the parameters of the current bylaw.

The City indicated that a review of the Sidewalk Café Bylaw would be complete by 2014.

3.0 Issues and Analysis

Victoria as with many other jurisdictions has experienced an increase in the demand for patio spaces as a way to increase the hospitality season and extend the vibrancy of the downtown. Central to the city being able to respond to proposals outside of the existing bylaw parameters is the review of the Sidewalk Café Bylaw.

A review of the correspondence, files, conversations and activity on this file over the last seven years has been conducted. The chronology now involves five departments: Engineering, Sustainable Planning and Community Development, Legislative and Regulatory Services, Fire and Economic Development. A meeting with representatives from all five departments was convened on August 26, 2014.

There have also been a number of meetings held directly with the owner/operator of The Local Bar and Grill and between Sustainable Planning and Community Development and the owner/operator.

From a lessons learned perspective the City is taking steps to provide an effective one stop approach to future sidewalk café applications.

Recommendation:

That Council rescind the decision from the August 21, 2014 PLUC meeting and reconsider the

existing application at a future meeting of PLUC in light of the chronology of events and the additional information from the applicant.

That Council consider the review and update of the Sidewalk Café Bylaw as a priority for 2015-2019 Strategic Plan.

NEW BUSINESS

2. Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square

Council received a Council member motion dated November 27, 2014 from Councillors Alto and Thornton-Joe regarding the Heritage Alteration Permit Application for 1205 Wharf Street / 10 Bastion Square that the Planning motion that was declined by Council at its meeting of August 28, 2014. The Councillors are proposing that the motion to decline be rescinded and that the applicant be permitted to provide a full presentation to the Planning and Land Use Committee on this application.

Motion

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

1. That Council rescind the Council resolution passed on August 28, 2014 to decline the Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square.
2. That the applicant be permitted the opportunity to resubmit their application to PLUC for the Committee's consideration.

Acting Mayor Madoff said it would be appropriate to have a forensic review of the process to identify process issues. This may preclude the need to reconsider the application.

Jocelyn Jenkyns (Acting City Manager): Staff have met with the applicant and a chronological review of the process has been completed.

Councillor Isitt said he like to see staff's review before rescinding Council's motion. A motion to postpone to the December 18, 2014 meeting would be appropriate.

Acting Mayor Madoff asked if there would be an issue postponing this motion to the December 18, 2014 Governance and Priorities Committee meeting?

Robert Woodland: The motion to postpone would hold the motion at the Council meeting and a subsequent motion to request a report on the outcome of the discussions between staff and the applicant could come to Governance and Priorities Committee.

Councillor Helps said it should be referred to Planning and Land Use Committee.

Acting Mayor Madoff said they need to be clear on the intent of the motion.

Motion

It was moved by Councillor Isitt, seconded by Councillor Alto, that the motion be referred to the next Planning and Land Use Committee with staff providing information at that time.

Councillor Isitt said Council should hear staff's information first and then consider if they wish to rescind the resolution.

Acting Mayor Madoff said she is not in favour of rescinding the resolution.

Council discussed procedure with staff.

Robert Woodland: The motion on the floor to rescind can be postponed. A subsequent motion would be to request a report with further information from the City Manager. The motion to rescind could be reconsidered at a subsequent meeting.

Council Isitt withdrew his motion.

Motion

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council postpone consideration of the motion pending further information from staff. Carried Unanimously

Motion

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council direct staff to report on the chronology of the application as described by the Acting City Manager at the next Planning and Land Use Standing Committee.

Carried Unanimously



Council Member Motion

For the Council Meeting of November 27, 2014

Date: November 27, 2014 **From:** Councillor Thornton-Joe and Councillor Alto
Subject: Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square

Summary

At the Council meeting of August 28, 2014, Council passed a motion to decline the Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square, known as "The Local". The motion directed that a timber beam be removed and the exterior wall of the Reid Block be restored and that any damage to the sidewalk area caused by the installation be restored (see attached).

The applicant addressed Council at the Council meeting of October 9, 2014 and provided further details about their permit application. The applicant noted that staff feedback regarding the height of the beam was considered when it was installed and highlighted attention that was given to heritage and beautification qualities.

The applicant has requested that the Sustainable Planning and Community Development department provide their PowerPoint presentation to the Planning and Land Use Committee in its entirety, as opposed to the modified version that was presented on August 21, 2014. The applicant requested a letter from the Victoria Fire Department, supporting the use of approved and properly installed natural gas heaters, also be included for Council's consideration.

Information relevant to this issue was not included in the staff presentation to the Planning and Land Use Committee on August 21, 2014. Therefore, I am proposing a motion to rescind the previous decision on August 28, 2014 to decline the Heritage Alteration Permit Application. This would enable a complete and fair presentation to the Planning and Land Use Committee.

Recommendation

1. That Council rescind the resolution passed on August 28, 2014 to decline the Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square.
2. That the applicant be permitted the opportunity to resubmit their application to PLUC for the Committee's consideration.

Attachment

August 28, 2014 Council Motion to decline Heritage Alteration Permit Application for 1205 Wharf Street/10 Bastion Square.

Respectfully submitted,



Councillor Charlayne Thornton-Joe



Councillor Marianne Alto



The Local Patio - SWL 00052 – Documented Chronology Synopsis - September 18th, 2014

- March 14, 2007 – sidewalk café permit submitted by Jeremy Petzing
- April 17, 2007 - sidewalk café permit approved (invoiced area consistent with approved plan on file)
- April 17, 2007 – approved sidewalk café permit plans show “footprint of café”
- Note on permit - Permit conditions do not require annual re-application **unless** changes are made to the original approved design
- September 24th, 2007 - Original Patio Drawings and Application
 - August 28, 2009 – Sharon P. photo of patio with measurements and notes that railings need to be moved to meet permit offsets
 - Feb 2010 – received expanded area café footprint plan - **not approved**
- August 2010 - Original Windbreak installation (stop work order issued by Mike Hill)
- August 12th 2010 - Letter to City Officials outlines 6 key points
- Letter from Craig Stenberg (Land Development) to Jeremy Petzing, summarizing nature of work done without permit, adding height to rails and enclosing with glass, increasing patio area, required steps to correct, and steps to apply for amendments to get approval
- April 11th, 2011 – Drawings ID7.01 – 7.04 of proposed bench and timber wrap of Bastion, reviewed on site with Mike Hill and Jeremy Petzing (not applied for)
- 2011 & 2012 - Discussions with Mike Hill and Jeremy Petzing on site at Bastion Square re: patio boundary, height of glass railing and patio heaters, meetings with planners Andrea Hudson and Alison Meyer (See Letter to Jocelyn Jenkyns Sept 18, 2014)
- September 11th, 2012 - By-Law # 91-137 review re: patio heaters
- January 2013 - Proposed Revisions to Sidewalk By-Law with recommended amendments presented to city staff and some councilors
- January 25th, 2013 – Original coloured 3D rendering with trellis beam and patio glazing
- March 5th, 2013 – Revised Rendering with selected natural gas patio heaters
- March 5th, 2013 - Meeting with City of Victoria Fire Department Inspectors Greg Batters & Megan Sabell re: City of Victoria Sidewalk Cafes Regulations Bylaw # 91-137 and patio heater safety
- April 3rd, 2013 - Letter from City of Victoria Fire Inspector Megan Sabell stating preference for natural gas heaters with regards to public safety
- April 11th, 2013 - Meeting with Jeff Mitton and Kevin Smitten re: patio windbreaks, Sidewalk Café intentions, Pedestrian accommodation, Infrastructure, aesthetics, public space, possible fee increase, general compliance, form & character, room for unique approach, The Local Kitchen specifics, Legislative Services request to Land Development for opinions, 110 sidewalk cafes to be reviewed in September 2013, not necessarily any public input into review, tiered patio system to be established, example patios discussed, Moxie’s, Irish Times, Earls
- Meeting with JC Scott fundamentally as described – goal of September 2013 bylaw amendment revised to September 2014 (expanded scope of report, coordination with Legislative Services – Council approval of Use of Public Space) At request of Legislative Services, report shifted to post election.
- April 15th, 2013 - Site meeting with Jeremy Petzing, review notes from meeting with city re: engineering required for glazing and timber trellis
- April 24th, 2013 - Revised rendering with height of glazing shown
- May 14th, 2013 - Email from Kevin Smitten “...possible approval of the overhead beam...”



- Confirmed with Kevin S. that he requested the beam be removed from submission
- May 15th, 2013 Revised rendering showing windbreak at approved height with trellis beam sent to city
- May 16th 2013 - Approval of glass windbreak – beam not approved, at staff request, removed from submission
- May 16th, 2013 - Note to Kevin Smitten that drawing on file at city hall is out of date and is not the correct 2007 approved plan Letter to Kevin Smitten requesting final decision on patio boundary as season is starting
- May 17th, 2013 Note to Kevin Smitten pointing out difficulty in process and city file errors re: patio plans –staff only have the approved plans on file to work with. There may be ways to forensically tighten up the files, however this is the only file of just over 100 active sidewalk café files where problems regarding what has been approved is suggested.
- May 17th, 2013, - Sept 24 - 2007 site plan drawing sent to city –not the approved drawing
- May 20th, 2013 – Patio plan with revised boundary generated and sent to city – not approved
- May 20th, 2013 - Email to Kevin Smitten expressing concern with process and hardship for my client
- May 22nd, 2013 – Revised patio drawing sent to city with boundaries as verbally approved by Mike Hill and as the patio had operated for two previous seasons – not consistent with staff process, or Mike Hill's role
- May 22nd, 2013 - Letter from Kevin Smitten approving patio boundary
- May 22nd, 2013 – Note from Jeff Mitton thanking Kevin for addressing this file
- May 23rd, 2013 – Site meeting at patio re: approved glazing
- July 6th, 2013 – Vancouver streetscape initiative from Mayor Gregor Robertson sent to Jeff Mitton, Kevin Smitten and councilors; Alto, Helps, Coleman, Gudgeon & Thornton Joe by JC Scott
- March 12th, 2014 - Letter from City of Victoria alleging complaint (no one has been identified as complainant although we have requested this information on several occasions including at a meeting with Senior Planner Deb Day and City Manager Jason Jackson)
- March 13th, 2014 - Request meeting with City Manager Jason Jackson
- March 19th, 2014 - Meeting with City Manager Jason Jackson & Deb Day
- March 20th, 2014 – Review permit process at Engineering
- April 3rd, 2014 - Letter from city outlining process for resolution
- May 5th, 2014 - Letter from Mark Hayden
- May 15th, 2014 - Letter to Kevin Smitten & Amy Scoville re: Sidewalk Café Application process
- May 16th, 2014 - Letter from Stephen Stern taking responsibility for file management
- The letter from Stephen provided JC clarity on process, trying to minimize the number of non-involved staff getting drawn into the bylaw enforcement and application to amend the patio.
- May 16th, 2014 - Reply to Stephen Stern
- May 29th, 2014 - Email to city re: application process
- May 29th, 2014 - Note from Stephen Stern "I am no longer involved in the sidewalk café permit process." Not consistent with staff files – staff have advised that subsequent to receiving direction from Stephen to use him as a point of contact, JC spoke and corresponded with a number of other staff not including Stephen. Craig Stenberg clarified he sent the email advising he was not involved, after receiving a message from JC "out of the blue".
- May 30th, 2014 - Letter from Jeff Mitton thanking us for patience with the process re: natural gas heaters and noting the Patio Bylaw Revisions document This email was in response to an email JC



sent to one of Land Development staff not involved in the process; an attempt to keep the right people involved and minimize confusion. The message was to keep JC on point that he was being required to address a bylaw action; the thanks for the patience was a conciliatory response to a question regarding propane heaters not specifically part of the action.

- June 18th, 2014 - Building Permit Application BP051279 reply from city with factual errors re: application process
- June 19th, 2014 - Meeting with Senior Heritage Planner Murray Miller re: Heritage Alteration Permit
- June 19th, 2014 - Reply to city requesting meeting to clarify process
- June 19th, 2014 - Reply from Stephen Stern
- July 2nd, 2014 - Letter to Mayor Dean Fortin

Excerpt from Letter to Mike Hill & Sharon Przybysz August 12th 2010

"the proposed patio enclosure at the Local Kitchen in Bastion square is both reasonable and justified in its current plan and height because of the following reasons:

1. Comparable enclosure heights throughout downtown Victoria
2. Necessary wind abatement due to the adjacency to the harbour
3. Aesthetic balance with the lookout above which is much higher
4. Season extension capacity through actual wind abatement (I'd like 84" not 64")
5. Comparison with international standards, many sidewalk cafes have tents with plastic walls
6. Economic considerations, the owners have invested considerable funds to date "

Letter to Rob Woodland March 17th 2014

Excerpts from The Local Bar & Grill Patio History:

- The patio has always complied with the City of Victoria patio regulations as condition of the lease.
- The patio has been operating without incident since 2007.
- The first city patio official on this file was Sharon Przybysz. She approved the patio. **approved plan on file**
- The owner, Jeremy Petzing started to install a glass windbreak on top of the approved railing in 2011. He was issued a stop work order under the rationale that a City of Victoria official : 'did not like it' and felt : 'it would look like a fishbowl'.
- These staff opinions are not shown in any records or correspondence nor can the guidelines used to make this determination be found in any records or regulations but the glass and metal was removed at considerable expense to the owner. The windbreak was on top of an existing approved railing and was no higher than the Victoria average glass windbreak, many in less windy locations. The owner felt he was within his rights to stop the wind for the safety, security, privacy and comfort of his patrons.
- This designer, JC Scott, was engaged in August 2010 to get approval from the City of Victoria for the windbreak. Natural gas patio heaters were included in the application and shown on the drawings and renderings which were submitted to the City of Victoria for approval.
- Approval of the glass windbreak, took two years (and when granted the windbreak was not as high as the owner wanted or the site warrants). The owner went through two summers without any windbreak while complying with the City of Victoria. There was discussion with city staff and council throughout the process.



- When the city was approached in the spring of 2013 for a decision on the application, the applicants were told that no patios could be approved in Victoria that summer until after a staff review planned for the following September. Another summer was potentially at risk.
 - We protested as strongly as possible, noting the two year delay and eventually the windbreak was approved. In April of 2013 we obtained a letter from Megan Sabell from the Victoria Fire Department expressing a preference for the type of patio heater proposed over the city approved free standing propane patio heaters. We were told a decision on heaters would not be forthcoming until September 2013. During this period under suggestion from city staff that patio policy change was political, I began researching patio policy for other municipalities and discussed both the local and patio policy in general with every councillor who I could meet.
 - It is now March 2014 and this month with patio season fast approaching, the owner installed the trellis which will support the heaters (when they are approved) as a way to expedite the process from his end, pending decisions on heaters from staff at the city. At least he can use the trellis for hanging flower baskets, climbing roses and clematis which are ordered.
 - The trellis installed has been engineered and is exactly as is shown in the patio application of 2011 which got partial approval in the spring of 2013. We will now make another application including a new Building Permit Application for the trellis and heaters in hopes that a decision can be made for this summer.
- As business 'partners' or as a simple commercial landlord tenant relationship, the undue delay and lack of approval or reasonable approval process has led to owner frustration and confusion.
- Will natural gas heaters be approved for 2014?
 - Why is the trellis which has been on all the renderings now a problem?
 - What is the appropriate process?

JC Scott



List (partial) of city contacts with whom this patio has been reviewed:

- | | | |
|-----|-----------------|--|
| 1. | Sharon Przybysz | Technical - Land Development Section |
| 2. | Jeff Mitton | Land Development |
| 3. | Michael Hill | Downtown Community Development Coordinator |
| 4. | Andrea Hudson | Downtown Area Planner |
| 5. | Alison Meyer | Assistant Director / Development |
| 6. | Kevin Smitten | Senior Technician - Land Development |
| 7. | Craig Stenberg | City of Victoria - Engineering |
| 8. | Peter Sparanese | General Manager of Operations |
| 9. | Megan Sabell | Fire Prevention Officer / Investigator |
| 10. | Greg Batters | Fire Inspector |
| 11. | Gail Stephens | Former City Manager |
| 12. | Jason Jackson | Current City Manager |
| 13. | Amy Scoville | Permits |
| 14. | Ken Kelly | DVBA |
| 15. | Steve Barber | Former Heritage Planner |
| 16. | Murray Miller | Senior Heritage Planner |
| 17. | Don Kitchen | Building Inspector |
| 18. | Councillors | Alto, Helps, Coleman, Gudgeon, Thornton-Joe, |

REPORTS OF THE COMMITTEE

10. Heritage Alteration Permit Application # 00191 for 1205 Wharf Street / Bastion Square

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that:

1. City Council decline Heritage Alteration Permit Application # 00191 for 1205 Wharf Street/10 Bastion Square.
2. The beam be removed and the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works. Carried Unanimously

5.8 Heritage Alteration Permit Application # 00191 for 1205 Wharf Street / Bastion Square

Committee received a report regarding Heritage Alteration Permit Application # 00191 for 1205 Wharf Street/10 Bastion Square. The application is to permit a timber beam that has already been attached to a Heritage-Designated building and City property as part of a sidewalk café.

The key issues associated to this application are:

- Unpermitted work
- Physical impact on the Heritage-Designated Reid Block
- Visual impact on the setting of Bastion Square
- Encroachment into the View Context of a Public Outward View

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends:

1. That City Council decline Heritage Alteration Permit Application # 00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.
3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

Committee discussed:

- By allowing this proposal to proceed it would set a bad precedent, the owners are altering City owned property and there should be minimal fixturing.
- If committee had seen this application before it was built it would have been turned down. It has been constructed strictly for utility.
- Committee's job is to look at how appropriate it is as a design solution. Each change should enhance and not detract.
- In an area like this we need decisions based on the public realm. It is the wrong approach for this location and does not enhance the view.
- The area was built on public land without a permit and there is also the issue of the alteration of a heritage building. As the owners, we are the custodians of that land.

CARRIED 14/PLUC0198

For: Councillors Madoff, Gudgeon, Isitt, Thornton-Joe and Young

Against: Councillors Alto, Coleman and Helps



Planning and Land Use Committee Report For the Meeting of August 21, 2014

Date: August 7, 2014 **From:** Murray G. Miller, Senior Heritage Planner

Subject: **1205 Wharf Street/10 Bastion Square**
Heritage Alteration Permit Application #00191
Proposal to permit a beam that has already been attached to a Heritage-Designated building
Within DPA 1 (HC) - Core Historic
Zoned: CA-3C - Old Town District

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit Application to permit a timber beam that has already been attached to a Heritage-Designated building as part of a sidewalk café.

The key issues associated with this application are:

- unpermitted work
- physical impact on the Heritage-Designated Reid Block
- visual impact on the setting of Bastion Square
- encroachment into the View Context of a Public Outward View.

Consistency of the proposed work with City policy was considered in assessing this application.

The application was reviewed by the Heritage Advisory Panel at its July 8, 2014 meeting and it was recommended that City Council authorize the issuance of the Heritage Alteration Permit subject to conditions.

Staff recommend that the application be declined because the unpermitted work encroaches into a key Public Outward View and results in considerable visual impacts on the setting of Bastion Square.

Recommendations

1. That City Council decline Heritage Alteration Permit Application #00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and that the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.

3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning Division

Alt.



Deb Day
Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager: _____
Jason Johnson

Date: _____

MGM/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAPI\HAP00191\HAPL REPORT_1205 WHARF.DOC

1.0 Purpose

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit (HAP) Application to permit a timber beam that has already been attached to a Heritage-Designated building.

2.0 Background

In early March 2014, the City's Bylaw and Licensing Services Division received a formal complaint regarding unpermitted construction of a large elevated wooden beam within the outdoor patio area occupied by the Local Bar and Grill. The City has been working with the applicant to encourage voluntary compliance, triggering the submission of a Sidewalk Café Application, Building Permit Application and a follow up Heritage Alteration Permit Application on June 20, 2014.

2.1 Description of Proposal

This proposal is to add structural supports, flower baskets and four beam-mounted space heaters to a timber beam, which has already been attached to the Heritage-Designated Reid Block.

2.2 Consistency with City Policy

2.2.1 Official Community Plan (OCP)

Depending on the particular viewpoint location of a person in the standing position, the constructed beam would continue to maintain views from Bastion Square to the Inner Harbour, across the water to the Core Songhees area as identified in guidelines for the Downtown Core Area (Harbour and Waterfront Policy 8.16). However, there are a number of locations where the viewpoint could be from a seated position including the plaza overlooking Wharf Street (depicted in photographs attached to this report), which is a key public seating area within Bastion Square. In this regard, the constructed beam would appear within the view range and would not fully maintain those public views from Bastion Square to the Inner Harbour.

2.2.2 Downtown Core Area Plan (DCAP)

Public Outward View - Policies

The DCAP requires an evaluation of development proposals that are located along or within the view corridors illustrated in Map 21 for consistency with the Outward View Guidelines contained in Appendix 1. In relation to Public Outward View 1, the location, siting and design of the beam would not maintain the view as seen from the identified public vantage point.

Outdoor Dining Areas

The DCAP includes guidelines that encourage outdoor dining areas on public or private property that integrate with building designs and adjacent sidewalks. The extension of private outdoor dining areas into the public realm is considered a means of contributing to the vitality of public space. The guidelines also encourage the use of decorative elements to delineate dining areas that are low in height (such as fencing, planters, landscaping, etc.). Given the impact to the adjacent public seating area and to the character of Bastion Square, the patio design as installed does not result in enhancement of the public space.

2.3 Review by Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its July 8, 2014 meeting and it was recommended that City Council authorize the issuance of Heritage Alteration Permit #00191, subject to the following conditions being met prior to the issuance of any permits:

1. That the proposed work be limited to structural bracing of the existing beam and the four beam-mounted space heaters.
2. That the applicant provide a dimensioned survey of the lands showing the extent of encroachment of the constructed beam onto City of Victoria property.
3. That the applicant provide a rendering to the City, depicting the full scope of work outlined in the application.
4. That the proposed braces be shown on the patio plan in relation to the posts that they are intended to brace.
5. That the applicant provides specifications to the City for the beam-mounted surface heaters.

3.0 Issues

The key issues associated with this application are:

- unpermitted work
- physical impact on the Heritage-Designated Reid Block
- visual impact on the setting of Bastion Square
- encroachment into the View Context of a Public Outward View.

4.0 Analysis

Statements of Significance for Bastion Square and the Reid Block are provided as attachments to this report.

5.0 Discussion

5.1 Unpermitted Work

The constructed beam was erected over two lots, one of which is owned by the City of Victoria. While there are circumstances where the City permits the encroachment of temporary construction onto public lands, this particular beam and support structure was constructed without required permits.

5.2 Physical Impact on the Reid Block

The physical impact is limited to fixing holes required to support the beam at the face of the exterior wall of the Heritage-Designated Reid Block. While drilling through the stucco and into the masonry represents a non-reversible change, it is considered that the physical impact would be minor.

5.3 Visual Impact on the Setting of Bastion Square

The visual impact on the setting of Bastion Square varies as one moves around the Square and also from Wharf Street looking eastward. The length, design and location of the timber beam emphasize its prominence as an uncharacteristic element within the setting of Bastion Square. In addition to being uncharacteristic, the length and location of the beam impacts the setting of Bastion Square by obscuring views from Wharf Street and contributes to visual clutter. In this regard, the visual impact is considerable.

5.4 Encroachment into the View Context of a Public Outward View

The extent to which the constructed beam encroaches into important public views depends on the position of the viewer. From a seated position in an area designated for public seating, the encroachment is notable. This public seating area is a key element within the overall urban design of Bastion Square and is one of the few spaces that people can sit within Bastion Square and appreciate a key public view. Since the review of the application by the Heritage Advisory Panel, the installation of hanging and top-mounted flower baskets, while character-defining of Victoria, encroach further into the key public view and on the setting of Bastion Square (see photographs dated August 7, 2014).

6.0 Conclusions

Bastion Square is the site of the original Fort Victoria, making it one of the most important heritage areas in Victoria within the Old Town Heritage Conservation Area. In circumstances where important public views cannot be fully maintained, new development should not detract from the quality of the existing view. In this case, the existing and proposed development would not only detract from the quality of a key public view, but it would also encroach considerably on the setting of Bastion Square as viewed from Wharf Street.

In many circumstances, staff are provided with design concepts on proposed developments for comment. Had this design been brought to staff prior to construction, staff would have worked with the applicant to address key areas of impact prior to a formal application being submitted. In this instance, while the work had already been completed, staff had advised the applicant that they were available to work with them on an alternate solution but that was not pursued by the applicant. Given the foregoing, staff recommend that the application be declined.

7.0 Staff Recommendations

1. That Council decline Heritage Alteration Permit Application #00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and that the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.
3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

8.0 Alternate Recommendations

Option 1

1. That Council direct staff to work with the applicant to mitigate the adverse effects of the constructed works to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Subject to condition 1 above, that Council consider authorizing the issuance of Heritage Alteration Permit #00191 for 1205 Wharf Street/10 Bastion Square, subject to:
 - a. Development meeting all *Zoning Regulation Bylaw* requirements; and
 - b. Final plans and specifications to be provided to the City to the satisfaction of the Director of Sustainable Planning and Community Development.

Option 2

That Council consider authorizing the issuance of Heritage Alteration Permit #00191, subject to the following conditions:

- a. That the applicant provides a rendering to the City, depicting the full scope of work outlined in the application.
- b. That the proposed braces be shown on the patio plan in relation to the posts that they are intended to brace.
- c. That the applicant provides specifications to the City for the beam-mounted surface heaters.

9.0 List of Attachments

- Subject map
- Aerial map
- Photographs (pre-July 8, 2014)
- Photographs (August 7, 2014)
- Letter from applicant, dated July 3, 2014
- Drawings and structural details, dated June 20, 2014
- Statements of Significance for Bastion Square and the Reid Block.





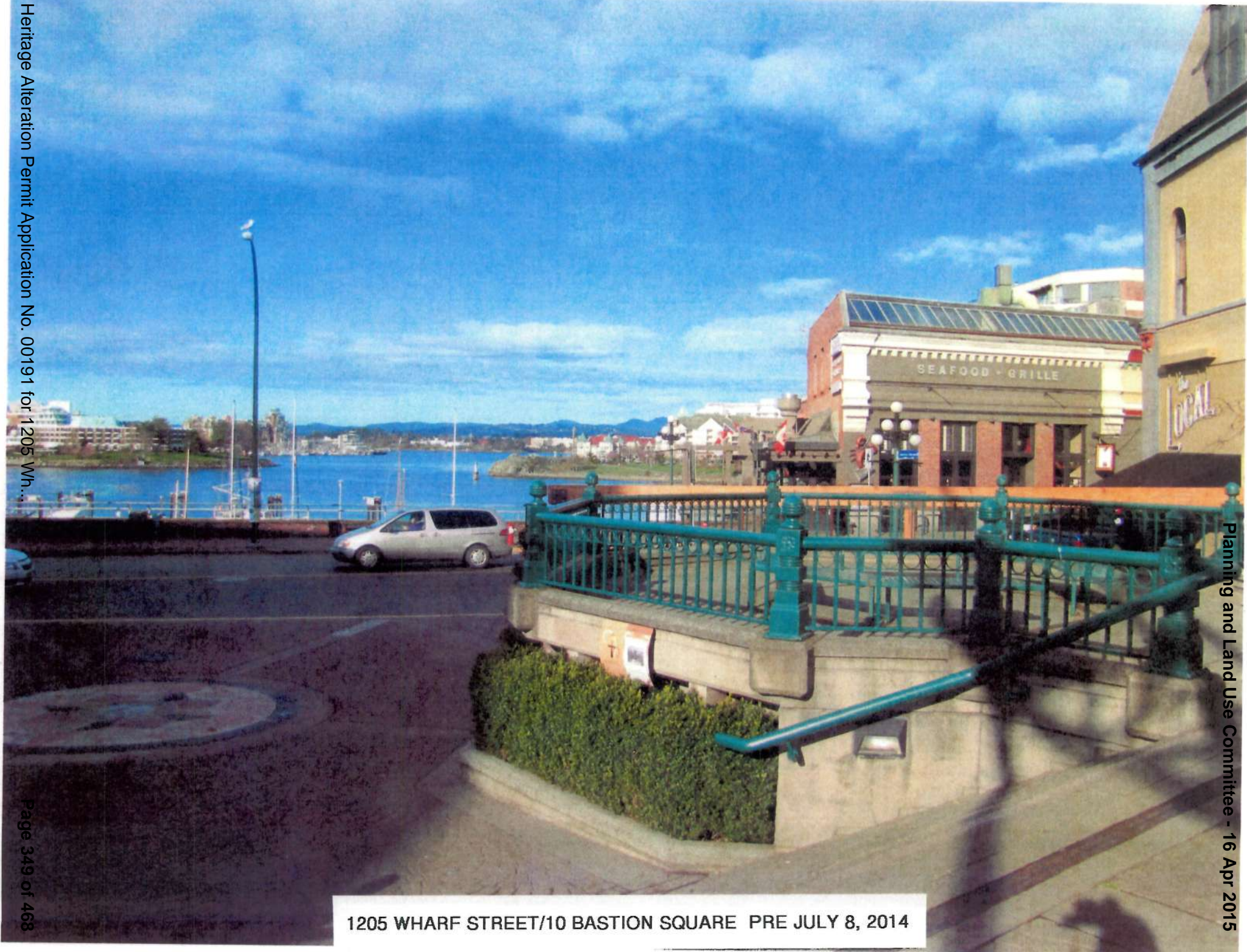
1205 Wharf Street / 10 Bastion Square

Heritage Alteration Permit #00191

Heritage Alteration Permit Application No. 00191 for 1205 Wh...



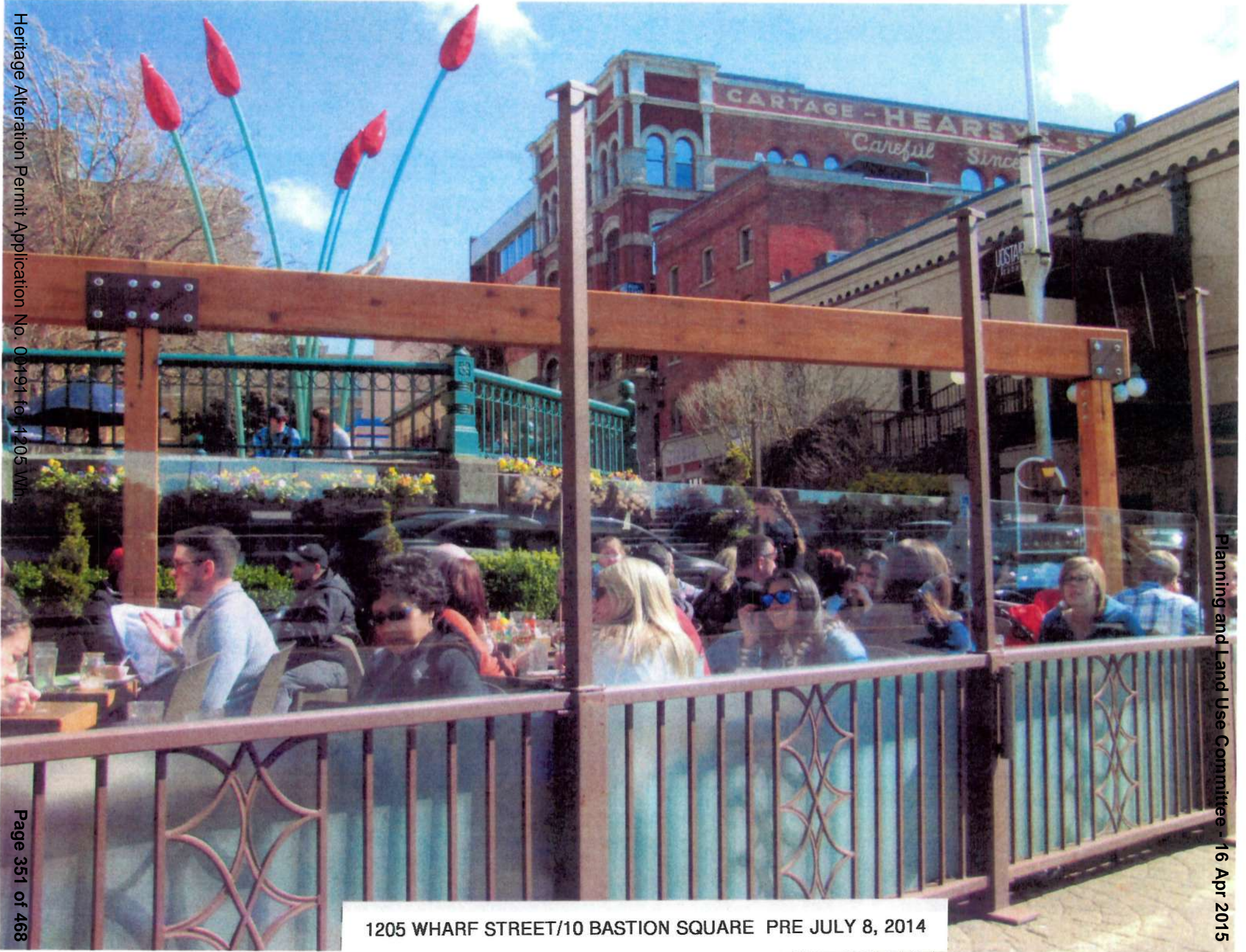
1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014



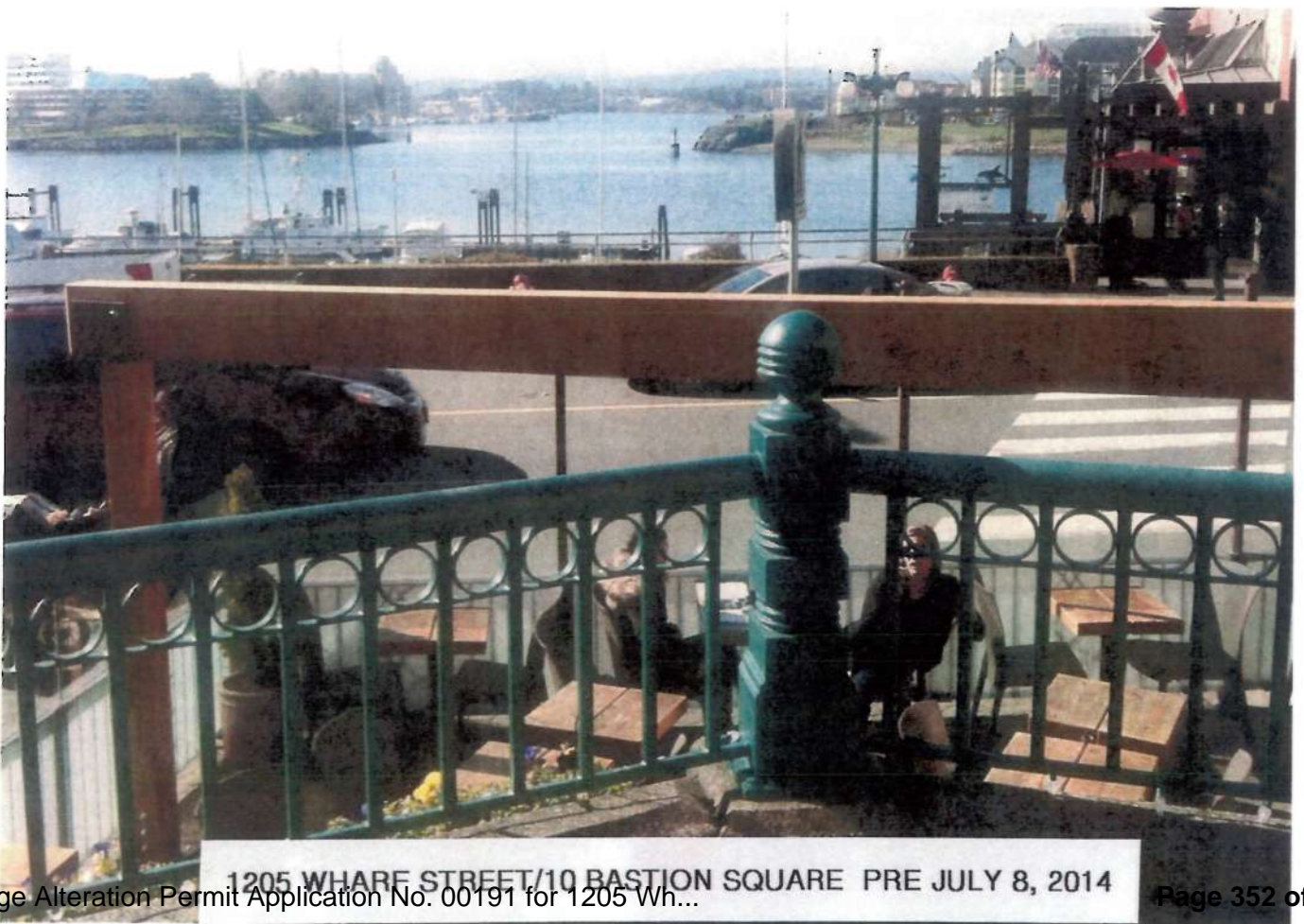
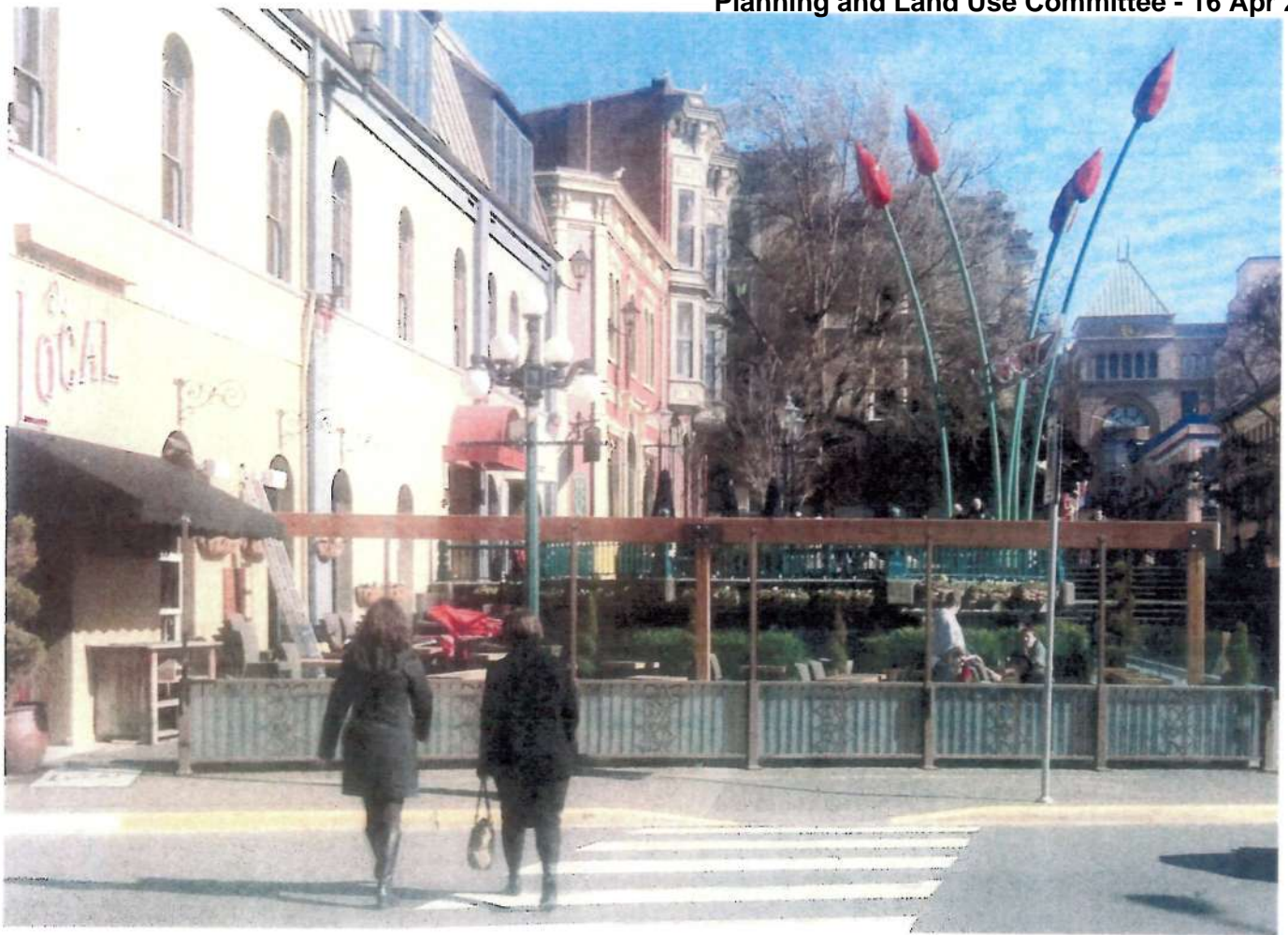
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1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014

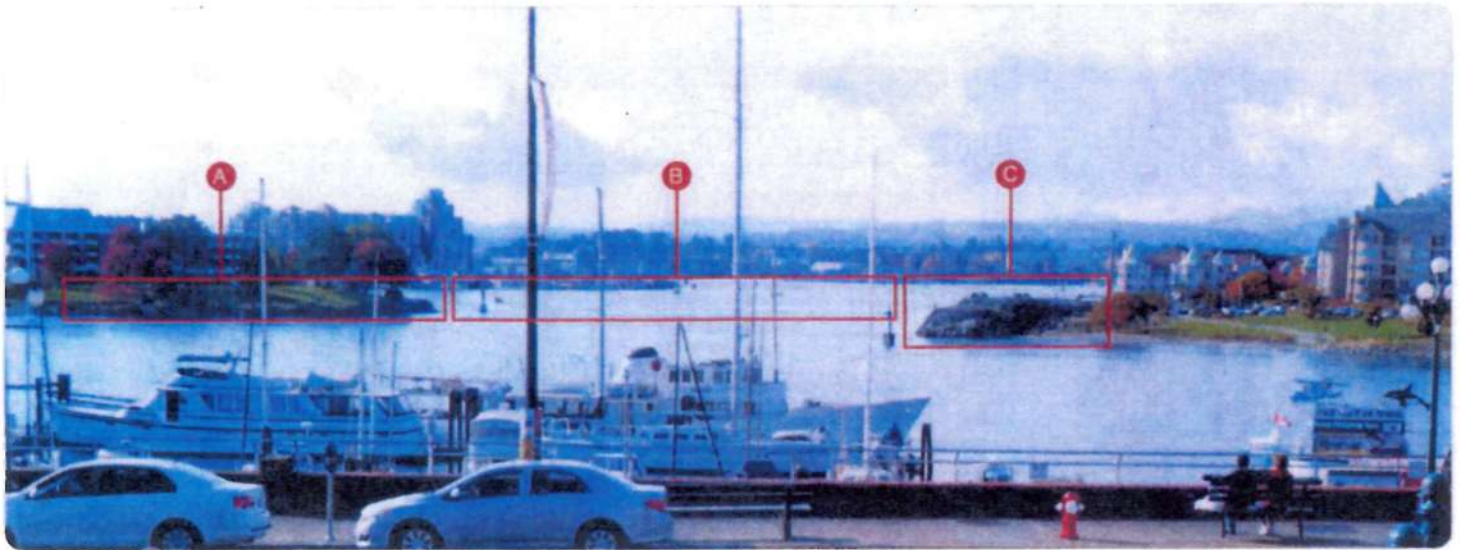


1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014



1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014

View 1: HARBOUR VIEW FROM BASTION SQUARE



Looking west from Bastion Square

Character-Defining Elements:

- A. Laurel Point
- B. Inner Harbour Entrance
- C. Songhees Point



View from a seated position showing the relationship between the beam and the character-defining elements within View 1 (DCAP), without hanging baskets and beam-mounted heaters



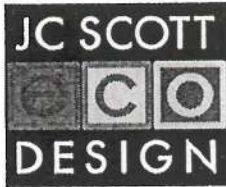
1205 Wharf Street/10 Bastion Square - August 7, 2014



1205 Wharf Street/10 Bastion Square - August 7, 2014



1205 Wharf Street/10 Bastion Square - August 7, 2014



Mayor Dean Fortin & Council
City of Victoria
1 Centennial Square,
Victoria BC

02 July, 2014

Re: The Local Patio, Building Permit Application BP051279
Heritage Alteration Permit, 1205 Wharf Street, Victoria BC

At the request of the Planning Department, I have been asked today to write an updated synopsis of the patio and related heater trellis at Bastion Square for your review. Many of you on council are already intimately aware with this issue and I believe that all of you have been made aware in some way with The Local Patio at one time or another over the last three years.

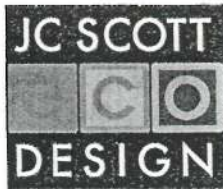
My client, Jeremy Petzing, of Brownco Holdings Inc., dba The Local, has always acted with the intention of compliance in good standing with the City of Victoria with regard to the leased patio space in Bastion Square which adjoins his restaurant. We are currently in what we hope are the final stages of a Patio Permit Application that was begun in 2011 and which has been refreshed this year as Building Permit Application BP051279 which has initiated a Heritage Alteration Permit with associated fees and process steps.

There is an attached rendering showing the intended trellis and patio heaters from 2011. This rendering has been on file with the city for well over three years. Patio and sidewalk cafes are primarily a seasonal business unless they are enclosed by tents in cities like Vancouver or with a structure like Swan's Greenhouse, or in cities like Paris, with large retractable awnings and windbreaks which are used to extend the season.

Throughout the industry, patio heaters are becoming not just normal but necessary and whereas in the 1980's, free-standing propane heaters were the norm; today 'plumbed-in' natural gas is the industry standard for reasons of safety and energy efficiency. Some operators use overhead wired in electric patio heaters.

We have an attached letter from the Victoria Fire Department which supports the natural gas model partly because propane is heavier than air so it can accumulate and explode but natural gas is lighter than air so it rises and cannot create catastrophic failure. Natural gas which we hope to use is also much more energy efficient.

The owner, fully expecting approval by this spring (because of promises made last spring, 2013 that patios were to be reviewed by city staff last September, 2013) has installed the trellis as per his and my understanding from the city that it was at the agreed height so as not to block sight-lines from the Bastion Square "lookout". It was built to specifications and



drawings from the structural P.Eng's RJC and we are now awaiting approval of the natural gas heaters.

Many years ago, I was the artist/ designer selected by the city through open competition to redesign Bastion Square; it is my compass design and my entry gate design at Government Street. I note these facts simply because I want to point out that am intimately aware of the aesthetics of Bastion Square, and I care about this important public space. I am a graduate architectural historian, and heritage is important to me, especially when, through adaptive re-use, heritage can be revitalized and made more functional.

I believe that the timber trellis perfectly suits the heritage of Bastion Square; BC was largely built with timber and wood and although the buildings of Bastion Square are clad in brick and masonry, virtually all of the older buildings there have timber frame structures.

The timber trellis also complements the exposed timberwork on the decks and stairs across the street on the harbour side of Wharf Street. Finally a timber trellis is much more attractive and heritage compliant than a metal armature (as has been used elsewhere in Bastion square) to support the preferred natural gas heaters. We hope to resolve this issue as soon as possible.

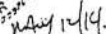
Yours truly,

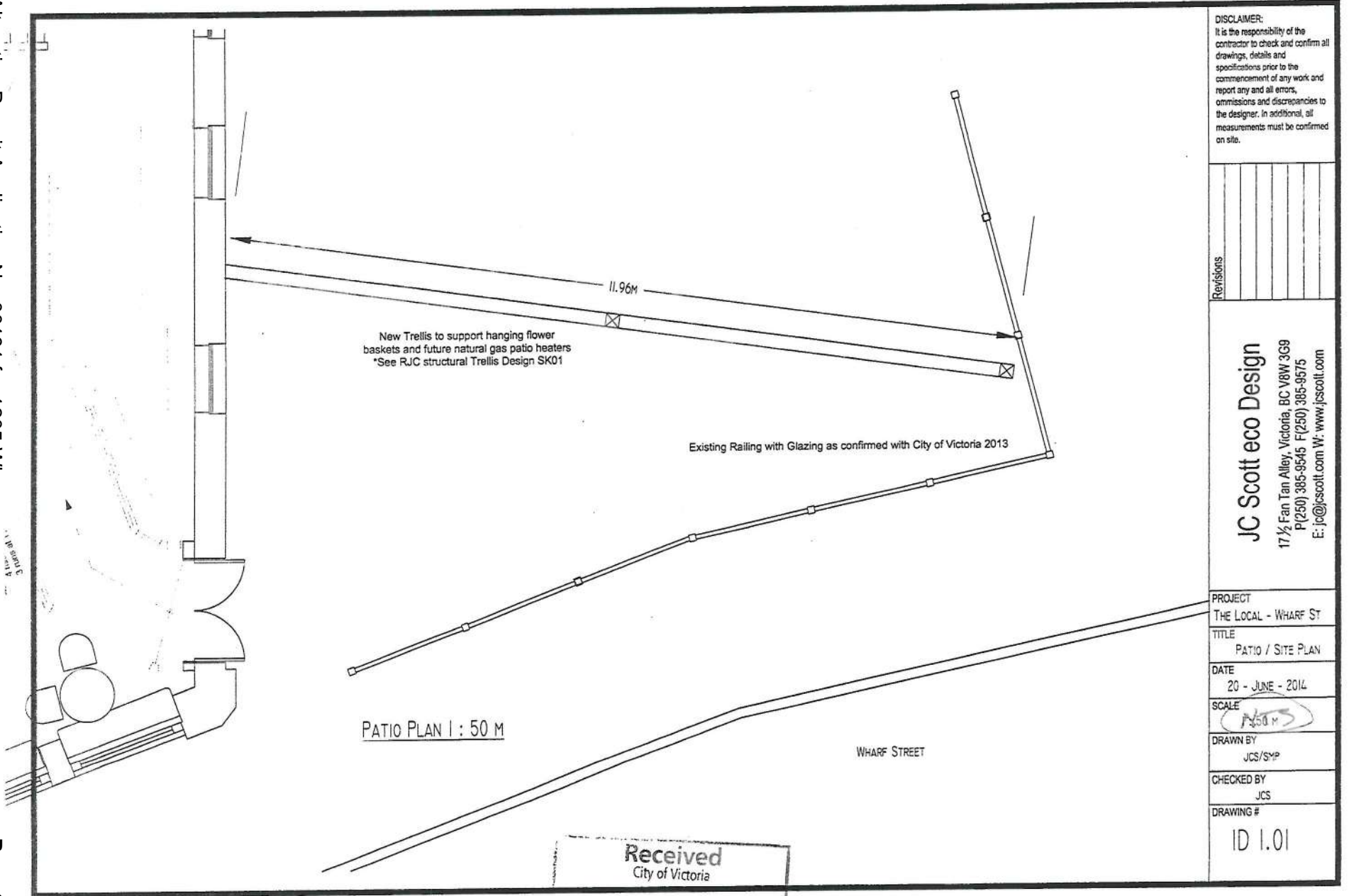
JC Scott

A handwritten signature in dark ink, appearing to be "JC Scott", written in a cursive, stylized script.

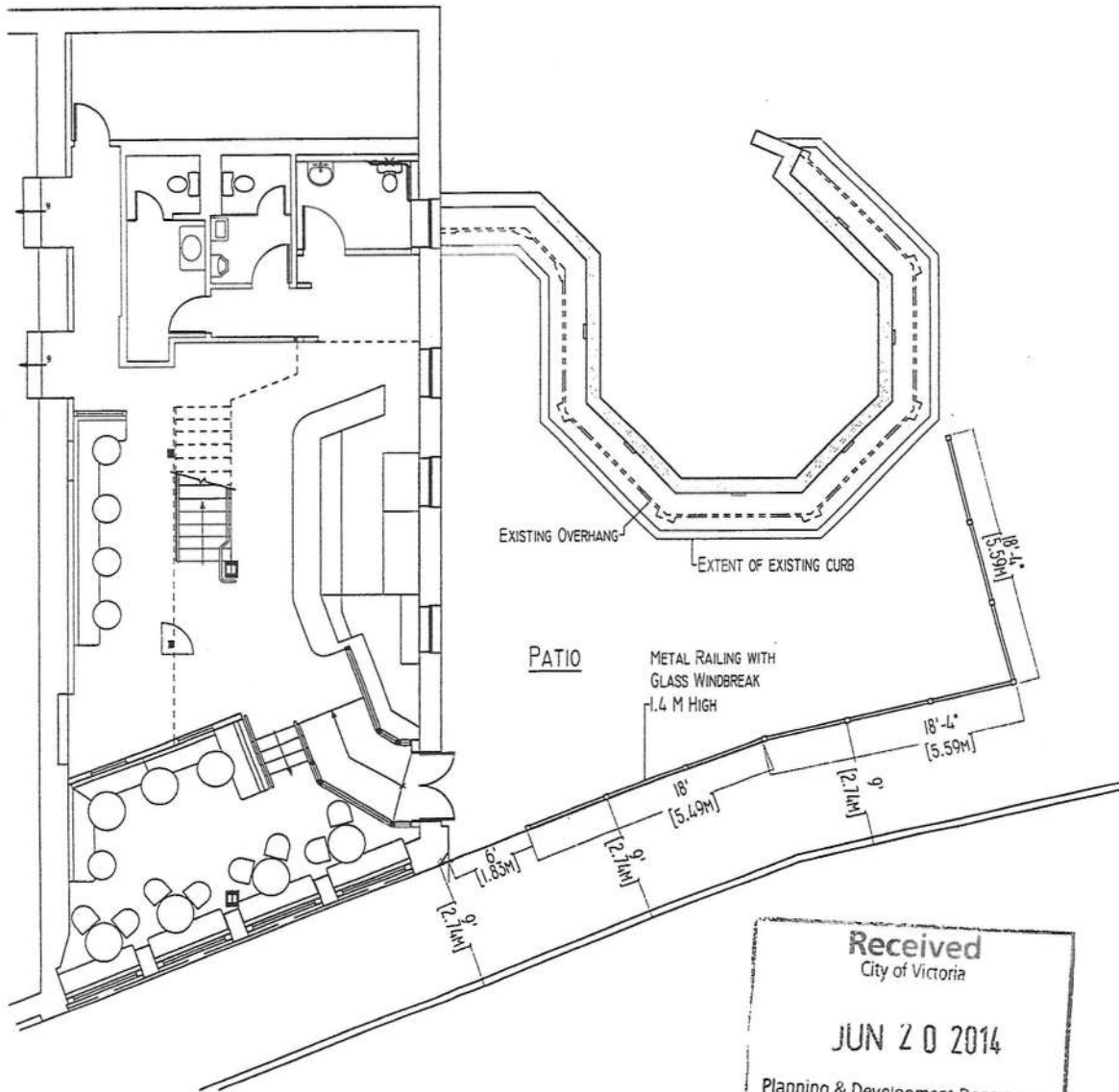
cc:

Murray Miller;
Deborah Day;
Robert Woodland;
Jason Johnson;
Stephen Stern;
Kevin Smitten;
Jeff Mitton;
Don Kitchen;
Mark Hayden;
Ken Kelley;
Jeremy Petzing;
Greg Harney;





THE LOCAL: PATIO PLAN
SCALE 1:100



Received
City of Victoria
JUN 20 2014
Planning & Development Department
Development Services Division

DISCLAIMER:
It is the responsibility of the contractor to check and confirm all drawings, details and specifications prior to the commencement of any work and report any and all errors, omissions and discrepancies to the designer. In addition, all measurements must be confirmed on site.

Revisions

JC Scott ECO Design
17 1/2 Fan Tan Alley, Victoria, BC V8W 3G9
P(250) 385-9545 F(250) 385-9575
E: jc@jscott.com W: www.jscott.com

PROJECT
THE LOCAL
TITLE
PATIO PLAN
DATE
22 MAY 2013
SCALE
1:100
DRAWN BY
ASF / JCS
CHECKED BY
JCS
DRAWING #

A1.01

Statements of Significance

Bastion Square - Description, Heritage Value and Character-Defining Elements

Description

Bastion Square is an historic urban space, located in the heart of Victoria's Old Town National Historic Site. It is comprised of a two-block pedestrian mall, of irregular configuration, enclosed by street walls of late-nineteenth and early-twentieth century historic masonry buildings between two and four storeys in height. From its widest point, facing Wharf Street, it rises to the east up a steep slope then narrows and levels off, crosses Langley Street, then rises again until it reaches its narrowest, eastern point on Government Street. Other walkways and service spaces connect Bastion Square to a network of pedestrian walkways, a key characteristic of Old Town's urban pattern. Bastion Square has evolved as a ceremonial and public space that physically and visually links Old Town, Government Street and the Inner Harbour.

Heritage Value

Bastion Square, as a public open space enclosed by an historic grouping of late Victorian and Edwardian-era buildings, is of heritage value for its physical links to the earliest development of Victoria's Old Town National Historic Site.

Character-Defining Elements

Key elements that define the heritage character of Bastion Square include its:

- Location in the heart of the Old Town National Historic Site, connecting the waterfront and the commercial core
- Ongoing use as public open space, incorporating a mix of private and public activities, heritage plaques, historic commemoration and public art
- Funnel-shaped physical form that rises and narrows from west to east, enclosed by two to four-storey high street walls
- Surrounding ensemble of late-nineteenth and early-twentieth century historic masonry buildings, including the Law Courts National Historic Site
- Connections to the network of secondary pedestrian walkways and service spaces that are characteristic of Old Town's historic urban pattern
- Constructed elements from the 1960s and 1993 revitalizations, including different plaza levels connected by stairs and ramps, public realm improvements such as planters and benches, and decorative lighting.

Reid Block - Description, Heritage Value and Character-Defining Elements

Description

Reid Block is a large, three-storey commercial building situated on Wharf Street, at the northwest corner of Bastion Square facing the Inner Harbour waterway. Constructed in 1862-1863, it is characterized by its mansard-roofed third floor, small arched upper-storey windows and lack of decorative architectural elements.

Heritage Value

The Reid Block is valued for the contribution it makes to the continuity of the east side of Wharf Street and as an early example of heritage building rehabilitation in Victoria.

The physical value of this building lies in its mass and form, and in its relationship to both Wharf Street and Bastion Square. Its long, five-bay façade fronting Wharf Street upholds the continuity of the street wall, a key characteristic of this unique commercial thoroughfare. Together with its contiguous neighbours and the nearby collection of historic buildings on the other side of Bastion Square, the Reid Block illustrates the integrity of this part of the Inner Harbour Precinct as the critical link between shipping in the Inner Harbour and commercial endeavours on land.

Furthermore, the significance of the relationship of this building to Bastion Square adds to its value, as it is representative of the role of downtown revitalization and rehabilitation in preserving Victoria's unique heritage character and historic streetscapes.

Character-Defining Elements

The character-defining elements of the Reid Block include:

- Its prominent corner location, marking the western entrance to Bastion Square
- Its physical relationship to both Wharf Street and Bastion Square
- Its three-storey height
- The contribution it makes, by way of its massing and overall design, to the continuity of the commercial streetscape on the eastern side of Wharf Street
- Surviving elements of its 1862-1863 construction, such as window and door openings on the ground floor and second storey, brick elements of exterior façades (now covered by stucco), cast-iron structural elements, upper-storey double-hung wooden-sash windows and pilasters
- Major elements of its 1979 rehabilitation, including the third-storey mansard addition.



JC Scott
17 ½ Fan Tan Alley
Victoria, BC
V8W 3G9

April 3, 2013

Mr. Scott

**Fire
Department**

Office of the
Fire Chief

1234 Yates Street

Victoria

British Columbia

V8V 3M8

Tel (250) 920-3350

Fax (250) 920-3370

www.victoria.ca

Fire Prevention

Tel (250) 920-3360

Re: Heater options for outdoor patios.

As discussed in our meeting of March 5, 2013 it is the opinion of the Victoria Fire Prevention Office that approved and properly installed natural gas heaters would be a safer alternative to using free-standing propane heaters.

I understand that there is currently a City of Victoria Bylaw titled the Sidewalk Cafés Regulation – No 02-75 whereby “free-standing propane heaters” are the only heaters allowed to be in use on sidewalk cafés, and you are looking to petition the City of Victoria for a variance that would allow you to install a safer, semi-permanent alternative.

I support your initiative for a number of reasons, the main one being safety. As opposed to natural gas, the nature of propane causes it to sink and potentially accumulate which would increase the risk of possible explosion. Natural gas, being lighter than air, would rise away and eventually dissipate. The system you have proposed would be connected to the existing gas lines with a safety shut off valve which would be safer in the event of an incident on the patio or with the appliance itself. Lastly, with having a plumbed natural gas line to the heaters, there will not be the need to store volumes of 20 pound propane tanks on the property which may be susceptible to mischief, and would pose a higher danger to fire suppression members as well as the public in the event of a fire at this location.

Thank you for your commitment to safety.


Megan Sabell
Fire Prevention Officer







The trellis beam was sized and detailed with bevels to reflect the details of the timber and concrete features of the adjacent Bastion Lookout.



Seated View from Bastion Lookout



Standing view over trellis
beam from Bastion Lookout



Patio photo August 2014



THE LOCAL PATIO BASTION SQUARE 1205 WHARF ST.



Original Patio Rendering - showing natural gas heaters and hanging baskets

The patio at 1205 Wharf Street / 10 Bastion Square has been operating under a Sidewalk Cafe agreement with the City of Victoria since 2007.

We have a plan of the patio on file with September 2007 as the date.

That agreement was reached with Sharon Przybysz who was the patio co-ordinator for the city at that time. We subsequently learned that Sharon was working under Jeff Mitton who is still with the city although Sharon is not.

In 2011, after seeing glass windbreaks installed around a number Sidewalk Cafes in Victoria, similar glazing was ordered for the Local. The downtown Co-ordinator Michael Hill issued a stop work order although the glass was ordered at exactly the same height.

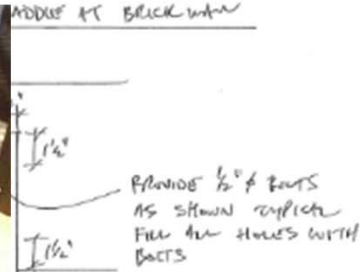
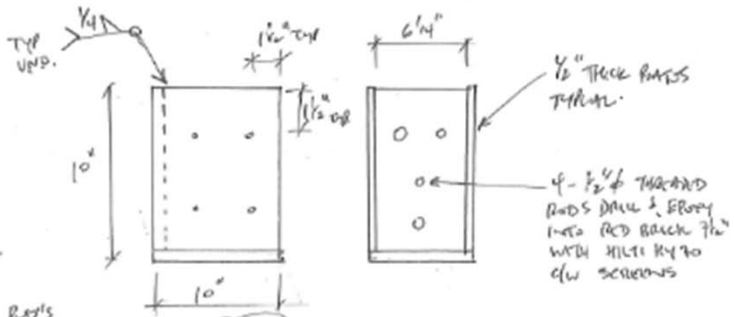
On-site negotiation sessions resulted in plans and renderings, moving the patio boundary to a smaller footprint. The renderings always showed a trellis beam with natural gas heaters. The only question that ever arose about the beam was its height, only the heaters were questioned due to city by-laws allowing only free-standing propane heaters.



The City of Victoria is noted for our wonderful hanging flower baskets and street lights



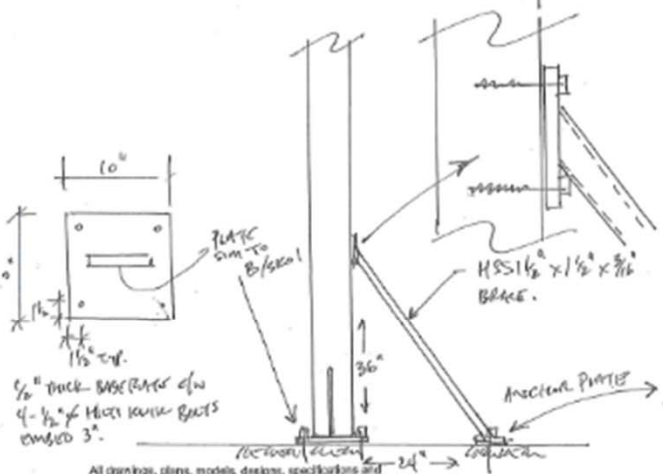
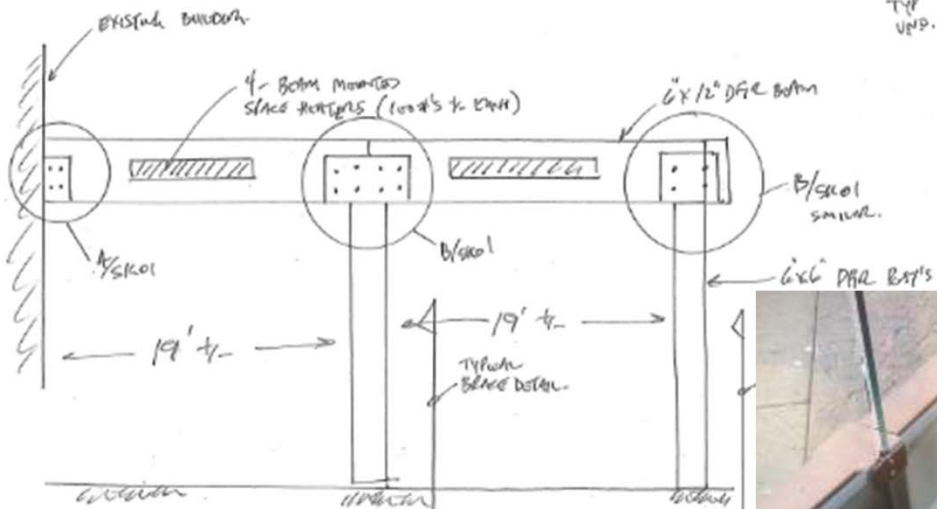
Flowers and flower baskets are Victoria 'Signature' attractions, Swans is famous for their floral display, much of it is on or over the city sidewalk



1/2" THICK BASE PLATE
TYPICAL

6x6 POST

Column to Beam



All drawings, plans, models, designs, specifications and other documents prepared by Road Jones Christoffersen Ltd. ("RJC") and used in connection with this project are instruments of service for the work shown in them (the "Work") and as such are and remain the property of RJC whether the Work is executed or not, and RJC reserves the copyright in them and in the Work executed from them, and they shall not be used for any other work or project.

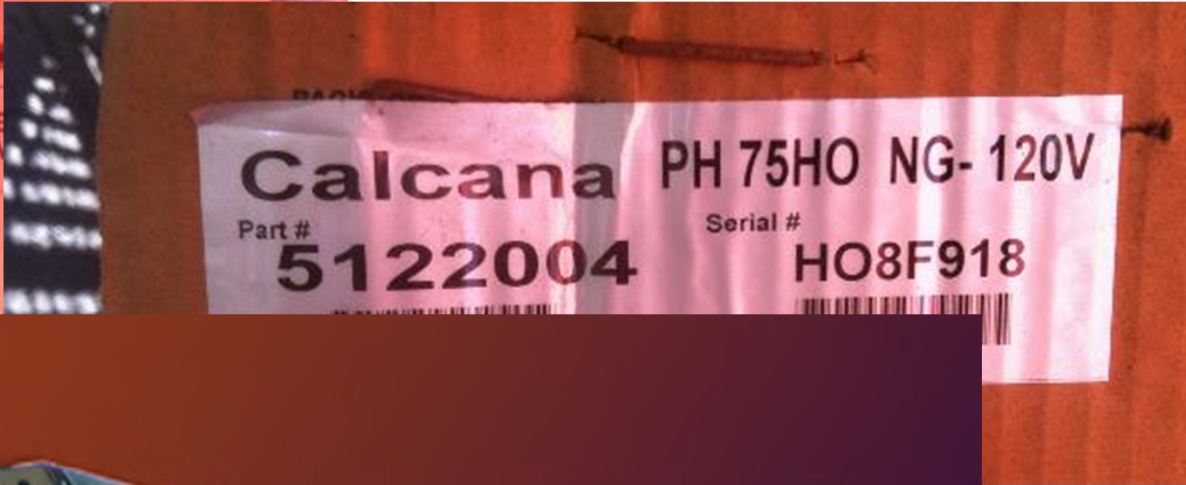
No.	Revision	Date	By

ric Road Jones Christoffersen
Consulting Engineers
Suite 220, 645 Tye Road
Victoria, BC V8A 6K5 Canada
Office 250 386-7794 Fax 250 381-7900
www.rjc.ca

Project Name
THE LOCAL KITCHEN - 1205 WHARF ST.
Sketch Title
TRELLIS DESIGN

Drawn By **DWW**
Scale **NTS**
Date **MARCH 12, 2014**
Project No. **VIC.110665.0001**
Sketch Number **SK01**







**Fire
Department**

Office of the
Fire Chief

1205 Yates Street
Victoria

British Columbia
V8W 3M8

Tel: (250) 920-3350

Fax: (250) 920-3370

www.victoria.ca

Fire Prevention
Tel: (250) 920-3300



JC Scott
17 1/2 Fan Tan Alley
Victoria, BC
V8W 3G9

April 2, 2013

Mr. Scott

Re: Heater options for outdoor patios.

As discussed in our meeting of March 5, 2013 it is the opinion of the Victoria Fire Prevention Office that approved and properly installed natural gas heaters would be a safer alternative to using free-standing propane heaters.

I understand that there is currently a City of Victoria Bylaw titled the Sidewalk Cafés Regulation – No 02-75 whereby “free-standing propane heaters” are the only heaters allowed to be in use on sidewalk cafés, and you are looking to petition the City of Victoria for a variance that would allow you to install a safer, semi-permanent alternative.

I support your initiative for a number of reasons, the main one being safety. As opposed to natural gas, the nature of propane causes it to sink and potentially accumulate which would increase the risk of possible explosion. Natural gas, being lighter than air, would rise away and eventually dissipate. The system you have proposed would be connected to the existing gas lines with a safety shut off valve which would be safer in the event of an incident on the patio or with the appliance itself. Lastly, with having a plumbed natural gas line to the heaters, there will not be the need to store volumes of 20 pound propane tanks on the property which may be susceptible to mischief, and would pose a higher danger to fire suppression members as well as the public in the event of a fire at this location.

Thank you for your commitment to safety.


Megan Sabell
Fire Prevention Officer

‘approved and properly installed natural gas heaters would be a safer alternative to using free-standing propane heaters.’

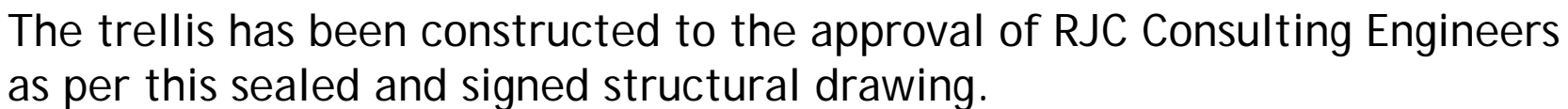
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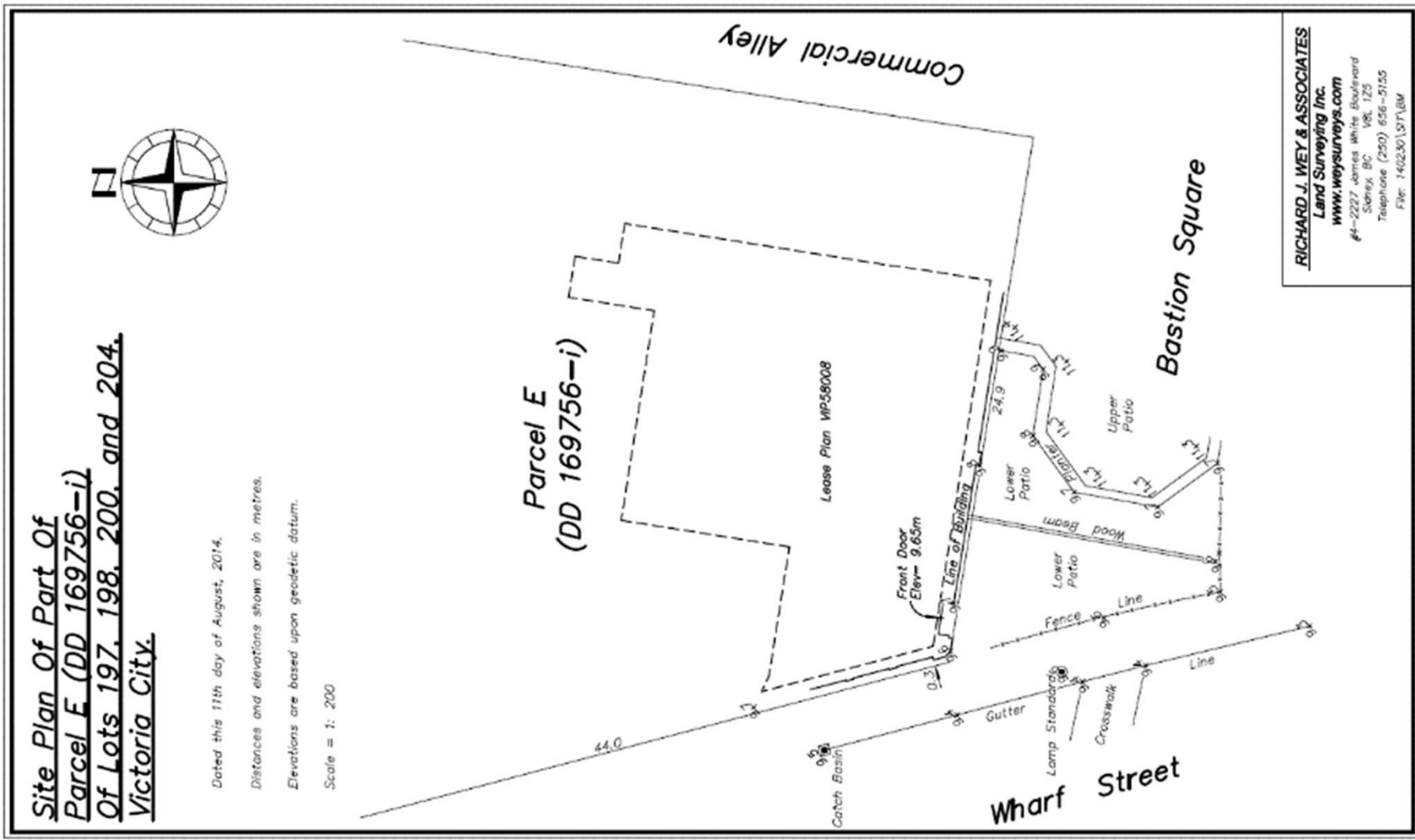
‘I support your initiative for a number of reasons, the main one being safety.’

Letter from City of Victoria
Fire Department Fire
Prevention Officer

The points in this letter have been the basis of our patio heating design scheme, because properly installed natural gas has shut offs, and has less risk of mischief than free standing propane tanks.







The Local Patio, including the glass and metal railing, the upper bastion patio perimeter and the trellis wood beam has been recently surveyed.





Planning and Land Use Committee Report

For the meeting on April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015

From: Adrian J. Brett, Heritage Planner, Community Planning

Subject: Heritage Alteration Permit Application No. 00201 for 1030 Quadra Street

RECOMMENDATION

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

"That Council consider authorizing the issuance of Heritage Alteration Permit No. 00201 for 1030 Quadra Street subject to:

1. Plans date stamped September 20, 2014.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning."

LEGISLATIVE AUTHORITY

In accordance with sections 972 and 973 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and a recommendation on the placement of an Afghanistan memorial in Pioneer Square, a City of Victoria Heritage-Designated property. The proposal is to install a granite memorial to commemorate the fallen Canadian soldiers who served in Afghanistan from 2001 to 2011. The memorial is to be located in the southwest corner of the park, also referred to as the naval corner.

The following points were considered in assessing this application:

- consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada*
- consistency with the *Heritage Conservation Act* of British Columbia
- consistency with the Pioneer Square Statement of Significance (SOS)
- consistency with the Future Commemorative Monuments section of the *Pioneer Square Management Plan* (PSMP).

This application was reviewed by the Heritage Advisory Panel at its meeting on March 10, 2015. The Panel recommended that Council deny the issuance of a Heritage Alteration Permit on the basis that the application conflicts with the heritage characteristics of Pioneer Square. The panel chose to recommend a denial of a Heritage Alteration Permit as the panel members believed the naval corner area of the park was already congested with commemorative monuments that exhibit little relevance to the persons actually buried in the Square. The panel members were concerned about adding an additional monument that may confuse the public about the authentic historical significance of Pioneer Square.

BACKGROUND

Pioneer Square, also referred to as the “old burying ground,” was Victoria’s primary cemetery from 1855 to 1873. Since 1908 it has served as a City park. In 2013 Council adopted the *Pioneer Square Management Plan* to guide the future development of this historic place. The Management Plan contains guidelines on the placement and location of future commemorative monuments on this site. The Statement of Significance for Pioneer Square, which describes its heritage value and heritage character-defining elements, was also recently updated in 2013.

Prior to the application being reviewed by the Heritage Advisory Panel, Council requested that the Old Cemeteries Society provide a formal letter of opinion on the placement of the Afghanistan memorial in Pioneer Square. Please refer to the attached letter, dated February 20, 2015.

Description of Proposal

The proposal is to install a granite memorial in the southwest corner of Pioneer Square, a City-owned and Heritage-Designated property. The memorial will measure 3.5m in length and stand 1.8m at its tallest point and 1.2m at its shortest point. A proposed 1.5m wide path would surround the monument to allow for wheelchair access.

ANALYSIS

The following sections provide a summary of the memorial’s consistency with relevant National, Provincial and City policies and guidelines.

Standards and Guidelines for the Conservation of Historic Places in Canada

In relation to the Standards and Guidelines, the application reflects the recommended practices for Cultural Landscapes. Specifically the application addresses Guideline 4.1.1: Evidence of Land Use, by proposing the placement of a commemorative military memorial in the Square which is compatible with the past and current land uses of the site. Pioneer Square contains several existing military memorials and civilian grave markers. Although the monument does not pay tribute to specific persons buried in the Square, it does memorialize the military service

of several past Victoria citizens. Its presence does not detract from the use of the space as a public park nor as a place of remembrance.

Also the application addresses Guideline 4.1.4 Spatial Organization, by proposing the placement of the commemorative monument within the boundaries of the naval corner of Pioneer Square. This part of the park contains the existing military memorials and is specifically identified in the City's *Pioneer Square Management Plan* as the only place for future commemorative monuments to be located. Please refer to the attached Pioneer Square Management Plan Park Map.

Heritage Conservation Act

Pioneer Square is a known archaeological site and thus falls under the protection of the *Heritage Conservation Act* of British Columbia. The City of Victoria currently holds a Site Alteration Permit from the Province of British Columbia which would cover any ground cover changes or installation of park-related structures in Pioneer Square. This Alteration Permit is valid until December 31, 2017.

Pioneer Square Statement of Significance

Pioneer Square is valued for its heritage as both a burial ground and as a city park (see attached Statement of Significance for full details). The site was once Victoria's primary cemetery and contains the graves of many prominent early settlers. Since 1908 it has served as a park and is one of the only urban green spaces near downtown Victoria. Its character-defining elements include both park landscaping and cemetery associated features. Of particular relevance to this proposal, commemorative monuments, both civilian and military, are listed as character defining elements of this historic site. Overall, Pioneer Square is a prominent place of remembrance. The installation of an additional commemorative memorial into this context would not contradict the existing use and would not detract from the existing character-defining elements of the site.

Pioneer Square Management Plan (Future Commemorative Monuments section)

The Management Plan was adopted by Council in April of 2013. The purpose of the plan is to build on past recommendations to create a high level, long-term vision for Pioneer Square. It sets specific goals, objectives and recommendations intended to deal with key management issues such as rehabilitation of park space, preservation of monuments, interpretation of historical significance, public amenities, maintenance and social conditions.

Relevant policies associated with this proposal from the Commemorative Monuments Section of the Management Plan (page 14) include:

"Commemorative monuments will only be considered within the naval corner of Pioneer Square."

"Future commemorative monuments to be considered for Pioneer Square must:

- Be relevant to the site: Proposed monuments should be related to past burials or war memorials and should commemorate a significant event or group relevant to the City of Victoria.
- Be consistent with the aesthetic value of the Square: The design of the monument should be in keeping with the monuments currently installed in the Square."

The proposed Afghanistan memorial will be located in the naval corner. It is also a war memorial and is relevant to the military members of Victoria and their families. The proposed Afghanistan memorial would be consistent with the aesthetics of existing commemorative monuments in the Square; its design is similar in composition to the existing Royal Canadian Navy memorial.

CONCLUSIONS

The proposed installation of an Afghanistan memorial in the naval corner of Pioneer Square is consistent with the City's Pioneer Square Management Plan's policies on future commemorative monuments and would not detract from the character-defining elements of the site as defined by the Statement of Significance. In addition, the placement of an Afghanistan memorial in the Square is consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada with regards to Cultural Landscapes, both in terms of preserving the site's existing use and its spatial organization. Overall, Pioneer Square is a site deeply associated with the remembrance of persons who have contributed, either in small or significant ways, to the civil society of Victoria in their past lives. The inclusion of the Afghanistan memorial would continue to reinforce to contemporary audiences the overarching theme of remembrance embodied by Pioneer Square and can assist in continuing to make the site relevant to Victorians today.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00201 for the property located at 1030 Quadra Street (Pioneer Square).

Respectfully submitted,



Adrian Brett
Heritage Planner
Community Planning



Andrea Hudson
Assistant Director, Community Planning
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

April 10, 2015

AB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAP\HAP00201\PLUC REPORT AFGHANISTAN MEMORIAL.DOC

List of Attachments

- Letter from the applicant, dated September 20, 2014
- Plans, dated September 11, 2014
- Park Map of Pioneer Square and Naval Corner, *Pioneer Square Management Plan*, 2013
- Pioneer Square Statement of Significance, 2013
- Letter from the Old Cemeteries Society, dated February 20, 2015.

25 – 4630 Lochside Drive
Victoria, British Columbia
V8Y 2T1



September 20th 2014

Ms Leigh Sifton
Manager, Parks Planning & Design
Parks, Recreation and Culture
City of Victoria, 1 Centennial Square
Victoria, British Columbia V8W 1P6

Dear Ms Sifton:

Subject: AFGHANISTAN MEMORIAL – PIONEER SQUARE

Canada's 12 year engagement in Afghanistan was the largest deployment of Canadian Armed Forces since World War II with more than 40,000 personnel serving in southwest Asia between 2001 and 2014. Regrettably, the human sacrifice in support of the mission, so that Afghans may enjoy life in a democratic society, amounted to 158 Canadian Armed Forces personnel, 5 members of the Public Service of Canada and 43 United States Armed Forces personnel who served under Canadian command. Our committee believes such a tragic loss should be commemorated with a memorial to the fallen in order that others may appreciate the human sacrifice in the cause of peace and freedom.

Scope of Project

The memorial shall be of polished grey granite, as shown in the attached drawings, with an inscription of dedication in both English and French and the names of Canadian fallen on both sides which are represented by the falling maple leaves.
A concrete path 1.5 m wide will surround the monument for wheelchair access.

Location

Pioneer Square, south side of southwest pathway as shown on the attached sketch. We would appreciate an onsite meeting to confirm this location.

Cost

The cost of design, manufacture and installation will be the responsibility of the Committee.

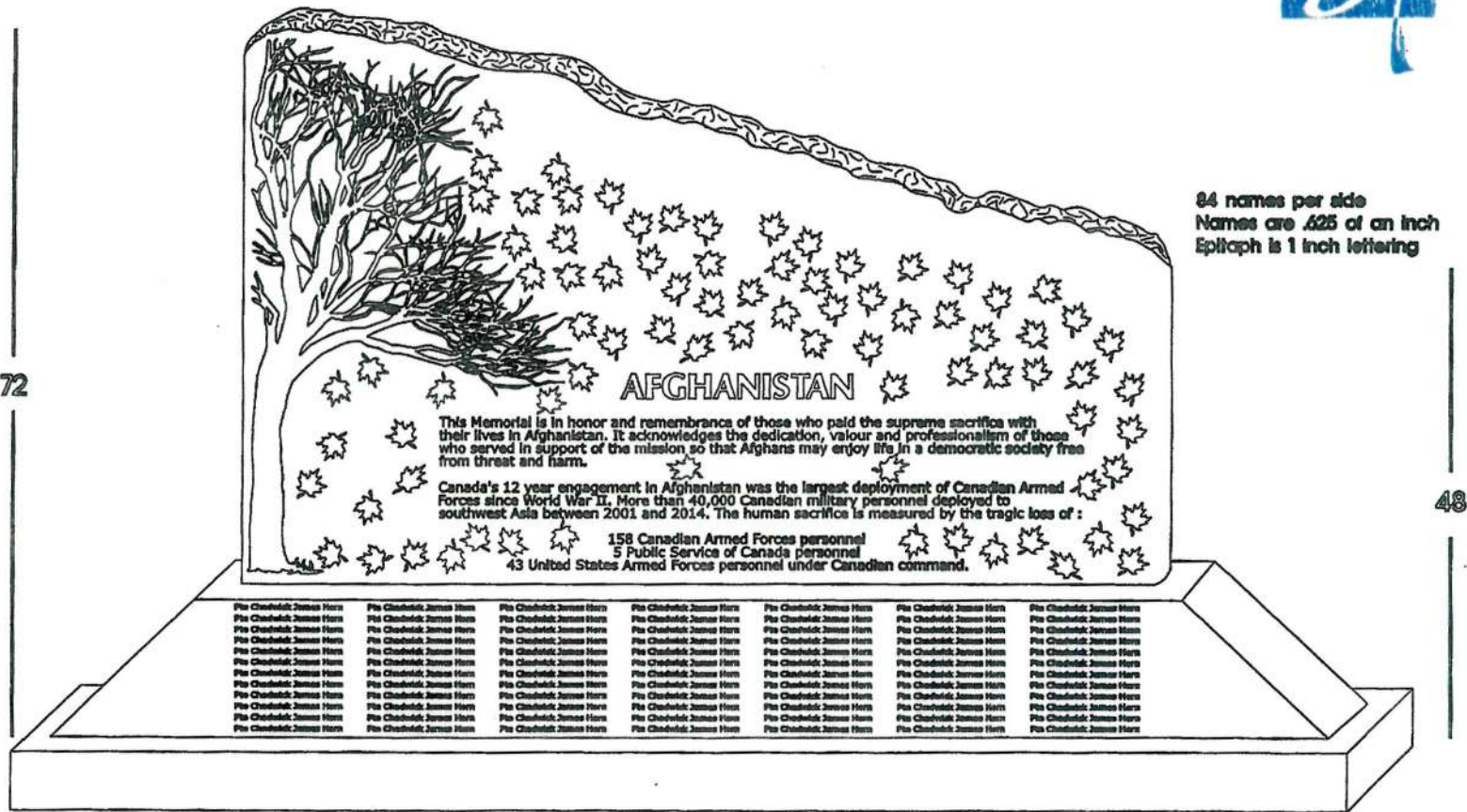
Our committee believes the proposed memorial is relevant to Pioneer Square due to the significance and human sacrifice of the Mission in the cause of peace and freedom. Also, the memorial is in keeping with the aesthetic value of the park and will consist of durable materials thereby ensuring its longevity and minimal future maintenance cost.

For ease of communication I may be contacted at mvheppell@shaw.ca or 250-658-1391.

Yours sincerely

Michael E. Heppell
Afghanistan Memorial Committee





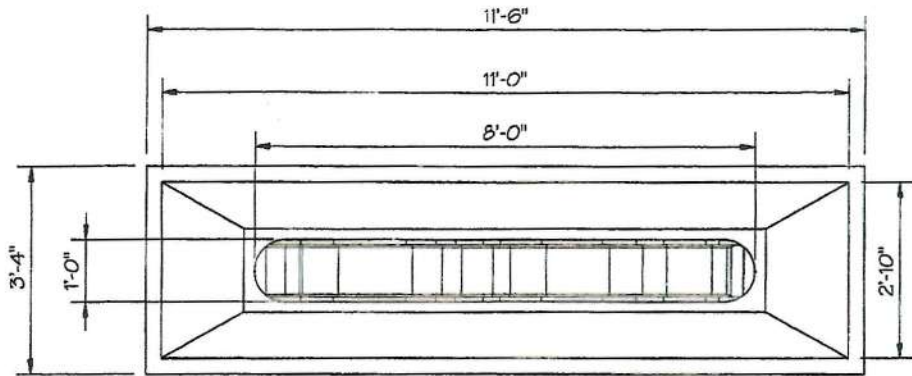
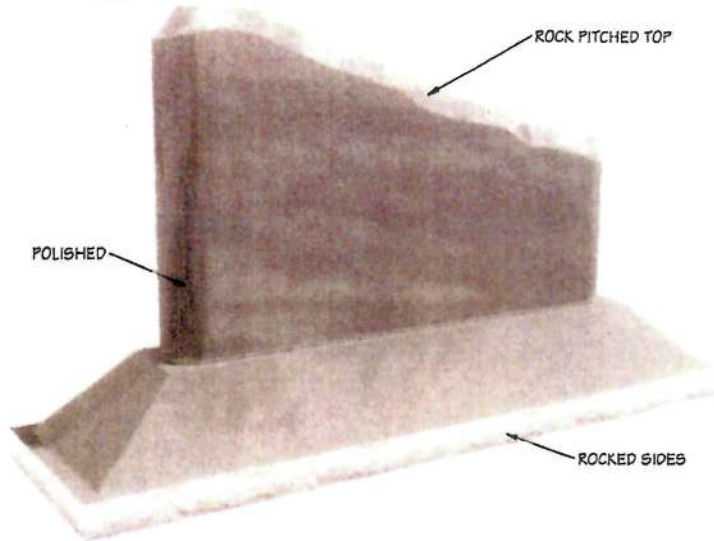
Planning and Land Use Committee - 16 Apr 2015



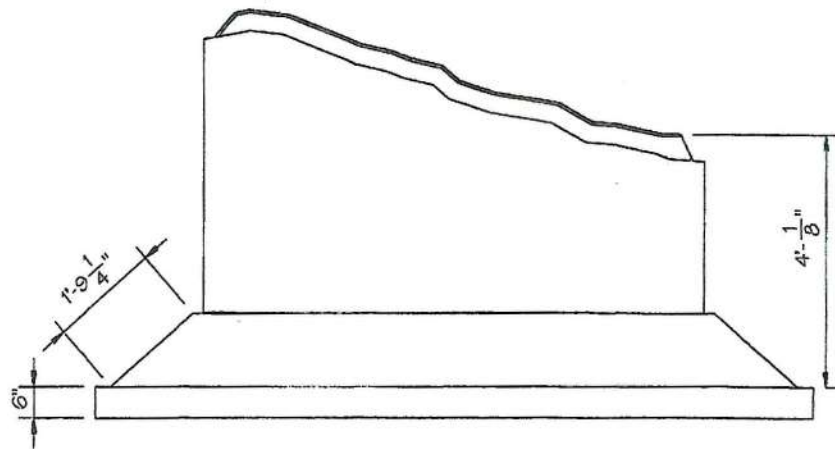
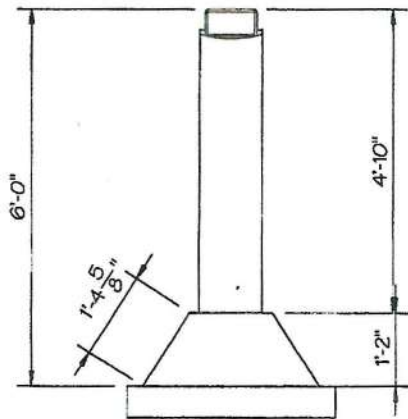
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CLIENT STEWART MONUMENTS	WEIGHT 12291 lbs	DATE 11/09/2014

This detail was prepared
for your approval

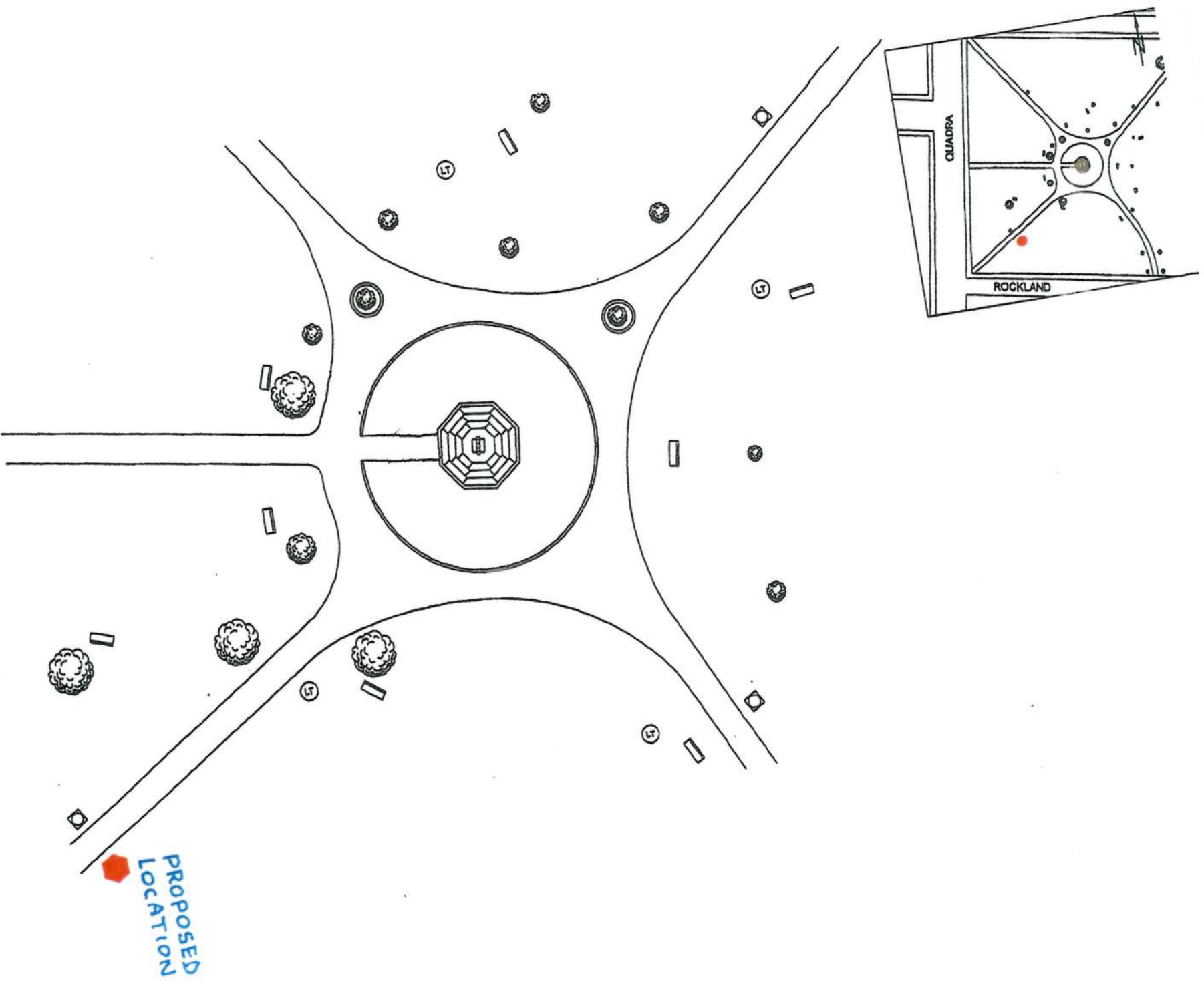
Sign and return
Approved by _____
Date: _____



Please Note: All schematics, drawings and specifications
remain the property of Stewart Monumental Works
Ltd. and are not for distribution or replication without
the consent of the above.
Thank you



COLOR BARRE GREY	FINISH 1	AS PER ISOMETRIC VIEW	REVISION-E ADDED ROCK PITCH TO BASE	ITEM 0	QUANTITY 10F1	TARGET DATE 0000-00-00
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STATEMENT OF SIGNIFICANCE

Pioneer Square

HISTORIC NAMES

- Victoria Cemetery
- Quadra Street Cemetery
- Quadra Street Burying Ground
- Old Burying Ground
- Old Cemetery
- Pioneer Square

Date of Establishment: 1855

Active as Cemetery: 1855-1873

City of Victoria Park: 1908-Present

DESCRIPTION OF HISTORIC PLACE

Pioneer Square occupies a rectangular site on the edge of downtown Victoria, situated to the north of Christ Church Cathedral, with frontages on Quadra Street, Rockland Avenue and Meares Street. The site contains at least 1,300 interments, marked by a number of surviving gravestones and bench tombs. Since 1908, Pioneer Square has been a City of Victoria park, and retains its formal Edwardian-era layout with diagonal paths and a central circular focus, grassed flat terrain and mature trees and plantings. There are also a number of other, later memorials located within the park setting.

HERITAGE VALUE OF HISTORIC PLACE

Pioneer Square is valued as the most significant colonial-era cemetery in the Province of British Columbia, and is inextricably linked with the pioneer community of Victoria. It was established as a burying ground in 1855 following the closure of the Fort Victoria Graveyard. Between 1855 and 1873, Pioneer Square was Victoria's primary cemetery. It contains some of the province's oldest carved headstones, and embodies a collective memory of British Columbia's colonial era. Many of the province's earliest and most prominent settlers are interred here, including: James Murray Yale (1796-1871), Hudson's Bay Company Chief Trader; David Cameron (1804-1872), first Chief Justice of the Colony of Vancouver Island and his wife Cecilia, sister of Governor James Douglas; John Work (1792-1861), Hudson's Bay Company chief factor; and Dr. John Sebastian Helmcken (1824-1920), the remains of his wife Cecilia and their three infant children.

This burying ground is a direct link to the formative years of the City, at the time of its evolution from a Hudson's Bay Company outpost to the second incorporated city in western Canada, and illustrates the importance of the Wakefield System at the time of colonial settlement. The townsite that the Hudson's Bay Company laid out around the Fort starting in 1852 was based on the philosophical and social precepts of Edward Gibbon Wakefield's theory of colonization. This provided a controlled system of land development, by providing reserves of land for public use including schools, churches, hospitals and parks that was the template for the ultimate development of Victoria's urban structure. Pioneer Square is located within the original Church Reserve, an integral component of the city's infrastructure and a reflection of Wakefield's ideals of an ordered, properly-organized society.

Pioneer Square is additionally significant as a symbol of Victoria's multicultural origins and as a physical testament to the pioneering spirit of the early community of Victoria. A wide variety of people were interred at the cemetery including different ethnic, secular and religious groups, and many community members who reflect the history, development, heroics and tragedies of Victoria, with local, provincial and national associations. The cemetery initially had designated sections for Anglicans, Catholics and Royal Navy personnel, but as the city's population diversified so did the cemetery. The influx of settlers from the 1858 Fraser River Gold Rush resulted in the allocation of space to the Chinese community in the northeast section of the cemetery. Situated adjacent to the Chinese section was a designated area for Kanakas (Hawaiians). Presbyterians, Methodists, Baptists and Congregationalists were also accommodated. The cemetery also had direct ties to local military history, and the southwest corner was the location of naval interments and memorials. Since its closure as a cemetery, Pioneer Square continues to be used as an active place of commemoration.

Pioneer Square is also significant for its continuity as a designed landscape, first as a Victorian-era burying ground and for over a century as a City park. Its original rambling, picturesque character reflected the 19th century aesthetics of death and memorialization. With the opening of Ross Bay Cemetery in 1873, the Quadra Street Burying Ground was officially closed, and ultimately neglected. In 1908, the provincial government issued a Crown Grant for the cemetery to the City of Victoria. The undergrowth was cleared and most of the monuments were removed. Typical of park design of the Edwardian era, meandering diagonal paths and a central circle originally intended for a fountain were installed. Tombstones, curbing and grave fences were removed, with some installed in a new grouping to the east side. Today, historic Pioneer Square continues to function as one of the only urban green spaces near downtown Victoria.

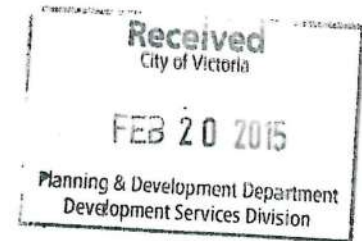
CHARACTER-DEFINING ELEMENTS

Key elements that define the heritage character of Pioneer Square include its:

- location on the edge of downtown Victoria adjacent to Christ Church Cathedral, with frontages on Quadra Street, Rockland Avenue and Meares Street;
- continuous use as a designed landscape since 1855, first as a Victorian-era cemetery then as a Edwardian-era park, with open spatial qualities and diagonal paths with a central circular focus;
- associated use of the space as a park for reflection and relaxation for over a century;
- earliest areas in the cemetery including the Anglican section, the Catholic section, the Chinese section and the Naval Corner;
- existing monuments including the Carroll and Pritchard monuments and the Sutlej Memorial, which represent outstanding examples of Late Victoria funerary and commemorative architecture;
- unique memorial elements such as burial vaults and bench tombs, which are the only remaining examples on the West Coast of Canada;
- variety of headstone styles such as shouldered and screen headstones, and flat plaque markers;
- variety of headstone materials such as carved granite, cement and sandstone;
- variety of gravestone symbols such as epitaphs, religious or animal symbolism, body symbolism, and connections to fraternal and social organizations;
- military memorials and later historical commemoration, including Naval Corner and the Canadian Scottish Regimental Cenotaph; and associated landscape features such as grassed terrain and many mature trees and plantings.



The Old Cemeteries Society
PO Box 50004
RPO Fairfield Plaza
Victoria BC V8S 5L8



Submission to City of Victoria Heritage Advisory Panel

Pioneer Square Heritage Alteration Permit application for the proposed Afghanistan Memorial Monument

The Old Cemeteries Society of Victoria (OCS) is opposed to the issuance of this Heritage Alteration Permit.

Background

The OCS was a major participant in the Pioneer Square Management Plan (PSMP) and a member of the Advisory Group. We had no opportunity for comment on this proposal. It was submitted by the Afghanistan Memorial Society to the Manager, Parks Planning and Design on Sept. 20, 2014 and OCS was not aware of the proposal until Jan. 23, 2015 when it appeared in the media.

Based on the very general and vague guidelines for Future Commemorative Monuments in the PSMP, staff recommended and Council approved the proposal.

These guidelines state that:

"For future memorial requests, it is important to clarify the types of memorials and monuments that fit within Pioneer Square specifically as well as within the overall parks system and to outline a policy for concept approval as well as monument location and design."

The general guidelines presented regarding "relevant to the site", and "consistent with the aesthetic value of the park" are much too vague and provide no clarification for types of memorials or a policy for concept approval.

OCS accepted these guidelines assuming that a proposal such as this would be referred to the Advisory Group which, as recommended in the PSMP, would meet 2-3 times a year to "ensure implementation of this plan in a manner fitting with the square's heritage, commemorative and greenspace aspects". Meetings were held to discuss the Rockland Ave. Road Closure, but no such meetings were held to discuss the Afghanistan Memorial proposal.

Much has been made of the “several” military memorials already located in Pioneer Square. The Old Quadra Street Burial Ground was laid out with a defined Naval Corner, thus the *HMS Sutej* Monument of 1866 and the Royal Canadian Naval Association monument of 1993 “dedicated to the memory of 55 men of the Royal Navy and one City of Victoria Police Constable who died while serving the Crown during the years 1846-1868” are appropriate installations.

In 2008 the Royal Canadian Air Force monument was approved by Council and installed with Parks and Heritage Planner approval. There was no recognition of the existing burials below. Yet, along with the Canadian Scottish cenotaph installed in 1938 (and upgraded in 1951), these two monuments are used as a reason for allowing more memorial monuments.

The stated purpose of the Afghanistan monument is to commemorate fallen personnel of the Canadian Armed Forces (158) and Public Service of Canada (5), and US Army Forces (43) under Canadian Command. One of the PSMP guidelines states that a monument should commemorate a significant event or group relevant to the City of Victoria. We fail to see that this monument does this.

Summary

The plan to commemorate veterans who served in Afghanistan with a new monument is a worthy one, but surely a better place than Pioneer Square can be found for this project. Somewhere of higher visibility, centrally located and not on top of documented burials would be a more fitting tribute to the veterans and more respectful to the pioneers in Pioneer Square. This memorial could add interest to a place that needs an attraction - the RBCM courtyard, Confederation Garden Court, the lawn near City Hall in Centennial Square, at the Mile Zero monument – or has a military connection.

There is currently no City policy for memorials. Drafting of a comprehensive policy is currently in progress. Until this is completed it is not known if there is a much more appropriate place for an Afghanistan Mission Memorial.

Pioneer Square has much history to offer the citizens of Victoria. However, apart from the name, little has been done to remember the pioneers whose graves remain under the sod. We should do more to memorialize them. This memorial will do nothing towards that end. Placing a monument not related to the purpose of the area will only serve to push the true history and purpose of this land further from the minds of Victorians.

There are clear parallels here with Grace Islet and other places where First Nations burials have been disturbed. It is often pointed out that “white men's” graves would not be desecrated. Pioneer Square is a classic example showing that they have been in the past and continue to be. Placing more monuments there just adds to the problem.

Recommendation

Approval for a Heritage Alteration Permit should not be granted at this time.

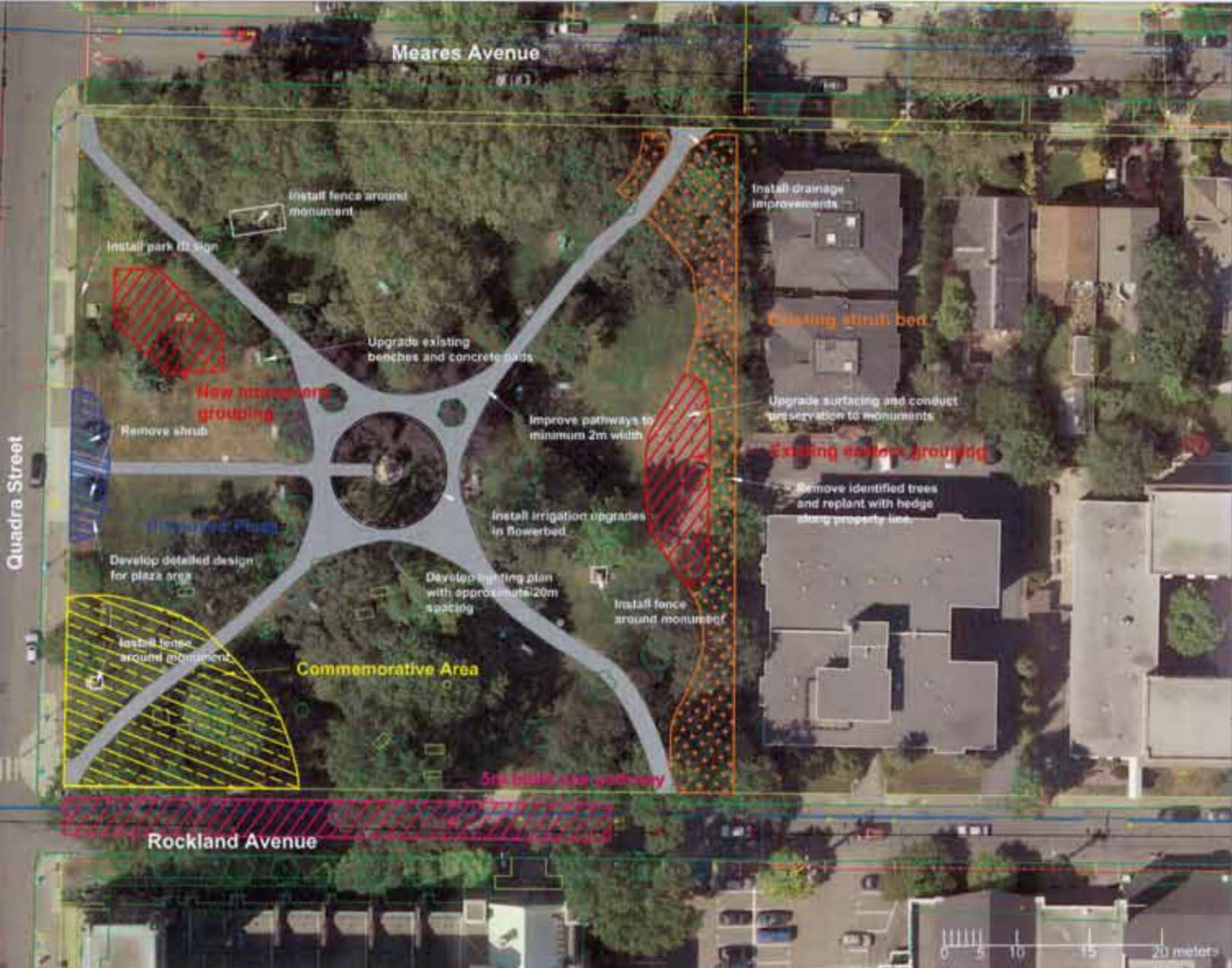
- The existing guidelines for Future Commemorative Monuments in the PSMP need to be clarified and should relate more specifically to the conditions and history of Pioneer Square.
- Nothing further should be done with this proposal until the comprehensive policy on memorials in the City of Victoria is completed.
- We strongly recommend that Pioneer Square not be considered a suitable location for this particular proposal.
- The role of the PSMP Advisory Panel should be stated clearly and include involvement not only in the implementation of the plan but in specific issues such as commemorative monuments.

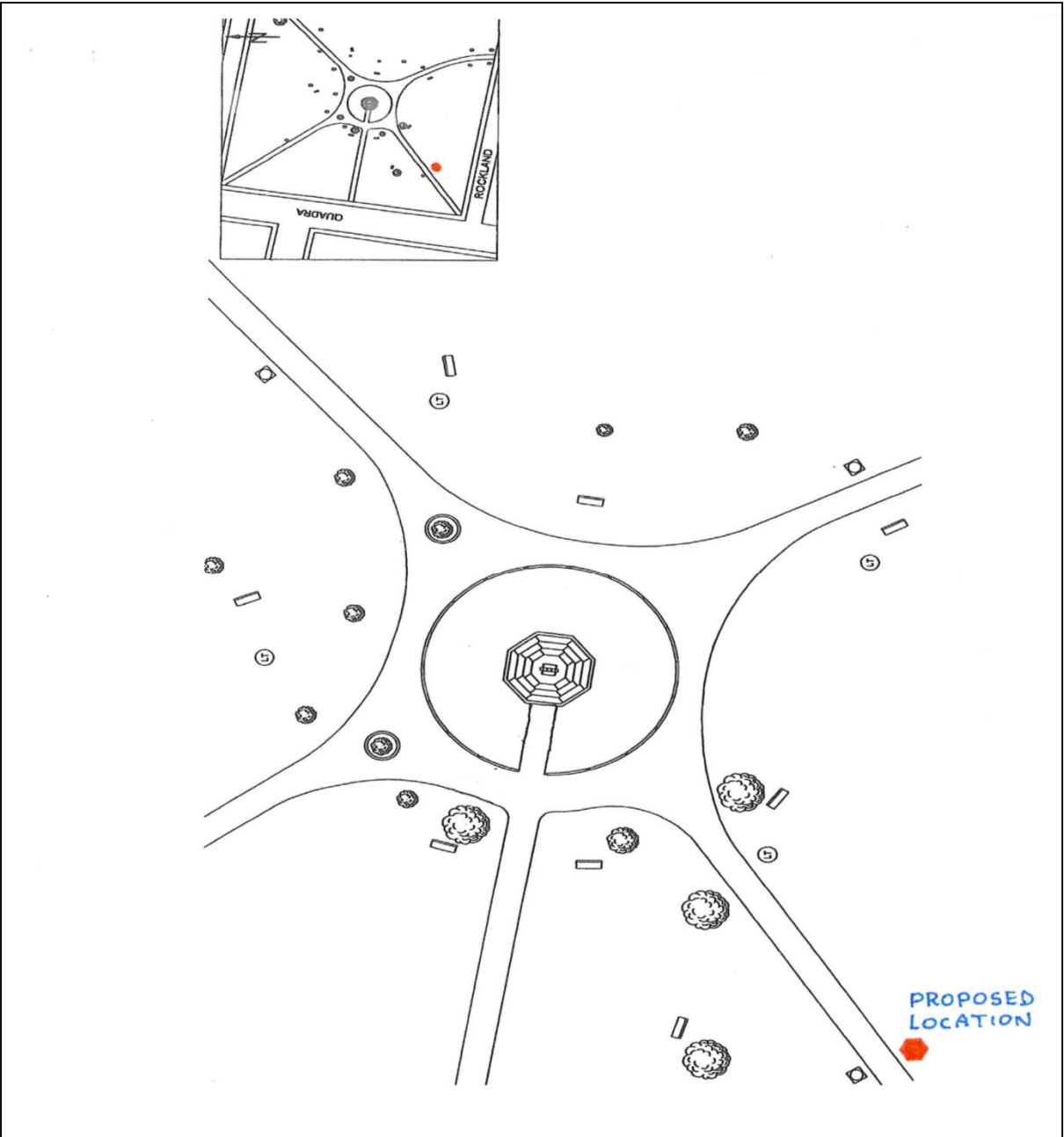
Old Cemeteries Society of Victoria
20 February 2015

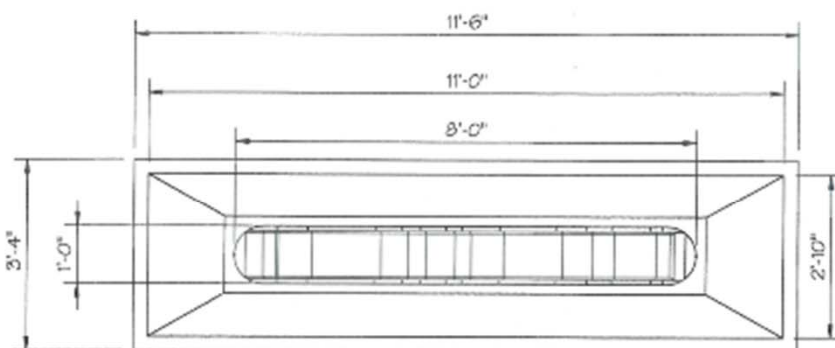
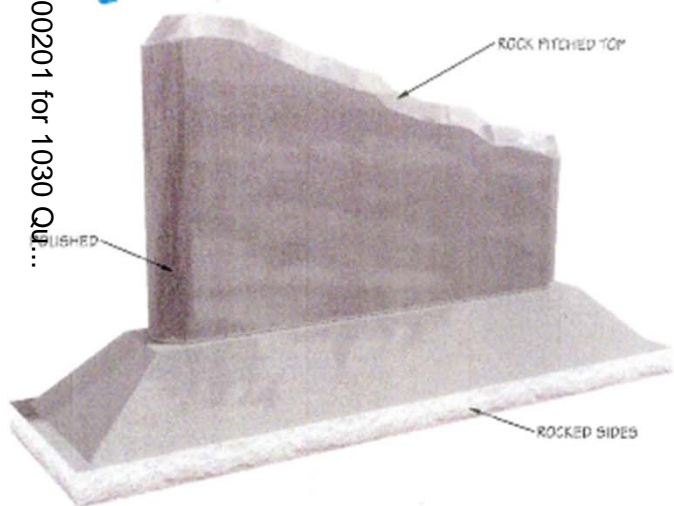
Heritage Alteration Permit Application No. 00201 **1030 Quadra Street – Pioneer Square**



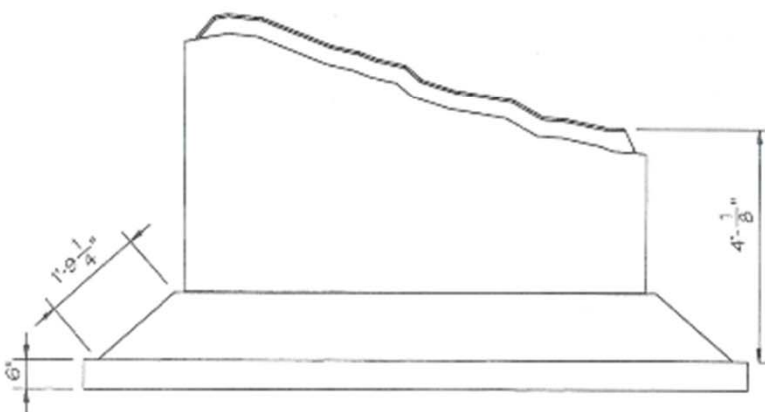
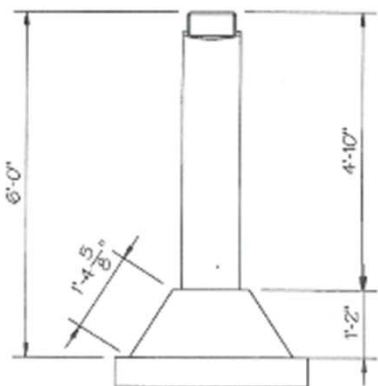
Pioneer Square Management Plan





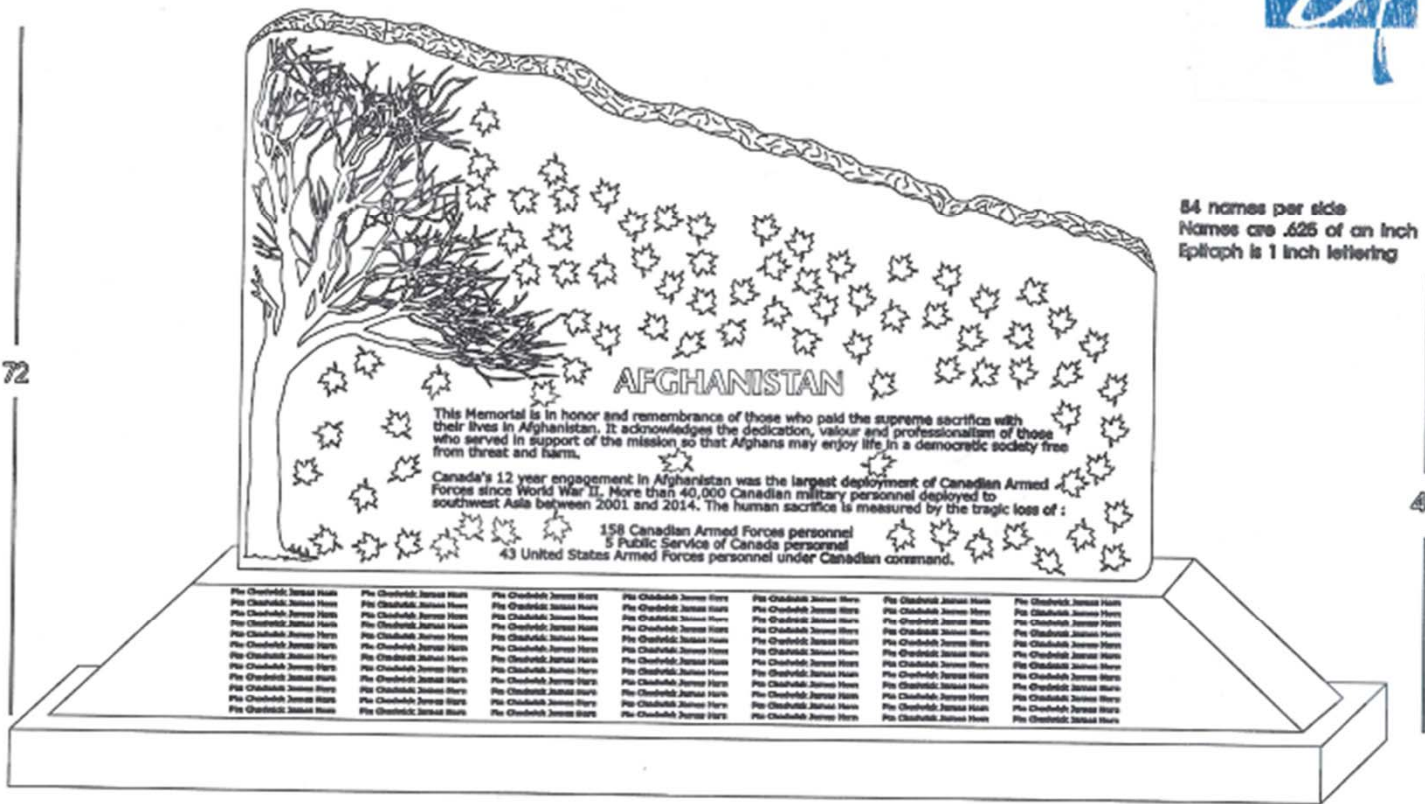


Please Note: All schematics, drawings and specifications remain the property of Stewart Monumental Works Ltd. and are not for distribution or replication without the consent of the above.
Thank you



891	COLOR	BARRE GREY	FINISH	AS PER ISOMETRIC VIEW	REVISION-E	REV	Q	QUANTITY	10CF1	TARGET DATE	0000-00-00
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72



Please Note: All schematics, drawings and specifications remain the property of Stewart Monumental Works Ltd. and are not for distribution or replication without the consent of the above.
Thank you

84 names
Names are
Epitaph is 1

AFGHANISTAN

This Memorial is in honor and remembrance of those who paid the supreme sacrifice with their lives in Afghanistan. It acknowledges the dedication, valour and professionalism of those who served in support of the mission so that Afghans may enjoy life in a democratic society free from threat and harm.

Canada's 12 year engagement in Afghanistan was the largest deployment of Canadian Armed Forces since World War II. More than 40,000 Canadian military personnel deployed to southwest Asia between 2001 and 2014. The human sacrifice is measured by the tragic loss of:

158 Canadian Armed Forces personnel
5 Public Service of Canada personnel
40 United States Armed Forces personnel under Canadian command.

4.4 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received a report regarding a Heritage Alteration Permit (HAP) Application for the property located at 151 Oswego Street. The application is specific to the recent removal of the east addition and the reconstruction of the addition using new materials. This addition was originally envisioned to be retained and this commitment was secured in a Heritage Revitalization Agreement (HRA) that was adopted on July 24, 2014. This work will require an amendment to the HRA which requires Council approval.

Committee discussed:

- Concern that approval of the HAP could be seen as condoning the contravention of the HRA.
 - Staff have discussed with the property owner his intent and have recommended that an amendment to the HRA would be required to continue work on the project.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman that Committee table consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street to receive legal advice in a closed meeting.

CARRIED UNANIMOUSLY 15/PLUC079

6.1 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received legal advice regarding the Heritage Alteration Permit (HAP) for 151 Oswego Street.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC0082

6.2 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee postpone consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street for two weeks, pending the receipt of further legal advice.

CARRIED UNANIMOUSLY 15/PLUC084



Planning and Land Use Report

For the Meeting of March 19, 2015

To: Planning and Land Use Committee **Date:** March 5, 2015
From: Murray G. Miller, Senior Heritage Planner
Subject: Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

RECOMMENDATION

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

"That Council authorize the issuance of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street in accordance with:

1. Plans date stamped February 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements."

"That Council instruct staff to amend the Heritage Revitalization Agreement for 151 Oswego Street subject to the owner providing a letter of consent and in accordance with:

1. Plans date stamped February 11, 2015.
2. Letters of engagement from the Registered Professionals, dated November 30, 2014, and January 5, 2015, respectively."

LEGISLATIVE AUTHORITY

Heritage Alteration Permit

In accordance with Sections 972 and 973 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to the terms consistent with the purpose of the heritage protection of the property, including:

- (i) conditions respecting the sequencing and timing of construction;
- (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping, siting, form, exterior design and finish of buildings and structures;
- (iii) security.

Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

Heritage Revitalization Agreement

In accordance with Section 966 of the *Local Government Act*, Council may, by bylaw, enter into or amend a Heritage Revitalization Agreement with the consent of the owner.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Heritage Alteration Permit Application for the property located at 151 Oswego Street. This Application is specific to the recent removal of the east addition and the reconstruction of the addition using new materials. This addition was originally envisioned to be retained and this commitment was secured in a Heritage Revitalization Agreement (HRA) that was adopted on July 24, 2014. This work will require an amendment to the HRA which requires Council approval.

The compliance of the proposed development with the HRA was considered in assessing this Application.

Staff recommend that Council consider authorizing the issuance of Heritage Alteration Permit No. 00197 and consider instructing staff to amend the HRA accordingly.

BACKGROUND

A Rezoning Application to permit the subdivision of the property into two parcels, for the purpose of developing a small lot single family dwelling, was approved conditional on an HRA that provided details for the conservation of the Heritage-Designated house. The HRA (151 Oswego Street) Bylaw No. 14-002 (Attachment 1) was adopted by Council on July 24, 2014, and outlined the requirements for the preservation of the heritage building.

In October 2014, staff received information that indicated that some of the work being executed on the site involved the demolition of a portion of the Heritage-Designated building that was to be retained and rehabilitated. Staff carried out site visits to record the conditions (Attachment 2).

Description of Proposal

The proposal is a retroactive application to address the recent removal of the east addition, which was to be retained and rehabilitated in accordance with the HRA. This proposal is for the reconstruction of the addition using new materials. In addition, door, window and exterior finishing details that were not included in the drawings prepared by Zebra Design have been provided in the current drawings prepared by Keay Cecco Architecture.

ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies, regulations and agreements.

Heritage Revitalization Agreement

The HRA stipulates that all work required for the preservation, rehabilitation, restoration and maintenance of the heritage building shall be performed in accordance with good heritage conservation practices. The *Standards and Guidelines for the Conservation of Historic Places in Canada* (the "Standards and Guidelines") outline sound, practical advice aimed at achieving good conservation practice. The HRA states that prior to commencement of the work required for the preservation of the house, the owner will obtain all necessary permits from the City and engage a Registered Architect & Professional Heritage Consultant to oversee the work.

The project commenced in the absence of a Registered Architect and Professional Heritage Consultant. Staff have communicated this requirement of the HRA. The applicant confirms (Attachment 5) that the following professionals have since been retained:

- John Keay, Keay Cecco Architecture (Registered Architect)
- John Dam, John Dam & Associates, MCAHP (Professional Heritage Consultant).

Unauthorized Work

In relation to the removal of the east addition, the applicant indicates that the removal of the addition was necessary in order to facilitate the placement of the house on its new foundation (Attachment 4). The addition was not documented or photographed before its removal making it difficult for staff to assess on-site conditions at the time in order to determine whether the addition could have been retained and rehabilitated in-place or whether it could have been removed, set aside and subsequently reinstated. The Standards portion of the Standards and Guidelines recommend an approach that calls for minimum intervention, evaluation of condition and repair rather than replacement.

Staff have been working with the property owner to rectify these conditions and have signed off on minor works and provided advice to the owner on how best to proceed. The removal of the addition was not considered by staff to be minor works and given that the preservation of the addition was secured in a bylaw, Council's approval for this deviation to the HRA is required.

CONCLUSIONS

The HRA sets out key obligations of the owner in preserving the Heritage-Designated property located at 151 Oswego Street. The HRA was entered into between the City of Victoria and Daniel John Miller and Carla Ann Pusateri in July 2014; however, upon approval of the rezoning small lot subdivision, the property was sold to the present owner. The present owner was unfamiliar with the conditions of the HRA, which led to frustrations with the previously agreed-upon obligations and how the conditions of the HRA were being interpreted in respect to the requirement to preserve the house, obtaining necessary permits and retaining specified professionals. Staff have worked with the owner to resolve deviations from these obligations including signing off on minor works and clarifying the approach to preservation. Staff considers that the removal of the addition without approval is a substantive departure from the scope of work anticipated in the HRA and, therefore, Council's approval is required. This Heritage Alteration Permit Application brings the key owner obligations into alignment with the HRA. Staff, therefore, recommend that Council consider authorizing the issuance of Heritage Alteration Permit No. 00197 and instructing staff to amend the Heritage Revitalization Agreement accordingly.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00197 for the property located at 151 Oswego Street.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning Division



Andrea Hudson, Assistant Director
Community Planning Division
Sustainable Planning and
Community Development Department



Report accepted and recommended by the City Manager: _____
Jason Johnson

Date: _____ March 11, 2015

MM:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAPI\HAP00197\PLUC REPORT 6MARCH2015.DOC

List of Attachments

- Attachment 1 - Heritage Revitalization Agreement (adopted July 24, 2014)
- Attachment 2 - Photographs
- Attachment 3 - Revised plans, date stamped February 21, 2015, and March 4, 2015
- Attachment 4 - Applicant letter, date stamped February 11, 2015
- Attachment 5 - Letters of engagement from the Registered Professionals, dated November 30, 2014, and January 5, 2015, respectively.

HERITAGE REVITALIZATION AGREEMENT
(Pursuant to section 966 of the *Local Government Act*)

This Agreement made as of the _____ day of _____, 2014.

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

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

(the "**City**")

OF THE FIRST PART

AND:

DANIEL JOHN MILLER and
CARLA ANN PUSATERI

151 Oswego Street, 2nd Floor
Victoria, B.C. V8T 2Z9

(collectively the "**Owner**")

OF THE SECOND PART

AND:

ROYAL BANK OF CANADA

180 Wellington Street
Toronto, O.N. M5J 1J1

[or other registered chargeholder from time to time]
(as to priority)

OF THE THIRD PART

W H E R E A S:

- A. The Owner is the registered owner of the lands and premises located in the City of Victoria, British Columbia, civically known as 151 Oswego Street, which lands are legally described as:

Parcel Identifier: 004-453-395
Lot 1, Beckley Farm, Victoria City, Plan 134

(the "**Lands**").

- B. Presently situated on the Lands is a residential building that is protected heritage property under the terms of the City of Victoria Heritage Designation Bylaw No. 7082, and which building the City and the Owner agree has significant heritage value (the "**Heritage Building**").
- C. The Owner wishes to redevelop the Lands (the "**Development**") by preserving, rehabilitating and restoring the Heritage Building, and subdividing the Lands into two (2) parcels for the purpose of developing a second single family dwelling.
- D. The Owner has applied to rezone the Lands to permit the Development, under the terms of the City of Victoria Zoning Regulation Bylaw, Amendment Bylaw (No. 953).
- E. The Owner and the City wish to preserve the Heritage Building, and to provide for its preservation, rehabilitation, restoration and maintenance in accordance with the terms of this Agreement.
- F. Section 966 of the *Local Government Act* authorizes the City, by bylaw, to enter into a Heritage Revitalization Agreement (the "**Agreement**") with the owner of heritage property.
- G. The Owner and the City have agreed to enter into this Agreement setting out the terms and conditions under which the Heritage Building will be preserved, rehabilitated, restored and maintained.

NOW THEREFORE this Agreement witnesses that in consideration of the mutual promises exchanged in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which both parties acknowledge), the Owner and the City each covenant with the other pursuant to section 966 of the *Local Government Act*, as follows:

1.0 DEFINITIONS

- 1.1 In this Agreement the words "preservation", "rehabilitation", "restoration" and "maintenance" have the meanings defined in the *Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (2010)*.
- 1.2 In this Agreement the word "Owner" includes a person who acquires an interest in the Lands and is thereby bound by this Agreement, as referred to in sections 10.1 and 13.1.

2.0 REDEVELOPMENT OF THE LANDS

- 2.1 The Owner covenants and agrees with the City that it shall develop the Lands strictly in accordance with the terms of this Agreement, and as required under the

terms of any permits or approvals issued by the City respecting the development of or construction upon the Lands.

3.0 OBLIGATION OF OWNER TO PRESERVE THE HERITAGE BUILDING

- 3.1 The Owner covenants and agrees that it shall preserve, rehabilitate, restore and maintain the Heritage Building (the "**Work**") substantially in accordance with the Plans and recommendations contained in the Window Assessment, both of which are attached to this Agreement as Schedule "A" (collectively, the "**Heritage Conservation Plan**").
- 3.2 Prior to commencement of the Work required for the preservation, rehabilitation, restoration or maintenance of the Heritage Building, the Owner shall obtain all necessary permits and licences from the City to permit commencement and completion of the said Work, including where necessary, and without limitation, a heritage alteration permit.
- 3.3 All work required for the preservation, rehabilitation, restoration and maintenance of the Heritage Building shall be performed at the Owner's sole expense in accordance with the Heritage Conservation Plan, and in accordance with good engineering and heritage conservation practices.
- 3.4 The Owner covenants, agrees and confirms that:
 - (i) prior to commencement of the Work, the Owner will engage a Registered Architect & Professional Heritage Consultant or a Registered Architect who is a current member of the Canadian Association of Heritage Professionals (the "**Registered Professional**") to oversee the work of contractors and tradespersons to ensure that all Work is carried out in accordance with the Heritage Conservation Plan and shall provide the name and contact information of the Registered Professional to the City;
 - (ii) the Owner will notify the City as soon as possible if the Registered Professional's engagement with the Owner is terminated for any reason; and
 - (iii) upon substantial completion of the Work and prior to applying for an occupancy permit for the Heritage Building, to provide written confirmation from the Registered Professional confirming that the architectural, engineering and technical details and components of the Work comply in all material respects with the requirements of the Heritage Conservation Plan and the requirements of this Agreement.

4.0 PRIORITY AGREEMENT

- 4.1 ROYAL BANK OF CANADA, the registered holder of a charge by way of a Mortgage of Land against the within described property which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA946474 for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is

hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Land is subject to this Agreement, pursuant to section 966 and 976 of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

5.0 TIMING AND PHASING OF CONSTRUCTION AND OCCUPANCY

- 5.1 The owner shall not receive an Occupancy Permit for the second single-family residential dwelling on the Lands and will not permit the second single-family residential dwelling on the Lands to be occupied until the heritage conservation work described in the Heritage Conservation Plan is completed to the City's satisfaction and the Owner has provided to the City the written confirmation of the Registered Professional that is required under Section 3.4(iii).

6.0 NO LIABILITY TO CITY

- 6.1 In no case shall the City be liable or responsible in any way for:
- (a) any personal injury, death or consequential damage of any nature whatsoever, howsoever caused, that may be suffered or sustained by the Owner or by any other person who may be on the Lands; or
 - (b) any loss or damage of any nature whatsoever, howsoever caused to the Lands, or any improvements or personal property thereon belonging to the Owner or to any other person;

arising directly or indirectly from compliance with the restrictions and requirements herein, wrongful or negligent failure or omission to comply with restrictions and requirements herein, or refusal, omission or failure of the City to enforce or require compliance by the Owner with the restrictions or requirements herein or with any other term, condition or provision of this Agreement.

7.0 INDEMNITY

- 7.1 The Owner shall at all times release, indemnify and save harmless the City of and from all loss and damage and all actions, claims, losses, including loss or reduction in the value of the Lands, costs, demands, expenses, fines, liabilities and suits of any nature whatsoever by whomsoever brought for which the City shall or may become liable, or may incur or suffer by reason of existence and effect, whether direct or indirect, of the restrictions or requirements under this Agreement or the breach or non-performance by the Owner of any covenant, term or provision hereof, or by reason of any work or action of the Owner in performance of its obligations hereunder, or by reason of any wrongful act or omission, default or negligence of the Owner.

8.0 NO DEROGATION FROM STATUTORY AUTHORITY

- 8.1 Nothing in this Agreement shall limit, impair, fetter or derogate from the statutory

powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement.

9.0 COMPLIANCE WITH LAWS

- 9.1 Despite any provision of this Agreement, the Owner shall comply with all laws, including bylaws of the City (including without limitation the City of Victoria Heritage Property Maintenance Standard Bylaw, as amended or replaced from time to time) and all regulations and orders of any authority having jurisdiction, and to the extent only that such laws, regulations and orders are mandatory and necessarily require the breach of any restriction or positive obligation herein to be observed or performed by the Owner, or less than strict compliance with the terms hereof, then the Owner, upon sixty (60) days' written notice to the City shall be excused from complying with such restrictions or performing such obligation and such restriction or obligation shall be suspended but only to the extent and for the time that such mandatory law, regulation or order is inconsistent with compliance with the said restrictions or obligations.

10.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 10.1 Notice of this Agreement will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 967 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of this Notice.

11.0 NOTICE

- 11.1 It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the City: The City of Victoria
 #1 Centennial Square
 Victoria, B.C. V8W 1P6

if to the Owner: Daniel John Miller and
 Carla Ann Pusateri
 151 Oswego Street
 Victoria, B.C. V8T 2Z9

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid

registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, seventy-two (72) hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

12.0 TIME

12.1 Time is to be the essence of this Agreement.

13.0 BINDING EFFECT

13.1 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. Without limiting the foregoing, and pursuant to section 966(10) of the *Local Government Act* RSBC 1996, c. 323, upon the filing of a notice of this Agreement in the Land Title Office under section 976 of the *Local Government Act*, this Agreement is binding on all persons who acquire an interest in the Lands.

14.0 WAIVER

14.1 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

15.0 HEADINGS

15.1 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

16.0 LANGUAGE

16.1 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

17.0 CUMULATIVE REMEDIES

17.1 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

18.0 ENTIRE AGREEMENT

- 18.1 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

19.0 FURTHER ASSURANCES

- 19.1 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

20.0 LAW APPLICABLE

- 20.1 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

21.0 AMENDMENT

- 21.1 This Agreement may be amended from time to time upon terms and conditions mutually acceptable to the City and the Owner only if the amendments are in writing and executed by the parties hereto, and only if the amendments are authorized by bylaw of the City.

22.0 COUNTERPART

- 22.1 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

THE CORPORATION OF THE CITY OF VICTORIA

by its authorized signatories:

Mayor Dean Fortin

Corporate Administrator, Robert G. Woodland

- 8 -

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Address

JOHN D. MULLIN
BARRISTER & SOLICITOR
1626 GARNET ROAD
VICTORIA, BC V8P 3C8

Occupation

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Address

DAWSON J. MULLIN, B.A., LL.B.
Barrister & Solicitor
102 - 1497 Admirals Road
Victoria, BC V9A 2P6
Tel: (250) 590-1154 Fax: (866) 434-2053


Occupation

ROYAL BANK OF CANADA by its authorized
signatories:

Print Name:

Print Name:


DANIEL JOHN MILLER


CARLA ANN PUSATERI

Schedule "A"

9

Window Assessment - 151 Oswego - Preliminary requirements

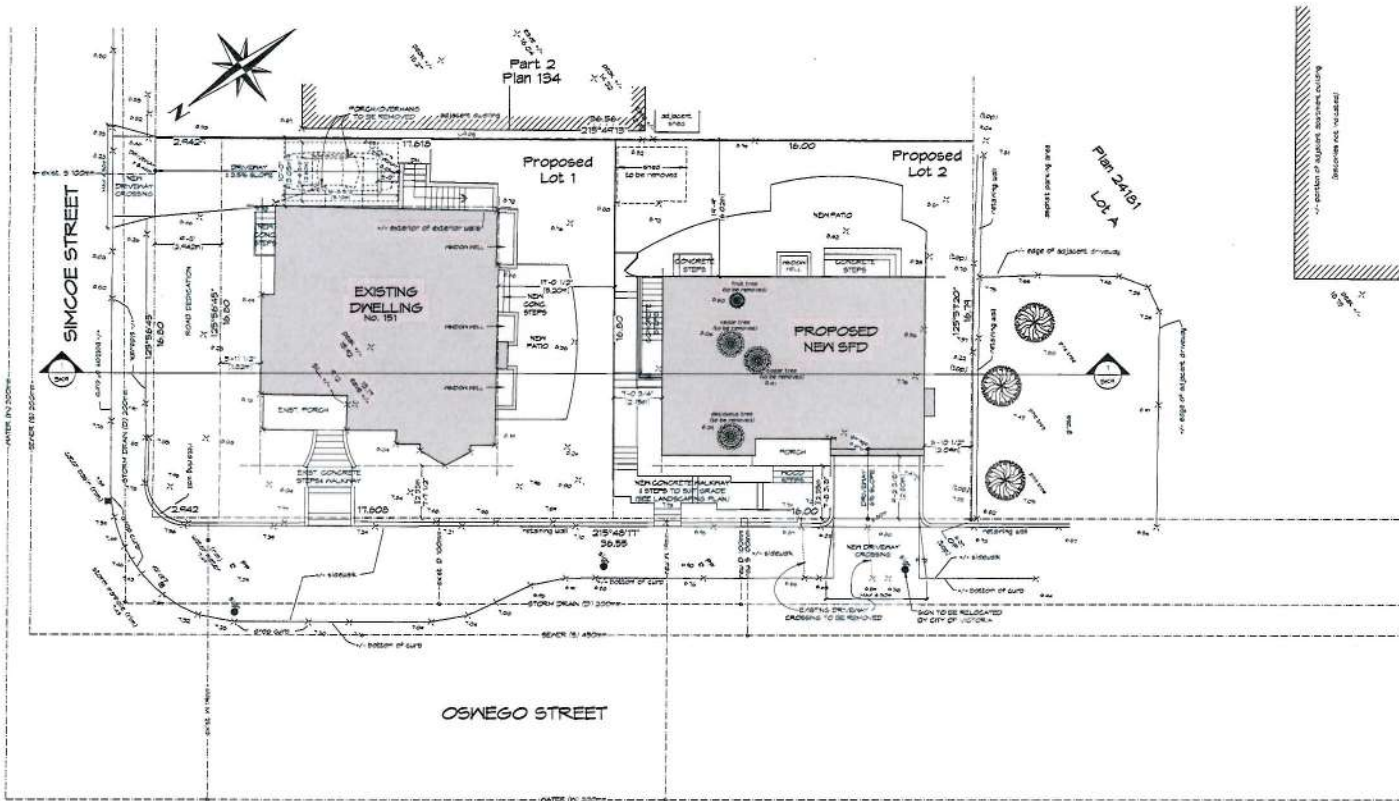
2014 Feb 24

Prepared by Vintage Woodworks

Window #	Window type	Current condition	Recommendation
W1	bottom hung	Curve glass top of rectangle unit . Lower hung is non-operable, painted shut. Jamb in good condition. Both sash in good condition. Putty is loose and missing in some parts. Hardware doublehung locks missing. The bush will trap moisture and prevent drying - typically rot will incur as a result particularly where you see the loose putty.	Remove bush in front of window as it will promote rot. Unit should be re-hung, paint should be scraped to remove paint from sash to jamb preventing opening. Re-glaze upper and lower use existing glass and sash, install new hardware lock. Recommend storm window approx. 26 x 71 with curved inset
W2 & W3	double hung double unit	True double hung unit. Ropes and pulleys are painted and windows painted shut to be non-operational. They have been painted in an open position therefore large air leakage. Jamb in good condition. Glass in 2nd upper unit broken requires new glazing, standard horns on upper sash. Lower sash in W3 rotted requires new lower only. All hardware locks missing	Replace ropes and remove paint from pulleys, make units operational, scrape paint from window between sash and jamb. Reputty missing areas. Replace missing hardware with new. Recommend storm windows to reduce heat loss. Supply storm windows 2 storms 26 x 71
W4	Leaded glass over picture unit	Not original to house - likely 1920's to 1930's. Stained glass upper fixed over 6 light lower fixed unit. Lower muntins in very poor condition appear chopped at - beyond repair. Jamb in good condition	Range in restoration of lower sash at minimal leave them in their worn condition (not recommended) or install new lower 6 lite sash. Use laminate glass on lower due to position of window in lot. Recommend storm window 40 x 71
W5	double hung	Old glass, sash and jamb in good condition, ropes are broken and window has been painted shut , all hardware locks missing	Remove sash and re-hang with new ropes and make pulleys operable, no reglazing required, new hardware required. Remove paint between sash and jamb that is preventing opening.

V6 & W7	double hung double unit	Old glass, upper glass both units broken, hardware missing, jamb beginning to deteriorate. Ropes cut	Replace ropes and remove paint from pulleys, make units operational, scrape paint from window between sash and jamb. Reputty missing areas. Replace missing hardware with new. Recommend storm windows to reduce heat loss. Supply storm windows 2 storms 28 x 71. Sill should be scraped of moss/fungus and heat stripped then treated with linseed oil and turpentine mixture then primed properly.
V8	Bottom hung	Not original to house - bottom hung 2 over 2 lites, friction hardware, rather than ropes and pulleys have been used. Unit has been painted in open position. Complete unit is tearing away from house. No longer complete interior stool.	Recommend new window unit with new jamb and interior stool. Suggest laminate glass with storms laminate as well. Carpentry and wall repair will be required unit 36 x 62
Door in kitchen		Door requires rehabilitation.	Remove hinges and door handle back plate and boil in TSP & water outside for 10 - 20 minutes to restore to new appearance. Remove glass in door and replace with glue chip laminate
W9	home made	Lower originally was operable but has been painted shut in open position. Homemade windows with thin muntins. Friction stay locks were used to keep this window open in past.	Re-hang unit with friction hardware add storm window and glue chip laminate glass to storm. 31 x 40 Unique and would not remove this unit as it carries an interesting patina
W10 bathroom	casement	Casement unit opens inward, painted shut. Sash are rotting, exterior jamb is in good condition	recommend new sash with lam glass glue chip and new casement lock. No storm on bathroom as we typically do not promote heat retention to bathrooms.
W11 toilet area	casement	single casement unit glazed opaque yellow boken glass not original to house, air leakage non-fitting window. Exterior jamb rotting, sash rotting and sill slope almost non existent allowing water to sit on sill and rot the wood	Replace unit with new jamb and casement window - make window open outward vs inward and provide 7 degree minimal sill slope

V12 laundry	bottom hung	Unit is bottom hung friction unit painted shut in good condition as is jamb. Hardware is missing	Re-hang unit with friction hardware add storm window and laminate glass to storm. 30 x 71
V13 upper landing	was a double hung	This unit is currently a fixed upper thermal unit and an awning lower thermal unit 3/8" airspace. Thermal units have failed. Sash only have been placed into the original jambs	Recommend new double hung sash upper and lower only as jamb is still in place. Rehang with ropes and pulleys and require new sash locks. Recommend single glazing with storms as they will not fail and will be consistent look to house
V14	double hung	cracked sill no longer attached to house. Window is non-operable due to painted shut. Original unit was just a lower hung using friction hardware. Interior stool is completely missing	Recommend new window unit with new jamb and interior stool. Suggest laminate glass with storms as well. Carpentry and wall repair will be required unit 29 x 62
V15	was a double hung	This unit is currently a fixed upper thermal unit and an awning lower thermal unit 3/8" airspace. Thermal units have failed. Sash only have been placed into the original jambs	Recommend new double hung sash upper and lower only as jamb is still in place. Rehang with ropes and pulleys and require new sash locks. Recommend single glazing with storms as they will not fail and will be consistent look to house.
Bedrm door		same as kitchen	same as kitchen door

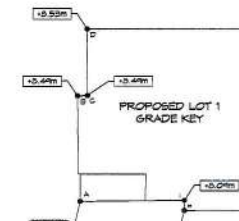


1 Site Plan - Proposed Lot 1 & 2
SK1 Scale: 1:100

LOT 1 OSWEGO STREET - Average Grade Calculation

Segment	Dist	Pct	Avg	Chg	Point	Total	Remarks
AB	1.12	4.48	8.11	3.49	11.11	11.11	11.11
BC	1.12	4.48	8.11	3.49	11.11	11.11	11.11
CD	1.12	4.48	8.11	3.49	11.11	11.11	11.11
DE	1.12	4.48	8.11	3.49	11.11	11.11	11.11
EF	1.12	4.48	8.11	3.49	11.11	11.11	11.11
FG	1.12	4.48	8.11	3.49	11.11	11.11	11.11
GH	1.12	4.48	8.11	3.49	11.11	11.11	11.11
HI	1.12	4.48	8.11	3.49	11.11	11.11	11.11
IJ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
JK	1.12	4.48	8.11	3.49	11.11	11.11	11.11
KL	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LM	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LN	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LO	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LP	1.12	4.48	8.11	3.49	11.11	11.11	11.11
QP	1.12	4.48	8.11	3.49	11.11	11.11	11.11
RQ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
RS	1.12	4.48	8.11	3.49	11.11	11.11	11.11
ST	1.12	4.48	8.11	3.49	11.11	11.11	11.11
TU	1.12	4.48	8.11	3.49	11.11	11.11	11.11
UV	1.12	4.48	8.11	3.49	11.11	11.11	11.11
VW	1.12	4.48	8.11	3.49	11.11	11.11	11.11
WX	1.12	4.48	8.11	3.49	11.11	11.11	11.11
XY	1.12	4.48	8.11	3.49	11.11	11.11	11.11
YZ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
ZA	1.12	4.48	8.11	3.49	11.11	11.11	11.11
AB	1.12	4.48	8.11	3.49	11.11	11.11	11.11

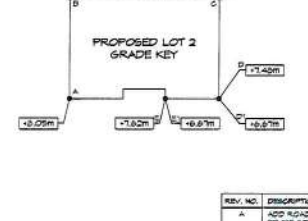
AVERAGE GRADE 8.60



LOT 2 OSWEGO STREET - Average Grade Calculation

Segment	Dist	Pct	Avg	Chg	Point	Total	Remarks
AB	1.12	4.48	8.11	3.49	11.11	11.11	11.11
BC	1.12	4.48	8.11	3.49	11.11	11.11	11.11
CD	1.12	4.48	8.11	3.49	11.11	11.11	11.11
DE	1.12	4.48	8.11	3.49	11.11	11.11	11.11
EF	1.12	4.48	8.11	3.49	11.11	11.11	11.11
FG	1.12	4.48	8.11	3.49	11.11	11.11	11.11
GH	1.12	4.48	8.11	3.49	11.11	11.11	11.11
HI	1.12	4.48	8.11	3.49	11.11	11.11	11.11
IJ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
JK	1.12	4.48	8.11	3.49	11.11	11.11	11.11
KL	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LM	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LN	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LO	1.12	4.48	8.11	3.49	11.11	11.11	11.11
LP	1.12	4.48	8.11	3.49	11.11	11.11	11.11
QP	1.12	4.48	8.11	3.49	11.11	11.11	11.11
RQ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
RS	1.12	4.48	8.11	3.49	11.11	11.11	11.11
ST	1.12	4.48	8.11	3.49	11.11	11.11	11.11
TU	1.12	4.48	8.11	3.49	11.11	11.11	11.11
UV	1.12	4.48	8.11	3.49	11.11	11.11	11.11
VW	1.12	4.48	8.11	3.49	11.11	11.11	11.11
WX	1.12	4.48	8.11	3.49	11.11	11.11	11.11
XY	1.12	4.48	8.11	3.49	11.11	11.11	11.11
YZ	1.12	4.48	8.11	3.49	11.11	11.11	11.11
ZA	1.12	4.48	8.11	3.49	11.11	11.11	11.11
AB	1.12	4.48	8.11	3.49	11.11	11.11	11.11

AVERAGE GRADE 8.60



REV. NO.	DESCRIPTION	DATE
A	ADD ROAD DEDICATION TO LOT 1 & 2 REVISE SITE DATA TO BUILD LOT AREA LOT DEPTH, FRONT YARD SETBACK, SITE COVERAGES, OPEN SPACE, REVERSE LOT 2 DRIVEWAY, REVERSE LOT 2 SPACE, BUILDING HEIGHT	MAY 15/12
C	REVISED "RIGHT-OF-WAY" LABEL TO ROAD DEDICATION	DEC 18/12
D	REVISED LOT 2 PLAN DATA	MAY 20/13

SITE DATA - Lot 1 Oswego St.		
LEGAL DESCRIPTION - PROPOSED LOT 1, PLAN 134, BECKLEY FARM, VICTORIA DISTRICT ZONING - R1-52		
LOT AREA	EXISTING 614.04 M ² (6610.04 FT ²)	PROPOSED 245.85 M ² (2645.87 FT ²)
LOT FRONTAGE	16.00 M (52.49')	16.00 M (52.49')
LOT NORTH	16.00 M (52.49')	16.00 M (52.49')
LOT DEPTH	36.85 M (119.41')	11.61 M (38.10')
SETBACKS		
FRONT	4.76 M (15.62')	1.82 M (5.97')
REAR	21.20 M (69.55')	3.20 M (10.50')
SIDE (INTERIOR)	0.80 M (2.62')	3.08 M (10.01')
SIDE (EXTERIOR)	2.33 M (7.64')	2.33 M (7.64')
AVG. GRADE	8.40 M (27.56')	8.40 M (27.56')
STOREYS	2 STOREYS	2 STOREYS
BUILDING HEIGHT	6.13 M (20.11')	6.13 M (20.11')
FLOOR AREA		
UPPER FLOOR	56.56 M ² (612.01 FT ²)	56.56 M ² (612.01 FT ²)
MAIN FLOOR	92.94 M ² (1000.90 FT ²)	92.94 M ² (1000.90 FT ²)
BASEMENT	N/A	35.64 M ² (383.35 FT ²)
TOTAL FLOOR AREA	149.50 M ² (1612.95 FT ²)	149.50 M ² (1612.95 FT ²)
FLOOR AREA RATIO	0.24	0.43
SITE COVERAGES	11.94 %	35.54 %
OPEN SITE SPACE	42.46 %	
PARKING	1 SPACE	1 SPACE

SITE DATA - Lot 2 Oswego St.	
LEGAL DESCRIPTION - PROPOSED LOT 2, PLAN 134, BECKLEY FARM, VICTORIA DISTRICT ZONING - R1-52	
LOT AREA	PROPOSED 265.71 M ² (2873.02 FT ²)
LOT FRONTAGE	16.00 M (52.49')
LOT NORTH	16.00 M (52.49')
LOT DEPTH	16.60 M (54.46')
SETBACKS	
FRONT	2.33 M (7.64')
REAR	6.02 M (19.75')
SIDE (NORTH)	2.15 M (7.05')
SIDE (SOUTH)	2.04 M (6.69')
AVG. GRADE	8.06 M (26.44')
STOREYS	2 STOREYS
BUILDING HEIGHT	7.49 M (24.57')
FLOOR AREA	
UPPER FLOOR	11.15 M ² (120.41 FT ²)
MAIN FLOOR	84.59 M ² (909.55 FT ²)
BASEMENT	50.41 M ² (542.35 FT ²)
GARAGE	21.43 M ² (230.60 FT ²)
TOTAL FLOOR AREA	167.17 M ² (1803.91 FT ²)
FLOOR AREA RATIO	0.60
SITE COVERAGES	36.13 %
OPEN SITE SPACE	34.75 %
PARKING	1 SPACE

DRAWING LIST:	
SK1	PROPOSED SITE PLAN & SITE DATA
SK2	LOT 1 EXISTING FLOOR PLANS
SK3	LOT 1 RENO FLOOR PLANS
SK4	LOT 1 EXISTING ELEVATIONS
SK5	LOT 1 RENO ELEVATIONS
SK6	LOT 2 FLOOR PLANS
SK7	LOT 2 ELEVATIONS
SK8	LOT 2 ELEVATIONS
SK9	SITE SECTION & STREETSCAPES

ZEBRADesign

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

Drawn By: K. BELFRY
Date: DEC 18, 2012
Scale: AS NOTED

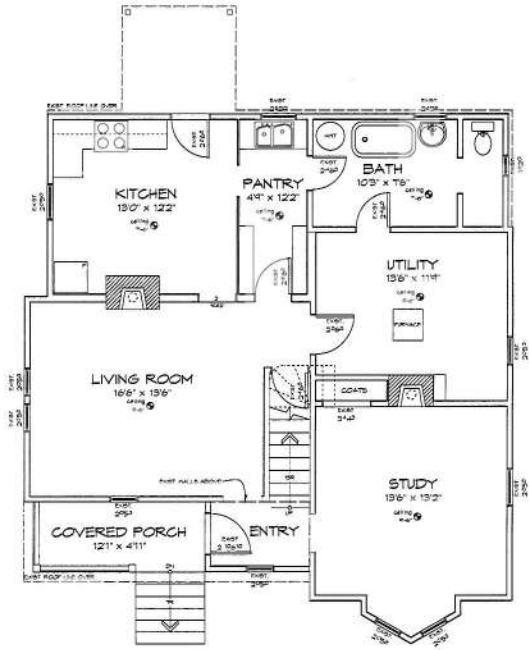
Project:
151 OSWEGO ST.
PROPOSED
SUBDIVISION

Title:
PROPOSED SITE
PLAN (LOT 1 & 2)
& SITE DATA

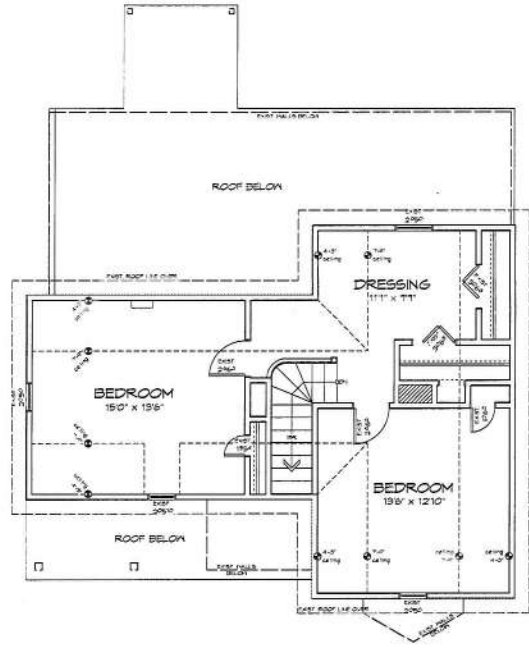
Revision:
A - MAY 15/12
B - MAY 20/13
C - DEC 18/12
D - MAY 20/13

Sheet:
SK1
FIG. NO. 215

Planning and Land Use Committee - 16 Apr 2015



1 Existing Main Floor Plan
SK2 Scale: 1/4" = 1'-0"



2 Existing Upper Floor Plan
SK2 Scale: 1/4" = 1'-0"

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5S6
Phone: (250) 360-2144
Fax: (250) 360-2115

Drawn By: K. BELFRY
Date: DEC 13, 2012
Scale: AS NOTED

Project:
151 OSWEGO ST.
PROPOSED
SUBDIVISION

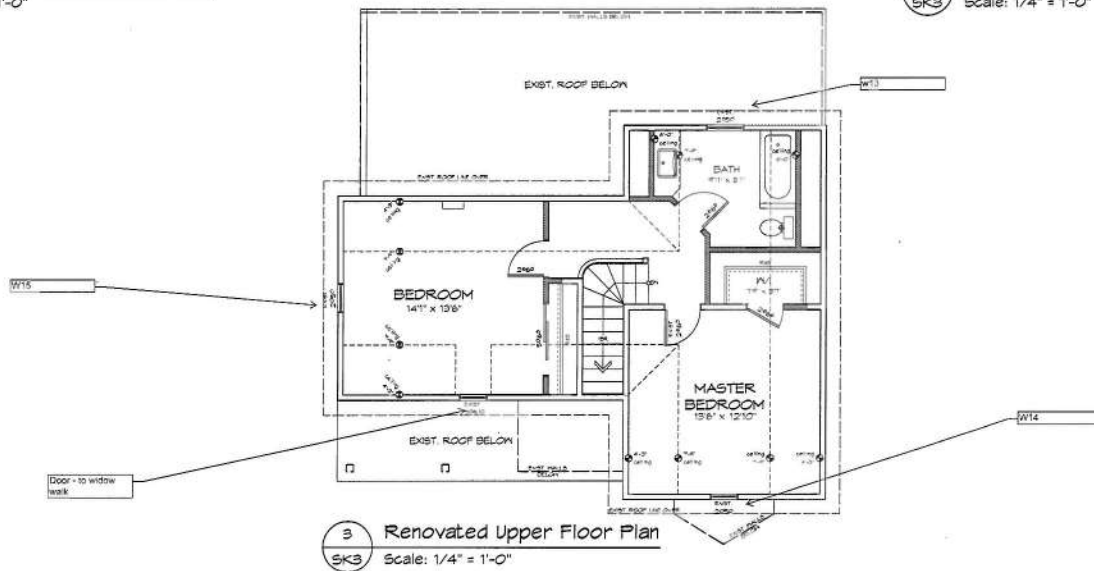
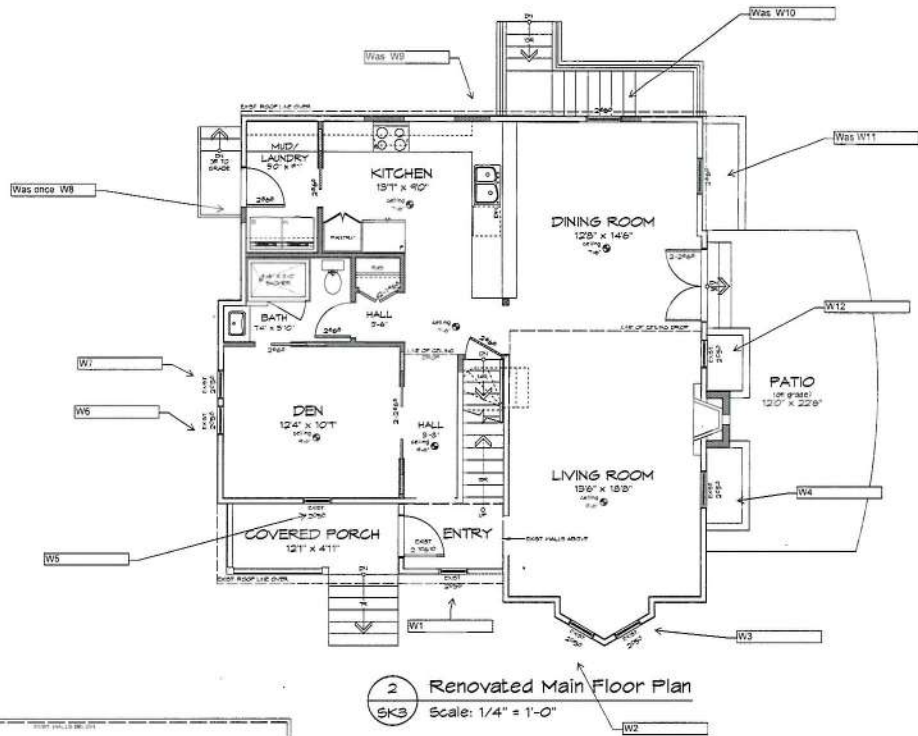
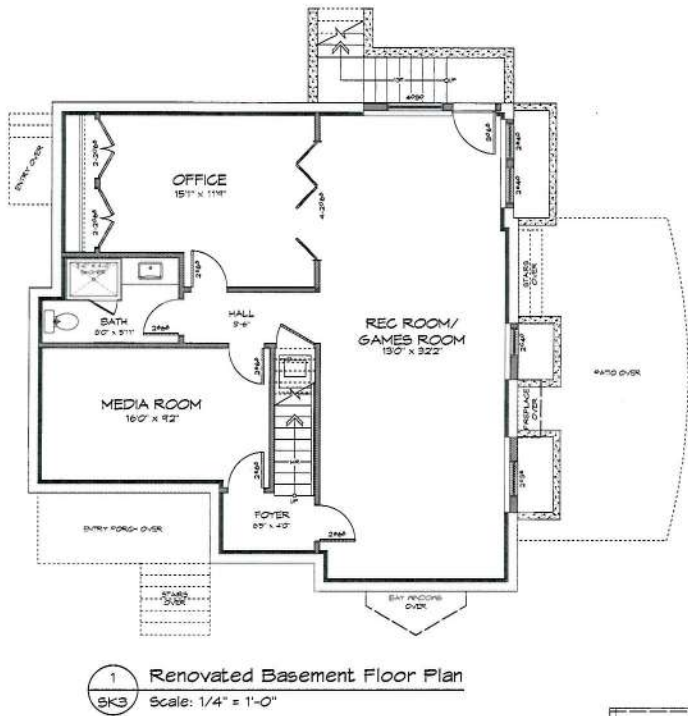
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PROPOSED LOT
FLOOR PLANS
EXISTING & RENO

Revision:	Sheet:
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SK2

Proj No 215

Planning and Land Use Committee - 16 Apr 2015



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

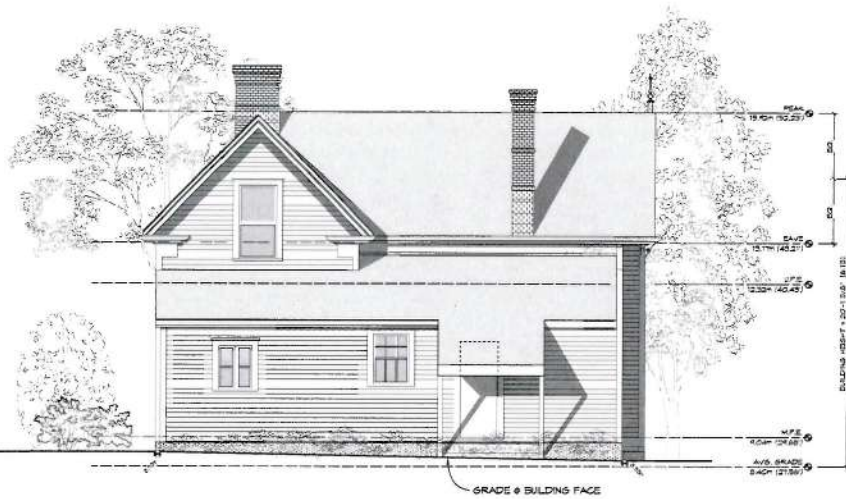
Drawn By: K. BELFRY
Date: DEC 13, 2012
Scale: AS NOTED

Project:
151 OSWEGO ST.
PROPOSED
SUBDIVISION

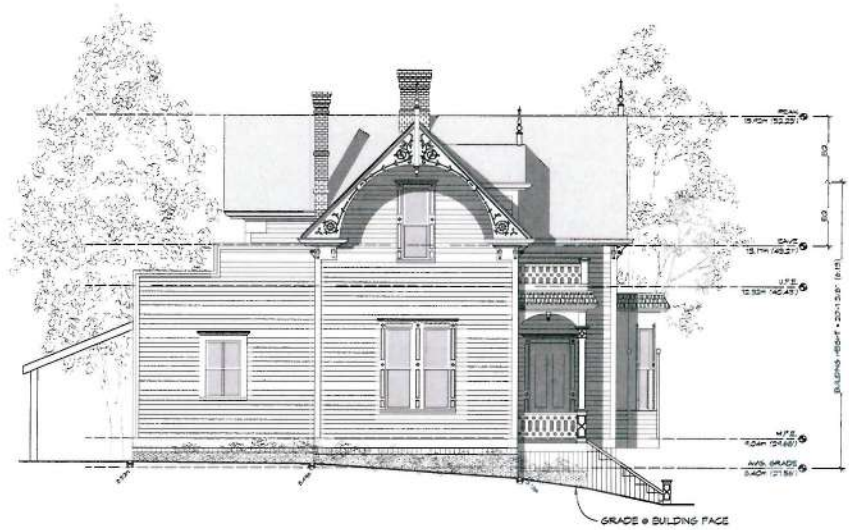
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PROPOSED LOT 1
FLOOR PLANS
EXISTING & RENO

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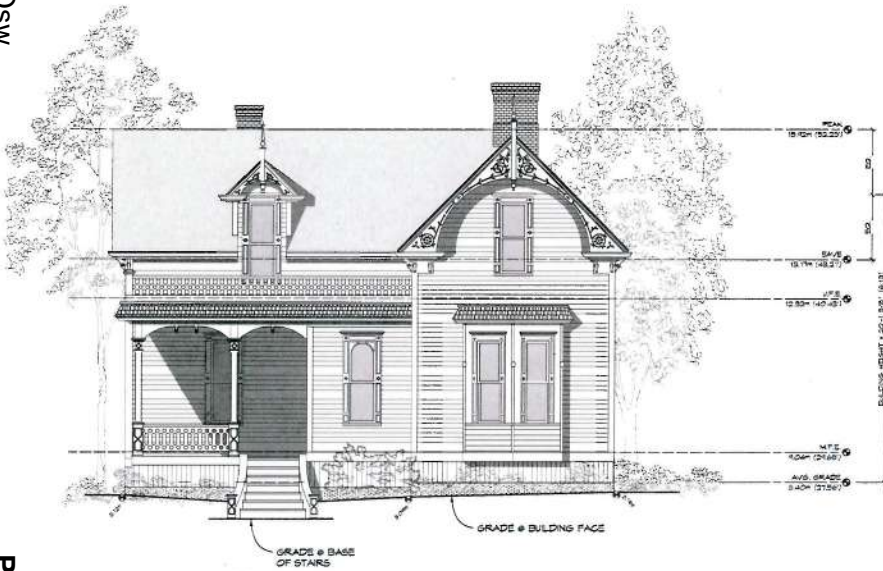
Sheet:
SK3
Proj. No. 215



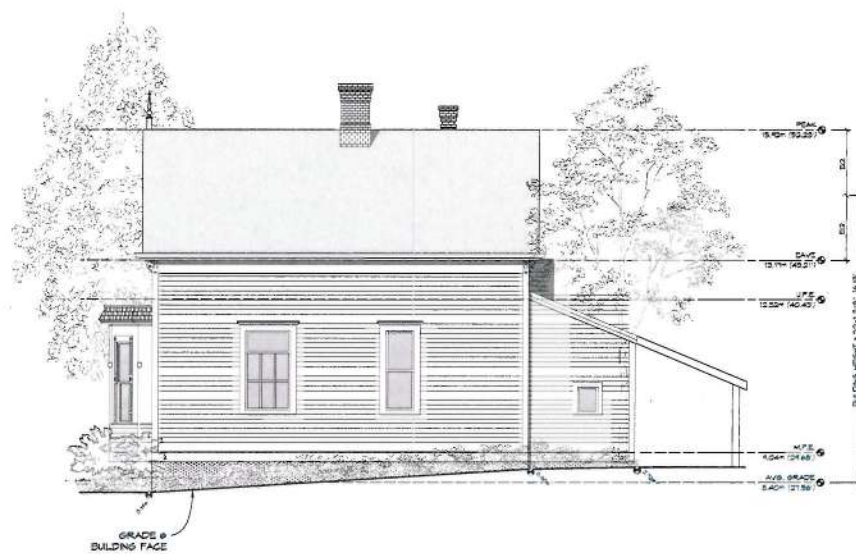
1 Existing Side (Interior) Elevation
SK4 Scale: 1/4" = 1'-0"



2 Existing Front (Simcoe St.) Elevation
SK4 Scale: 1/4" = 1'-0"

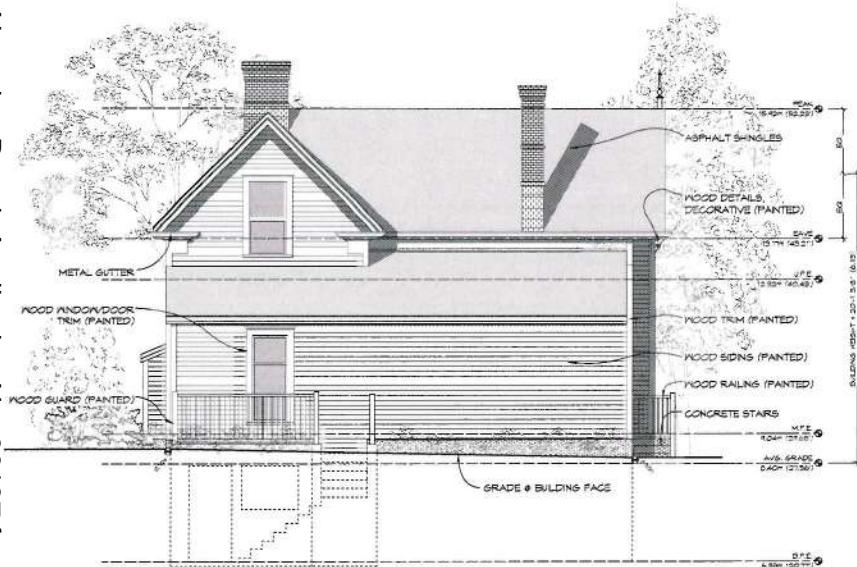


3 Existing Side (Oswego St.) Elevation
SK4 Scale: 1/4" = 1'-0"



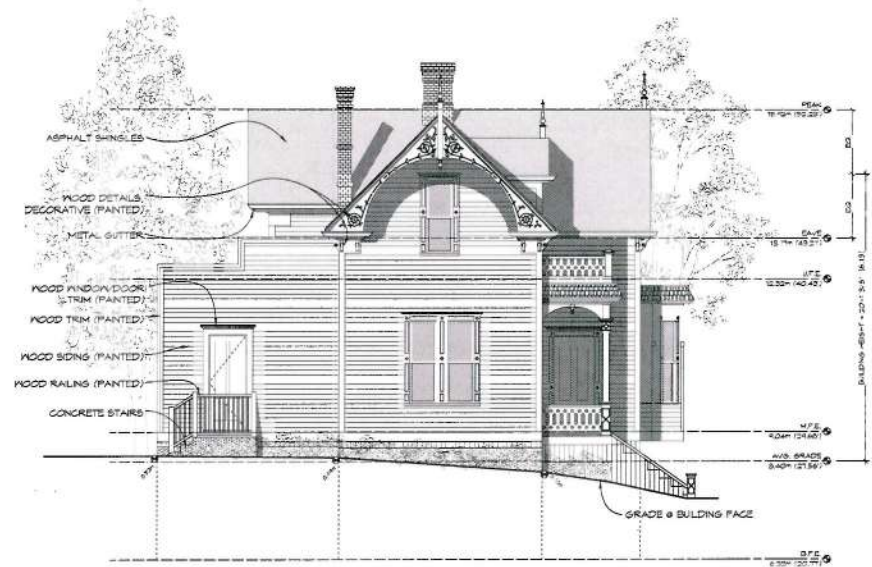
4 Existing Rear Elevation
SK4 Scale: 1/4" = 1'-0"

REV. NO.	DESCRIPTION	DATE	REVISION:	SHEET
1	NOTE RE GRADES	OCT 15/12	Amend this page B- OCT 15/12 Change this page Change this page	SK4 of 215

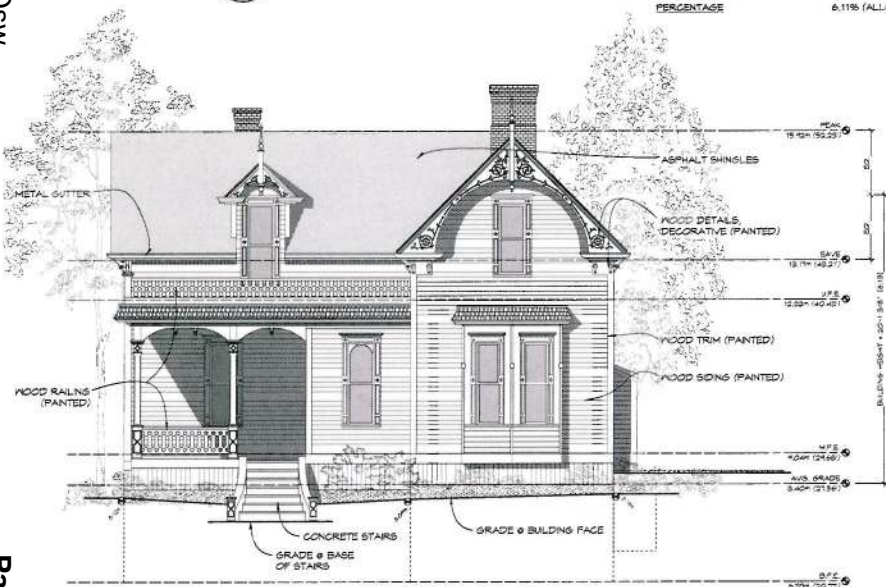


1 Renovated Side (Interior) Elevation
SK5 Scale: 1/4" = 1'-0"

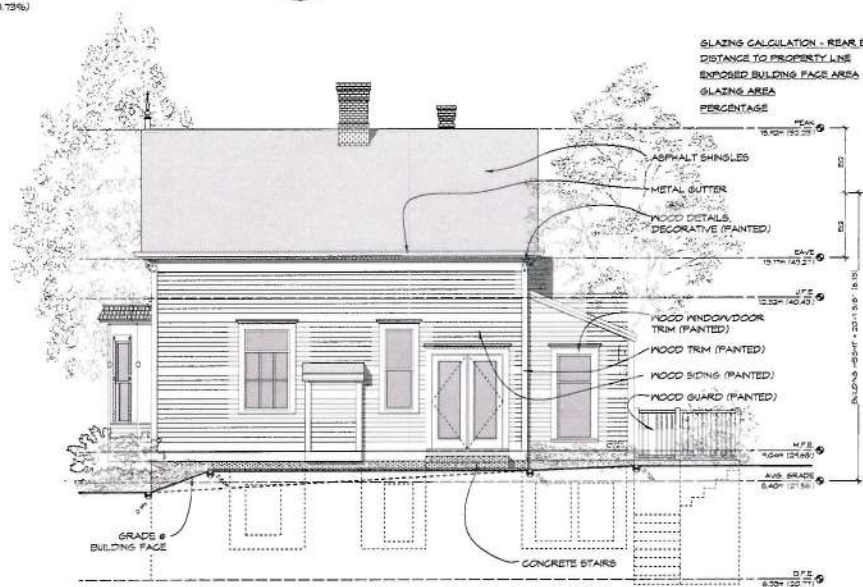
GLAZING CALCULATION - SIDE (INTERIOR) ELEVATION
DISTANCE TO PROPERTY LINE 3.05 M (10.01')
EXPOSED BUILDING FACE AREA 53.34 M² (574.14 SF)
GLAZING AREA 3.26 M² (35.06 SF)
PERCENTAGE 6.11% (ALLOWED 13.73%)



2 Renovated Front (Simcoe St.) Elevation
SK5 Scale: 1/4" = 1'-0"



3 Renovated Side (Oswego St.) Elevation
SK5 Scale: 1/4" = 1'-0"



4 Renovated Rear Elevation
SK5 Scale: 1/4" = 1'-0"

GLAZING CALCULATION - REAR ELEVATION
DISTANCE TO PROPERTY LINE 5.20 M (17.06')
EXPOSED BUILDING FACE AREA 50.74 M² (546.12 SF)
GLAZING AREA 7.06 M² (76.04 SF)
PERCENTAGE 13.91% (ALLOWED 27.60%)

REV. NO.	DESCRIPTION	DATE
1	NOTE RE GRADERS	OCT 18/12

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
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Drawn By: K. BELFRY
Date: DEC 13, 2012
Scale: AS NOTED

Project:
151 OSWEGO ST.
PROPOSED
SUBDIVISION

Title:
PROPOSED LOT
RENO
ELEVATIONS

Revision:
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is OCT 18/12
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Sheet:
SK5
Proj No 215







THE STANDARDS

The Standards are not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.

General Standards for Preservation, Rehabilitation and Restoration

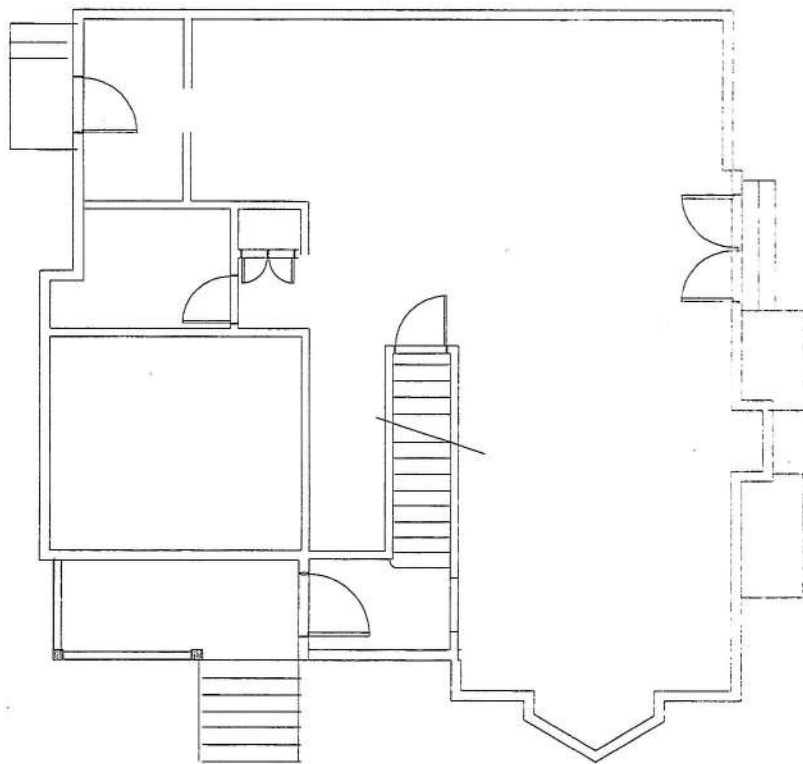
1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

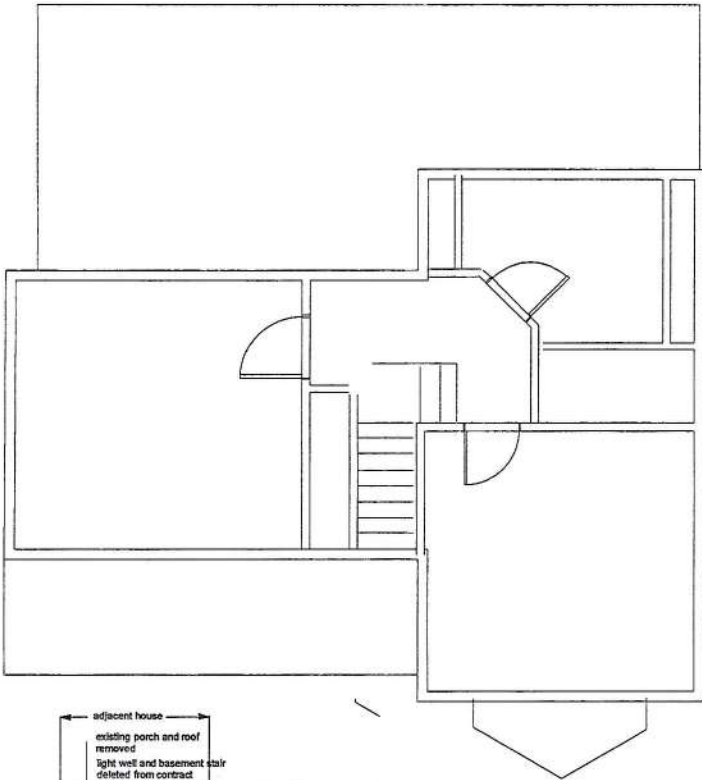
Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

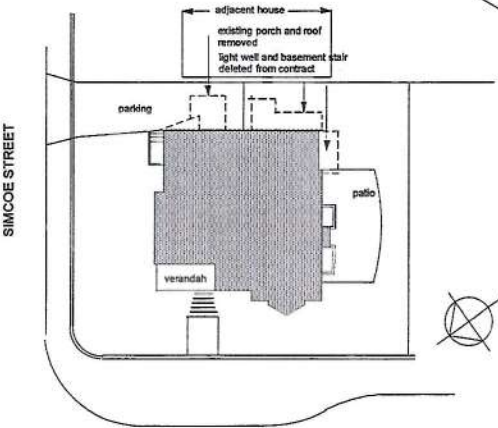


MAIN FLOOR PLAN

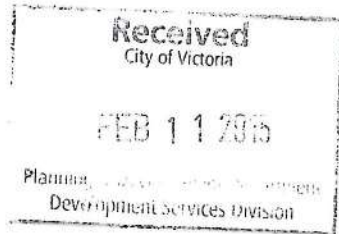
NOTE: BASEMENT FLOOR PLAN NOT SHOWN



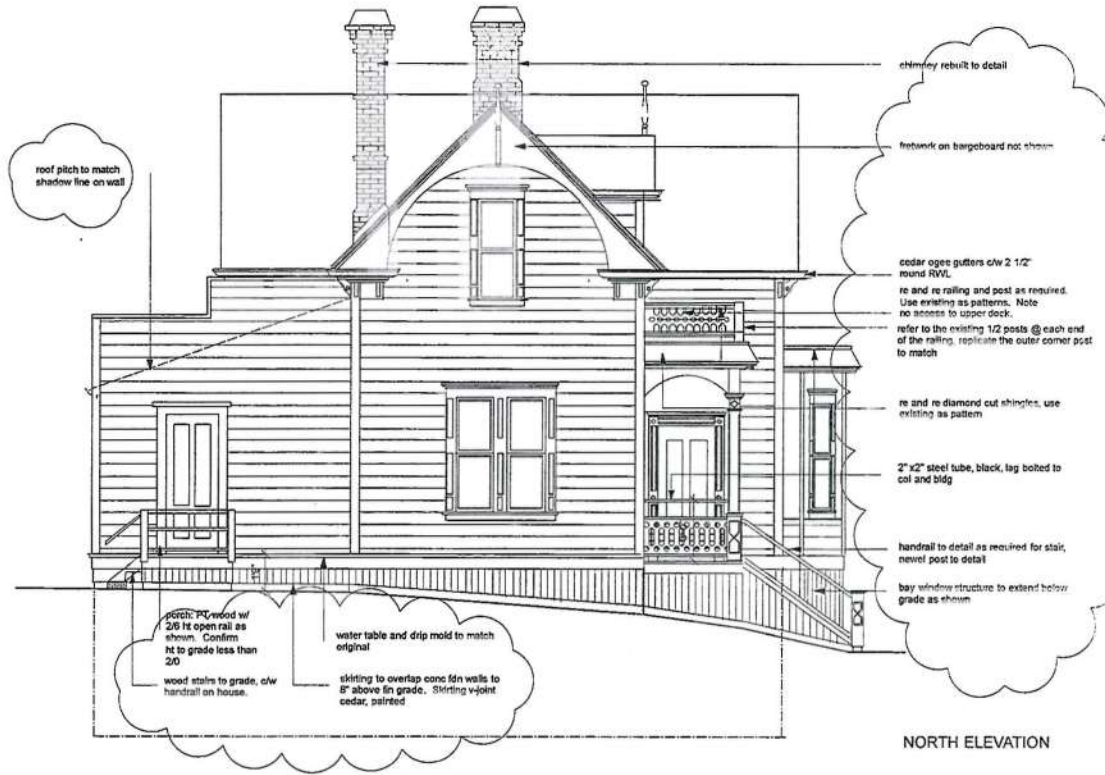
UPPER FLOOR PLAN



OSWEGO STREET
LEGAL DESCRIPTION: PROPOSED LOT 1, PLAN 134
BECKLEY FFARM, VICTORIA



ALTERATIONS TO 151 OSWEGO STREET, VICTORIA FOR HANS DE GOEDE DEVELOPMENT	KEY CECCO ARCHITECTURE LTD 1124 FORT STREET, VICTORIA, V8V 3K8 250 382 3823 john@kcarchitecture.com	FLOOR PLANS, SITE PLAN SCALE: 1/4" = 1'0" UNO DATE: FEBRUARY 03, 2015 PLOT DATE: FEBRUARY 03, 2015	A-01
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NORTH ELEVATION

Received
City of Victoria

FEB 11 2015

Planning & Development Department
Development Services Division

- NOTE:
1. REFER TO SHEET A-06 FOR DETAILS
 2. REFER TO SHEET A-07 FOR PHOTOGRAPHS PRIOR TO DECONSTRUCTION
 3. REFER TO THE DRAWINGS PREPARED BY ZEBRA DESIGN FOR BUILDING ENVELOPE DETAILS
 4. CONFIRM REPAIR AND/OR REBUILDING OF EXISTING COMPONENTS AND DECORATIVE TRIM PIECES WITH THE ARCHITECT AND HERITAGE CONSULTANT PRIOR TO STARTING WORK



denotes changes from drawings previously submitted to the City

ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEYE CECCO ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

NORTH ELEVATION

SCALE: 1/4" = 1'0" UNO
DATE: FEBRUARY 03, 2015
PLOT DATE: FEBRUARY 03, 2015

A-02



PHOTOGRAPHS DECEMBER 2014



EAST ELEVATION



NOTE:
1. REFER TO SHEET A-06 FOR DETAILS
2. REFER TO SHEET A-07 FOR PHOTOGRAPHS PRIOR TO DECONSTRUCTION
3. REFER TO THE DRAWINGS PREPARED BY ZEBRA DESIGN FOR BUILDING ENVELOPE DETAILS
4. CONFIRM REPAIR AND/OR REBUILDING OF EXISTING COMPONENTS AND DECORATIVE TRIM PIECES WITH THE ARCHITECT AND HERITAGE CONSULTANT PRIOR TO STARTING WORK



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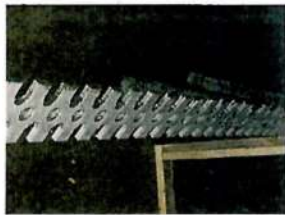
ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEYE CECCE ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kccarchitecture.com

EAST ELEVATION

SCALE: 1/4" = 1'0" UNO
DATE: FEBRUARY 03, 2015
PLOT DATE: FEBRUARY 03, 2015

A-03



WEST ELEVATION

- NOTE:
1. REFER TO SHEET A-06 FOR DETAILS
 2. REFER TO SHEET A-07 FOR PHOTOGRAPHS PRIOR TO DECONSTRUCTION
 3. REFER TO THE DRAWINGS PREPARED BY ZEBRA DESIGN FOR BUILDING ENVELOPE DETAILS
 4. CONFIRM REPAIR AND/OR REBUILDING OF EXISTING COMPONENTS AND DECORATIVE TRIM PIECES WITH THE ARCHITECT AND HERITAGE CONSULTANT PRIOR TO STARTING WORK

denotes changes from drawings previously submitted to the City

ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

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1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

WEST ELEVATION

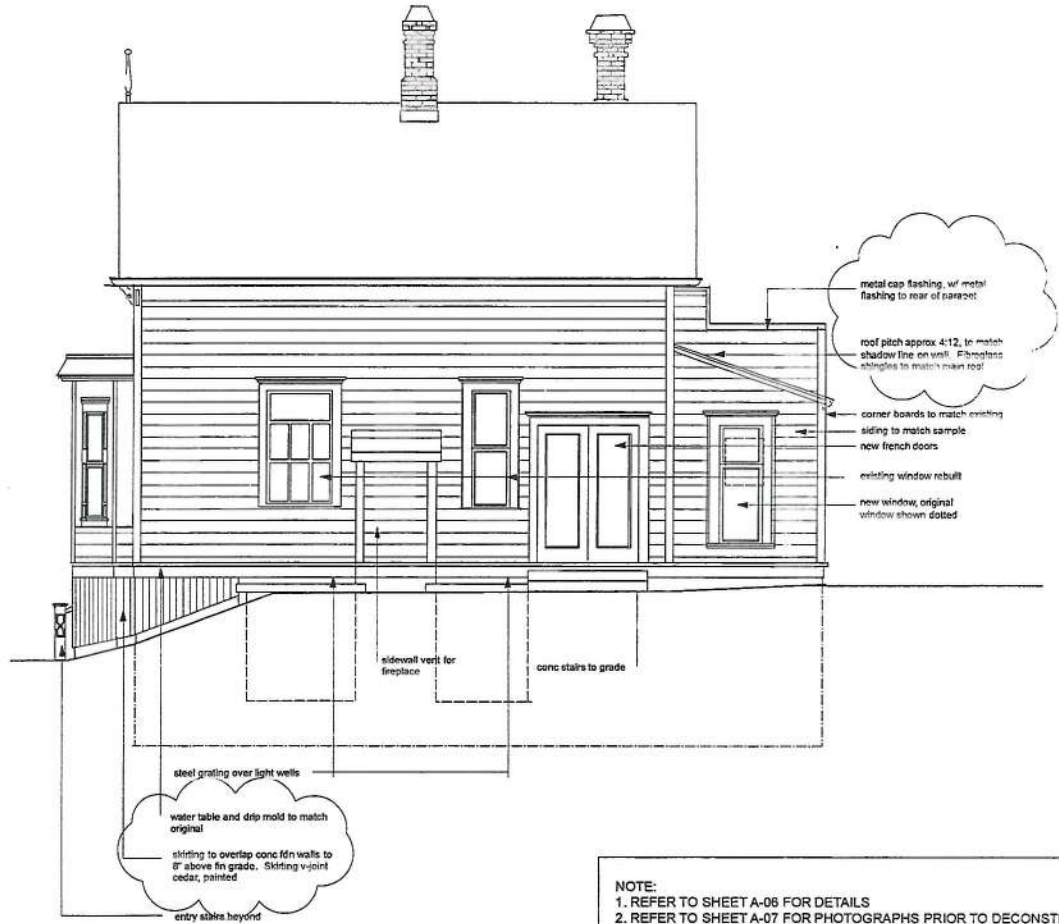
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DATE: FEBRUARY 3, 2015
PLOT DATE: FEBRUARY 3, 2015

Received
City of Victoria

FEB 11 2015

A-04

Planning & Development Department
Development Services Division



- NOTE:
1. REFER TO SHEET A-06 FOR DETAILS
 2. REFER TO SHEET A-07 FOR PHOTOGRAPHS PRIOR TO DECONSTRUCTION
 3. REFER TO THE DRAWINGS PREPARED BY ZEBRA DESIGN FOR BUILDING ENVELOPE DETAILS
 4. CONFIRM REPAIR AND/OR REBUILDING OF EXISTING COMPONENTS AND DECORATIVE TRIM PIECES WITH THE ARCHITECT AND HERITAGE CONSULTANT PRIOR TO STARTING WORK



denotes changes from drawings previously submitted to the City

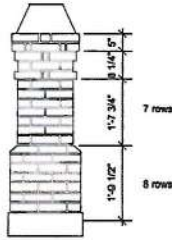
ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEY CECCO ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

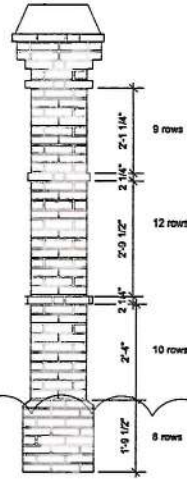
SOUTH ELEVATION

SCALE: 1/4" = 1'0" UNO
DATE: FEBRUARY 3, 2015
PLOT DATE: FEBRUARY 3, 2015

A-05

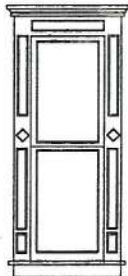


DETAIL OF CHIMNEY A

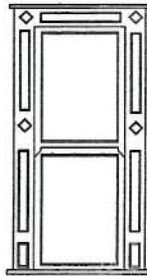


confirm construction of chimney with structural engineer
confirm installation of seismic bracket on tall chimney with engineer

DETAIL OF CHIMNEY B



WINDOW TO NON ACCESSIBLE
BALCONY. REFER TO PHOTOGRAPH
AND LOWER WINDOWS FOR DETAIL

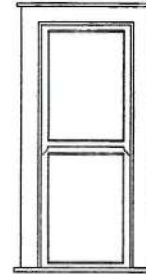


WINDOW IN WEST GABLE.
REFER TO PHOTOGRAPH
AND LOWER WINDOWS FOR DETAIL
OF HORNS AND TRIM

WINDOW IN WEST GABLE.
REFER TO PHOTOGRAPH
AND LOWER WINDOWS FOR DETAIL
OF HORNS AND TRIM



WINDOW IN SOUTH GABLE.
REFER TO PHOTOGRAPH
FOR DETAIL OF HORNS AND TRIM



ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEAY CECGO ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

DETAILS

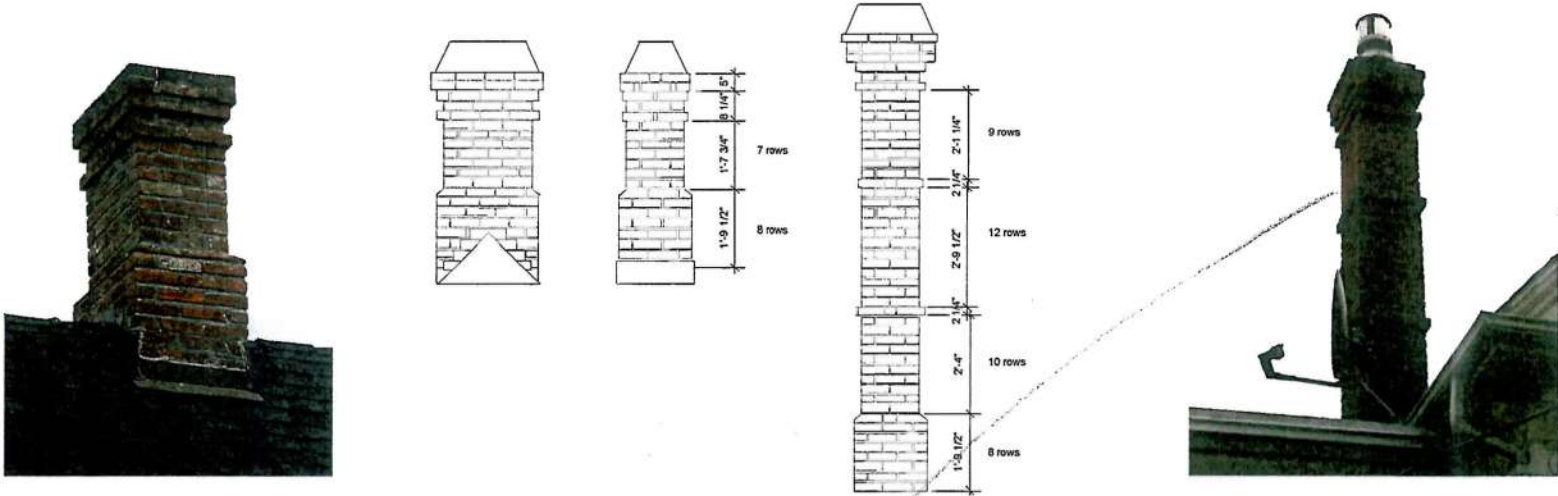
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DATE: MARCH 3, 2015
PLOT DATE: MARCH 3, 2015

Received
City of Victoria

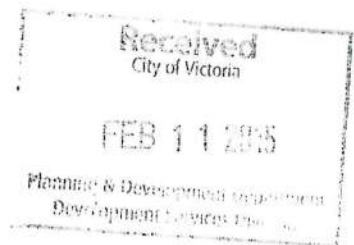
MAR 04 2015

A-06

Planning & Development Department
Development Services Division



confirm construction of chimney with structural engineer
confirm installation of seismic bracket on tall chimney with engineer



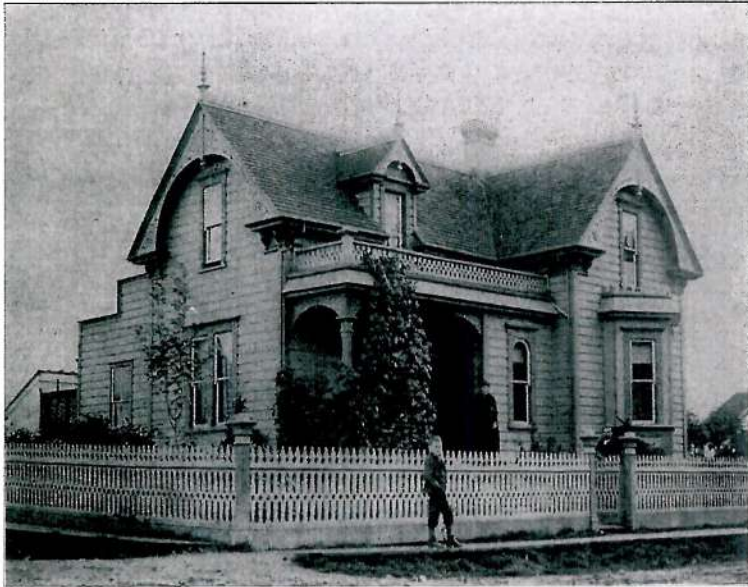
ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEY CECCO ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

DETAILS

SCALE: 1/4" = 1'0" UNO
DATE: FEBRUARY 3, 2015
PLOT DATE: FEBRUARY 3, 2015

A-06



ARCHIVAL PHOTOGRAPH, ND



PHOTOGRAPHS TAKEN 1984



PHOTOGRAPHED, AUGUST 2010

ALTERATIONS TO 151 OSWEGO STREET, VICTORIA
FOR
HANS DE GOEDE DEVELOPMENT

KEYAT CECO ARCHITECTURE LTD
1124 FORT STREET, VICTORIA, V8V 3K8
250 382 3823
john@kcarchitecture.com

PHOTOGRAPHS

SCALE: NTS
DATE: JANUARY 21, 2015
PLOT DATE: JANUARY 21, 2015

Received
City of Victoria

A-07

FEB 11 2015

Planning & Development Department
Development Services Division




February 5, 2015

City of Victoria
 1 Centennial Square
 Victoria, British Columbia
 V8W 1P6

Attn.: Mayor Helps & Council Members

Re: Heritage Alteration Permit
151 Oswego Street
Victoria, British Columbia

Dear Mayor and Council,

This letter is in response to the work being completed on the property located at 151 Oswego Street where the heritage designated historic home has been placed on a new concrete foundation in preparation for exterior conservation allowing for the redevelopment of the south side of the property. This letter will focus on the conservation of the heritage home taking into consideration the scope of work that has already been approved under the Minor Heritage Alteration Permit (MHAP #00108), addressing design deviations from this previous approval and ensuring the work is completed as per the final approved drawing and detail package.

The heritage house at 151 Oswego Street is a fine example of an Italianate cottage with the extensive application of decorative trim and quality millwork. Located at the corner of Oswego and Simcoe Sts., both the north and west elevations are on full display. Granted heritage designation in 1977 and relocated onto a new foundation in 2014, it is now in a state of disrepair requiring major rehabilitation. The proposed work will leave the main character defining elevations facing Simcoe and Oswego Streets substantially intact with only minor changes. The new additions and alterations will be confined for the most part to the south and back elevations. The conservation approach, as per the Standards & Guidelines for the Conservation of Historic Places in Canada, will be rehabilitation - 'involving the sensitive adaptation of a historic place... for a continuing or compatible contemporary use, while protecting its heritage value.' This will be achieved through repairs, alterations and/or additions and will include the replacement of missing historical features either through accurate replication or through a new design compatible with the design and character of the historic place.

Currently approved conservation work included the restoration and adaptation of the windows for improved thermal efficiency as per the previously approved Heritage Alteration Permit (HAP) and in accordance with the directions provided in the window condition assessment that forms a part of the Heritage Revitalization Agreement (HRA). The guardrails and trim were to be repaired and reinstated where the original material still existed and replicated where necessary with an allowance for new guards around the front porch as required. The front porch was to be renewed to provide protection

over habitable living space while the steps, though not contemporary with the original building, were to be recreated to replicate those that were designated. Asphalt shingles were to be the roof finish over the porch and bay windows while new pre-finished sheet metal gutters were to be installed. The chimneys were to be renewed under the direction of a structural engineer to replicate the original clay brick chimneys. A new side entrance was to be constructed to provide access on the north elevation. The door was to be compatible in appearance with the original windows and doors while the concrete steps and landing with a wood frame guardrail were to be of a more contemporary style incorporating simple vertical pickets. A new fireplace extension and a set of new French doors, sympathetic to the character of the house, were to be installed on the south elevation. The concrete foundation was to be exposed around the entire perimeter.

Proposed changes to the approved scope of work include refurbishing and reinstating the original front porch guardrail while adding a contemporary steel top rail to meet code requirements. The bay window on west elevation will extend down to grade and be finished at the base with vertical v-joint cedar skirting that will clad the concrete foundation around the entire perimeter of the house. The porch and bay window roofs are to have the cedar diamond shingles reinstated, utilizing replicated material where necessary while the new gutters are to replicate the cedar material and ogee profile of the original gutters. The chimneys, in addition to being replicated, are to also have a sloped mortar cap finish. A modified stair and landing utilizing wood frame construction will provide access to the entrance on the north elevation. The design for the guardrail will contemporarily reflect the guard around the front porch. The extension on the east elevation, removed to facilitate the placement of the house on the new foundation will be replicated as per the previously approved conservation drawings which had this extension retained and restored. The window on the south elevation of this addition, previously identified for reconditioning, will actually be a replacement window replicating the larger typical windows of the house.

All original trim and finish materials are to be retained, repaired and reinstated where possible and replicated with similar material utilizing identical geometry where necessary. Flashing is to be added where necessary to provide improved protection from future deterioration to the original trim and finishes. The addition this flashing is to be sympathetic to the appearance of the finishes of the house.

All of the previous approved work and proposed changes will be completed under the guidance of the Standards and Guidelines for the Conservation of Historic Places in Canada as follows:

- Repairing an exterior wall assembly, including its functional and decorative elements, by using a minimal intervention approach.
- Modifying, designing or replacing a new entrance, porch or balcony required by a new use or applicable codes and regulations, in a manner that is compatible with the buildings style, era and character.
- Replacing missing historic features by designing and constructing a new portion of the exterior wall assembly, based on physical and documentary evidence, or one that is compatible in size, scale, material, style and colour.

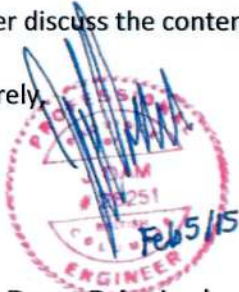
151 Oswego Street
Victoria, British Columbia

Heritage Alteration Permit Letter
February 5, 2015

- Designing and installing a new window, door or storefront when it is completely missing, with a new design that is compatible with the style, era and character of the historic place, or a replica based on documentary evidence.

It is trusted that this letter meets with your requirements for the Heritage Alteration Permit at 151 Oswego Street. Please do not hesitate to contact me if you have any questions or comments or wish to further discuss the contents of this letter.

Sincerely,



John Dam, Principal

Building Conservation Engineer

B.A.Sc., M.Sc., P.Eng., MCAHP, LEED AP BD+C

KEAY CECCO ARCHITECTURE LTD

JOHN KEAY, ARCHITECT, AIBC
LARRY CECCO, IA, AIBC, MRAIC
1124 FORT STREET,
VICTORIA, V8V 3K8

November 30, 2014

Hans de Geode
1840 Kings Road
Victoria, BC V8R 2P3

via email handsgoededeve@gmail.com

Dear Hans,

re: alterations to 151 Oswego Street

Further to our conversation, I met with Murray Miller, regarding work to be done on the house. Murray has explained to me that the work is directed by a Heritage Revitalization Agreement, and that this agreement required the work to be done under the direction of a registered Architect and also an individual who is a member of CAHP.

Our Architectural services would be:

- i. Drawings prepared for a Heritage Alteration Permit application. The scope of work would be generally as shown in the drawings as prepared by Zebra design drawings dated March, 2014
- ii. Identify work which has been carried out in contravention of the City agreements
- iii. Research and preparation of drawings for building elements which have been removed, including the chimneys, summer kitchen, and other elements
- iv. Confirm that work will be done in accordance with the window assessment
- v. Obtaining agreement from all parties involved in the proposed blasting that no damage to the house will result
- vi. Co-ordination with a structural engineer
- vii. Co-ordination with a member of CAHP as required
- viii. The obtaining of strip out and Building permits is the responsibility of the Owner

Work would be done at our normal hourly rates. ~~For a complete list of our fees, please refer to the attached fee schedule.~~ Please note the following:

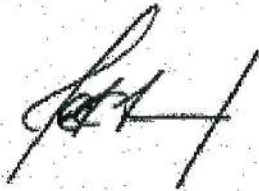
- i. a professional service agreement forms part of this proposal (attached)
- ii. disbursements, including items such as printing, application fees, and GST, would be invoiced at cost plus 5%
- iii. other consultant services, such as structural, mechanical, electrical, and quantity surveyor would be in addition to our fees. I will confirm with the City as to whether a separate heritage planner (a member of CAHP) is required

Tel: 250 382 3823
Fax: 250 382 0413
Email: john@kcarchitecture.com

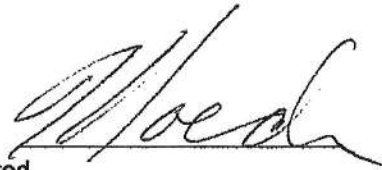
- iv. Keay & Associate carries professional liability insurance with a value of \$2,000,000 aggregate and \$2,000,000 per claim
- v. The drawing would be based on your sketch.
- vi. changes to the scope of work which result in additional fees would be negotiated prior to undertaking the revised work
- vii. liability is limited to the extent of our fees.

Thanks for considering us for this work, we are looking forward to assisting you with this project. If you have any questions do not hesitate to call, please sign and return one copy by fax, or confirm acceptance by return email.

Yours truly,



John Keay



accepted



250-388-5288
john@jdabc.ca
jdabuildingconservation.ca

January 5, 2015

Hans DeGoede Development Ltd.
1840 Kings Road
Victoria, British Columbia
V8R 2P3

Attn.: Hans DeGoede

Re: Heritage Consulting Services
151 Oswego Street
Victoria, British Columbia
Project #: 1004.P01

Dear Hans:

In response to meeting with you (the Client) on site on December 23, 2014 and meeting with John Keay of Keay & Associate Architecture Ltd. (the registered professional) a few days previously, John Dam & Associates (JDA) is pleased to submit this proposal to provide heritage consulting services relating to the conservation of the historic building envelope and associated assemblies at 151 Oswego Street, Victoria.

Scope of Work

The heritage house at 151 Oswego Street is a fine example of an Italianate cottage with the extensive application of decorative trim and quality millwork. Located at the corner of Oswego and Simcoe Sts., both the north and west elevations are on full display. Designated in 1977, it has been contemplated for redevelopment on a number of occasions, most recently considered by the Heritage Advisory Committee in February of 2013, and now currently in the process of ameliorating the work completed to date to bring it back in accordance with the Heritage Revitalization Agreement (HRA) and the Heritage Alteration Permit (HAP). The scope of work approved and completed to date includes the relocation of the house onto a new concrete foundation within the original lot. Work undertaken that has not met with the approval of the City includes a number of exterior alterations and the partial demolition of a portion of the building. It is understood that the City of Victoria requires a registered architect and a professional heritage consultant to review the redevelopment work that is being completed on the house to ensure that it is in conformance with the HRA and the HAP and sympathetic to the recommendations provided by the Standards and Guidelines for the Conservation of Historic Places in Canada (S&G's).



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151 Oswego Street
Victoria, British Columbia

Heritage Consulting Services Proposal
January 5, 2015

Scope of Proposed Services and Fees

The heritage consulting work on this project will require the review of the HRA and the HAP (including drawings and specifications) to fully understand the scope of conservation work and the associated objectives of the City and to ensure that the proposed work is in accordance with the S&G's. The recommended, specified and detailed preservation work will have to be coordinated with the registered professional and a number of site reviews will be required to determine that the approved work, as identified by the HAP, is being completed in conformance with it. These site reviews will be coordinated with the registered professional to ensure that they are not unnecessarily duplicated. Dialogue with the city staff will also have to be maintained as well as the provision of any necessary documentation that will be requested to ensure that their requirements are addressed.

Invoices are rendered monthly with payment due within 30 days. GST is in addition to all fees and disbursements.

Terms and Conditions

All consulting work completed by JDA takes into consideration the highest achievable levels of durability and sustainability both in design and construction. In addition, work on historic buildings is aligned with guidelines that govern such work including the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

JDA does not have the expertise in the identification of organic growth associated with the deterioration of building materials nor its' impact on human health. JDA therefore cannot provide an opinion towards its extent of growth or its' potential health risk to those that come in contact with any such substance and cannot be held liable towards its' impact on the project and health of the people related to the project beyond reporting observations that are made of the presence of any material that may present itself as such a substance.

JDA does not provide services normally performed by other consultants including the identification of mould, fungus, mildew, asbestos, or other pollutants and contaminants. Our insurance policy has the industry standard exclusions relating to these substances. The Client agrees that JDA shall have no liability for any cause of action relating to them.

JDA has professional liability insurance coverage through Marsh Canada Ltd., including coverage for water ingress, which is not less than \$1,000,000 per claim or aggregate limit for the policy period. Any and all claim(s) brought against JDA shall be limited to the completed scope of services and the extent of coverage provided by the professional liability insurance in force.

151 Oswego Street
Victoria, British Columbia

Heritage Consulting Services Proposal
January 5, 2015

Should this proposal be found favourable and subsequently accepted, we request the return of a signed copy to confirm the engagement of services.

Thank you for the invitation to provide you with this proposal. We trust that it meets with your requirements. Please do not hesitate to contact us if you have any questions or comments or wish to further discuss the contents of this proposal.

Sincerely,



John Dam, Principal

Building Conservation Engineer

B.A.Sc., M.Sc., P.Eng., MCAHP, LEED AP BD+C

Please confirm your acceptance of this proposal by returning a signed copy.

Name:

HANS DE GOENGE

Signature:



Date:

FEB 11/15



John Dam & Associates
Building Conservation Engineering

3 | Page



March 30, 2015

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Honorable Mayor Lisa Helps and Council,

Re: 151 Oswego St., Victoria – Our Job #VID-14-036

This letter is in regards to the raise of a structure at 151 Oswego St., Victoria that Nickel Bros carried forth in late 2014.

I visited this job site 3 times and discussed the unsafeness of lifting the house with the back portion intact. The floor joists in the house did not run from front to back and the joists under the front of the house were 2'x8', whereas, the joists under the back were only 2'x4'. Under the back of the house, the joists were so close to the ground we were unable get steel beneath this area, also, due to their proximity to the ground, they had suffered from powder post beetle.

If you have any further questions please contact the office.

Sincerely,

Allan Nickel

Vice President / General Manager
Vancouver Island Division

Safety. Precision. Integrity.

Vancouver:
1528 Broadway Street
Port Coquitlam, BC V3C 2M8
Toll-Free: 1.866.813.9430
Fax: 604.944.6082
E-mail: Vancouver@nickelbros.com

Vancouver Island:
1990 Balsam Road
Nanaimo, BC V9X 1T5
Toll-Free: 1.866.320.2268
Fax: 250.753.8215
E-Mail: vanisland@nickelbros.com

Seattle:
625 Riverside Road
Everett, WA 98201
Toll-Free: 1.866.920.2767
Fax: 425.257.2069
E-mail: Washington@nickelbros.com

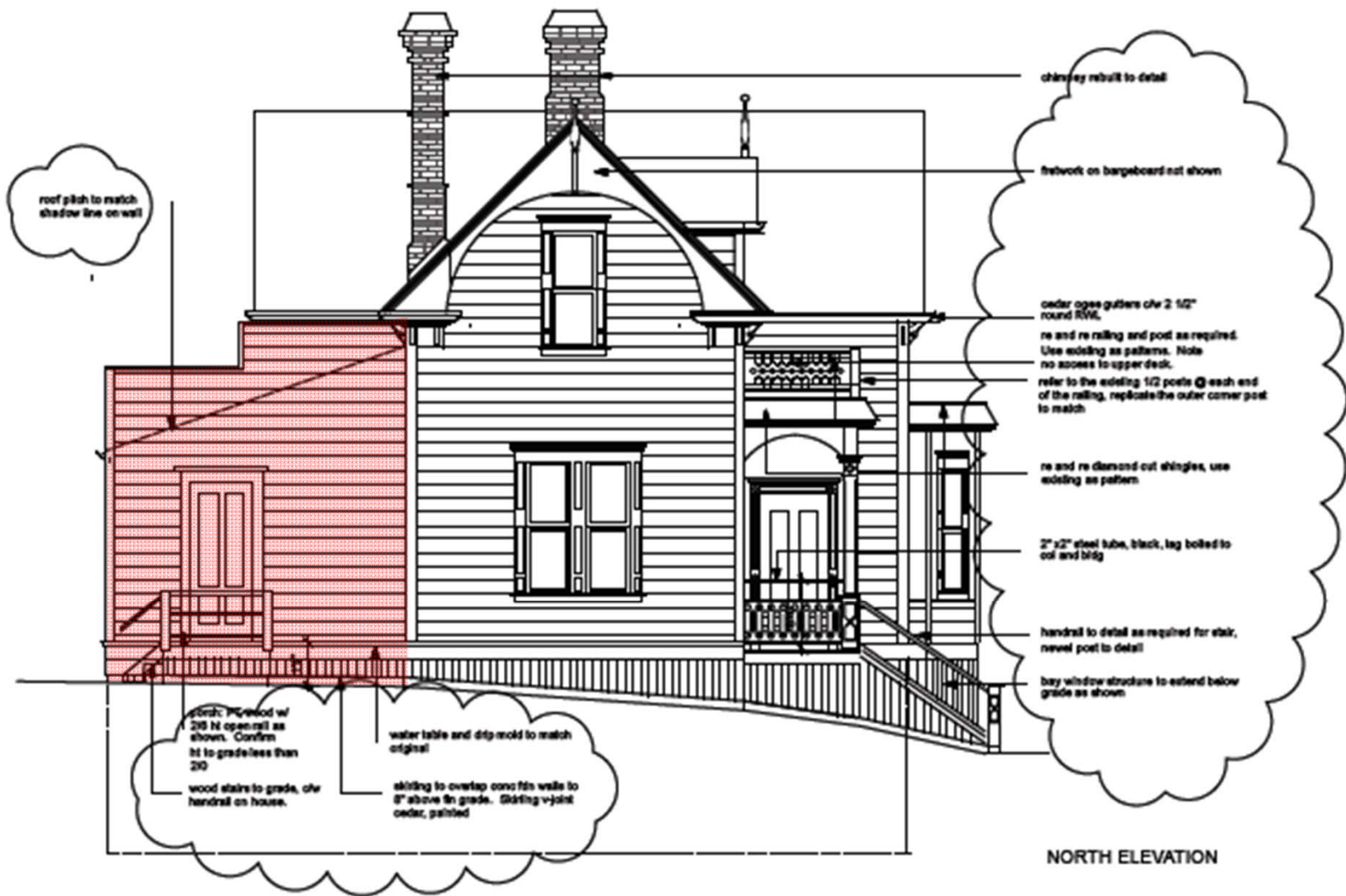
Residential: www.nickelbros.com

Industrial: www.nickelbrosindustrial.com

151 Oswego Street



151 Oswego Street



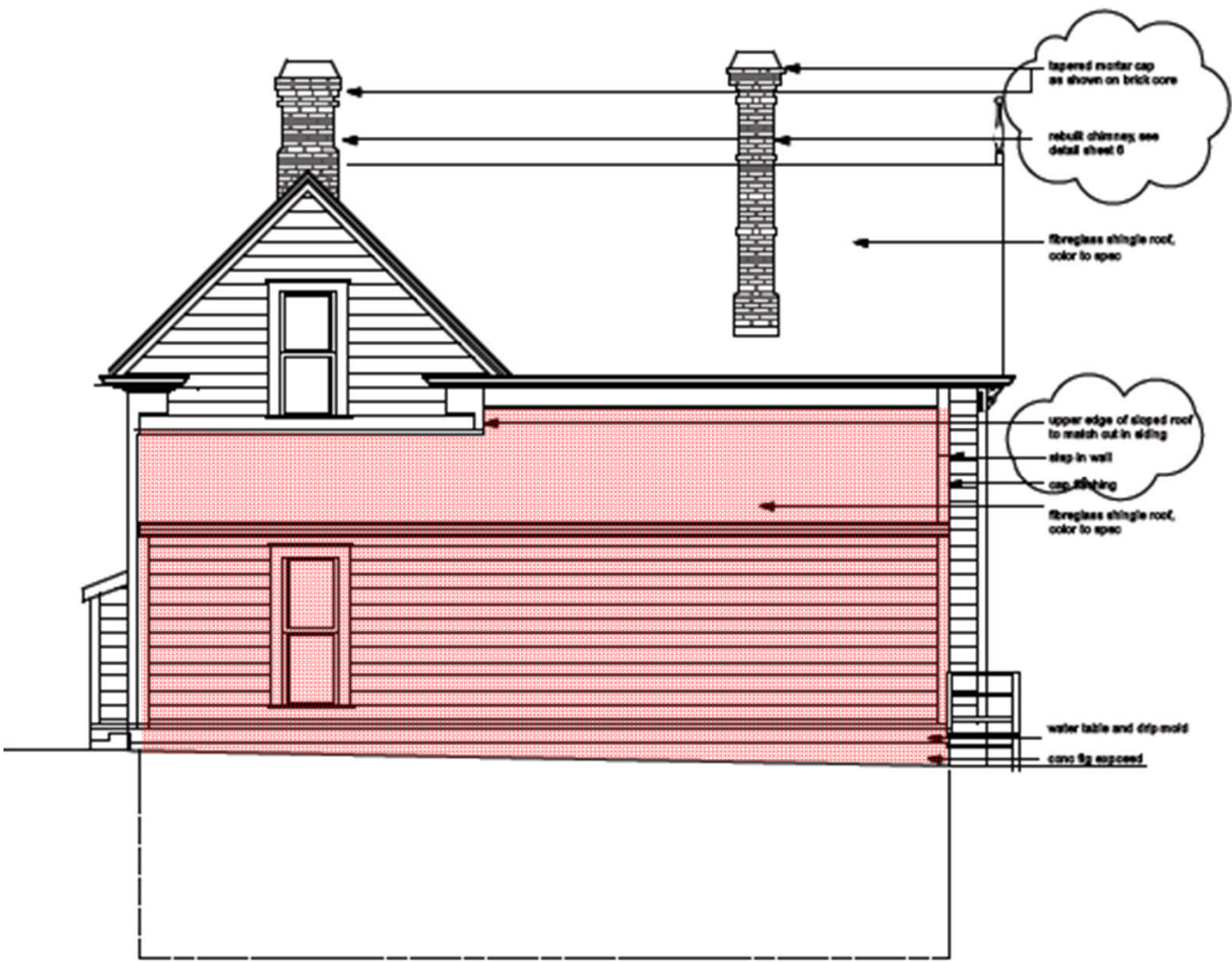
151 Oswego Street



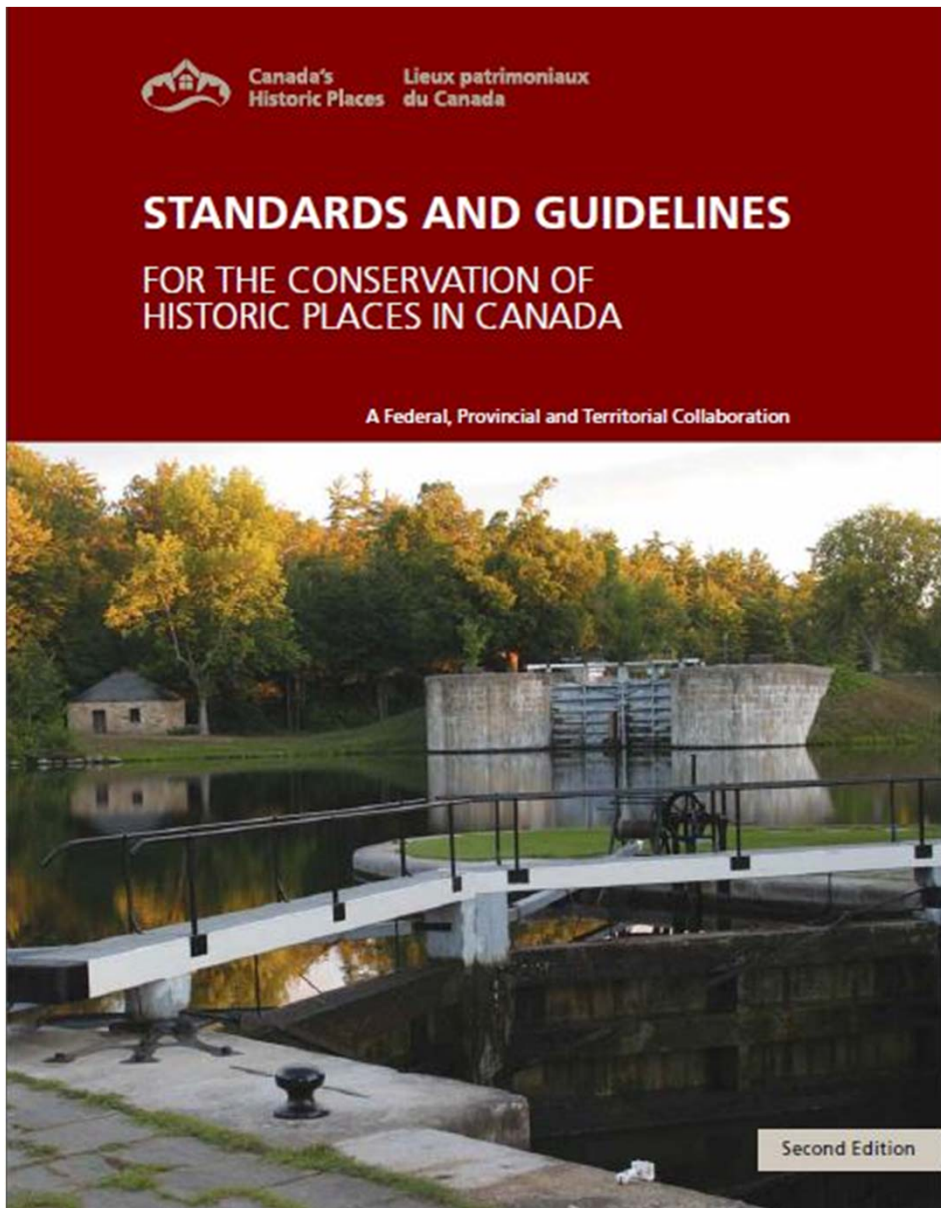
151 Oswego Street



151 Oswego Street



151 Oswego Street



151 Oswego Street



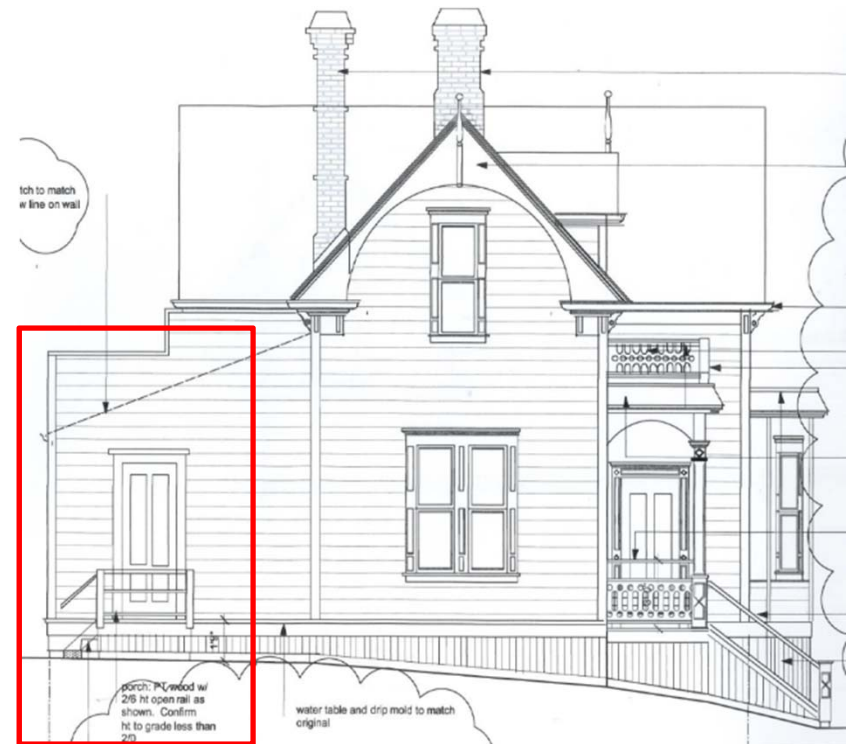
151 Oswego Street



151 Oswego Street



Approved HAP (July 2014)

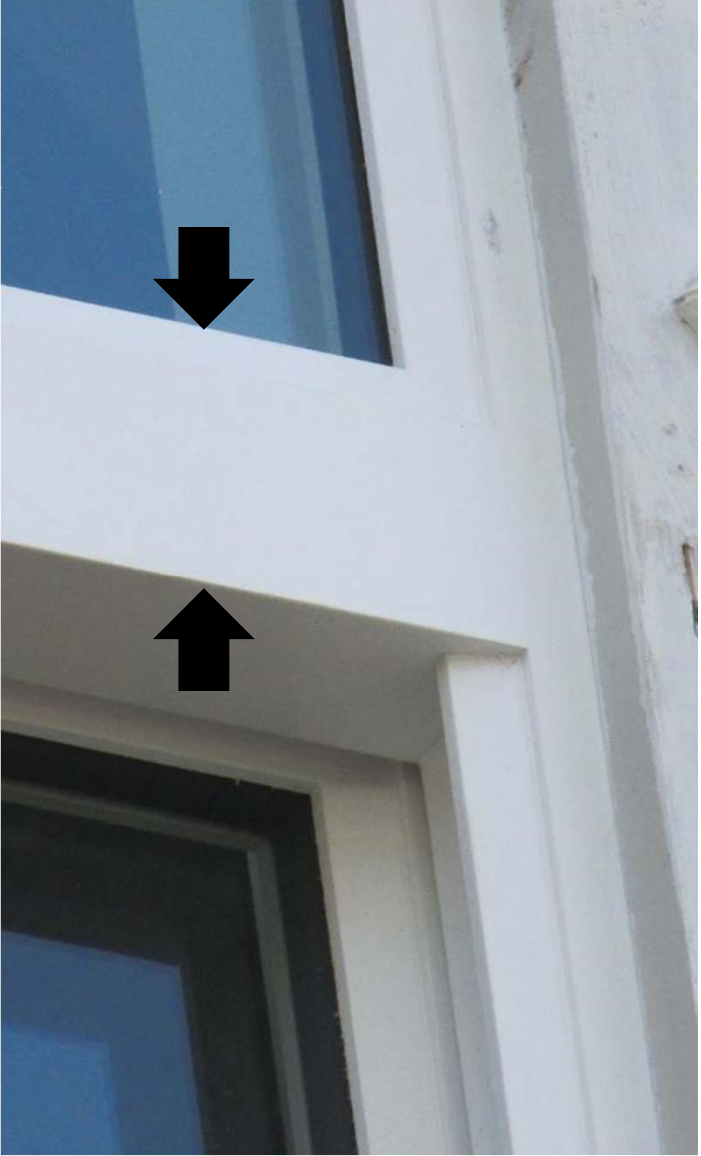


Current HAP (March 2015)

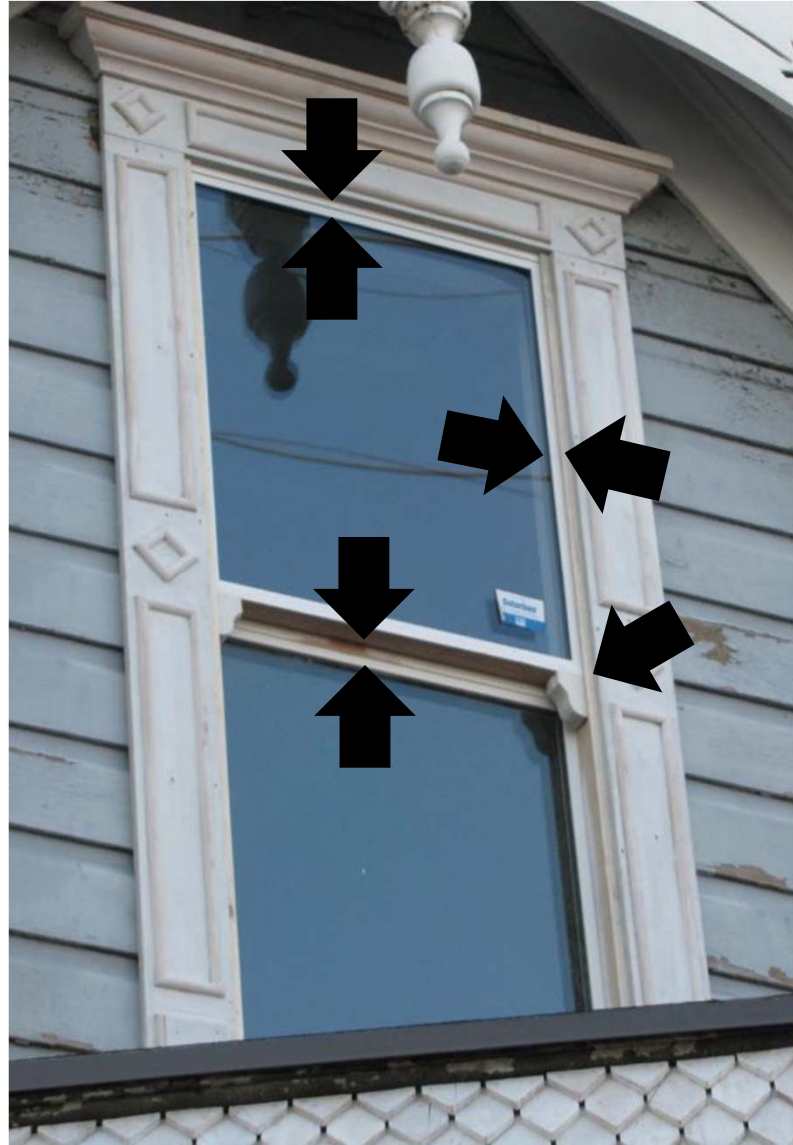
151 Oswego Street



151 Oswego Street



151 Oswego Street



151 Oswego Street



151 Oswego Street

