



**AMENDED AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF MARCH 5, 2015, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE**

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

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| 1. | Minutes from the meeting held February 19, 2015. | 3 - 14 |
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[Addenda]

COMBINED DEVELOPMENT APPLICATION REPORTS

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| 2. | Rezoning Application No. 00465 for 1609 Fort Street Removed as per Applicant's Request
--A. Meyer, Assistant Director -- Development Services Division, Sustainable Planning and Community Development Department | 15 - 97 |
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~~A proposal to rezone the property to authorize a Liquor Retail Store in the South 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.~~

[Addenda]

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| 3. | Development Permit Application with Variances Application No. 000406 for 1609 Fort Street Removed as per Applicant's Request
--A. Meyer, Assistant Director -- Development Services Division, Sustainable Planning and Community Development Department | 99 - 102 |
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~~A development permit with variances application to authorize the design, siting~~

~~and landscaping for a Liquor Retail Store within an existing building. The variance is related to the reduction of the off-street parking requirements.~~

~~Staff Recommendation: Following the Public Hearing for the rezoning, that Council consider the issuance of the development permit.~~

DEVELOPMENT APPLICATION REPORTS

4. Development Variance Permit No. 00146 for 1486 Dallas Road 103 - 126
--A. Meyer, Assistant Director - Development Services Division, Sustainable Planning and Community Development Department
- A development permit with variances application to authorize the enclosure of an existing covered deck to create an addition to the second storey in the Fairfield neighbourhood. The variances are related to increasing the combined floor area and increasing the number of storeys. A hearing is required prior to Council making a final decision on the application.*
- Staff Recommendation: To authorize the permit.
5. Heritage Alteration Permit Application No. 00190 for 470 Belleville Street 127 - 143
--A. Hudson, Assistant Director - Community Planning Division, Sustainable Planning and Community Development Department
- An application to install exterior lighting to the north and east façades of the Steamship Terminal.*
- Staff Recommendation: To authorize the alteration permit.

POLICY REPORT

6. Official Community Plan Amendments - Subdivision Exemptions and Administrative Amendments 145 - 158
--A. Hudson, Assistant Director - Community Planning Division, Sustainable Planning and Community Development Department
- A report to provide housekeeping amendments to the Official Community Plan.*
- Staff Recommendation: To forward to Council for consideration and approval.

ADJOURNMENT

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, FEBRUARY 19, 2015, 9:00 A.M.**

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

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

Absent: Councillor Alto

Staff Present: J. Johnson - City Manager; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; B. Sikstrom – Senior Planner; J. Handy – Senior Planner; C. Wain – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

Councillor Coleman advised he would be leaving the meeting at 10:30 a.m. for a Federation of Municipalities (FCM) Conference Call.

2. APPROVAL OF THE AGENDA

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

- Item # 8 Development Permit Application No. 000400 for 2546 Government Street
- Item # 9 Development Permit with Variance Application No. 000403 for 450 Dallas Road
- Item # 10 Development Permit with Variances Application No. 000395 for 1961 Douglas Street

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

CARRIED UNANIMOUSLY 15/PLUC043

3. CONSENT AGENDA

3.1 Development Permit Application No. 000400 for 2546 Government Street

Committee received a report regarding a Development Permit Application for 2546 Government Street. The proposal is to construct an addition and porte-cochere to an automobile dealership.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends that Council authorize the issuance of Development Permit Application No. 000400 for 2546 Government Street, in accordance with:

1. Plans date stamped December 29, 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, Development Services Division, Sustainable Planning and Community Development Department.

CARRIED UNANIMOUSLY 15/PLUC044

3.2 Development Permit with Variances Application No. 000403 for 450 Dallas Road

Committee received a report regarding a Development Permit with Variances Application for 450 Dallas Road. The proposal is to create an additional residential unit within an existing multi-unit building resulting in a one stall parking variance.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, 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 with Variances Application No. 000403 for 450 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - a. Schedule C, Section 16.A.11(c) – Parking relaxed from one parking stall to zero parking stalls for the additional residential unit.
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/PLUC045

3.3 Development Permit with Variances Application No. 000395 for 1961 Douglas Street

Committee received a report regarding a Development Permit with Variances Application for 1961 Douglas Street. The proposal is to construct a small addition to the existing hotel to create new office space and convert an existing office to a hotel room. Variances are required related to site coverage, landscaping, front yard setbacks and parking.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, 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 with Variances Application No. 000395 for 1961 Douglas Street, in accordance with:

1. Plans date stamped December 15, 2014.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Section 5.1.6 – Site coverage increased from 30% to 67.80% (an increase of 0.23% above existing).
 - b. Section 5.1.8 – Open site space decreased from 30% to 8.04% (a decrease of 0.23% below existing).
 - c. Section 5.1.11 – Setback from north lot boundary (Discovery Street) reduced from 7.50m to 0.40m (existing).
3. Schedule C, Section 5(1) – Off-street parking requirement reduced from 49 stalls (48 stalls previously approved) to 48 stalls.
4. 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/PLUC046

4. ADOPTION OF MINUTES

Minutes from the meeting held February 5, 2015.

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

CARRIED UNANIMOUSLY 15/PLUC047

5. COMBINED DEVELOPMENT APPLICATIONS

5.1 Rezoning Application No. 00463 for 960-962 Yates Street

Committee received a report regarding Rezoning Application No. 00463 for 960-962 Yates Street. The proposal is to increase the density and authorize an eighteen-storey residential building with ground floor commercial space.

Committee discussed:

- The referral to the Advisory Design Panel and if that committee's discussion is limited only to those areas specified in the recommendation.
- Concerns regarding the excavation and the impact on neighbouring properties.
- The land-lift analysis and if crime prevention could be included as part of the bonus density. Many owners within newer downtown buildings have complained of individuals climbing on their balconies.

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

1. That Staff prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00463 for 960-962 Yates Street.
2. That first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council.
3. That a Public Hearing date be set once legal agreements have been prepared to the satisfaction of the City Solicitor and the Assistant Director, Development Services Divisions, Sustainable Planning and Community Development Department, to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

CARRIED UNANIMOUSLY 15/PLUC048

5.2 Development Permit with Variances Application No. 000391 for 960-962 Yates Street

Committee received a report regarding Development Permit with Variances Application No. 000391 for 960-962 Yates Street. A variance is requested to reduce the number of parking spaces from 137 to 96.

Action:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Committee recommends that Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to:

- a. The surface parking courtyard
- b. The residential entrance
- c. The design of the primary tower and the perceived massing of the upper storeys.

Following the referral, and after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00463, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000391 for 960-962 Yates Street, in accordance with:

1. Plans date stamped December 3, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 7.2(g) - Required residential visitor parking is reduced from ten spaces to five.
 - b. Schedule C, 16.A. 12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 1 space per dwelling unit.
 - c. Schedule C, 16.C.4 - Required commercial parking is reduced from four spaces to two.
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/PLUC049

5.3 Rezoning Application No. 00475 for 838 Fort Street

Committee received a report regarding Rezoning Application No. 00475 for 838 Fort Street. The proposal is to amend the existing CA-42 Zone (Harris Green Commercial District) to increase the floor area of an existing building and allow retail uses on the ground floor and offices above.

Committee inquired if it is possible for Council to waive a Public Hearing.

- Council may waive the Public Hearing as long as it is consistent with the Official Community Plan. There is still a requirement that signs and notification be posted and a hearing fee be paid.

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that Committee recommends:

1. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00475 for 838 Fort Street.
2. That first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 15/PLUC050

5.4 Development Permit with Variances Application No. 000407 for 838 Fort Street

Committee received a report regarding Development Permit with Variances Application No. 000407 for 838 Fort Street. The proposal is to authorize renovations to an existing building to allow a street café and offices on the upper floors. The variances relate to the building's street frontage and front yard setback.

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that Committee recommends that following the Public Hearing for the Rezoning; that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000407 for 838 Fort Street, in accordance with:

1. Plans dated February 12, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 6.55.2(1) - access to a building on the building street frontage is increased from 4.5m to 9.55m.
 - b. Section 6.55.2(2) - retail uses on the building street frontage are reduced from 75% to 45.5%.
 - c. Section 6.55.4 - front yard setback reduced from 3m to 1.18m.
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."

CARRIED UNANIMOUSLY 15/PLUC051

5.5 Official Community Plan Amendment Application, Development Permit with Variance Application No. 000356 and Heritage Alteration Permit Application No. 00180 for 251-259 Esquimalt Road

Committee received a report regarding an Official Community Plan Amendment Application, Development Permit with Variance Application No. 000356 and Heritage Alteration Permit Application No. 00180 for 251-259 Esquimalt Road.

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that Committee recommends that Council amend the October 23, 2014, Council motion by adding the following consultation pertaining to the proposed Official Community Plan Amendment after Item 1.b.:

- c. Determine pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within 200m of the subject properties and determine that the appropriate consultation measures would include mailed notice of the proposed OCP Amendment to the affected persons and posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- d. Determine pursuant to Section 879(2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

CARRIED UNANIMOUSLY 15/PLUC052

5.6 Proposed Amendment to the Master Development Agreement (MDA) for 1952 Bay Street (Royal Jubilee Hospital)

Committee received a report regarding a proposed amendment to the Master Development Agreement (MDA) for 1952 Bay Street. The City has received a request from Island Health to extend the deadline for submission of a comprehensive Master Plan for the Royal Jubilee Hospital Campus and to allow the replacement of the existing hospital boiler plant. The proposal would require an amendment to Section 16 of the Master Development Agreement.

Committee questioned if the June 30, 2015, deadline for submission of a comprehensive Master Plan is realistic given that a Master Development Agreement amendment requires full public consultation including a public hearing.

- o Staff have questioned the timeline with Island Health and have received assurances that they are committed to the timeline. Staff advised that the MDA does not require a public hearing, as it is an agreement between Island Health and the City.

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee recommends:

1. That Council consider directing staff to prepare an amendment to Section 16 of the Master Development Agreement for the Royal Jubilee Campus, to the satisfaction of the Assistant Director, Development Services Division and the City Solicitor, that:
 - a. Extends the deadline for submission of a comprehensive Master Plan for the Campus to June 30, 2015.
 - b. Allows the construction of a replacement boiler plant prior to City Council approval of the comprehensive Master Plan for the Campus, subject to obtaining all necessary permits from the City.
2. That Council consider directing the Mayor and Corporate Administrator to execute the amendment to the Master Development Agreement and other instruments to effect its registration in the Land Title Office.

CARRIED UNANIMOUSLY 15/PLUC053

6. DEVELOPMENT APPLICATION REPORTS

6.1 2740 Richmond Road – Easement Over City Property

Committee received a report regarding an easement requested over City property at 2740 Richmond Road. The owner of the single family dwelling at 2732 Richmond Road is considering redeveloping the property and wishes to determine whether the City would grant an easement over its adjacent lot (2740 Richmond Road) in order to provide pedestrian and vehicular access to enable the proposed development.

Committee agreed to move in camera to discuss the subject property.

7. CLOSED MEETING AT 9:45 AM

Action: It was moved by Councillor Isitt, seconded by Councillor Young, that 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)(e) – the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.*

CARRIED UNANIMOUSLY 15/PLUC054

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

Absent: Councillor Alto

Staff Present: J. Johnson – City Manager; A. Meyer – Acting Director of Sustainable Planning &

Community Development; N. Turner – Property Manager; R. Woodland – Director of Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

7.1 2740 Richmond Road – Easement Over City Property

Committee received information regarding 2740 Richmond Road.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC055

Action: It was moved by Councillor Coleman, seconded by Councillor Young, to adjourn the closed meeting at 10:03 a.m.

CARRIED UNANIMOUSLY 15/PLUC056

Committee reconvened in Council Chambers at 10:03 a.m.

2740 Richmond Road – Easement Over City Property

Committee discussed the need to be provided with additional information before making a final decision on the property.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee postpone consideration of the motion for a maximum of two months.

CARRIED UNANIMOUSLY 15/PLUC057

8. CLOSED MEETING AT 10:08 AM

Action: It was moved by Mayor Helps, seconded by Councillor Coleman, that 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/PLUC058

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

Staff Present:

J. Johnson – City Manager; A. Hudson – Acting Director, Community Planning, Sustainable Planning & Community Development Department; R. Woodland – Director of Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

9. LEGAL UPDATE

Committee received information regarding a legal matter.

The discussion and motion were recorded and kept confidential.

Action: It was moved by Councillor Coleman, seconded by Councillor Young, to adjourn the closed meeting at 10:33 a.m.

CARRIED UNANIMOUSLY 15/PLUC059

Councillor Coleman left the meeting at 10:33 a.m.

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

10. PROPERTY MAINTENANCE BYLAW HEARING 10:34 A.M.

10.1 Illegal Use and Work Without Permit for 315 Langford Street

Committee received a report regarding illegal use and work without permit for 315 Langford Street. This matter had been brought before Committee in May 2012 and May 2013 for consideration of placing a Notice on Title. The Committee had instructed staff to investigate and report back as to whether or not the use on the property (duplex with an additional dwelling) which violates the current *Zoning Regulation Bylaw* is a legal non-conforming use. This Report confirms that the use at the property does not comply with zoning regulations and has not complied with the City's zoning regulations since the time both the duplex and the additional dwelling at the rear of the property have all been used for residential purposes (dating back to the 1950's). While the property owner has resolved a number of plumbing and electrical safety issues identified during an inspection, he has failed to make application for any of the permits required to return the property to legal use or make an application to have the property rezoned. As a result, the Committee is being asked to make a final determination regarding the compliance of the property with the zoning regulations and ultimately determine whether or not to place a Notice on the Land Title pursuant to Section 57 of the *Community Charter*.

The Chair opened the hearing at 10:33 a.m.

The Chair explained the recommendation that was before Committee.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends:

1. That the Committee determine that the use of the accessory building on the property at 315 Langford Street constitutes "unlawful use" and that permits are not in place to allow such use on the property and that Section 57(1)(b) applies to the property.
2. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 315 Langford Street, legally described as Lot 127 Block Q Section 31 Esquimalt Plan 549, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

The Chair asked if the property owner received a letter and report from the City in regards to this matter.

Rob Angus (Owner): Yes:

The Chair asked the City representative to give an opening statement and to present evidence.

M. Hayden (Manager, Bylaw & Licensing): The property at 315 Langford Street is located in the Victoria West neighbourhood in an R-2, Two Family Dwelling District. The approved use of the property per the approved building plans is "Duplex". The property was inspected on March 31, 2011, after it was reported that there appeared to be an illegal suite being rented in an accessory building. The inspection confirmed the existence of a self-contained dwelling unit. In addition, a number of plumbing and electrical safety issues were identified. The property owner was directed to make application for the required permits and complete the work required to correct deficiencies and return the property to its approved legal use and occupancy of a duplex (see attached letter dated May 10, 2011). The property owner did comply by obtaining permits and completing the work required to resolve the plumbing and electrical safety issues, however, he has failed to make application for any of the permits required to return the property to legal use - convert the secondary building from a dwelling unit back to the approved use as an "accessory building". Instead the owner contends that the current use of the property is the legal use as the secondary structure is and/or should be considered a legal non-conforming cottage. To that end, the property owner has submitted records, City of Victoria bylaws (dated building bylaws) and other material in two previous Planning and Land Use Committee meetings (Appendices G and H) to support his position that the extra self-contained dwelling unit located on the lot is legal non-conforming.

A Notice on Title is a low level compliance action and serves as a caution to those interested in purchasing the property. It does not compel the owner to bring the property into compliance. They believe from their evidence that this a non-compliant property and an application to put a Notice on Property would be an appropriate response to document this non-compliance.

The Chair asked the property owner if they have any questions of City staff.

Rob Angus (Owner): No

The Chair asked the property owner to present their evidence.

Rob Angus (Owner): Mr. Angus provided background information of the property and contended that there was a continued non-compliant use of the property.

When he attended the first hearing in May of 2013, he was able to show archival material that the use of the cottage on the property is a long term use dating back to the 1800's. There is a duplex on the property that was built in 1949 by permit. The cottage structure was taxed as early as 1895. Both the duplex and the cottage have their own sewer and water connections. He feels that no building permit was required for the cottage as it predated the bylaw.

The Chair asked the property owner to provide a closing statement.

Rob Angus (Owner): There has been a long standing use and the cottage has been a dwelling for many years.

M. Hayden (Manager, Bylaw & Licensing): City staff appear to have allowed the use during construction of the duplex but did not follow up after construction was completed. It is unfortunate, but it does not change the fact that the use is illegal, it was illegal in the 1950s and is still now illegal.

The Chair closed the hearing at 10:59 a.m.

Committee discussed:

- The Committee sits as a quasi-judicial body and needs to determine from the evidence provided whether the owner has proven the property is a legal non-conforming property.
- The need to bring closure to this matter in a fair and reasonable manner.

Action: It was moved by Councillor Isitt, to postpone consideration of this matter for two weeks so that Committee may receive additional information.

Motion failed due to no seconder

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that Committee adjourn the Planning & Land Use Committee at 11:12 a.m.

CARRIED UNANIMOUSLY 15/PLUC060

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee convene the Special Council Meeting of February 19, 2015, at 11:13 a.m.

CARRIED UNANIMOUSLY 15/PLUC061

Committee reconvened the Planning & Land Use Committee meeting at 11:14 a.m.

Committee discussed:

- If the property is provided with a legal non-conforming status, there is nothing that precludes this matter coming before Committee again if new evidence is found or the continual use ceases for six months.
- If there is an impact to the neighbours. The duplex has been there for 65 years and the secondary building has been there longer than that. It is not a new impact on the neighbours. The building may be refurbished but the impact will remain as it was.

Action: It was moved by Councillor Young, seconded by Councillor Isitt, that as of February 19, 2015, the property located at 315 Langford Street, legally described as Lot 127 Block Q Section 31 Esquimalt Plan 549, is a legal non-conforming property.

CARRIED UNANIMOUSLY 15/PLUC062

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee adjourn the Planning & Land Use Committee meeting of February 19, 2015, at 11:22 a.m.

CARRIED UNANIMOUSLY 15/PLUC063

Mayor Helps, Chair



Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 19, 2015
From: Lucina Baryluk, Senior Process Planner
Subject: Rezoning Application No. 00465 for 1609 Fort 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. 00465 to allow a Liquor Retail Store as a permitted use with a maximum floor area of 241m² at 1609 Fort Street, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing 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 land, buildings 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 1609 Fort Street. The proposal is to allow a 241m² Liquor Retail Store as a permitted use within an established commercial building.

The following points were considered in assessing this Application:

- The *Official Community Plan 2012*, places the subject property within a Large Urban Village, Stadacona Village. This designation envisions free-standing commercial uses as a key land use (along with multi-family residential and mixed-use buildings) and is considered an employment generator. The *Official Community Plan* also identifies a liquor store as commercial element within a Large Urban Village.
- The broader context of land uses around this property defines this area as a commercial centre, and a liquor retail store would add to the complement of retail uses.

- As this Application represents a retail use occupying three lease areas that are currently used as retail spaces, the land use impacts and traffic impacts on the neighbouring residential areas are not expected to change significantly.
- The proposal is generally in keeping with the City's *Licensee Retail Stores Rezoning Policy*, (as directed by Council, this policy is currently under review) with the exception of store size. The policy recommends a maximum store size of 200m² and the proposed store is 241m². As this Application is a modest increase over the recommended total floor area and the floor plate is pre-determined by the existing units, coupled with the location in an existing commercial building within a Large Urban Village, this size is supportable.
- Other proposed deviations from the *Zoning Regulation Bylaw* (parking variance) are reviewed in conjunction with the Development Permit Application for this property.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit a Liquor Retail Store within an existing commercial development, located at 1609 Fort Street, commonly referred to as Crossroads Plaza. The proposal is to combine three existing ground-floor commercial units to permit a Liquor Retail Store with a total floor area of 241m².

There is a vehicle parking variance associated with this application. This variance is described in the report related to the Development Permit Application for this property.

Sustainability Features

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

Land Use Context

The Fort Street and Oak Bay Avenue area (commonly referred to as Oak Bay Junction) is a mix of commercial developments (office and retail) with some mixed-use projects (commercial on the main floor with residential on the upper storeys) and a long term care home located at 1650 Fort Street. There has been little new development in the last several years. The building on the subject property was built in 1985.

Existing Site Development and Development Potential

Under the current C1-J Zone, Limited Commercial Junction District, the property is developed close to its maximum density (see Data Table), therefore there is minimal development potential on this site, without a further rezoning. The permitted uses in the zone are: retail stores, business offices, professional businesses, restaurants, and residential on the upper storeys, high tech and call centres.

Data Table

The following data table compares the existing building with the C1-J Zone. It is noted that this is a site-specific zone created for this property, and, as such, the existing building closely conforms to the zone. The data table is provided to illustrate how much development potential is remaining on this site. As there is no new construction required for the Liquor Retail Store,

the density will remain the same. To allow a Liquor Retail Store, the use will be added to the permitted uses with a limitation on the maximum size.

A vehicle parking variance is required. This parking variance and the bicycle parking standards are reviewed in the report associated with the concurrent Development Permit Application for this property.

Zoning Criteria	Existing building	C1-J Zone Standard
Site area (m ²) – minimum	1613	N/A
Total floor area (m ²) – maximum	795	887
Density (Floor Space Ratio) – maximum	0.49:1	0.55:1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the South Jubilee Neighbourhood Association at a Community Meeting held on October 15, 2014. A letter dated October 21, 2014, is attached to this report.

ANALYSIS

Official Community Plan 2012

The *Official Community Plan 2012* (OCP) designates the subject site within the Large Urban Village of Stadacona Village. The Urban Place Guidelines for a Large Urban Village envision multi-unit residential buildings, freestanding commercial buildings and mixed-use buildings. There are a number of Large Urban Villages identified in the OCP: Selkirk, Quadra Village, Victoria West Village, Jubilee Village, Stadacona Village, Cook Street Village and James Bay Village. The only large Urban Villages that currently do not have a liquor retail store are Selkirk and Stadacona. In addition, the Guidelines for Complete Town Centres and Urban Villages (Figure 9) identify a liquor store as commercial element within a Large Urban Village.

With respect to Stadacona Village, the OCP states that it is a mixed-use area, located at a point at which different street patterns come together creating unusual lot configurations that offer opportunities for the provision of open space and distinctive urban design.

Jubilee Neighbourhood Plan, 1996

The *Jubilee Neighbourhood Plan* provides only general guidance for assessing this application, as the main commercial goal of the plan is to “reinforce existing neighbourhood commercial areas as vibrant, pedestrian-oriented places for local shopping, services and social interaction”.

Licensee Retail Stores Rezoning Policy

On March 27, 2003, City Council determined that any new Liquor Retail Store would require a rezoning. This was a response to changing liquor policies by the Liquor Control and Licensing Branch, and Council was anticipating a number of stores to locate or relocate in Victoria. Since the establishment of the Council's policy in 2003, Council has decided on twelve liquor retail rezoning applications. The policy outlines parameters regarding location, size and distance from other liquor retail stores and schools, along with procedural requirements. At Council's direction, this policy is currently under review. The following details the proposal's compliance with the General Characteristics of the Policy:

Preliminary Approval

The applicant has provided a letter from the Liquor Control and Licensing Branch indicating a pre-clearance has been achieved for this location. The license from the Ingraham Hotel Licensee Retail Store will be relocated to this location.

Established Retail Location

When the OCP policies are looked at in conjunction with the *Licensee Retail Stores Rezoning Policy*, locating liquor retail stores in established neighbourhood centres is favoured. Part of the rationale is to minimize nuisance to nearby neighbours. The nuisance factors generally associated with a commercial centre are traffic and noise from operations and users. The area is an established commercial core.

Store Entrance Location

The ground-floor store entrance is clearly visible from the street.

Parking Requirements

A parking variance is required, which is explained in the Development Permit Application Report.

Distance from Schools

All nearby schools are in excess of 500m from the proposal, thus meeting the 200m distance requirement.

Distance from Other Liquor Outlets

The closest liquor store is approximately one kilometre away (Fort and Foul Bay BC Liquor Store).

CPTED Requirements

The applicant has noted that the exterior lighting will be upgraded along with security cameras.

Size of Store

The store exceeds the recommended total floor area of 200m² by 41m² for a total store size of 241m². The applicant is noting that 190.5m² will be devoted to retail and the remainder to storage. Generally the internal organization of a store is left to the store operator, although, it can be a consideration for zoning; however, regulating or monitoring the on-going operations of a store can present administrative challenges.

As this Application is a modest increase over the recommended total floor area and the floor plate is pre-determined by the existing units, coupled with the location in an existing commercial building within a Large Urban Village, this size is recommended for Council's consideration ~~as~~ supportable.

Revitalization

Minor changes to the shop frontage are proposed. (See Development Permit Application Report)

Approval Process

- The applicant has submitted a number of petitions that form part of their submission package.
- The School District and Police Department have been consulted and have provided no comments on the proposal at the time of writing this report.
- The applicant has followed the CALUC process for rezoning applications, and South Jubilee Neighbourhood Association hosted a meeting on October 15, 2014 (letter attached).

Statutory Rights of Way

Fort Street is classified as an arterial street. To accommodate future improvements for people who walk and ride bikes on Fort Street, a Statutory Right of Way of 2.74m would be needed on the Fort Street frontage of this property. Fort Street was identified as part of the Bicycle Master Plan cycling network, and as a corridor where separated cycling facilities should be provided. In addition to improved cycling facilities, the right-of-way would also enable future construction of a separated sidewalk and public boulevard space.

Oak Bay Avenue is classified as a secondary arterial street. To accommodate future improvements for people who walk and ride bikes on Oak Bay Avenue, a Statutory Right of Way of 2.15m would be needed on the Oak Bay Avenue frontage of this property. Oak Bay Avenue was identified as part of the Bicycle Master Plan cycling network, and people who walk along Oak Bay Avenue would benefit from a separated sidewalk and public boulevard space.

The owner of the retail center does not wish to provide the Statutory Rights of Way (see letter from Midalta Investments Limited) at this time. In the future, if redevelopment plans are advanced for the site, the Statutory Rights of Way request will be pursued again.

CONCLUSIONS

The Application to locate a Liquor Retail Store at 1609 Fort Street merits consideration under the *Official Community Plan*. The *Official Community Plan* places the subject property within a Large Urban Village. This designation envisions commercial uses as a key land use, along with supporting liquor stores as an appropriate use in a Large Urban Village. The proposed location is an existing commercial building within an established commercial core.

The proposal meets the intent of the *Licensee Retail Stores Rezoning Policy* by maintaining the 200m distance between liquor retail outlets. However, the proposed store will exceed the 200m² store size recommendation. Given the context and the modest increase over the recommended total floor area, staff recommend for Council's consideration that this size is supportable in this location.

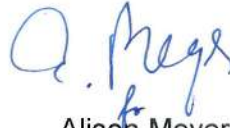
ALTERNATE MOTION

That Council decline Rezoning Application No. 00465 for the property located at 1609 Fort Street.

Respectfully submitted,

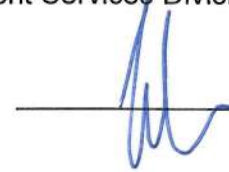


Lucina Baryluk
Senior Process Planner
Development Services Division




Alison Meyer
Assistant Director
Development Services Division

Report accepted and recommended by the City Manager:


Jason Johnson

Date:


Feb. 27/15

LB:aw:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00465\PLUC REPORT REZ 1609 FORT.DOC

List of Attachments

- Air photo
- Subject property map
- Letter from applicant dated January 21, 2015
- Submission package
- Letter from the South Jubilee Neighbourhood Association dated October 21, 2014.



Page 21 of 158



1609 Fort Street
Rezoning #00465
Bylaw #



Ross Borland
663 Radcliffe Lane,
Victoria, BC V8S 5B8



January 21, 2015

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

Dear Mayor and Council,

RE: REZONING APPLICATION FOR 1609 FORT STREET TO ALLOW USE OF LICENSEE RETAIL STORE

On behalf of Mldalta Investments Ltd. I am pleased to submit the following rezoning application to permit the use of a Licensee Retail Store at 1609 Fort Street.

The store ("**Spirit Shop**") will be located on the southeast side of Crossroads Plaza in the now vacant O'Beans Coffee Shop, Sunspa Tanning Studios and currently occupied Hair Is You hair salon where the owner will soon be vacating. The proposed store requires an application to rezone the property per the City of Victoria's Licensee Retail Stores Rezoning Policy adopted March 27, 2003.

The vacant spaces for the Spirit Shop have been unoccupied for varying lengths of time and have created an unwelcoming presence in the neighborhood. Our intended exterior enhancements which include a new store front, upgraded exterior lighting and seasonal hanging baskets will greatly improve the presence of the building and bring a new vibrancy to the shopping plaza.

FEEDBACK SUMMARY

Public consultation has been conducted and City Staff feedback received as part of the rezoning process. Public response to date has been overwhelmingly positive with 38 supportive and 1 opposed:

- October 3-10, 2014 – Neighbourhood Petition
- October 15, 2014 – South Jubilee Neighbourhood Association Land Use Committee meeting
- November 26, 2014 – Application Review Summary by City Staff

RESPONSE TO FEEDBACK

The matters requiring clarification and addressing are primarily as follows:

Security: We will provide an appropriate and safe environment through increased external lighting and security cameras. The daily number of empties as required by legislation is not onerous and returns will be accepted accordingly. Excessive returns with its attendant problems are not anticipated.

Parking – Request for a one stall variance (22 required, 21 provided)

During the public consultation process tenants of the building indicated that parking and lot flow works well but requested that the number of parking stalls be maintained. City Staff have proposed that one stall adjacent to Oak Bay Avenue be replaced with landscaping. This would reduce the number of parking stalls to 20. The average width of the subject stall meets Schedule C guidelines however at the entrance the width is slightly less than required. Taking the tenants views in to consideration the Owner is very reluctant to agree to a reduction of the total number of spaces available. To assure parking spaces turn over arrangements have been made with the landlord for four parking stalls to be marked as twenty minute parking stalls. Two staff parking stalls (4 & 8 as shown on site plan) will be assigned to the LRS. The current parking situation, including access and egress, functions very well but based on Schedule "C" calculations the site is required to have 22 stalls but it currently has 21. Accordingly we are requesting that the stalls be maintained at 21 with a variance of 1 stall.

Bicycle Parking – provided including staff within premises

There is currently a four stall bike rack adjacent to parking stall #12. This location is not appropriate as it puts bikes and cyclists in unsafe proximity to vehicles. A new bike rack, which will accommodate four bikes, will be installed on the landing outside the restaurant facing Fort Street. This location has ample room for cyclists to load and unload their bikes in a safe manner. Our employees will be provided with secure bike storage within our premises as required.

Deliveries – appropriate vehicle size with deliveries made during off hours

Delivery doors will be appropriately located on the south side of the building facing Oak Bay Avenue. Delivery vehicles will enter the site from Oak Bay Avenue, unload in to the receiving area, and then exit on to Fort Street. Small delivery vehicles, with times scheduled during off hours, will be used and dedicated staff will be available to expedite the process.

Garbage and Recycling – existing area at rear of building to be enclosed and pick up during off hours

The existing garbage/recycling location for the building, which has been in use for many years and functions very well, will be attractively fenced and gated. Garbage/recycling are collected during off hours so as to not inconvenience tenants and facilitate timely removal. To accommodate the anticipated increase in recycling (empties and cardboard) an attractive enclosure where recyclables will be stored pending scheduled pick up will be constructed at the rear of the building, in immediate proximity to the rear door of the premises.

Request for Statutory Right-Of-Way

We have consulted with the landlord and he feels this is not an appropriate request at this time. A letter in this regard is attached.

BENEFITS TO COMMUNITY

Property Revitalization: The exterior revitalization plan includes improved lighting, new entranceway, attractively enclosed and gated garbage/recycling area and improved building exterior along Oak Bay Avenue.

Employment: A new Liquor Retail Store will create 8 new full time equivalent jobs in the South Jubilee area. This will allow some employees to live and work in their own neighbourhood.

Support: The community will also benefit from planned outreach programs that will provide significant support to local groups, causes and events. WE SUPPORT LOCAL is an important cornerstone of our business philosophy.

I look forward to continuing to work with the City of Victoria to realize the potential of locating the Spirit Shop at Crossroads Plaza.

Sincerely,

A handwritten signature in blue ink, consisting of a large loop followed by several vertical strokes and a long horizontal line extending to the right.

Ross Borland

Midalta Investments Ltd.

10934 Fernie Wynd Road
North Saanich BC V8L 5H8
Phone 250-656-0308

January 26 2015

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

Dear Mayor and Council,

RE: REZONING APPLICATION FOR 1609 FORT ST.- REQUEST FOR
STATUTORY RIGHT-OF-WAY.

As the owner of 1609 Fort Street, and pursuant to the rezoning application for a change of use to allow a Liquor Retail Store, City Staff are requesting Statutory Right-of-Ways ("SRW'S") as shown on the SRW Site Plan. It is obvious from the plan that use of these would clearly affect the current functioning and viability of the site.

As noted above, the rezoning is simply a change of use, and as such we feel that this is an inappropriate request at this time. It would be more appropriately addressed at such time as the site is redeveloped.

There are generous road widths now existing on both Fort St. and Oak Bay Ave. and for all practical intents and purposes, use of the proposed SRW's would not be in the foreseeable future.

Sincerely,

Midalta Investments Ltd.

Per:



Kevin Lumley
Secretary



Important

This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Printed Tue, Sep 7, 2014

1609 Fort St. Aerial View

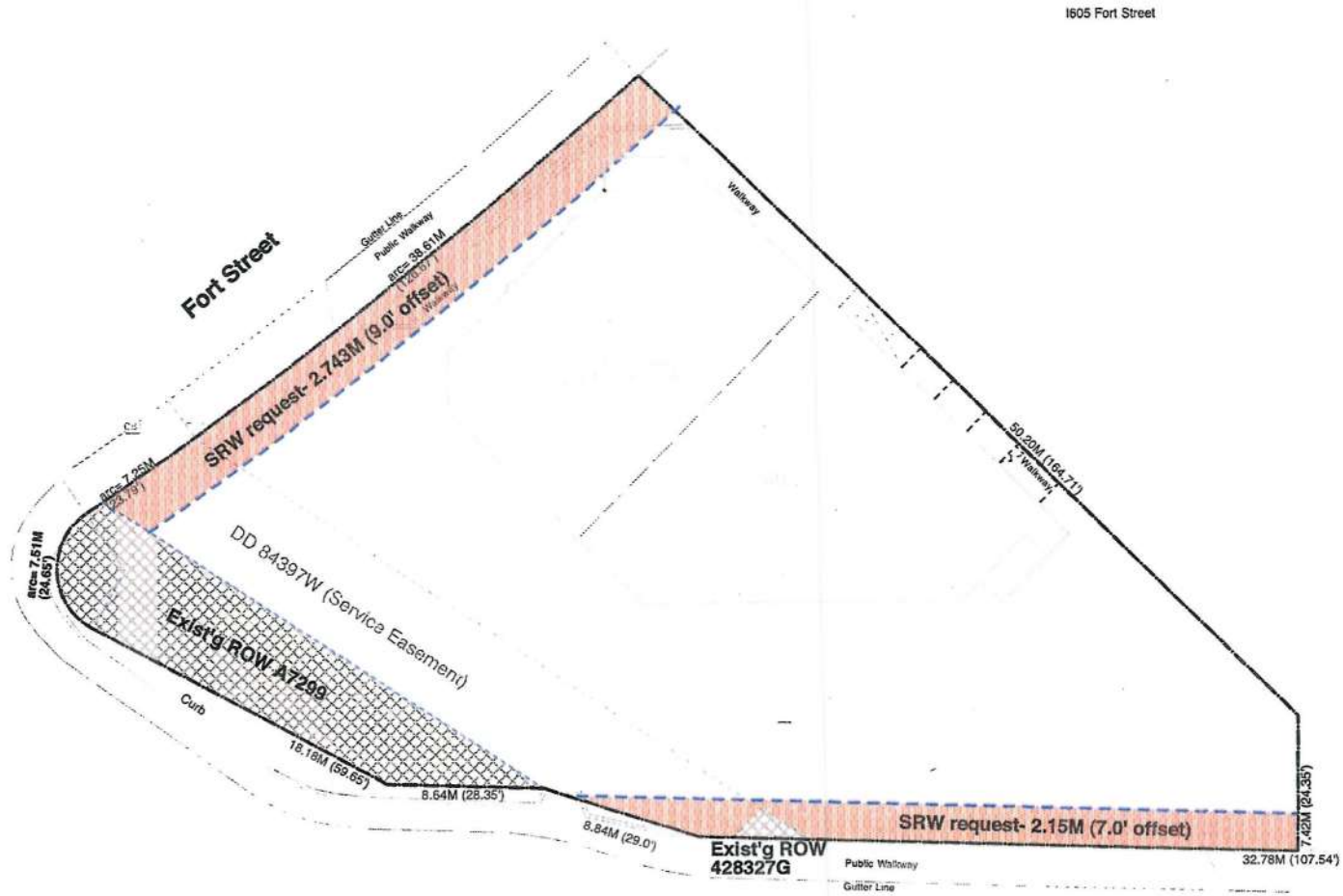
Regional Community Atlas

Capital Regional District
gis@crd.bc.ca
<http://www.crd.bc.ca>

CRD
Working together



Artist Rendering



1b

Site Plan - Exist'g/ New SRW's
Sc: 1: 250



Project title		T1 Improvement to 1609 Fort Street for New Energy	
sheet title		SRW/ ROW Site Plan	
date	Sept, '16	scale	as shown
drawn	RML	job no.	012091
sheet no.	P- 1b		



1a Site/ Landscape Plan
Sc: 1: 250



The subject property is affected by the following registered documents:
A7299, A7300, A28327G

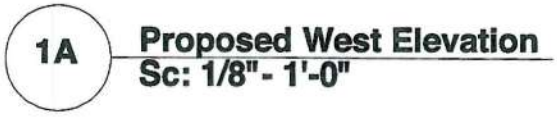
Wey Meyerburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC - V8L 2S5
Tel. (250) 656-5155
Fax: 1-800-868-5914

Project Data:

1. Civic address: 1609 Fort Street
2. Legal Desc.: Lot 1, Section 75, Plan 24881, Victoria District.
3. Proposal: T.I. Improvement Spirit Shop to 1609 Fort Street c/w minor renovations to building footprint to suit tenant plan
4. Parking: No of stalls: Total- 21 exist'g stalls
Assigned stalls to Spirit Shop TI - CRU - staff stalls 4 & 6, & 4 20 min assigned stalls

Landscape: Note: Irrigation system installed
Existing landscaping to be retained

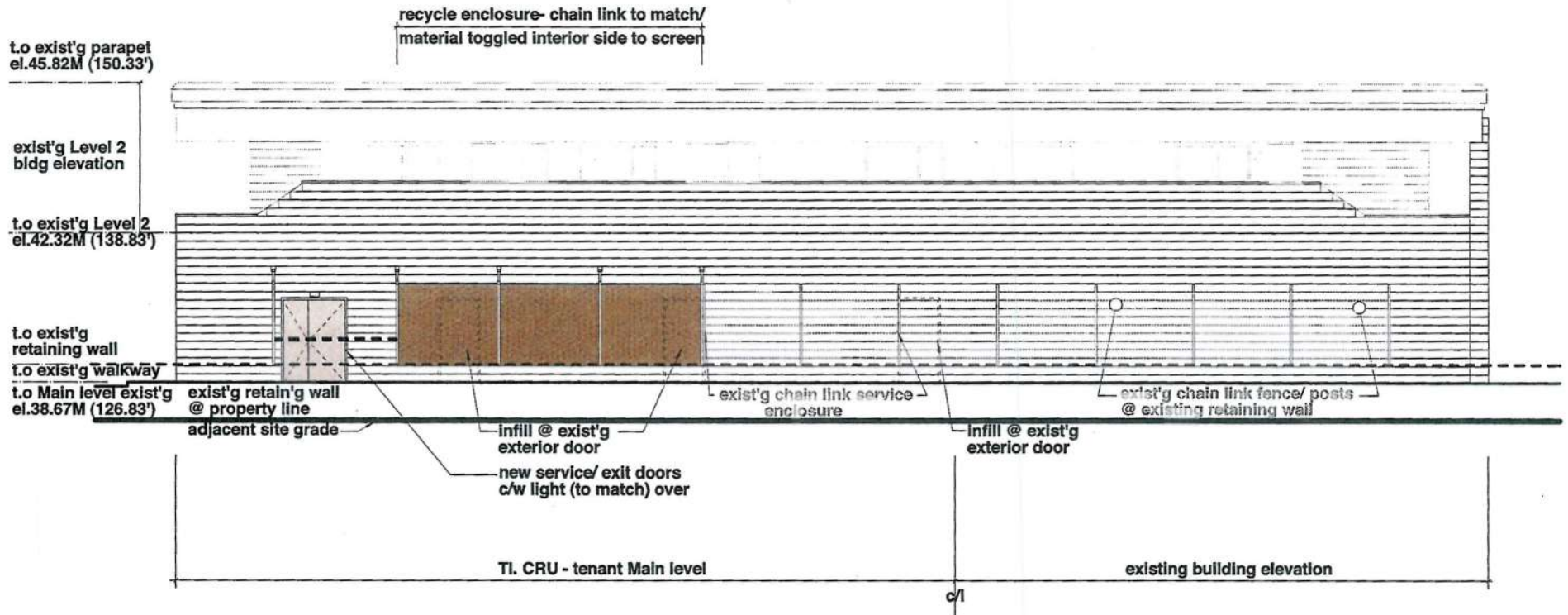
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Spirit Shop



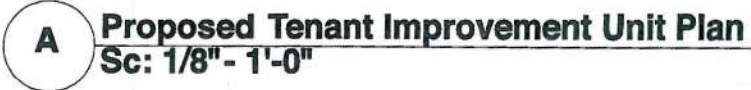
Spirit Shop



3A

Proposed (Revisions) East Elevation
Sc: 1/18" - 1'-0"

Revisions	
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Planning and Land Use Committee - 05 Mar 2015

Rationale for Licensee Liquor Store Rezoning

1609 Fort Street, Victoria



Project Contact

Ross Borland
663 Radcliffe Lane,
Victoria, BC V8S 5B8

Email: ross@radcliffelane.com
Telephone: 250.514.5165

Table of Contents

1.0 Introduction.....	3
2.0 Property Information.....	5
2.1 Site Data.....	5
2.2 Parking Requirements.....	5
2.3 Site Context.....	5
3.0 Regulatory Context.....	6
3.1 Official Community Plan.....	6
3.2 Zoning.....	6
3.3 Licensee Retail Stores Rezoning Policy.....	6
4.0 Public Consultation.....	8
4.1 Summary.....	8
4.2 Neighbourhood Petition.....	8
4.3 Presentation to Land Use Committee.....	8
5.0 Operational Concept & Ownership.....	9
5.1 Operational Concept.....	9
5.2 Ownership.....	9

Appendices

- A. Area Plan
 - Site Plan
 - Floor Plan
- B. OCP-Map 44: DPA 5: Large Urban Villages – Stadacona Village
 - OCP-Figure 9: Guidelines for Complete Town Centres and Urban Villages
 - Zoning Map
 - C1-J Zoning
- C. Neighbourhood Petitions
 - Letter from South Jubilee Land Use Committee
 - Highlighted Map of Adjacent Properties

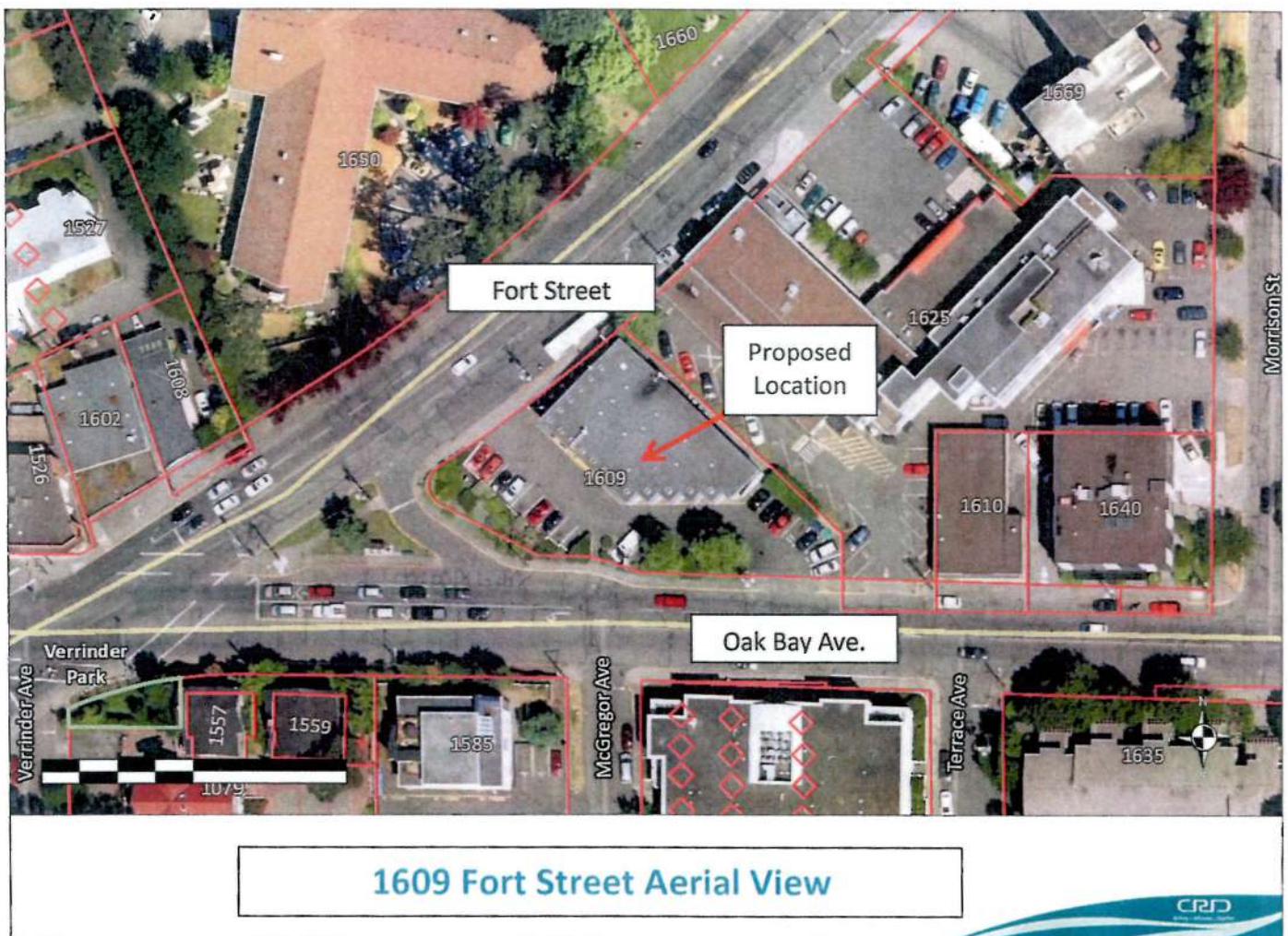
1.0 Introduction

The applicant proposes to open a Liquor Retail Store (the “**Spirit Shop**”) in Crossroads Plaza located at the Oak Bay Junction, 1609 Fort Street. The Spirit Shop will resolve a difficult vacancy situation and have a very positive impact on the community. It would also provide shopping convenience and access to local products not currently available.

The site requires a rezoning to allow liquor sales at this location as per the City of Victoria’s Licensee Retail Rezoning Policy.

The proposed business meets or exceeds both the city’s and community’s requirements:

- Provides accessibility to local neighbourhood which is currently not conveniently serviced
- Increased security in the area with improved lighting and cameras
- Enhanced building presence through exterior renovations and building enhancements
- Business location far exceeds minimum distance from schools and other liquor stores
- The site is located in the Stadacona Village which in the Official Community Plan is designated as a Large Urban Village, with “liquor store” as a suggested use.





Spirit Shop Exterior

3.0 Regulatory Context

The applicant is requesting a rezoning to permit the use of Licensee Retail Store at 1609 Fort Street. The following is a summary of the guiding policy.

3.1 Official Community Plan

The site is located in the South Jubilee Neighbourhood in Stadacona Village. Within the Official Community Plan this area is designated as a Large Urban Village, with liquor store as a suggested use.

3.2 Zoning

The site is zoned C1-J, Limited Commercial Junction District with retail stores a permitted use. The location of a liquor store triggers the City's Licensee Retail Store Rezoning Policy process.

3.3 Licensee Retail Stores Rezoning Policy (RP)

The following outlines the City's General Characteristics within the Policy and provides corresponding information regarding the proposal.

RP - An application for a Licensee Retail Store must be accompanied by a letter of preliminary approval from the Province of BC.

- See letter attached.

RP – The store should be located in an established or planned retail location.

- The site is located in Stadacona Village and zoned C1-J with a permitted use of retail stores.

RP – Entrance to the store should be from an existing street or from within an existing shopping centre.

- The entrance to the store will be within the current shopping plaza.

RP – Required parking may range from one space per 37.5m² of gross floor area in suburban malls to nil in highly walkable locations e.g. Downtown or a corner store.

- The site meets the city requirements.

RP – The store should be at least 200m from an elementary school or secondary school as well as other existing liquor stores.

- This site complies with the minimum distance from schools and other liquor stores. The closest schools to the proposed site are Central Middle School (780m), Glenlyon Norfolk School (840m) and Vic High (860m). The closest liquor stores are the Government Liquor Store #218 at Fort St & Foul Bay Rd. (1047m), Logan's LRS-Cook Street (1312m) and Penny Farthing LRS-Oak Bay Village (1437m).

RP – How “City’s Crime Prevention Through Environmental Design (CPTED)” will be observed.

- There is presently good visibility which will be further enhanced with improved exterior lighting. The entire area will be monitored by surveillance cameras.

RP – Facility size is limited to a total floor area of 200m².

- The proposed premises are 241 m² of which +/-190.5m² will be dedicated retail area with the remaining +/-50.5m² as storage space.

RP – Revitalization of a heritage building and/or improved shop frontage on a street is encouraged.

- The entranceway will be revitalized with new storefront and sidewalk while the exterior of the building will be beautified with seasonal hanging baskets and tasteful signage.

4.0 PUBLIC CONSULTATION

4.1 Summary

Consultation has been conducted as part of the rezoning process:

- October 3-10, 2014 – Neighborhood Petition
- October 15, 2014 – Presentation to South Jubilee Neighborhood Association Land Use Committee

4.2 Neighborhood Petition

On October 3, 6, 8, 9, 10, 2014 a neighborhood petition was conducted of the surrounding property owners and tenants. Tenants and building owners were contacted and verbally notified of the rezoning application. A copy of the petition was hand delivered to each address with a request to scan, return by mail or notify us to pick up the completed petitions.

On October 10, 2014 adjacent property owners were sent a registered letter outlining the rezoning application along with a copy of the Licensee Retail Store Rezoning Petition with a request to scan, return by mail or fax completed petitions to our office.

There were 4 supportive responses received from the registered mail out and no opposed responses.

There were 35 completed of the hand delivered petitions with 34 supportive responses and 1 opposed.

See Appendix A for petition responses.

4.3 Presentation to Land Use Committee

On October 15, 2014 a presentation was made to the South Jubilee Neighbourhood Association. The presentation was followed by an informal question/comment period. During this time the following issues were raised:

- **Security and Loitering:** We will provide an appropriate and safe environment through increased external lighting and monitored security cameras. We will only accept the minimum number of empties required by legislation and encourage those with more to utilize local bottle return depots.
- **Parking:** The property currently meets the City requirements for parking.
- **Underage/Intoxicated persons:** The operator has been involved in the Liquor Industry for over 25 years and an important element of the operators business plan is staff training as it relates to the business generally public safety issues in particular.
- **Noise:** The noise from our liquor store business would be no different than if the premises were used for a different purpose such as a convenience store, which would not require a rezoning.

5.0 OPERATIONAL CONCEPT & OWNERSHIP

5.1 Operational Concept

Although a full-service liquor, our focus will be on wine, craft beer and craft spirits actively promoting local producers with a commitment to furthering British Columbia's beverage industry. With the listings we choose and promote in-store we will highlight and support sustainable farming/production methods. We will treat every employee and customer as valued, respected and welcome and engage our customers and staff through continuing education.

5.1 Owners



Ross Borland

Businessman—Hospitality & Liquor Industry

After a 25 year career in the hotel and hospitality industry Ross has extensive experience in operating small to medium sized full-service hotel operations including Pubs and Liquor Stores. Ross is an active member of the local business community and has sat on the Boards of numerous industry associations.



Treve Ring

Sommelier, Wine Judge & Journalist

Treve is a wine journalist, editor, international judge, consultant, educator and certified sommelier based in Victoria. She is also an in-demand speaker with more than a dozen years in the wine and food publishing industry most recently co-authoring Island Wineries of British Columbia.

Appendix A

Site Plan Of:
Lot 1, Section 75,
Victoria District, Plan 24881.

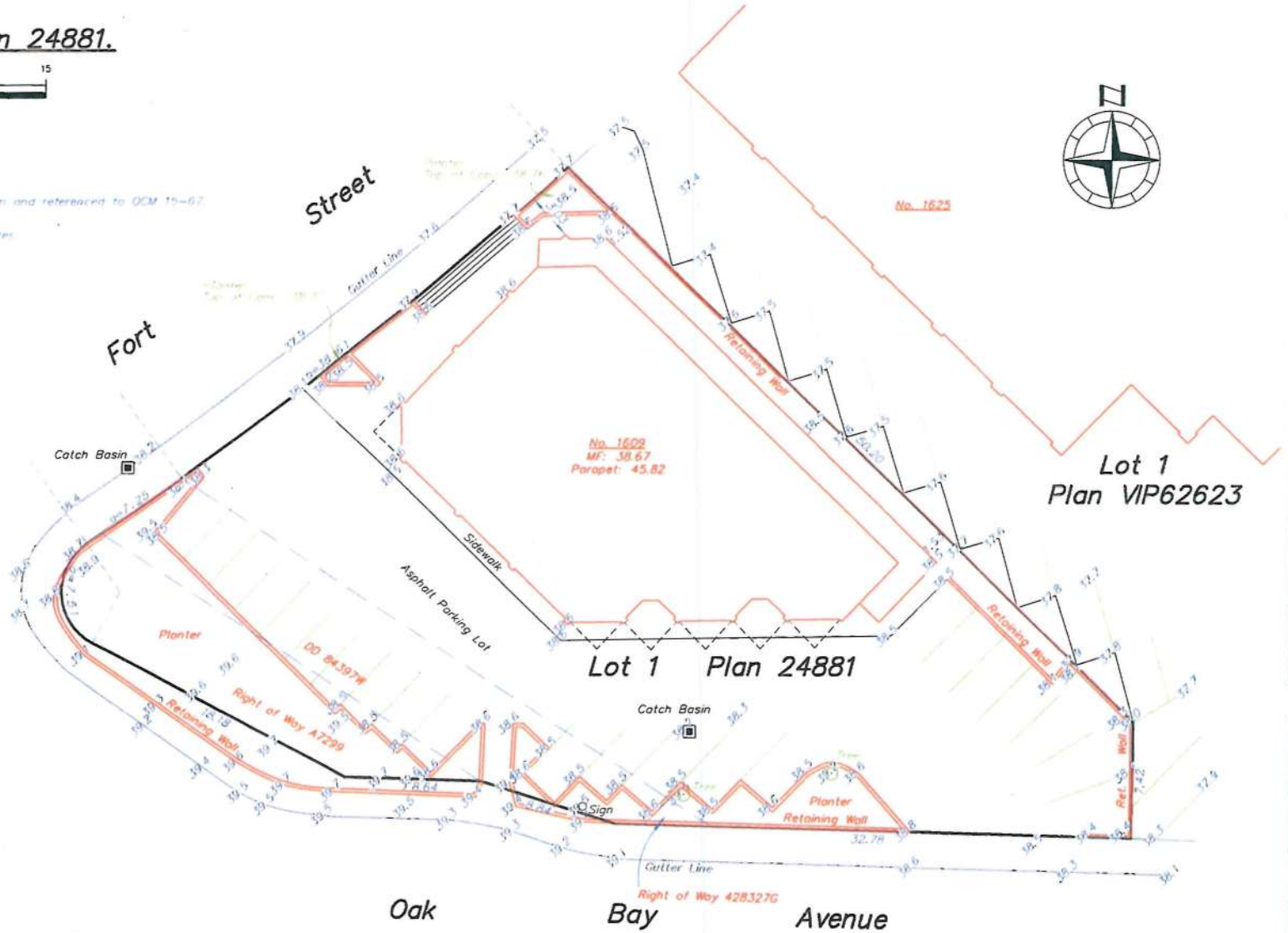


Scale = 1:250

Dated this 2nd day of October, 2014.

Elevations are based upon geodetic datum and referenced to OCM 15-67.

Elevations & distances shown are in metres.

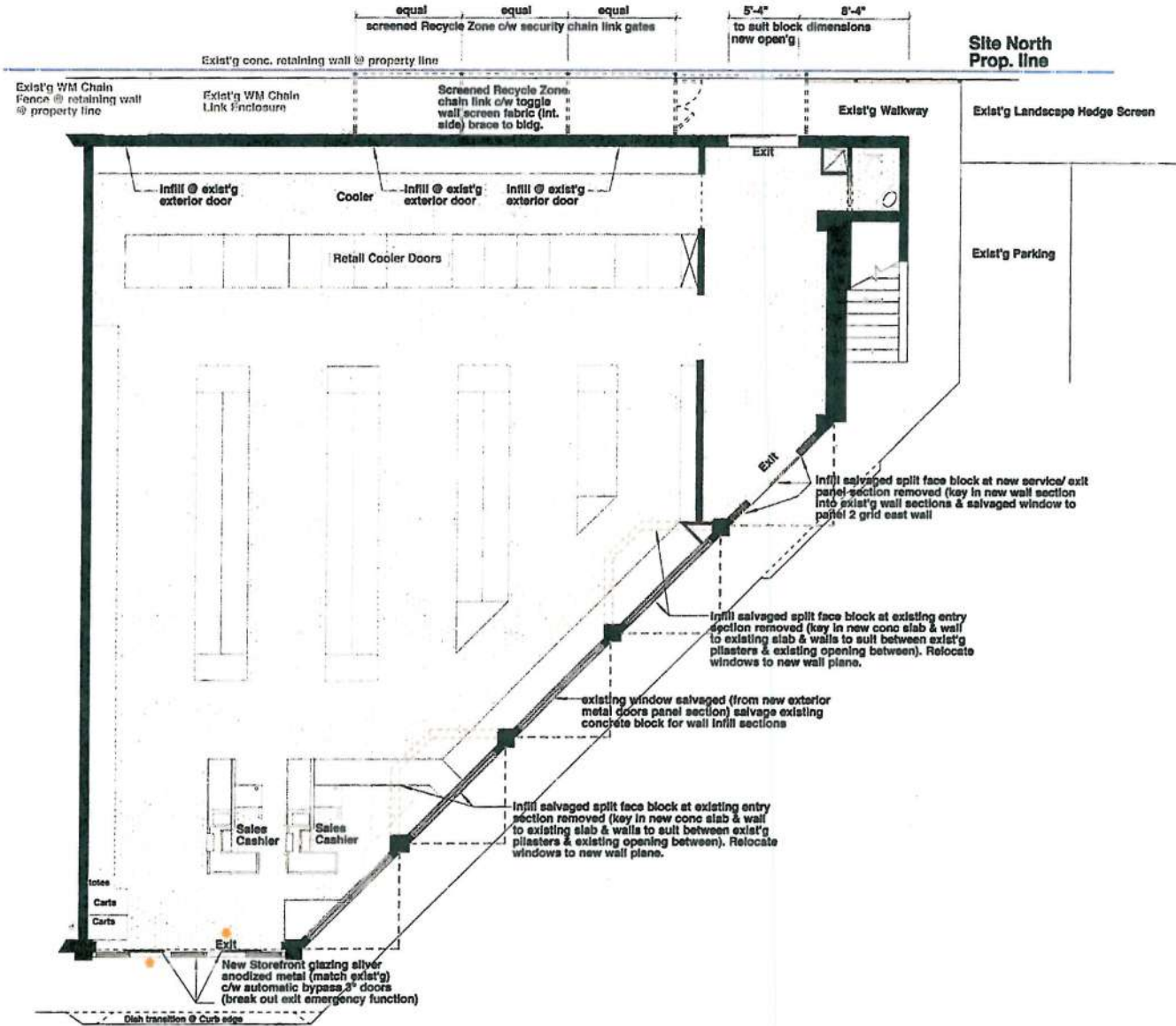


The subject property is affected by
the following registered documents:
A7299, A7300, 428327G.

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 140298a\SH\LE

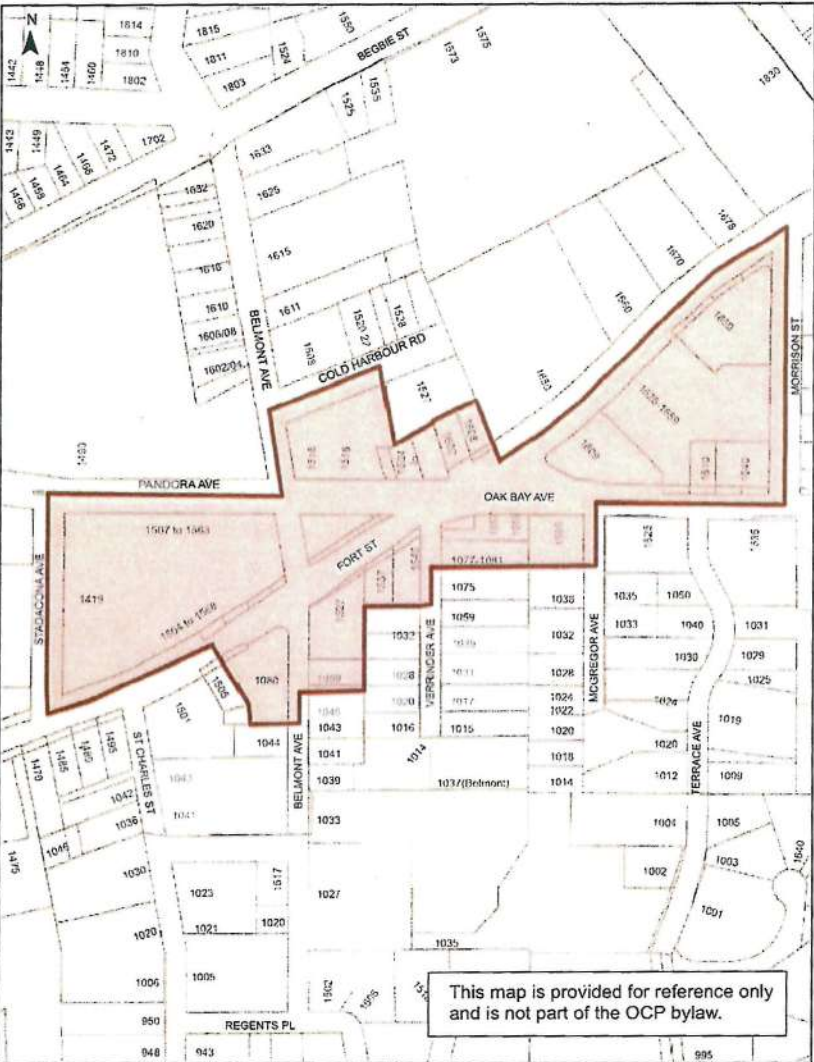


B **Proposed Tenant Improvement Unit Plan**
Sc: 1/8" - 1'-0"

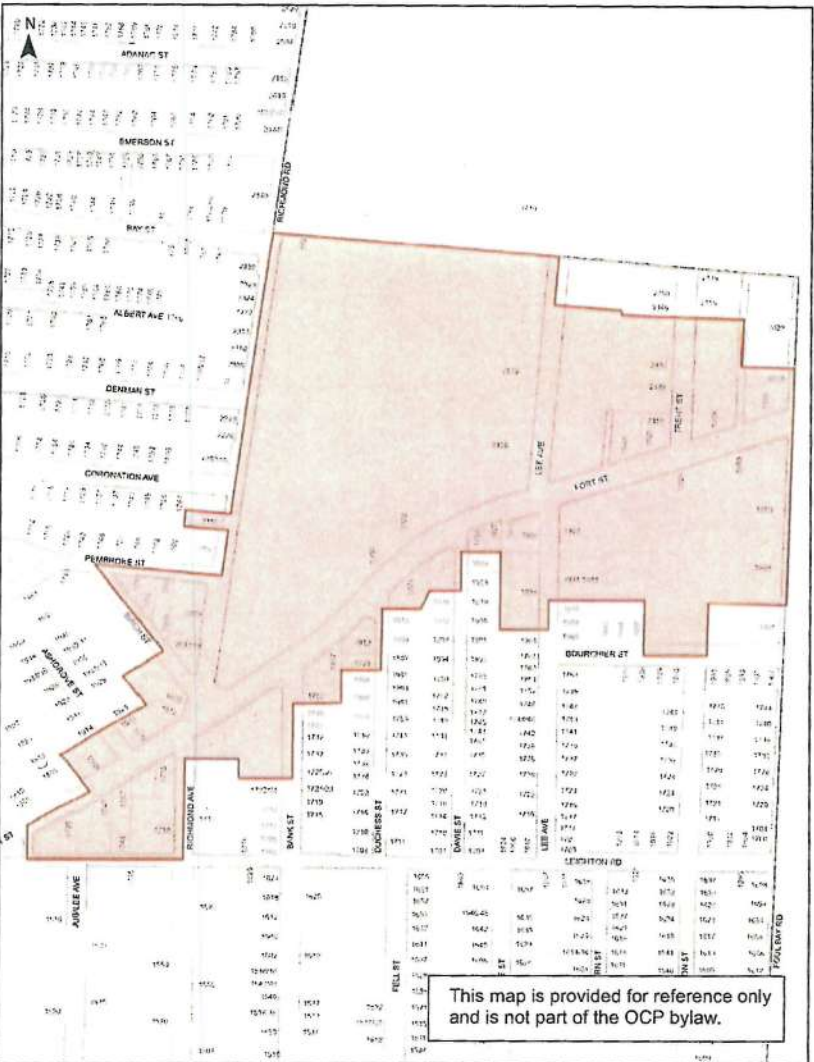
Appendix B

APPENDIX A: DEVELOPMENT PERMIT AREAS AND HERITAGE CONSERVATION AREAS

Map 44: DPA 5: Large Urban Villages – Stadacona Village



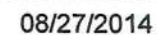
Map 45: DPA 5: Large Urban Villages – Jubilee Village



SECTION 6: LAND MANAGEMENT AND DEVELOPMENT

Figure 9: Guidelines for Complete Town Centres and Urban Villages

Element	Small Urban Village	Large Urban Village	Town Centre
Commercial and Community Services	Café, convenience food and retail. Full service restaurant. Personal services (e.g. hairdresser). Professional services (e.g. lawyer's office). Small scale health care services. Social services. Daycare. Public meeting and gathering space. Community composting and recycling. Public elementary school within 400 metres.	Plus: Small grocery store or equivalent food retail. Liquor store. Financial institution Health care services. (e.g. medical clinic) Full service pub. Farmer's market. Community recreation, education and cultural facilities.	Plus: City-wide destination retail. Large grocery store or equivalent food retail. City-wide recreation, education or cultural facilities.
Parks and Open Space	Public park and playground within 400 metres.	Plus: Public square or green.	Plus: Large formal, central public square with green and paved elements and public art.
Pedestrian and Bicycle Network	Located on a dedicated pedestrian and cycle network route.	Located on a dedicated pedestrian and cycle network route.	Located on a dedicated pedestrian and cycle network route.
Public Transportation	Local transit stop or within 200 metres of a frequent transit stop	Frequent transit stop.	Rapid or frequent transit station.
Conceptual Illustrations	SEE FIGURE 9A	SEE FIGURE 9A	SEE FIGURE 9A



 Victoria Parcels
 Zoning Boundary
 Land Use Contract
 Heritage
 Designated
 Registered
 Special Restrictions
 Development Applications
 Development Permit
 Development Variance Permit
 Heritage Alteration Permit
 Heritage Designation
 Rezoning
 Parks

1: 2,920



Notes



NAD_1983_CSRS_UTM_Zone_10N
Public domain; can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

PART 4.24 – C1-J ZONE, LIMITED COMMERCIAL JUNCTION DISTRICT

Permitted Uses	1	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> (a) retail stores, and without limiting the generality thereof, includes the retail sale of bakery products; (b) business offices; (c) professional businesses; (d) <u>restaurant</u>; (e) mixed residential uses, provided that the ground floor of each <u>building</u> so used shall be used exclusively for commercial purposes and provided that all <u>storeys</u> above the ground floor shall be used exclusively for those residential uses permitted in the R3-1 and R3-2 Zones, Multiple Dwelling Districts (Part 3.3); (f) <u>high tech</u>; (g) <u>call centre</u>.
Floor space ratio	2	No <u>building</u> shall have a <u>floor space ratio</u> in excess of 0.55 to 1.
Height	3	The <u>height</u> of any <u>building</u> shall not exceed 8m.
Setbacks	4	<p>No <u>building</u>, or any part of a <u>building</u>, shall be so situated on a <u>lot</u> that any main wall is closer to the adjoining <u>streets</u> than:</p> <ul style="list-style-type: none"> (a) to Oak Bay Avenue: 10.6m; (b) to Fort Street: 3m; (c) to the intersection of Oak Bay Avenue and Fort Street: 10.6m.
Restriction	5	Except within a <u>building</u> lawfully in use, no commodity, merchandise, stock in trade, or other material or thing related to any commercial use shall be stored or displayed within any required setback.
Landscaping	6	Not less than 26% of the <u>site area</u> shall be graded and landscaped.
Site coverage	7	The <u>site coverage</u> of a <u>lot</u> shall not exceed 30%.
Parking	8	Parking shall be provided in accordance with Schedule "C" of this bylaw.

Appendix C

Neighborhood Petition Details*

Registered Letters to property owners mailed October 10, 2014

1557 Oak Bay Ave – 692171 BC LTD.
 1559 Oak Bay Ave – 692171 BC LTD.
 1585 Oak Bay Ave – D Charles/E Bastedo
 1625 Oak Bay Ave – K Chung/M Park
 101-1625 Oak Bay Ave – 590636 BC LTD.
 102-1625 Oak Bay Ave – Victoria Orthopaedic Footwear Services
 103-1625 Oak Bay Ave – 613198 BC LTD.
 104-1625 Oak Bay Ave – 613198 BC LTD.
 301 & 305-1625 Oak Bay Ave – C Taylor, MD – **1 completed, in support**
 302-1625 Oak Bay Ave – 811712 BC LTD. – **1 completed, in support**
 303-1625 Oak Bay Ave – Dr. C S Vinnels Inc.
 306-1625 Oak Bay Ave – Myo-Kine Systems Corp. – **1 completed, in support**
 307-1625 Oak Bay Ave – ILH Capital Corp.
 1660 Fort St – M A Waldmann – **1 completed, in support**
 1650 Fort St – 1231720 Ontario Ltd. c/o Revera
 1608 Fort St – Chatam Development Corp.
 1524 & 1526 Pandora Ave – I M Kirsch
 1625 & 1659 Fort St – 701686 BC LTD.

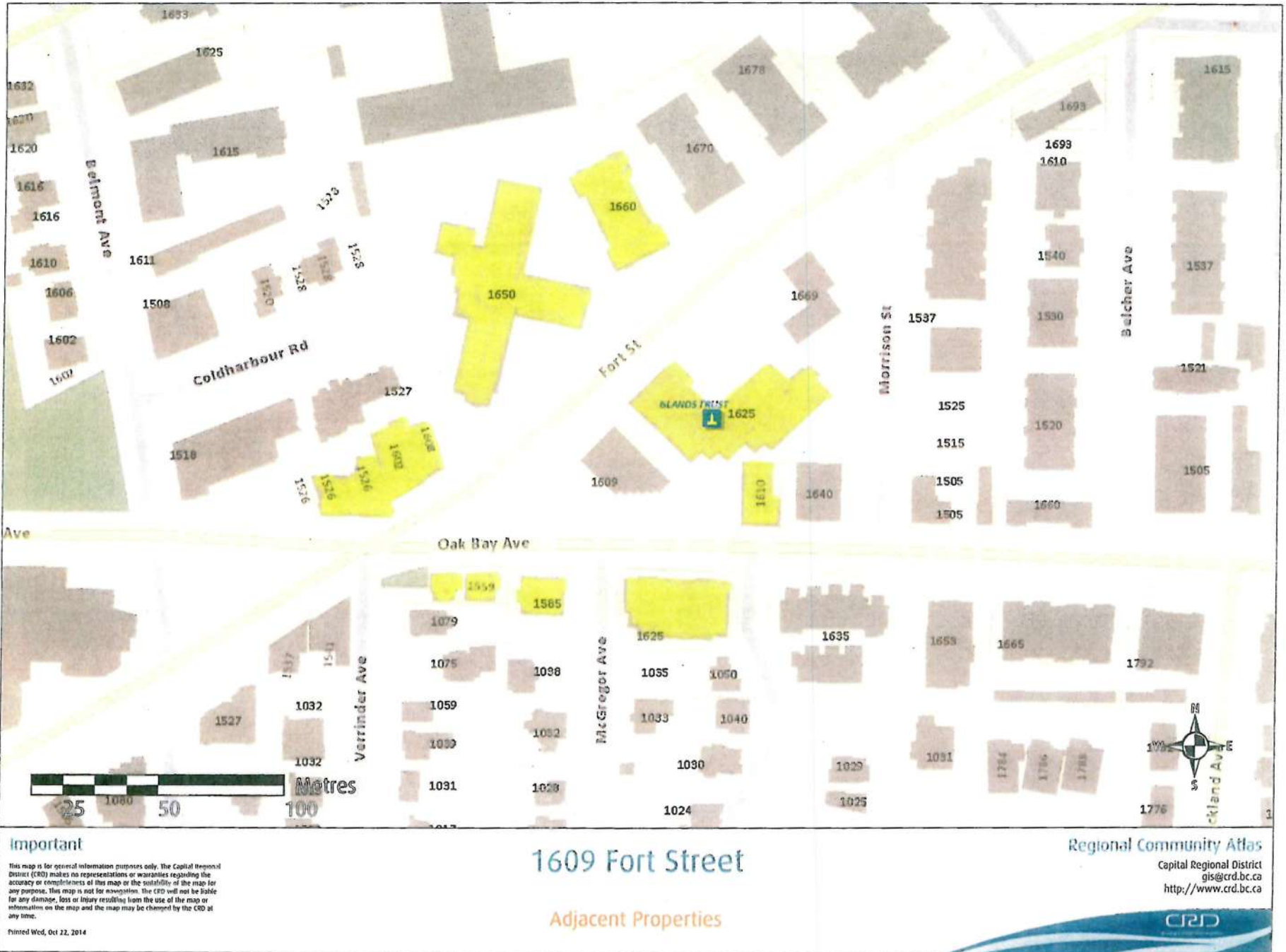
Notified In-person

1609 Fort St – Hutton Property Mgmt – 3 copies left with business owner- **3 completed, all in support**
 Money Mart – **1 completed, in support**
 Rewers/Tiemer – 5 left with reception – **4 completed, all in support**
 Dragons Gate – **2 completed both in support**
 1650 Fort St – Revera – left messages for Debra Kean, Executive Director – no response
 1608 Fort St – 8 left with reception – emailed Manager, Lois Hayes – no response
 1602 Fort St – Individual Cleaners – **1 completed by owner, in support**
 1524 Pandora St – 1 left with Owner – **1 completed, in support**
 1532 Pandora St – Sound Hounds – 2 left with Carey Lee
 1509 Cold Harbour Rd – 8 left with Manager – **2 completed, both in support**
 1610 Oak Bay Ave – Sleep Shop – 1 left with Manager, Shellie
 1640 Oak Bay Ave – Company Capital – 6 left with office manager – **6 completed, all in support**
 Smiles By Design – 6 left with reception
 Headway – 3 left with reception
 Absolute Therapy – 3 left with reception
 Sinson Investments – 1 left in mail slot
 Oak Bay Medical Clinic – 3 left with reception
 1678 Fort St – Apt Bldg – 8 left with Manager, Carl
 1670 Fort St – Apt Bldg - 8 left with Manager, Peter – **1 completed, in support**
 1660 Fort St – Apt Bldg – 8 left in lobby of building
 1625 Fort St – Post Office – 2 left with Manager, Travis

Islands Trust – 2 left with reception
 Williams & Co. – 2 left with Office Manager
 Whole In One Health – no answer
 War Amps – no answer
 Pharmasave – 2 left with Manager, Bryce
 1520 Richmond Ave - #405 – **1 completed, in support**
 1715 Richmond Ave - #410 – **1 completed, in support**
 1625 Oak Bay Ave – Valentus – 4 left with Owner, Steve
 Active Health & Wellness – 2 left with reception
 Leaf – 2 left with reception
 Dr. Taylor – 1 left with reception
 Dr. Baker – 1 left with reception
 Today's Dental Ctr – 1 left with reception
 Island Ferry Services – 1 left with contractor
 Dr. Wyllie – not open
 Sterling & Gascoigne – 2 left with reception
 Dr. Onoszko – 2 left with reception
 1842 Oak Bay Ave – AW Jones Ins – **1 completed, in support**
 1920 Oak Bay Ave – Phil Ballam Heating & Plumbing – **1 completed, in support**
 Stadacona Centre – Fair Realty – 1 left with Manager, Faith
 Stadacona Food Mkt – 2 left with owner
 Shipley Group – 2 left with reception
 Centre Court – 1 left with Owner, Don
 Pinnacle Health – 1 left with Partner, Sam
 Gordie's Music – 1 left with Gordie
 Origin's Bakery – 1 left with clerk – **1 completed, in support**
 Tartan Toque – 1 left with bartender
 Urban Lotus Acupuncture – 1 left at reception – **1 completed, in support**
 Subway – 1 left with Manager
 Maison George – 1 left with George
 Shine Café – 1 left with server
 1311 Stanley & 1764 Oak Bay Ave – R Kerr, building owner – **1 completed, in support**
 1541 Fort St – Leches – 2 left with Owner, Annie
 1543 Fort St – Junction Furniture – **1 completed, in support** (owner also resident at 1031 Verrinder)
 1537 Fort St – 153 with J Convenience Store – **1 completed, in support**
 1520 Cold Harbour Rd – no answer, 1 left in mailbox
 1522 Cold Harbour Rd – no answer, 1 left in mailbox
 1037 Belmont Ave – **1 completed, in support**
 944 St. Charles St – **1 completed, in support**
 1516 Pandora St – Stadacona Dental Ctr – 1 left with reception
 1526 Pandora St – no buzzer, 6 left under door
 1635 Oak Bay Ave - #1 – 1 left with owner
 #2-20 – 1 left in each mail slot
 1559 Oak Bay Ave – Back – 1 left at door
 Side 1 – 1 left at door
 Side 2 – 1 left at door
 1557 Oak Bay Ave – A – 1 left at door
 B – 1 left at door

1585 Oak Bay Ave – 1, 7, 8, 10 – 1 left with each occupant – **1 completed, in opposition**
2, 3, 4, 5, 6, 9, 11, 12, 13, 14 – 1 left at each door
1038 McGregor St – 1 left in mailbox
1033 McGregor St – 1 left with Nanny
1035 McGregor St – 1 left with Owner
2142 Marne St – **1 received, in support**
2132 Marne St – **1 received, in support** (employee at RJH)

*unless otherwise noted petition has not been returned to date



LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled
 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Cwis Taylor

ADDRESS: Suites 301 & 305 1625 Oak Bay Avenue.

Are you the registered owner? Yes ☒ No ☐

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

- ☒ I support the application.
☐ I am opposed to the application.

Comments:

Hope all goes well

[Signature]

Oct 25/2014
Date

[Signature]
Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

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print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

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Please review the plans and indicate the following:

NAME: (please print) MARY ANN WALDMAN

ADDRESS: 4-4001 Old Clayburn Rd. Abbotsford BC V3G 1C5

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments: Looks like it will be
a nice looking upscale building

Oct 16 / 14
Date

Mary Ann Waldman
Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

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print name
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Please review the plans and indicate the following:

NAME: (please print) JEFF TAYLOR

ADDRESS: A-1609 FORT ST.

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I AM NOT OPPOSED TO
ANY DEVELOPMENT THAT
WILL BETTER THE APPEARANCE
OF THE PROPERTY

OCT. 7/14
Date

[Signature]
Signature

LICENSEE RETAIL STORES REZONING POLICY

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 store.

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 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Jan Andrews

ADDRESS: 1609A Fort St.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

As long as no more than
3 parking spots are allocated
as limited parking

02/14
Date

[Signature]
Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) RYAN ERROL ARMSTRONG
 ADDRESS: A-1609 FORT STREET

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments: FULL SUPPORT ON THIS CONCEPT A GREAT FIT.
EMPLOYEE AT HUTTON CONSUMMINUM SERVICES.

OCT 3 2014 RIC
Date Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled
 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) JESSICA RIVERS

ADDRESS: 1609 FORT ST SUITE B VICTORIA BC V8R1M8

Are you the registered owner? Yes ☐ No ☒

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

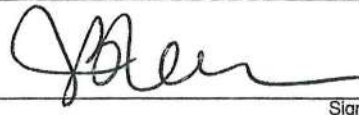
☒ I support the application.

☐ I am opposed to the application.

Comments:

LIMITED 15 MIN PARKING
SO OUR CLIENTS DON'T HAVE
TO WORRY

10/7/14
Date


Signature

Page 66 of 158

Page 67 of 158

Page 68 of 158

Page 69 of 158

Page 70 of 158

Page 71 of 158

Page 72 of 158

LICENSEE RETAIL STORE REZONING PETITION

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

NAME: (please print) E J Gibson

ADDRESS: 100-150X Coldharbour Rd V8R1H5

Are you the registered owner? Yes ☐ No ☐

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

☐ I support the application.

☐ I am opposed to the application.

Comments:

Oct. 3 / 14
Date

Signature

CITY OF VICTORIA

Page 75 of 158

Page 76 of 158

Page 77 of 158

Page 78 of 158

Page 79 of 158

Page 80 of 158

Page 81 of 158

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled
 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Jerry Johnson
 ADDRESS: 405-1520 Richmond Ave Victoria V8R 4P6

Are you the registered owner? Yes ☐ No ☒

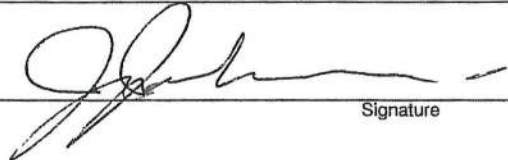
I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments: Sound Good.

Oct 7 - 2014
Date


Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

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print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled
 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) W. DARCY COOK

ADDRESS: 410-1715 RICHMOND ST
VICTORIA

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

EXCELLENT FOR
THIS NEIGHBOURHOOD

OCT 8/2014
Date

[Signature]
Signature

Page 84 of 158


Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

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print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Tara Black

ADDRESS: 1525 Pandora Ave, Victoria BC V8R6P9

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

We own + operate Origin Bakery. We rent
our premises. This will be a great addition to
the community.

Oct 8/14
Date

Tara Black
Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

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print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

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 to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Maria Lastop - Owner of Urban Lotus Acupuncture & Herbs

ADDRESS: 1516 Fort Street, Victoria, BC, V8S 5J2

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I love this idea. + think it will be a
great addition to our community!

Oct. 8/14
 Date

M. Lastop
 Signature

Page 88 of 158

Page 89 of 158

Page 91 of 158

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

Ross Borland, have applied to the City of Victoria for rezoning
of property, located at 1609 Fort Street to permit a retail liquor
store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled
to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) CLARE MELLON

ADDRESS: #7-1525 OAK BAY AVENUE

Are you the registered owner? Yes ☐ No ☒

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

My two biggest concerns are the implication of another liquor store in
this area and noise. Although the "filter" appears to be quite
good, I worry it will attract negative groups into the area.
I have heard the FOUR BAY/FORT liquor store and there were many
homeless people, alcoholics/addicts, and break-ins in the neighborhood.
I was followed home two times and constantly bothered by people
begging. As a woman, I value being able to walk home
from work/school at night without being afraid. I moved to this
apartment last Dec, and have always felt safe, so I would hate
for that to change. (I frequently cut through the lot of 1609 Fort
late at night coming home off the bus). Secondly, noise would be
a big concern. I am a student and my apartment faces
the proposed area. During 2013 I lived by the Abstract building
development on OAK BAY AVE and it was awful being woken
up at 6AM every day. Although I appreciate the values for which
this development would disrupt the area.

October 10th 2014
Date

CLARE MELLON
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Dr John McCracken

ADDRESS: 2142 Marne St

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

There are too few of these
outlets & a new one at
the Oak Bay junction would
be most welcome.

Oct 6/14
Date

[Signature]
Signature

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Ross Borland, have applied to the City of Victoria for rezoning
print name
 of property, located at 1609 Fort Street to permit a retail liquor
 store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Jeff McCracken

ADDRESS: 2132 Marine St

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments: I have reviewed the application
and 100% approve and encourage
this to move forward. I work at
RJH hospital and live in Oak
Bay. To have the option of
shopping at a ~~retail~~ store with options
selected by such high level wine people
is exceptional. Please make it happen!!
10/9/14
 Date Signature

Planning & Development Department
Services Division



1741 Davie St.
Victoria, BC
V8R4W5
250-592-7068

October 21st, 2014

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

Dear Mayor and Council,

Re: 1609 Fort St. rezoning request by Midalta Investments

I have met twice with Ross Borland of Midalta Investments regarding this proposal. I have also discussed the proposed private liquor store with local residents via email, telephone and at a planning meeting held on October 15th. One local apartment manager surveyed her tenants about the proposal.

The proponent assured residents at the meeting:

- That the open and closing hours would be limited to approved Provincial hours
- That the proposed store would not sell single serving products attractive to street people
- That the proposed store would be promoting local craft brewery and BC Wine products
- That the proposed store would not become a redemption site for empty cans and bottles by limiting redemptions to 12 cans/bottles per person per day.

The proponent was not able to assure the meeting:

- That there would not be significant noise from increased car traffic (starting/stopping, car doors slamming)
- That the proposed store would not attract street people or teenage residents of Youth in Peril housing in the neighbourhood.

Based on our discussions to date, the South Jubilee Neighbourhood Association has no objections to the proposed rezoning, viewing the proposed liquor store as a physical improvement to the existing vacant storefronts. We also view increased commercial activity as preferable to the existing vacant storefronts.

Regards,

Tom Sellgren
South Jubilee Neighbourhood Development Committee

CC: Ross Borland, Rockland Neighbourhood Association, North Jubilee Neighbourhood Association



Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 19, 2015
From: Lucina Baryluk, Senior Process Planner
Subject: Development Permit Application No. 000406 with variances for 1609 Fort Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00465, if it is approved, Council 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 of 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 sections 920(8) of the *Local Government Act*, where the purpose of a 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, the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1609 Fort Street. The proposal is to locate a Liquor Retail Store within an existing building (currently three vacant ground-floor retail spaces). The variance is related to the reduction of the off-street vehicle parking requirements.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 5, Large Urban Village, Stadacona Village. The applicable design guidelines are the *Oak Bay Avenue Land Use and Design Guidelines (2001)*. Since there is no new construction, the existing building design is not a matter for review. However, minor landscape improvements will result.
- A parking variance is required to reduce the number of off-street parking stalls from 22 to 20. While this is not an optimal situation, the applicant has indicated an on-site parking management strategy to alleviate this shortfall. In addition, bicycle parking will be relocated to a more functional location and secure bike parking within the premises will be provided for employees.

BACKGROUND

Description of Proposal

The proposal is to use existing retail space to for a Liquor Retail Store. Specific details include:

- minor changes to the building façade for a more prominent store entrance
- new signage for the Liquor Store
- upgraded exterior lighting
- an enclosed area behind the store for recycling (east elevation)
- adding screening around existing recycling and garbage bins in the parking lot
- existing landscaping to remain in place.

Sustainability Features

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

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the South Jubilee Neighbourhood Association at a Community Meeting held on October 15, 2014. A letter dated October 21, 2014, is attached to the Rezoning Application Report.

ANALYSIS

Official Community Plan (OCP)

The *Official Community Plan (OCP)* identifies this property within DPA 5, Large Urban Village, Stadacona Village. The specific guidelines that apply to this area are the *Oak Bay Avenue Land Use and Design Guidelines (2001)*.

With respect to Stadacona Village area, the OCP specifies that:

- Revitalization is needed to permit the intensification of development balanced with the open space character, to achieve a unique sense of place and urban design.
- An objective for all Large Urban Villages is to design them in a manner that encourages pedestrian and cycling use and enhances the experience of pedestrians and cyclists.

As no new buildings will be constructed as part of this application, the opportunities for affecting the revitalization targets of the OCP are limited. However, the policy guidelines with respect to the streetscape redevelopment are applicable to this site.

Garbage and recycling bins are currently located behind a number of parking stalls along the east property line. At the current time, these bins are not screened. The applicant has indicated that this area will be screened with a chain link fence with screening material as shown on the landscape plan. This will provide definition to this area and will be an improvement over the existing situation, creating a visual screen for pedestrians.

Regulatory Considerations – Parking Variance

The C1-J Zone, Limited Commercial Junction District requires a total of 22 parking stalls for the existing building; however, at some time in the past the parking lay out was changed and the parking lay out no longer complies with the Schedule C Parking Requirements of the *Zoning Regulation Bylaw*. The proposal is to provide a total of 20 parking stalls on-site, resulting in a request to reduce the requirements by two stalls. It should be noted that the parking plan shows 21 stalls; however, the stall closest to Oak Bay Avenue (stall seven) does not comply with the standards set out in Schedule C so can not be counted.

The parking variance is considered to be supportable as it is minor, reflects the current conditions and the property is well served by public transit.

Bicycle Parking

The applicant has indicated that the existing bike rack will be relocated to a more functional and safe location outside the restaurant (Fort Street frontage). In addition, secure bike storage will be provided for staff within the facility.

CONCLUSIONS

With no new construction, the existing building design is not a matter for review. However, minor landscape improvements will result at this time. The parking variance is minor and is supportable given the proposed on-site parking management strategy. In addition, bicycle parking will be relocated to a more functional location and secure bike parking within the premises will be provided for employees.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000406 for the property located at 1609 Fort Street. (Note: If the Rezoning Application is declined, the Development Permit Application does not proceed.)

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Alison Meyer
Assistant Director
Development Services Division

Report accepted and recommended by the City Manager:


Jason Johnson

Date:



LB:aw:af

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List of Attachments

- All attachments with the Rezoning Application Report.



Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 19, 2015
From: Charlotte Wain, Senior Planner – Urban Design
Subject: Development Variance Permit No. 00146 for 1486 Dallas Road

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 Application No. 00146 for 1486 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 2.13.d – Increase in the maximum combined floor area from 380m² to 393.35m²
 - ii. Section 2.1.4.a – Increase in the maximum number of storeys for a building with a basement from one and a half to two."

LEGISLATIVE AUTHORITY

In accordance with section 922 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a rezoning regulation bylaw provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1486 Dallas Road. The proposal is to enclose an existing covered deck to create an addition to the second storey. The variances are related to increasing the combined floor area and increasing the number of storeys.

The following points were considered in assessing this application:

- the rear deck enclosure has already been constructed but without the required permits. As a result, the applicant has complied with the Clean Hands Policy.
- the proposal is consistent with the *Neighbourliness Guidelines For Duplexes*
- the proposed variances to increase the combined floor area from 380 m² to 393.35 m² and to increase the number of storeys from one and a half to two storeys are considered appropriate as they are in keeping with the adjoining unit and will have minimal impacts on the surrounding neighbourhood.

BACKGROUND

Description of Proposal

The proposal is to legalize the enclosure of a covered deck which has created an addition to the second storey. Specific details include:

- the enclosure of the rear covered deck has created an additional bedroom and bathroom of approximately 26m² in floor area
- exterior changes include the addition of windows on the upper floor of the rear elevation. There are no changes to the front elevation.

The proposed variances are related to:

- increasing the combined floor area from 380m² to 393.35m²
- increasing the number of storeys from one and a half to two.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal, although the proposal seeks to maintain and renovate an existing home.

Existing Site Development and Development Potential

The existing site has an area of 556.81m² and is currently occupied by a duplex. The subject property currently complies with the regulations in the R-2 Zone (Two Family Dwelling District) with the exception of combined floor area and number of storeys, which have both been exceeded with the creation of additional habitable space.

Data Table

The following data table compares the proposal with the regulations from the R-2 Zone (Two Family Dwelling District), as referred to in the existing RJ Zone (Low Density Attached Dwelling District). An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R-2
Site area (m ²) - minimum	556.81	555.00
Density (Floor Space Ratio) - maximum	0.50	0.50
1 st and 2 nd storey floor area (m ²) - maximum	272.11	280.00
Combined floor area (m ²) - maximum	393.35*	380.00
Height (m) - maximum	7.54	7.60
Storeys - maximum	2*	1.5 (with basement)
Site coverage % - maximum	35.10	40.00
Setbacks (m) - minimum		
Front (Dallas Road)	7.62	7.50
Rear	12.80	12.80
Side (east)	3.05	3.00
Side (west)	1.50	1.50
Parking - minimum	2	2

Relevant History

Improvements were made to the building without the necessary permits. This includes the conversion of the rear covered deck to create a third bedroom and additional bathroom. This construction triggered the need for the City's *Clean Hands Policy* to be applied. The applicant had previously applied to the Board of Variance for consideration of the variances related to combined floor area and number of storeys. On November 13, 2014 the Board of Variance denied the application, stating that a reasonable case for undue hardship had not been presented and the issue would be better dealt with by Council.

Community Consultation

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

Regulatory Considerations

The intent of the regulation related to maximum floor area within a duplex is to maintain an appropriate relationship between the proposed building and the lot, to ensure the building does not dominate the parcel. Similarly, the number of storeys is limited to one and a half when a building contains a basement. In this case the enclosure of the rear covered deck has not increased the massing of the building and an appropriate relationship between building and lot size has been maintained.

Design Guidelines

The proposal meets the *Neighbourliness Guidelines For Duplexes*, which promote high quality site planning and building appearance as well as ensuring a new building or addition does not overwhelm its existing neighbours. The enclosure of the rear deck is in keeping with the character of the adjoining duplex unit in terms of materials and window placement. The adjoining unit also has upper floor windows along the rear elevation, although this is not considered enclosed floor area as there is a small gap between the exterior walls and flooring. As the 12.8m rear setback meets the requirements of the R-2 Zone, and the additional floor area is not affecting the setback, the privacy impacts on the four-storey multi-unit development to the rear are considered to be minimal.

CONCLUSIONS

The proposal to legalize the enclosure of a former covered deck is in keeping with the relevant design guidelines and would not result in any negative impacts to adjoining neighbours.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00146 for the property located at 1486 Dallas Road.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
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:

Feb. 25/15

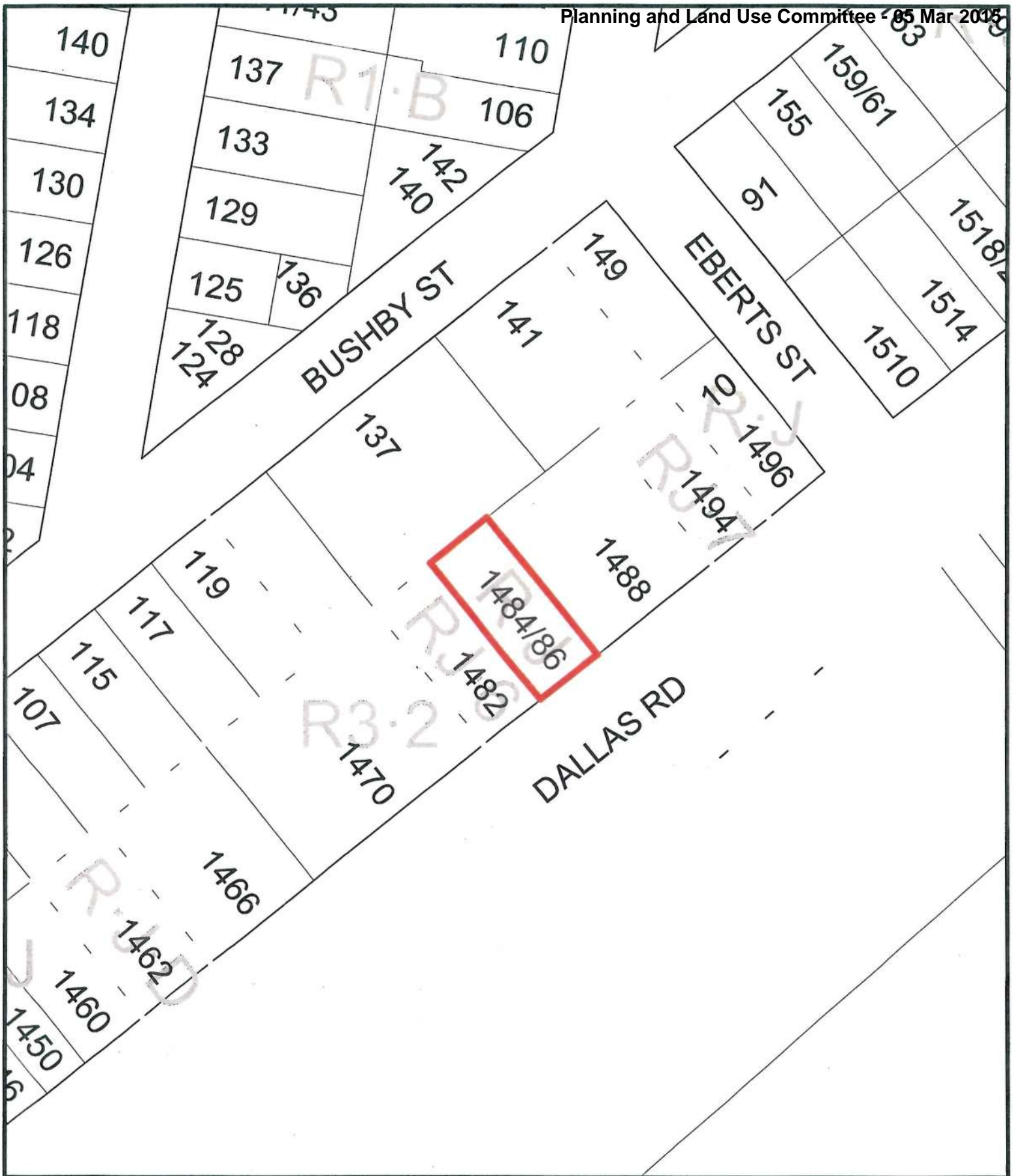
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List of Attachments

- Aerial photo
- Zoning map
- Submission drawings dated January 21, 2015
- Letter from applicant dated January 15, 2015.

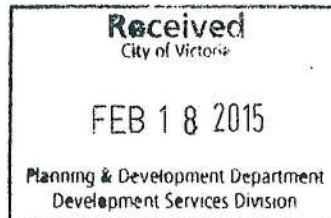




1486 Dallas Road

Development Variance Permit #000146

Development Variance Permit No. 00146 for 1486 Dallas Road -...



Jacky Guilian Zheng,
1486 Dallas Road,
Victoria B.C.,
V8S 1A2.
15th January 2014.

Mayor and Council,
Development Services Division,
City of Victoria,
1 Centennial Square,
Victoria B.C.
V8W 1P6.

Dear Sir or Madam:

Development Variance Permit Application for 1486 Dallas Road

The purpose of this letter is to present to Council for variances application for 1486 Dallas Road and to seek for your consideration about the application.

Background of the Renovation

We bought the property back on May 2010. We had 1 teenage child and thinking to have more children in future as we planned to get married soon. 2 bedrooms were not enough to accommodate our family members. Our realtor persuaded us to convert the existing covered deck into a livable space since he knew we like this area so much due to the beautiful sea view and he told us plenty of people did minor renovation without building permit. Our parents who hold super visa always come to visit us and spend few months here every year. We just immigrated to Canada and not familiar with the bylaw that we need to aware of, so we hired a contractor and converted the covered deck into a bedroom with en-suite bathroom.

Variances

There are 2 variances requested:

- 1) The number of storeys
- 2) Additional floor area of 87.70m² (13.35m² over the permitted combined floor area)

The proposed duplex use is permitted in the existing R-2 zone. Due to the inclusion of the basement in the units, the maximum number of the storeys and height permitted under the Zoning Regulation Bylaw is 1.5 storeys, therefore, a variance is required. Due to the conversion from covered deck area to a livable bedroom at the 2nd floor, the second floor habitable area become greater than 70% of the main floor, which turning the Zoning Regulation Bylaw of 1.5 storeys to become 2 storeys. However, there are no

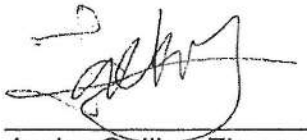
impacts on the streetscape or adjacent neighbors associated with this proposed variance.

The reasons why we would like to proceed with DVP application:

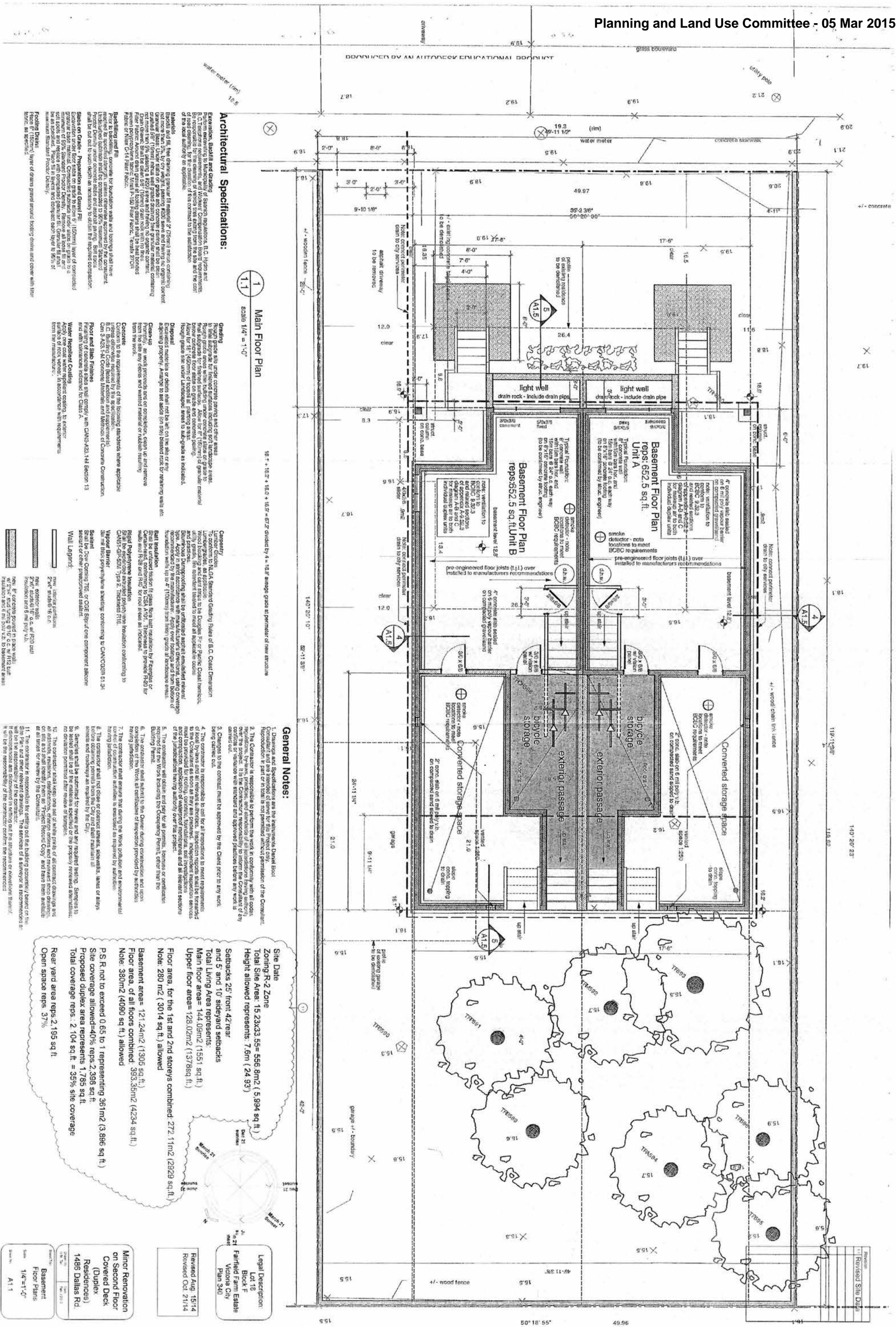
1. To legalize the renovation work
2. We went through the Board of Variance but was rejected as there is no undue hardship reason for the Board to approve the variance.
3. We already got the support from our strata neighbor- 1484 Dallas Road.
4. We need the extra livable space for our newborn baby and also for our parents when they come to visit us few months in a year.
5. The converted space had already been used for more than 2.5 years and it is safe.
6. We need the extra rooms or else we need to sell this house and move to other place with more bedrooms.
7. We did not affect the use and enjoyment of the neighboring property, harm the natural environment or defeat the purpose of the Zoning Regulation Bylaw.
8. We will proceed to make sure the plumbing and electricity are installed properly according to by law once the variances are approved.

Thank you so much for your consideration.

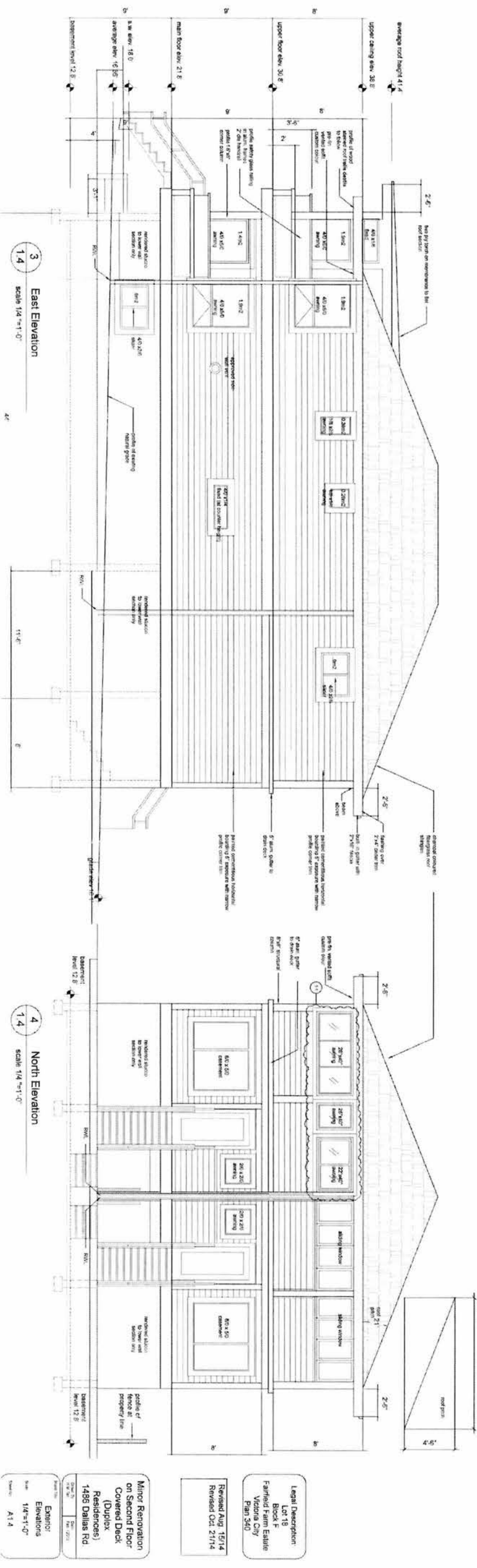
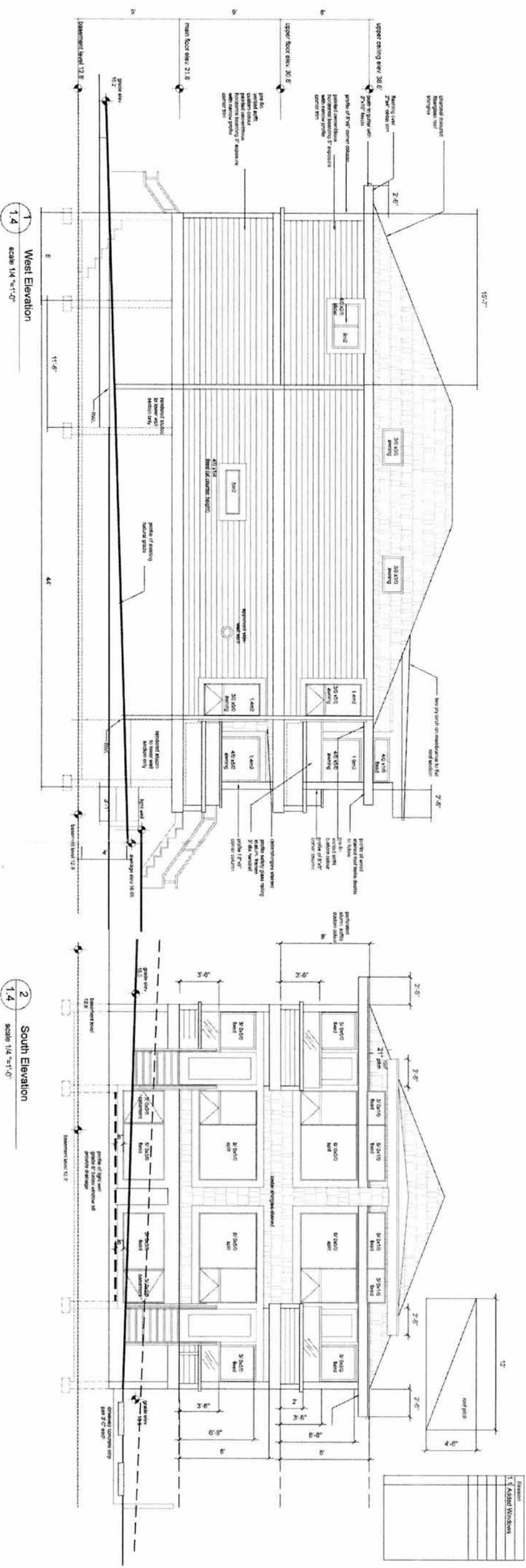
Best Regards,

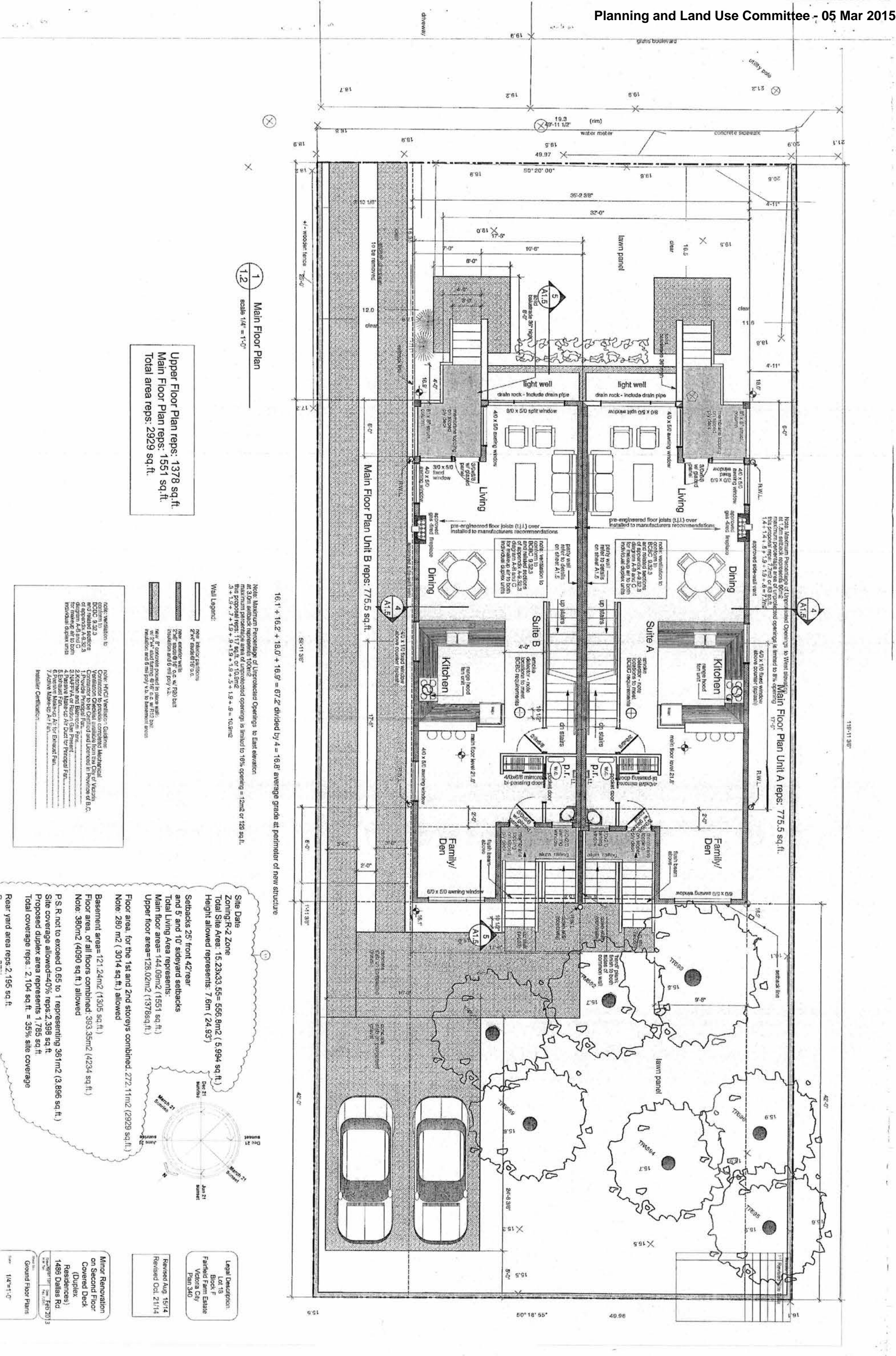
A handwritten signature in black ink, appearing to read 'Jacky Zheng', written over a horizontal line.

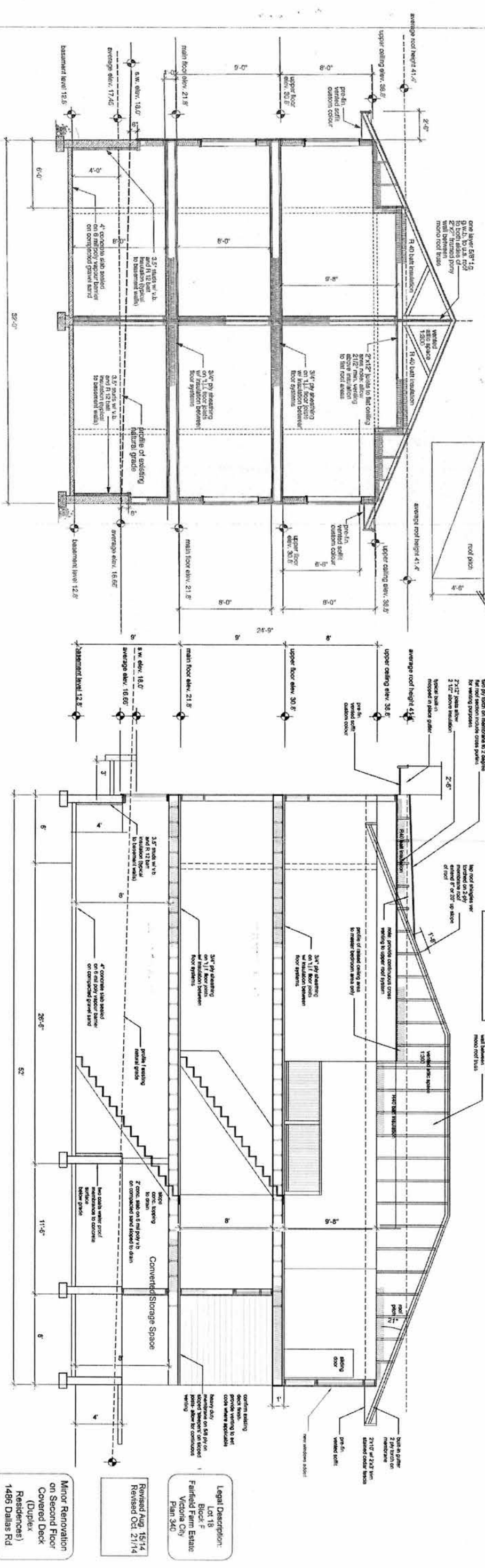
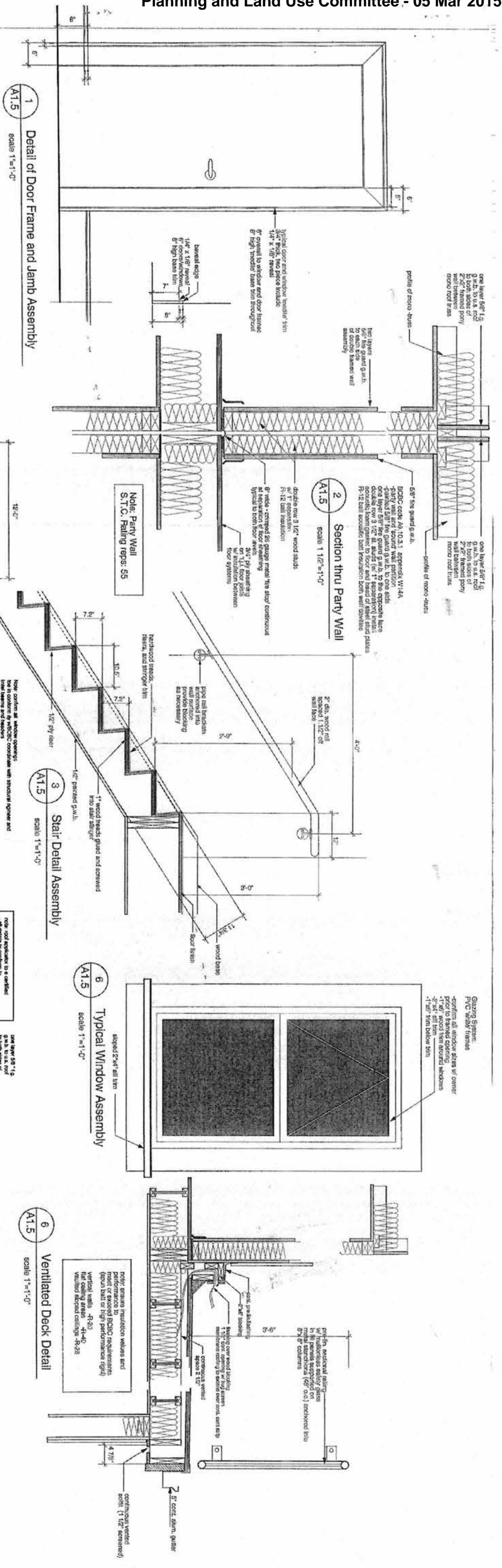
Jacky Gullian Zheng
Owner of 1486 Dallas Road











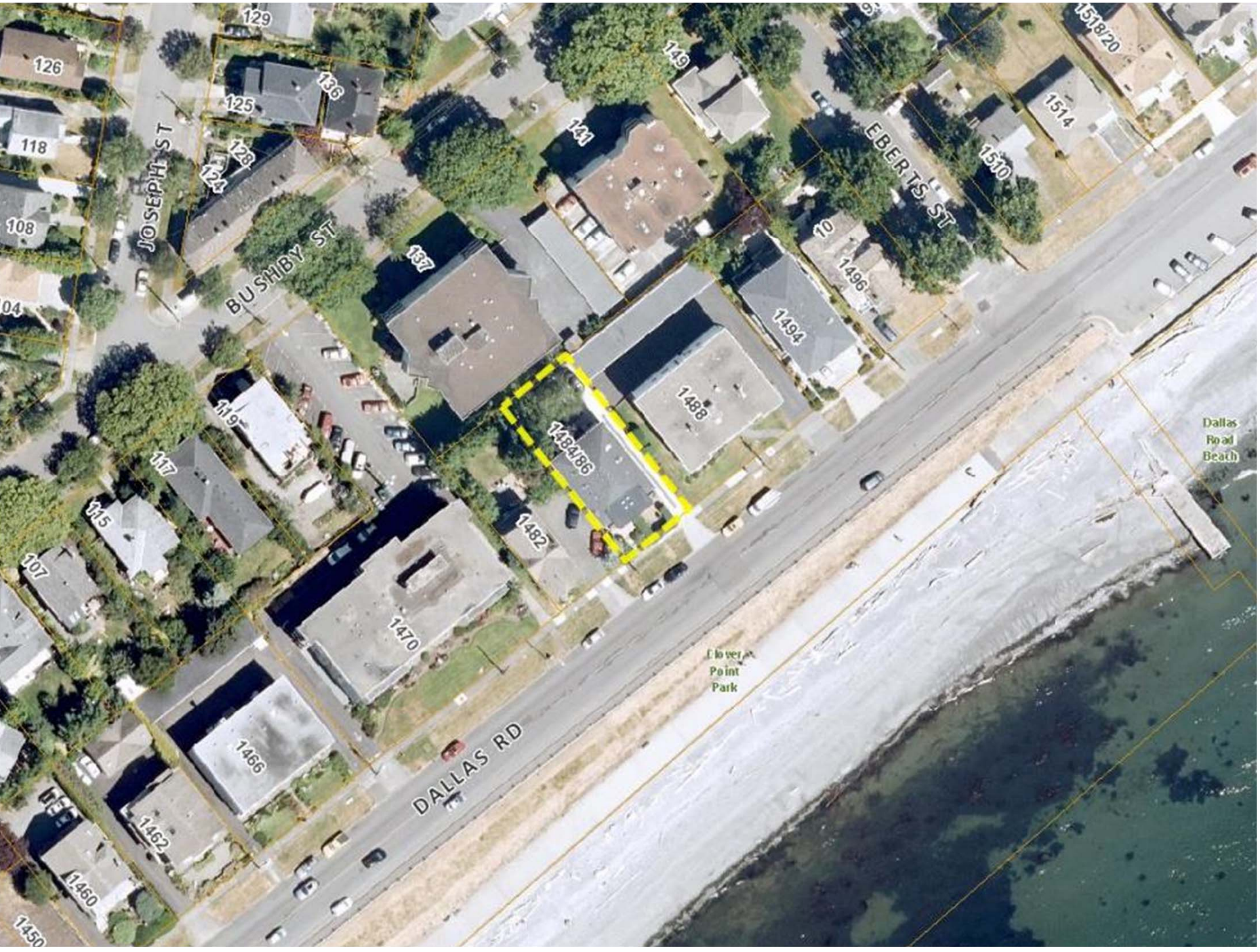
Legal Description:
Lot 18
Block F
Fairfield Farm Estate
Victoria City
Plan 340

Revised Aug 15/14
Revised Oct 21/14

Minor Renovation on Second Floor Covered Deck (Duplex Residences) 1486 Dallas Rd

Scale
1/4"=1'-0"

Sheet No.
A1.5





DALLAS ROAD

CONTEXT



1486 DALLAS ROAD (FRONT)

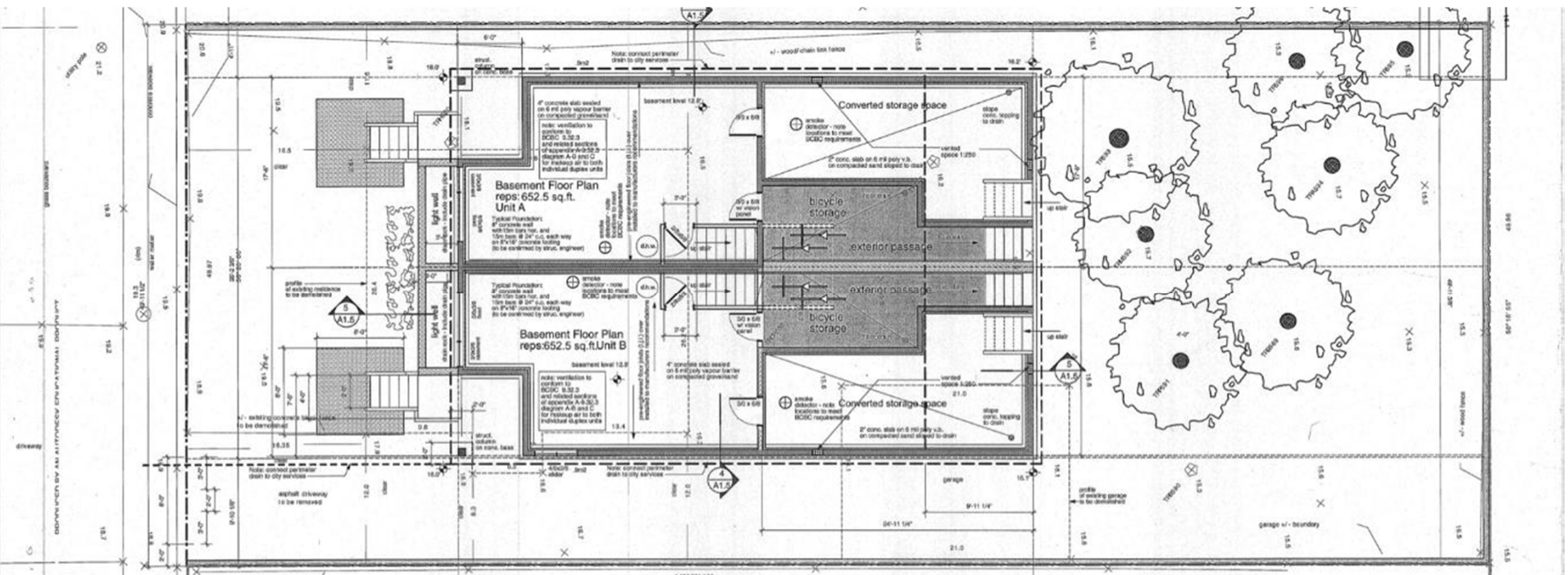
SITE

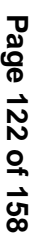


1486 DALLAS ROAD (REAR)

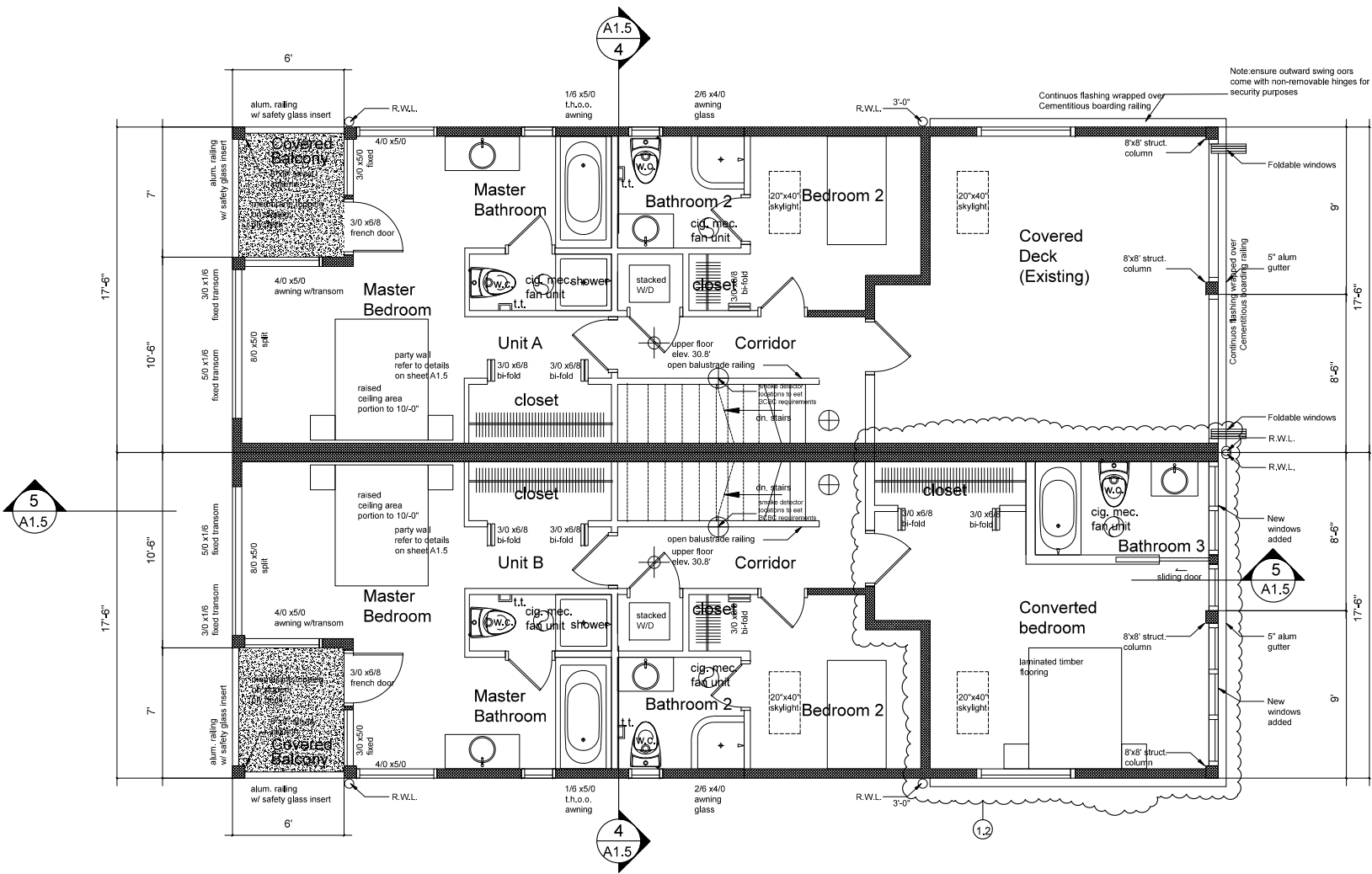
SITE

BASEMENT PLANS

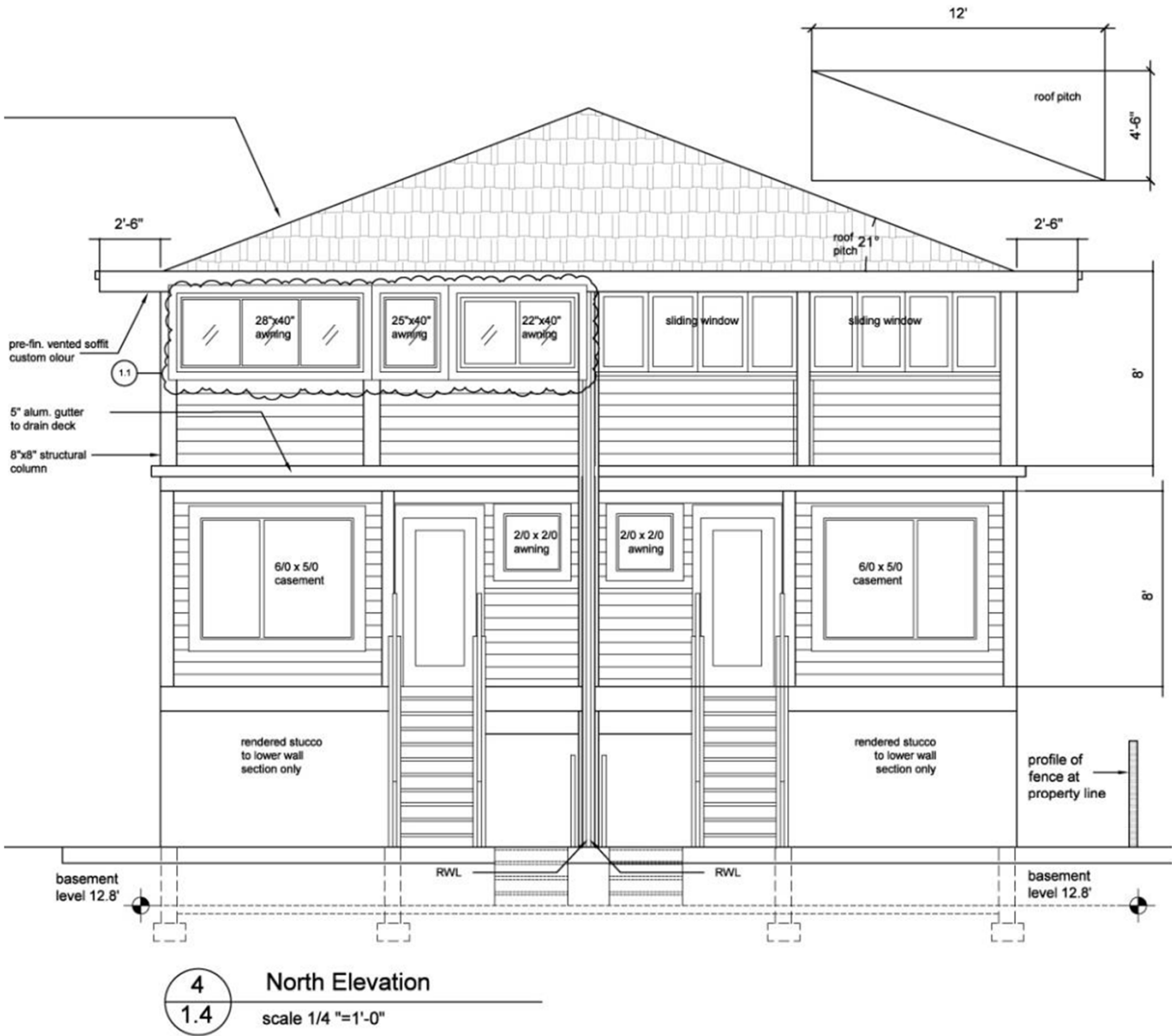




PLANS



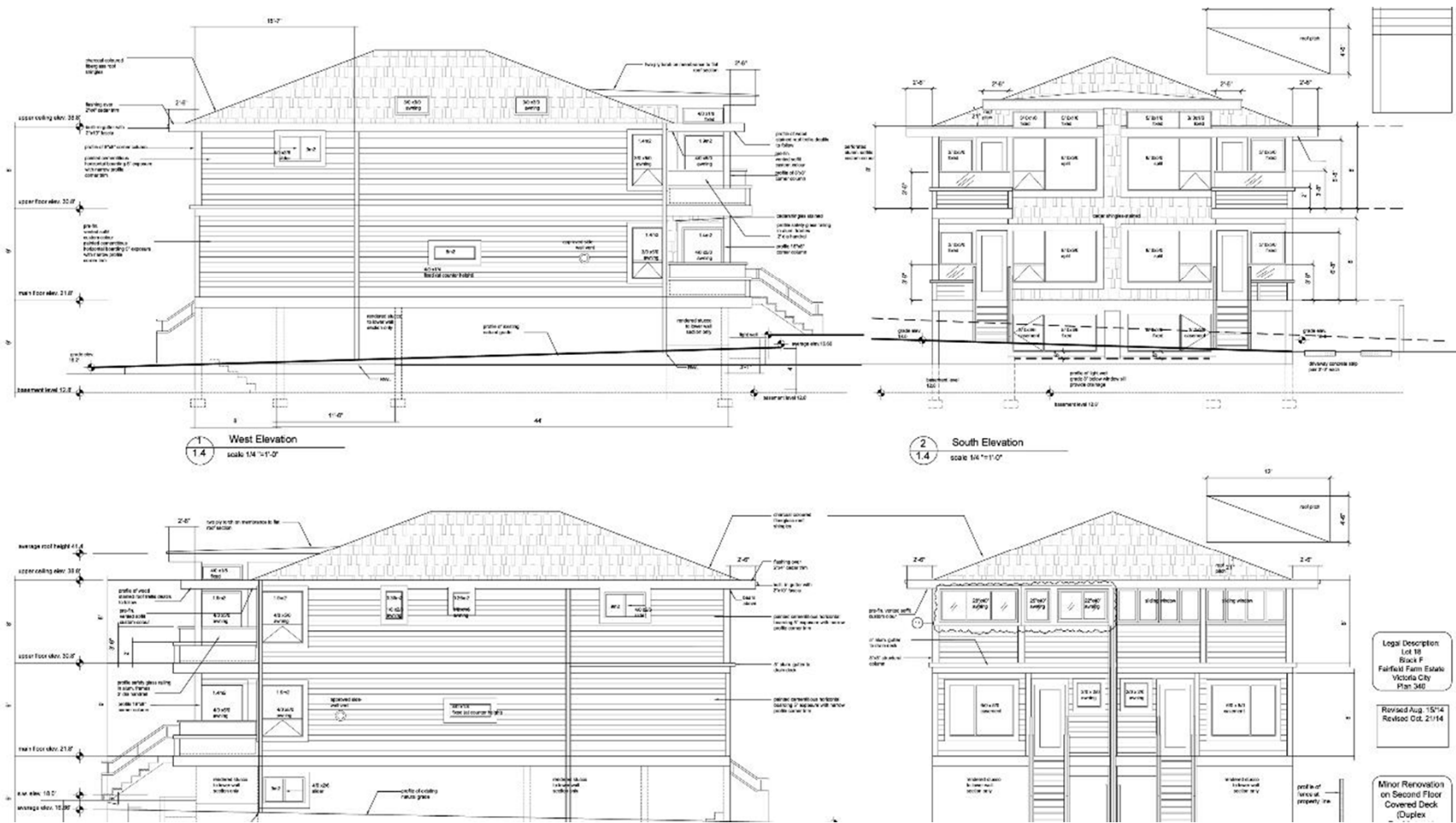
UPPER FLOOR PLANS



NORTH ELEVATION (REAR)

PLANS

Elevation





Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 10, 2015

From: Murray G. Miller, Senior Heritage Planner, Community Planning

Subject: Heritage Alteration Permit Application No. 00190 for 470 Belleville Street (CPR Steamship Terminal)

RECOMMENDATION

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

"That Council authorize the issuance of Heritage Alteration Permit Application No. 00190 for the property at 470 Belleville Street, in accordance with:

1. Plans date stamped February 3, 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, Community Planning Division."

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 recommendations for a Heritage Alteration Permit (HAP) Application for the property located at 470 Belleville Street. The proposal is to install exterior lighting to the north and east façades of the Steamship Terminal.

The following points were considered in assessing this application:

- general consistency with the *Official Community Plan (OCP)*
- consistency with the relevant guidelines of DPA 9 (HC): Inner Harbour

- general consistency with the relevant policies in the Downtown Core Area Plan (DCAP)
- Statement of Significance.

The proposed work is consistent with relevant City policies; therefore, staff recommend that Council authorize the Heritage Alteration Permit for 470 Belleville Street.

BACKGROUND

Description of Proposal

The proposal is to install lighting to the north and east façades of the Steamship Terminal.

The application was reviewed by the Heritage Advisory Panel at its February 10, 2015 meeting and was recommended for approval.

ANALYSIS

The following sections provide a summary of the application's consistency with the relevant City policies and guidelines.

Official Community Plan

The proposal is generally consistent with the OCP because it conserves the heritage value and special features of the Steamship Terminal.

Development Permit Area (DPA 9 (HC): Inner Harbour)

The OCP identifies this property within DPA 9 (HC): Inner Harbour, which includes a requirement to consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines) and the *Downtown Core Area Plan* (DCAP). In relation to the Standards and Guidelines, the proposed exterior lighting on the north and east façades of the Steamship Terminal amounts to minor new construction that if removed in the future would not impair the essential form and integrity of the historic place.

Downtown Core Area Plan

In relation to the DCAP, the proposal is generally consistent with the relevant View Corridor Guidelines because it accents the historic Steamship Terminal with architecturally-designed lighting and enlivens the waterfront without upstaging the night lighting of the Parliament Buildings or the Empress Hotel.

CONCLUSIONS

The proposed work enhances the architecture of the Steamship Terminal and is consistent with relevant City lighting policies for waterfront buildings. Staff, therefore, recommend that Council authorize the Heritage Alteration Permit for 470 Belleville Street.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00190 for the property located at 470 Belleville Street.

Respectfully submitted,

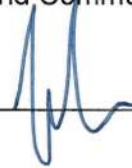


Murray G. Miller
Senior Heritage Planner
Community Planning Division



Andrea Hudson
Assistant Director
Community Planning Division
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

Feb. 25/15

MGM/ljm

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List of Attachments

- Subject map
- Statement of Significance
- Letter from architect, dated February 5, 2015
- Plans, date stamped February 3, 2015.



Heritage Alteration Permit #00190
470 Belleville Street

Designated

Registered



City of Victoria Community Heritage Register
March 2005

396 Belleville Street

CPR Steamship Terminal

Other Names Madame Tussaud's Wax Museum



Statement of Significance

Description of Historic Place

The Canadian Pacific Railway (CPR) Steamship Terminal is a two and one-half storey, Neo-Classical stone and concrete building situated in a prominent waterfront location overlooking Victoria's Inner Harbour. It is articulated by large Ionic columns and Ancient Greek iconography, and creates a significant counterpoint to the historic Parliament Buildings and the Empress Hotel nearby.

Heritage Value

The CPR Steamship Terminal, constructed in 1924, is valued as one of the most important buildings in Victoria's historic Inner Harbour Precinct. The primary heritage value of this historic place lies in its association with the Canadian Pacific Railway, its

City of Victoria Community Heritage Register
March 2005

monumental architecture and association with prominent British Columbia architects Francis Mawson Rattenbury and Percy Leonard James, and in its locational, spatial, and historic relationships with the nearby British Columbia Legislature, the Empress Hotel, and the Royal British Columbia Museum (RBCM).

The association of this building with the Canadian Pacific Railway is significant because it survives as a reminder of the important role of the CPR in Victoria's and British Columbia's history. Having been the portal to western Canada for thousands of visitors and immigrants arriving here on CPR steamships, this historic place is a valuable reflection of the prestigious image of Victoria as the provincial seat of government and centre for tourism in the early twentieth century.

The architecture and construction methods of the CPR Steamship Terminal contribute greatly to its heritage value. As the earliest local example of the use of on-site pre-cast concrete techniques, this building conveys the status of the CPR and the City in the early 1920s through its technologically advanced construction, and almost exaggerated temple-like Neo-Classicism, which is unique in Victoria. It is also significant that architects Rattenbury and James utilized iconographic decorative imagery on the exterior of this prominent landmark to acknowledge both its maritime function, and its direct physical connection to the waterway which was the historic lifeblood of Victoria's economy and development.

The CPR Steamship Terminal holds a key position within the Inner Harbour, and together with the other major works of architecture nearby represents an excellent example of classical city planning. The prominent waterfront location, set back siting, and temple-like massing exemplify Rattenbury's vision for a provincial capital renown for its imperial modernism and monumental buildings.

Character-Defining Elements

The character-defining elements of the CPR Steamship Terminal include:

- Its prominent waterfront location.
- Its freestanding situation, with all four facades visible.
- Its juxtaposition to, and relationship with, the BC Legislature, the Empress Hotel, and the Royal British Columbia Museum, seen in the axial relationships in plane and proportional relationships in elevation, as laid out by Francis Mawson Rattenbury.
- Its temple-like massing and situation on its waterfront lot, as seen in such elements as the setbacks at the sides and rear, and massive corner piers, and hipped roof.
- The Neo-Classical architectural elements, such as the facades lined with Ionic peristyles, which reinforce the image of grandeur and importance.
- All surviving interior and exterior elements relevant to its 1924 design by F.M. Rattenbury and P.L. James.
- The Ancient Greek iconography, including dolphins, and crowns, crosses, and heads of Poseidon, which associate the original function of the building with the sea.
- The association of the building with the Canadian Pacific Railway, as seen in exterior elements such as CPR cartouche.



5 February 2015

will@iredale.ca



202-ONE ALEXANDER ST
VANCOUVER BC V6A 1B2

t 604.736.5581

f 604.736.5585

16 BASTION SQUARE
VICTORIA BC V8W 1H9

t 250.381.5582

14 - 1005
ALPHA LAKE ROAD
WHISTLER BC V0N 1B1

t 604.905.7777

architect@iredale.ca
www.iredale.ca

PARTNERS:

Richard H. Iredale
MAIBC, MRAIC, PEng., LEED AP

James S. Emery
MAIBC, MRAIC, PEng.,
LEED AP BD+C

Kendall B. Jessiman
MAIBC, SAA, MRAIC, BEP, CAHP

Selwyn Dodd
MAIBC, FRAIC

Peter Hildebrand
MAIBC, MRAIC, LEED AP

Graham Coleman
MAIBC, AAA, NSAA, MRAIC,
LEED AP

Dennis Maguire
MAIBC

ASSOCIATES:

Daniel Havreluk
MAIBC

Will King
MAIBC, MRAIC, LEED AP

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

Re: 470 Belleville Street (Steamship Building)

Dear Mayor Helps and Council members,

The purpose of this Heritage Alteration Permit application is to install new LED lighting to the exterior of the steamship building on two faces – the north and east facades. Two types of light fixtures are proposed and will be installed in 3 locations:

1. Medium spot lights will be installed at the base of each column on the north facade.
2. Medium spot lights will be placed on two existing lamp standards to illuminate the Neptune heads on the north face
3. 4 linear surface LED's will be installed on the east facade at the base of each major face

Please see the attached drawings for details.

Sincerely,

Will King, Architect AIBC

Associate

**IREDALE GROUP
ARCHITECTURE**

Steamship Lighting 470 Belleville St Victoria BC

PROJECT ID: 15003

REGISTERED OWNER:

Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure (the "Province")

LEGAL DESCRIPTION:

Lot 1 of 502A-505A/539A-543A/890A-893A & Bed Public Harbour, Plan 32311, City of Victoria

Scope of Work:

Install new exterior lighting the north and east facades of the Steamship Building

Zoning:

Part 8.25 - IHT2 Zone, Inner Harbour Terminal District

Building Information:

Number of Stories: 4 (no change)
total floor area: 2190sm (no change)
Building footprint: 960sm (no change)



ARCHITECTURAL:

WILL KING
IREDALE GROUP ARCHITECTURE
16 BASTION SQUARE
VICTORIA, BC V8W 1H9
250-381-5582

LIGHTING:

IAN BARNES
APPLIED ENGINEERING SOLUTIONS
3rd FLOOR, 1815 BLANCHARD STREET
VICTORIA, BC V8T 5A4
250-381-6121



16 Bastion Square
Victoria, BC V8W 1H9
T: 250.381.5582
F: 250.381.5583
www.iredale.ca

application APH for permit

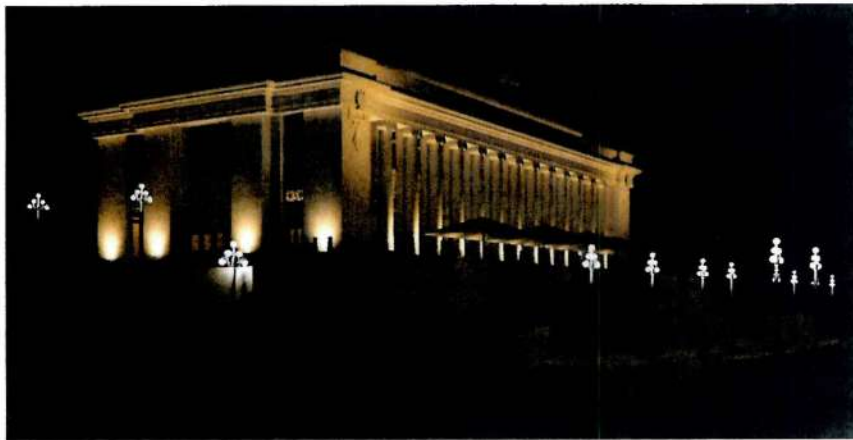
5102/2150

Planning and Land Use Committee 05 Mar 2015

Steamship Lighting
470 Belleville St
Victoria BC



Column Lighting Only



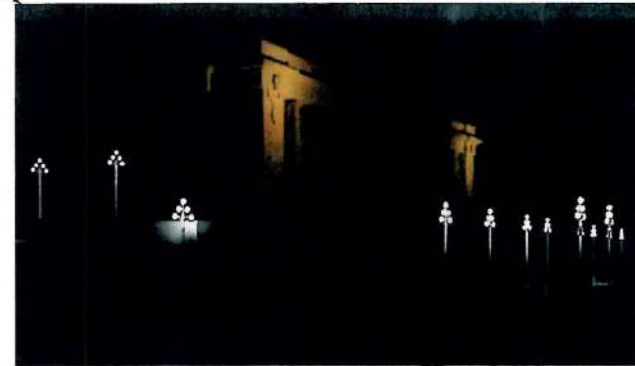
Neptune Spots Only



Complete Lighting Experience



Festive Lighting Options



No.	Date	Appr.	Review Status
1	3/6/2015		Issued for CP Review

IREDALE GROUP
 ASSOCIATES
 Suite 202 - Oak Meadows Street
 Vancouver BC V6A 1B2
 T: 778-1543 F: 778-1543
 website@iredale.ca
 iredale.ca

Project Name: Steamship Lighting
 470 Belleville St
 Victoria BC

Light Study Renderings

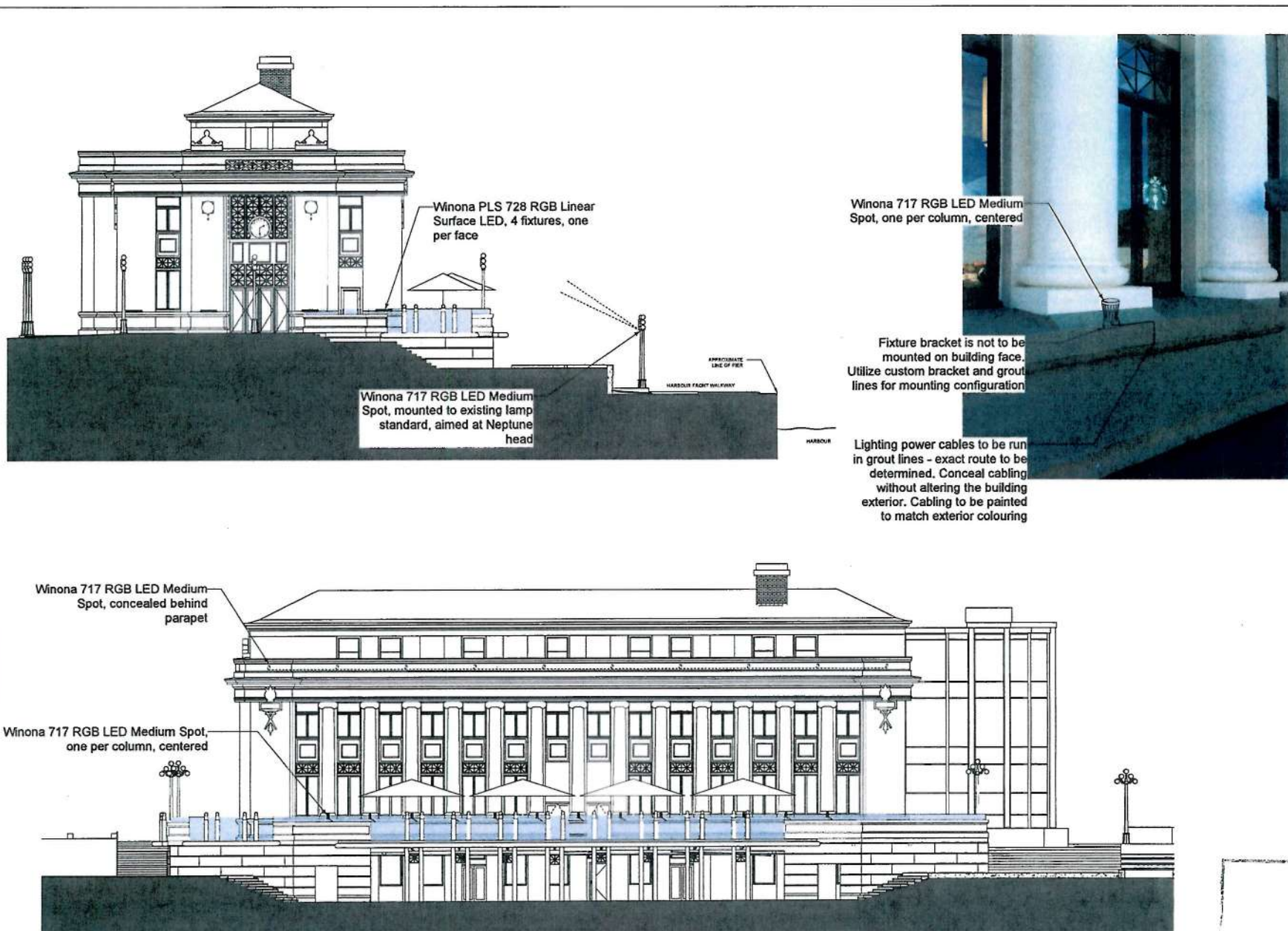
Scale: 1/8" = 1'-0"	1/8" = 1'-0"
Project: 470 Belleville St	Project: 470 Belleville St
Client: Iredale Group	Client: Iredale Group
Architect: Iredale Group	Architect: Iredale Group

Received
 City of Victoria

FEB 03 2015



Planning and Land Use Committee - 05 Mar 2015



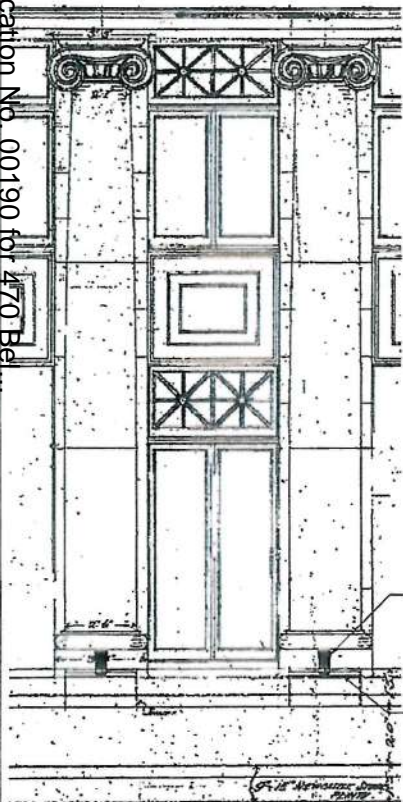
No.	Date	Appr.	Revisions/Notes
1	26/01/2015		Issued for DP Review
No.	Date		Issue Notes

IREDALE GROUP
 ARCHITECTURE
 Suite 202 - One Alexander Street
 Vancouver BC V6A 1B2
 T: 604-581-7767 F: 604-581-7768
 website: iredale.ca
 10 Hudson Square
 Vancouver BC V6B 1B9
 T: 250-581-5582
 website: iredale.ca

Project Name	Steamship Lightning 470 Belleville St Victoria BC
Project No.	
Project Type	Elevations
Scale	1:100
Author	TDG
Checker	TDG
Approver	

Received
 City of Victoria
 A200
 FEB 03 2015

Planning & Development Department
 Development Services Division



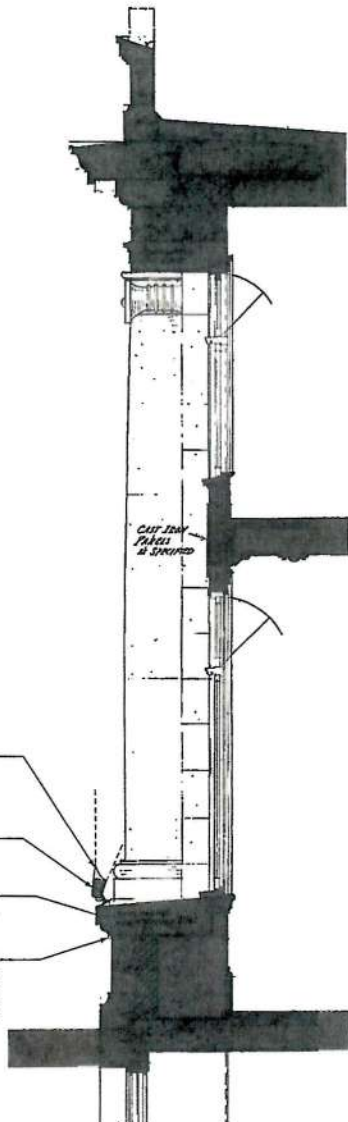
2 Typical Column Elevation
Scale: 1:25

Received
City of Victoria

FEB 03 2015

Planning & Development Department
Development Services Division

- fixture to include shield to reduce glare and spill into the night sky
- Winona Parata 717 RGB LED medium spot fixture
- fixture power to travel from raceway through grout to fixture
- Surface mounted raceway to feed column lighting. To be concealed under masonry features. Raceway to be fastened in grout lines only

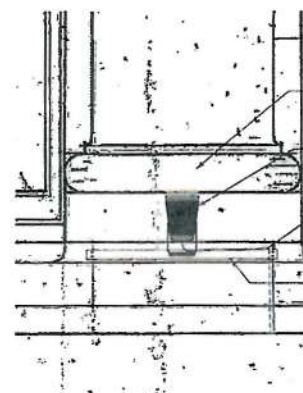


3 Wall Section
Scale: 1:25

Medium spot, attached to lamp post. Wiring to be concealed within



1 Spot Light on Lamp Post



4 column light mounting detail
Scale: 1:10

- provide shield to reduce glare
- Winona Parata 717 RGB LED medium spot fixture with yoke mount
- conceal fixture wiring along bracket & route to raceway via grout lines
- custom steel mounting bracket to mount fixture
 - bracket to be secured in grout lines only
 - brackets to be raised off of building surface to allow air passage
 - brackets to be painted to match building
 - yoke mount to be attached to bracket

No	Date	Appr	Revisions/Details
1	06/01/2015		Issued for DP Review
2			Issue Details

IREDALE GROUP
ARCHITECTURE
Suite 202 - One Alexander Street
Victoria BC V8A 1B2
T 78-1961 F 78-1961
architecture@iredale.ca
www.iredale.ca

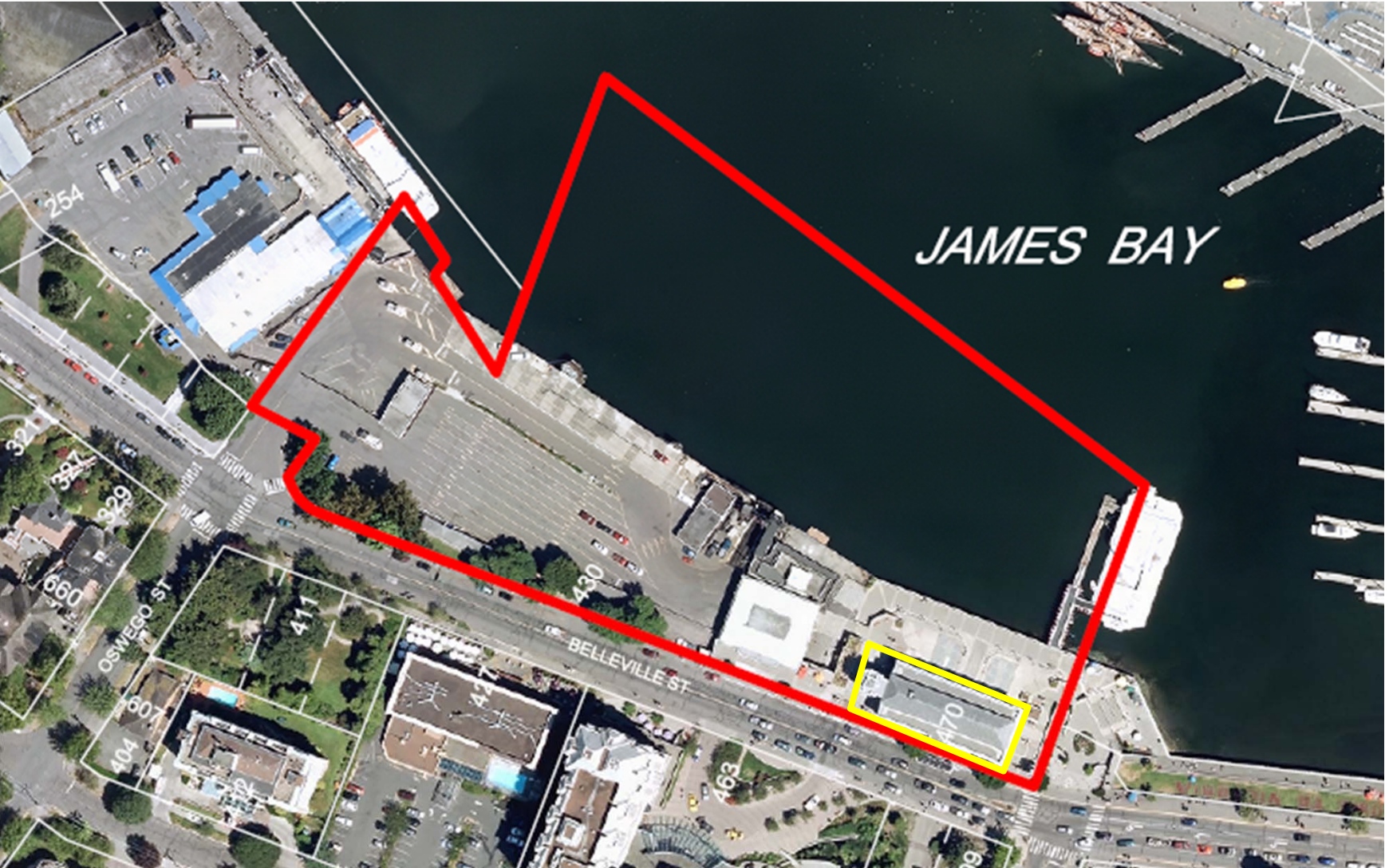
11 Barclay Square
Victoria BC V8W 1B9
T 250-381-5582
architecture@iredale.ca
www.iredale.ca

Steamship Lighting 470 Belleville St Victoria BC	
Details & Sections	
Date: February 3, 2015 Drawn by: [Name] Checked by: [Name] Project: [Name] Title: [Name]	Scale: 1:100 A300

470 Belleville Street



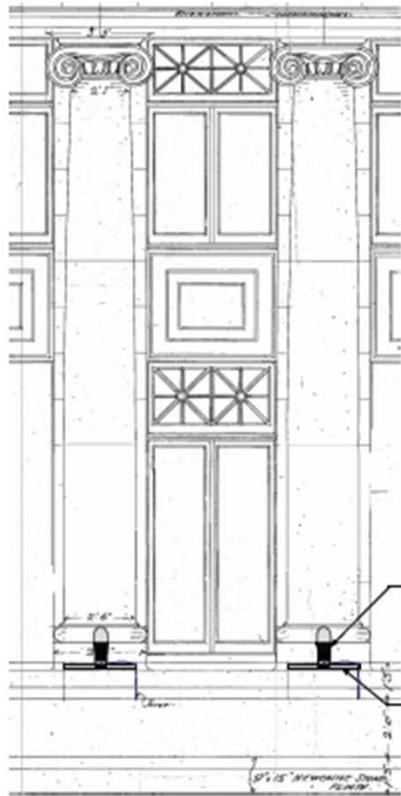
470 Belleville Street



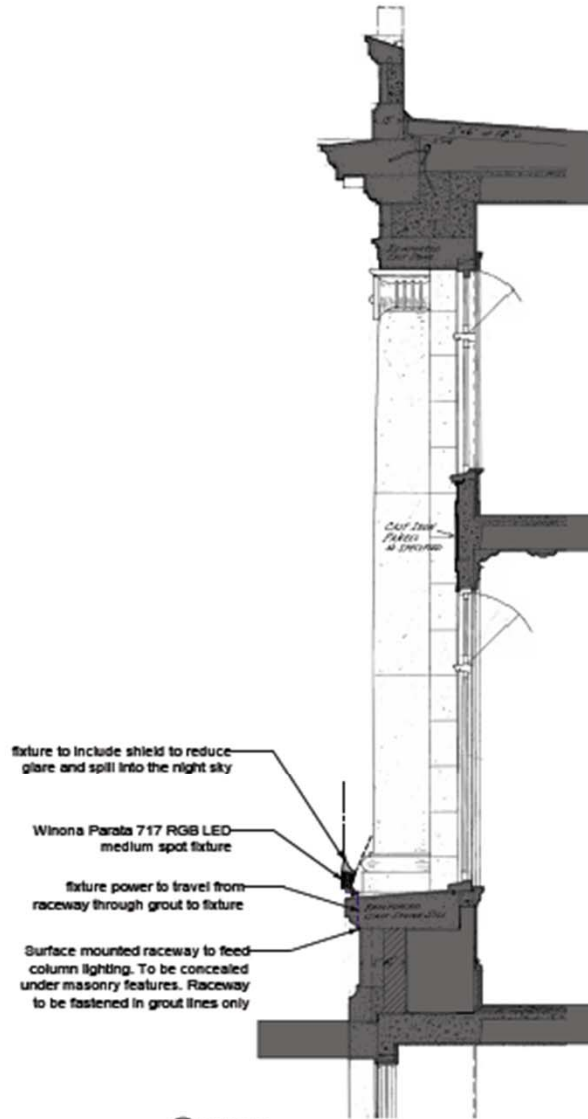
470 Belleville Street



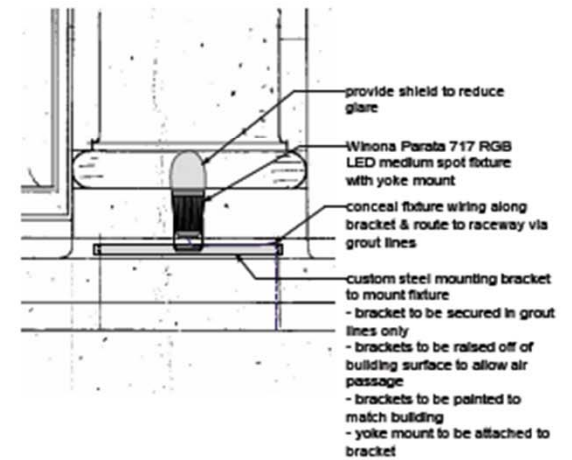
470 Belleville Street



2 Typical Column Elevation
Scale: 1/25



3 Wall Section
Scale: 1/25



4 column light mounting detail
Scale: 1/10



1 Spot Light on Lamp Post

470 Belleville Street





Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 20, 2015

From: Marc Cittone, Senior Planner, Community Planning Division

Subject: OCP Amendments - Subdivision Exemptions and Administrative Amendments

RECOMMENDATION

Staff recommend that:

1. Committee provide any feedback and direction, as required.
2. Committee forward this report to Council for Council's consideration and approval.
3. Council consider consultation and determine, pursuant to section 879(1) and 879(2)(a) of the *Local Government Act*:
 - a. that the affected persons, organizations and authorities are property owners and occupiers within the City of Victoria; and,
 - b. that the appropriate consultation measures would include a newspaper advertisement and contacting the Urban Development Institute (UDI) and Community Association Land Use Committees (CALUCs), posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
4. Council consider consultation under section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
5. Council direct staff to initiate consultation as outlined in this report.
6. Council direct staff to return with a summary of that consultation and the proposed Official Community Plan Amendment Bylaw, for first and second reading and advancement to a Public Hearing.

LEGISLATIVE AUTHORITY

In accordance with Section 876 of the *Local Government Act*, Council may adopt one or more Official Community Plans. During the development or amendment of an Official Community Plan, Council must provide opportunities for consultation as set out in Section 879 of the *Local Government Act*. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

EXECUTIVE SUMMARY

This report presents Council with proposed amendments to the Official Community Plan (OCP) to clarify the conditions under which a Development Permit Application is required for subdivisions in Development Permit Areas and Heritage Conservation Areas, and to enact minor amendments correcting clerical and mapping errors in the OCP.

The proposed amendments implement the following motions approved by Council on January 30, 2014:

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- a. *Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas*

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

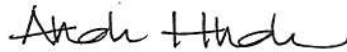
- b. *Correct clerical and mapping errors.*

In 2014, it was decided that when Council amends the OCP to change the urban place designation of a property, that amendment would be reflected in a table attached to the OCP as an Appendix rather than by amending Map 2: Urban Place Designations. Upon further consideration, staff recommends that Map 2 be amended to reflect these amendments, so that the OCP is more user friendly, and that Appendix C be repealed accordingly.

This report asks that Council turn their minds to consultation for these amendments, and direct staff to initiate that consultation.

Respectfully submitted,


 Marc Cittone
 Senior 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:

Feb. 26/15

MC/ljm

W:\Community Planning Division\Projects\OCP Implementation\OCP Amendments\OCP Amendments 2014\OCP Amendments Design Guidelines and Subdivision\Subdivision and Minor Corrections 3.5.2105\OCP PLUC Report Subdivision and Minor Amendments 2.13.2014 (8).doc

List of Attachments

- Attachment 1 – Proposed Minor Amendments to the Official Community Plan
- Attachment 2 – Council Minutes, January 30, 2014

BACKGROUND

On January 30, 2014 Council approved the following motions:

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- a. *Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas*

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- b. *Correct clerical and mapping errors.*

ANALYSIS

Clarify the Subdivision Requirements in DPAs and HCAs

These proposed amendments would exempt most DPAs and HCAs from requiring a Development Permit for subdivision of land, except in DPA 15B: Intensive Residential – Panhandle Lot and in DPA 13: Core Songhees, as follows:

1. For DPA 13: Core Songhees, subdivision will require a Development Permit if proposed subdivision is not in accordance with the *Design Guidelines for the Dockside Area* (2005), the *Railyards Development Guidelines* (2002), the *Roundhouse Design Guidelines* (2008) or the *Policy Plan and Design Guidelines for the Songhees Area of Victoria West* (2008), as applicable. As site layouts were proposed as part of master planning for a number of sites and reflected in design guidelines, deviations from these layouts would require a Development Permit.
2. For DPA 15B: Intensive Residential – Panhandle Lot, a Development Permit will continue to be required because the lot configuration created by subdivision may have impacts on the compatibility of future development with the surrounding neighbourhood.

A separate bylaw will also be considered by Council as part of the proposed Rezoning and OCP amendment related to the Capital Park project, exempting subdivision from application for a Development Permit in DPA 12: Legislative Precinct, within the portion of the South Block subject to the proposed *Capital Park Urban Design Guidelines*, only if the proposed subdivision is in accordance with the *Capital Park Urban Design Guidelines*.

Under section 920(1)(a) of the *Local Government Act*, land within a DPA or HCA must not be subdivided unless the owner obtains a Development Permit or the area is specifically exempted. As written, the current OCP does not exempt the subdivision of land in most DPAs. The proposed amendments would correct some unintended consequences and streamline the development review process, and are consistent with past practices.

Prior to the adoption of the 2012 OCP, a Development Permit was only obtained for subdivisions that created panhandle lots and for subdivisions within a few other site-specific DPAs. Because no guidelines have been created for the subdivision of land in any other

Development Permit Area, Council has no discretion to refuse a Development Permit, and its issuance and consideration become an unnecessary administrative act. From a development perspective, there is no need to regulate subdivisions other than for panhandle lots and certain site-specific DPAs for which guidelines for subdivision have been created. For all other DPAs, existing design guidelines allow for the regulation of buildings, structures and landscaping on a property. The jurisdiction of the Approving Officer provides additional oversight. Requiring Council to issue Development Permits for all types of subdivision is of limited additional value and is onerous on the applicant and City resources due to the associated administrative requirements.

Implement Minor Amendments to Correct Clerical and Mapping Errors

On January 30, 2014, Council directed staff to correct a number of clerical and mapping errors in the OCP, which will be implemented by the proposed bylaw. These corrections are outlined in Attachment 1.

Amendments to Urban Place Designations

Map 2 of the OCP identifies the Urban Place Designation for each property in the City. In 2014, it was decided that when Council amends the OCP to change the urban place designation of a property, that amendment would be reflected in a table attached to the OCP as an Appendix rather than by amending Map 2. Upon further consideration, staff recommends that Map reflect these amendments and that Appendix C be repealed accordingly. This method will allow for a more user-friendly and transparent OCP, given the Map is commonly referred to. The proposed amendment is administrative only and not a substantive amendment.

Waste Management Plan, Financial Plan and Statutory Consultation

As a result of the proposed OCP Amendment, the *Local Government Act* requires that Council consider Financial Plan Implications, Waste Management Plan Implications and statutory consultation requirements as part of any proposed OCP Amendments. The following sections outline details related to these considerations:

Waste Management Plans (the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan)

There are no waste management plan implications anticipated.

Financial Plan Implications

There are no potential financial plan implications anticipated with respect to the proposed amendments.

Consultation

The *Local Government Act* (LGA) Section 879(1) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Consistent with Section 879 (2) (a) of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements.

Staff propose that consultation be in the form of an announcement in the Times-Colonist newspaper, notice on the City's website inviting interested parties to comment, and direct notice

to Community Association and Land Use Committees (CALUCs) and to the Urban Development Institute (UDI). The consultation period would be Friday, March 6th through Monday, March 23rd.

In accordance with section 879(2)(b) of the *Local Government Act*, staff proposed that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.

Options and Impacts

Option A: Adopt the recommendations outlined above.

Impacts: As a result of the proposed bylaw, most subdivisions would no longer be subject to DP review, but would be considered by the Approving Officer as part of a subdivision application. Subdivision in DPA 13, Core Songhees and DPA 15B, Panhandle Lots would continue to be subject to DP review based upon existing guidelines. As a result, the development process would be streamlined in some cases. Other forms of exterior design-related development within the above DPAs would continue to be subject to Development Permit review pursuant to adopted guidelines. Identified clerical and mapping errors within the OCP would be corrected.

Option B: Provide staff with alternative direction.

OCP Consistency Statement

The proposed changes are consistent with direction contained in OCP Section 22: Adaptive Management to annually evaluate the OCP and make recommendations for amendments as needed.

ATTACHMENT 1: Proposed Minor Amendments to Official Community Plan (Bylaw 12-013)

Section	Page	Policy / Map	Description of change	Rationale
3- Vision, Values and Goals	17	Figure 3: Thirty Year Growth Management Concept	Confirm map boundaries of urban core	Slight inconsistencies among different OCP maps
6- Land Management and Development	34	Objective 6(d)	Change "energy district" to "district energy"	Incorrect word order
7- Transportation and Mobility	57	Map 5: Victoria Region 25 Year Transit Future Plan	Add sections to align with 25 Year Transit Future Plan	Missing sections on Wharf, Yates, Johnson and Fort Streets
Map 7 – Cycling Network	61	Map 7: Cycling Network	Align Vancouver St label to actual street (or label as Graham St) Update Map 7 to reflect the Bicycle Master Plan Bicycle Network Update	Labelling error Updated Bicycle Network
7 –Transportation and Mobility	62	Policy 7.26	Under 7.26, Renumber "7.25.1" to "7.26.1"	Incorrect numbering
8-Placemaking	70	Figure 13: Street and Public Space Enclosure	Add "face" after building in annotation of two graphics	Word omitted
10 – Parks and Recreation	82	10.13.1	Replace with [...] "Bowker Creek watershed and Cecilia Ravine Park".	Management Plan title referenced incorrectly
14 – Economy	101	Policy 14.8	Two policy 14.8 – renumber and adjust subsequent policy numbers	Incorrect numbering
16 – Arts and Culture	112	Policy 16.7	Two policy 16.7 – renumber and adjust subsequent policy numbers	Incorrect numbering
19- Plan Administration	129	19.10	Capitalize "City"	Typo
21 – Neighbourhood Directions	143	Policy 21.6.2	Change "complimentary" to "complementary"	Spelling error
Appendix A	233	Map 64: DPA 13: Core Songhees	Add dotted line to Map 64 to correspond to policy 2(b)(i)(3)	Mapping error
Appendix A	249	Applications and Exemptions 2(c)(i)	Delete 2(c)(i)(3) and renumber (4)–(9) to (3)–(8)	Duplication– house conversion covered in (4) and defined in glossary

4. **Wayne Hollohan, re: Dog Licenses:** He is not here representing a group or organization but to help coordinate some groups and individuals and to ask Council for their help. The topic is dog licences for the homeless and less fortunate. During a regular dog walk he ran into Kai and she informed him about her work at Our Place and some of the barriers, one of which is how to get dog licences. He has spoken with Ian Fraser, from Victoria Animal Control Services, and discussed the issues and he said that having homeless with dogs is very time consuming and it is hard to enforce as the money is not there to administer. In order to make a homeless person a responsible dog owner, you need to give them ability to be responsible. He contacted Our Place to get their support and they have agreed to administer the program his is proposing. Last year 6,439 dog licences were issued and he is asking that 100 dog licences or vouchers be given to Our Place at the cost of \$10 per licence and they will ensure they get to the homeless or those less fortunate. The applications and funds can be turned over to the City monthly and unused licences at the end of the year can also be turned over. People should not have to choose between possible food and clothing for their family and a dog licence. He would propose a pilot project for a year and if successful, carry it on.

5. **Caitlyn Vernon, Sierra Club of BC Foundation, re: Trans Mountain Pipeline Expansion Project Hearings:** It is an important issue on whether the City wants to intervene on the National Energy Board's review of the proposed Kinder Morgan pipeline and tanker project. She is here to make the case why it would be important to intervene. She is a Victoria resident who cares deeply the coast and the City. The City already has taken the position opposing the expansion of tankers in our waters. There are two recent federal government reports that are relevant. One highlights that these waters are already one of the highest risk for shipping in Canada, and that is before the proposed five-fold increase of Kinder Morgan tankers. The other report on diluted bitumen that would be in the tankers, when mixed with sediments in fresh water and wave action, sinks, thus making an already impossible response even more impossible. Why the City should choose to participate is because the federal government has changed the rules by making it harder for the public to participate in the review processes. Applications to participate opened on January 15th and have to be submitted before February 12th. The National Energy Board decides who has the right to participate or not, which is based on a narrow definition on who is directly affected. It is very difficult for the public to apply, but the City of Victoria can apply to represent their residents. Applying for intervenor status will allow access to the documents and you can decide later on how much you want to be involved. Being an intervenor in the process allows you to ask important questions, get the information and represent your citizens. If the City decides to apply, you will have to make the case for why we as a City would be directly affected. This would not be hard; direct impacts include things like parks and public areas along the shoreline and property values, jobs, the financial cost of emergency preparedness in a spill response and the health impacts to the residents and first responders if there is a spill.

REPORTS OF THE COMMITTEE

1. **Governance and Priorities Committee – December 12, 2013**
 1. **Official Community Plan Annual Review 2013**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Approve the *Official Community Plan Annual Review 2013*; and,
 2. Approve the footnote acknowledging the overlap of uses of indicators in the *Official Community Plan*, with the Library use as an example. Carried Unanimously

 2. **Proposed Amendments to the Official Community Plan Bylaw**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Instruct staff to prepare the necessary amendments to the *Official Community Plan Bylaw* to incorporate the changes as proposed in the report dated November 19, 2013, as follows:
 - b. Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas. Carried Unanimously

 3. **Proposed Amendments to the Official Community Plan Bylaw**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Instruct staff to prepare the necessary amendments to the *Official Community Plan Bylaw* to incorporate the changes as proposed in the report dated November 19, 2013, as follows:
 - c. Correct clerical and mapping errors. Carried Unanimously

 4. **To Create Taxpayer Impact Assessment**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council approve the following motion:

Whereas the City sets utility rate increases, tax increases, and other fee increases at variable times in the calendar year;

And whereas residents and businesses would benefit from having real time and comprehensive information with regard to rate increases in order to budget for the year ahead;

Therefore be it resolved that Council direct staff to create a comprehensive "Ratepayer Impact Assessment" that lists the annual rate increases as soon as each, respectively, is determined on a designated page on the City's website. Carried Unanimously

Councillor Thornton-Joe withdrew from Council Chambers at 8:05 due to a non-pecuniary conflict of interest in the following item as her husband works for BC Transit.

Purpose

Consider consultation for proposed amendments to the Official Community Plan (OCP) to:

1. Clarify requirements for subdivision of land within Development Permit Areas (DPAs) and Heritage Conservation Areas (HCAs)
2. Make administrative corrections
3. Repeal Appendix C and instead amend Map 2: Urban Place Designations to reflect OCP amendments made since 2012

Map 64: DPA 13: Core Songhees



MAP 32

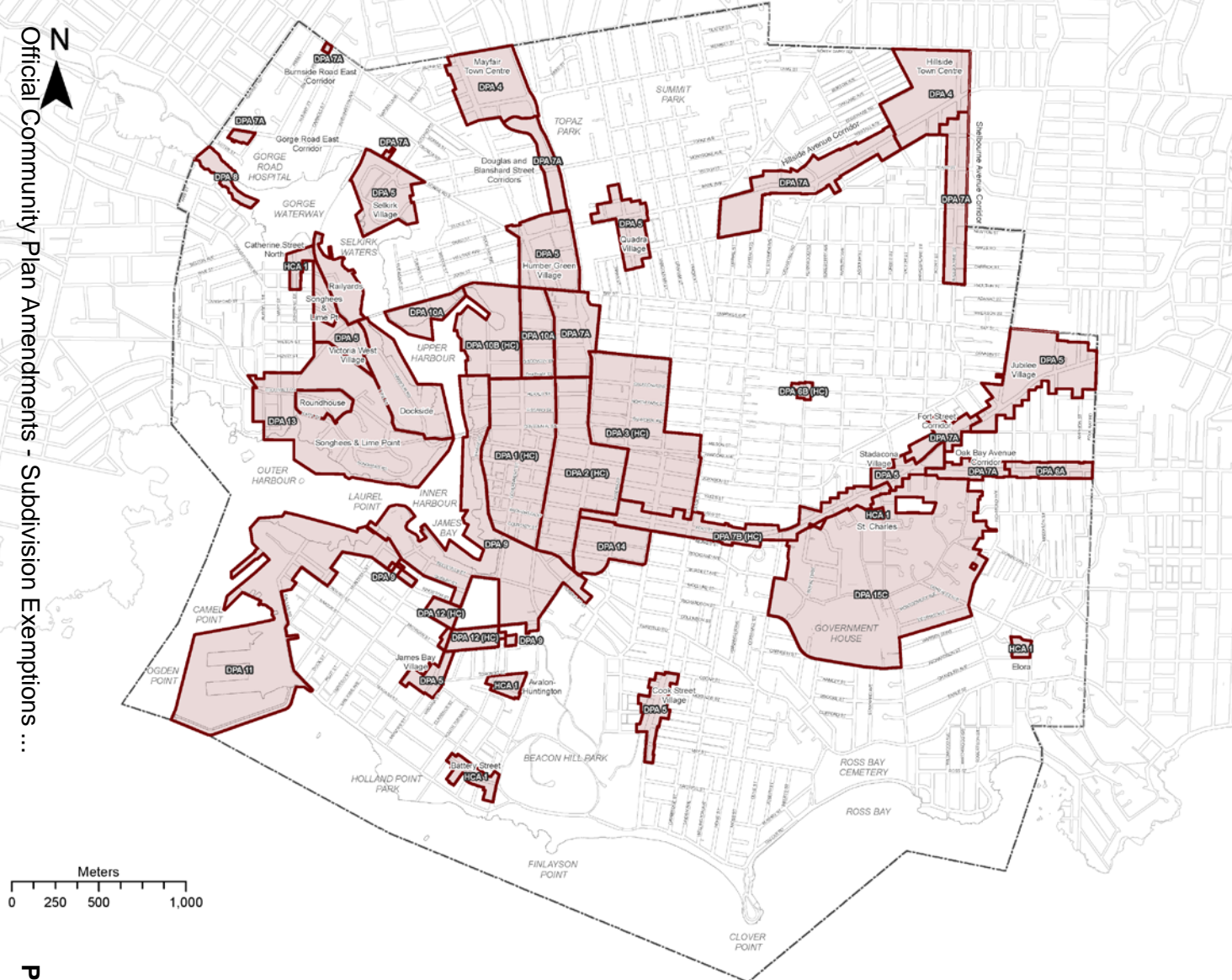
COMPOSITE MAP OF DEVELOPMENT PERMIT AREAS AND HERITAGE CONSERVATION AREAS

- DPA 1 (HC): Core Historic
- DPA 2 (HC): Core Business
- DPA 3 (HC): Core Mixed-Use Residential
- DPA 4: Town Centres
- DPA 5: Large Urban Villages
- DPA 6A: Small Urban Villages
- DPA 6B (HC): Small Urban Villages Heritage
- DPA 7A: Corridors
- DPA 7B (HC): Corridors Heritage
- DPA 8: Victoria Arm Gorge Waterway
- DPA 9 (HC): Inner Harbour
- DPA 10A: Rock Bay
- DPA 10B (HC): Rock Bay Heritage
- DPA 11: James Bay and Outer Harbour
- DPA 12 (HC): Legislative Precinct
- DPA 13: Core Songhees
- DPA 14: Cathedral Hill Precinct
- HCA 1: Traditional Residential
- DPA 15C: Intensive Residential Rockland

The following designations apply to all areas within the City of Victoria and are not shown on this map:

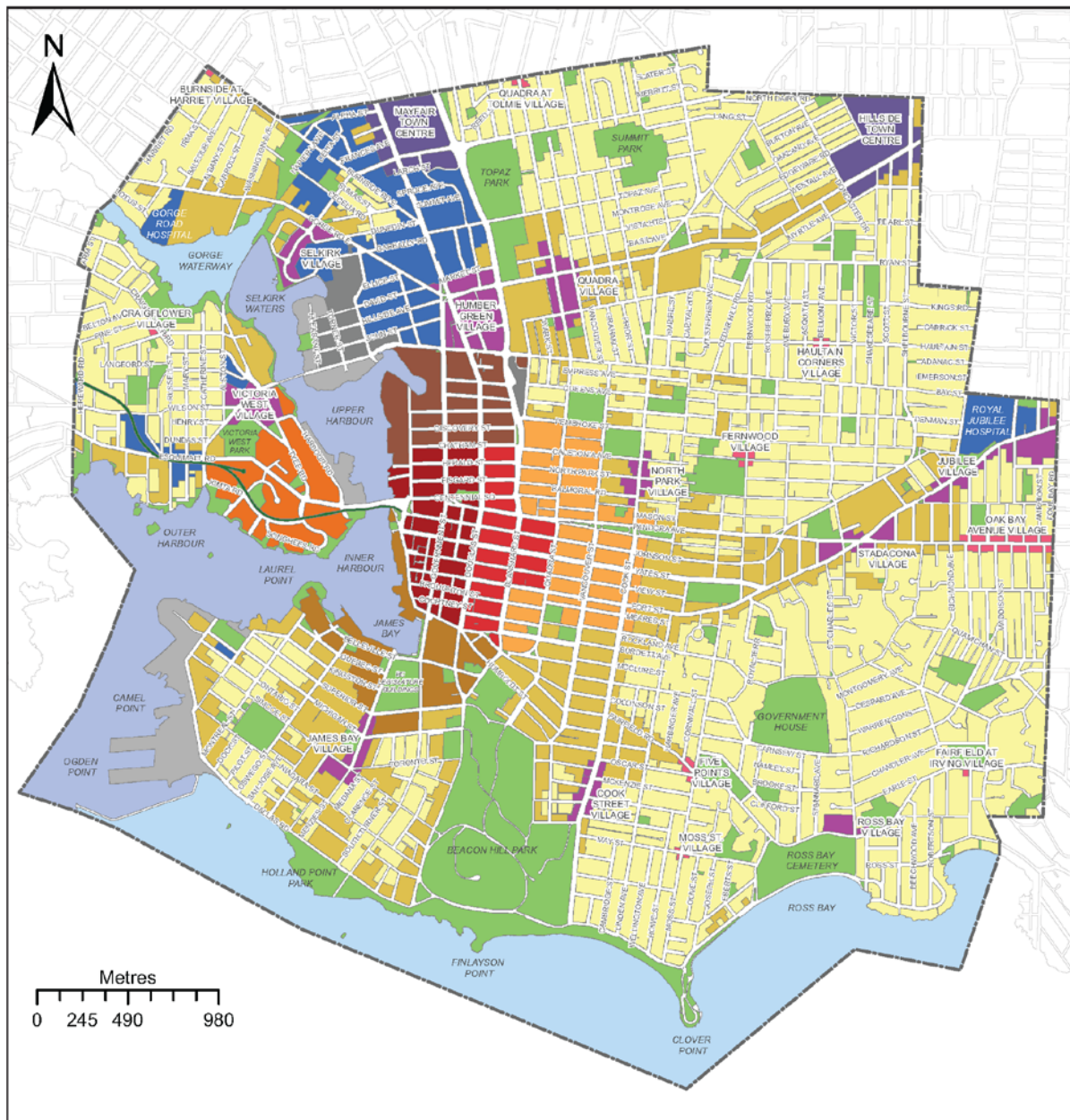
- DPA 15A: Intensive Residential Small Lot
- DPA 15B: Intensive Residential Panhandle Lot
- DPA 15D: Intensive Residential Duplex
- DPA 15E: Intensive Residential Garden Suites
- DPA 16: General Form and Character

This composite map is provided for reference only. Please see the map and provisions for each designated DPA and HCA for legal information.





Property Address	Bylaw No.	Urban Place Designation
(1) 626 Gorge Road East	13-025	Urban Residential
(2) 1802 Chambers and 1147 - 1163 North Park Street	14-007	Urban Residential



MAP 2

Urban Place Designations

See Appendix C for Urban Place Designation Amendments.

- Core Historic
- Core Business
- Core Employment
- Core Inner Harbour/Legislative
- Core Songhees
- Core Residential
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Rail Corridor
- Working Harbour
- Marine

Urban Place Designations extend to the centerlines of adjacent streets.

Consultation

1. Announcement in the Times Colonist newspaper
2. Notice on the City's website
3. Notices to Community Association Land Use Committees (CALUCs) and the Urban Development Institute (UDI)

**Consultation period would be Friday, March 6 through Monday, March 23*